
STATUTES OF CALIFORNIA

FIFTY-SIXTH SESSION OF THE LEGISLATURE

1945

BEGAN ON MONDAY, JANUARY EIGHTH, AND
ADJOURNED SATURDAY, JUNE SIXTEENTH,
NINETEEN HUNDRED FORTY-FIVE

STATUTES OF CALIFORNIA

PASSED AT THE FIFTY-SIXTH SESSION OF THE LEGISLATURE

CHAPTER 1

An act making an appropriation for mileage of the members and officers of the Senate, to take effect immediately.

[Approved by Governor January 15, 1945 Filed with Secretary of State In effect
January 15, 1945] immediately

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

SECTION 1. Out of any money in the State treasury not otherwise appropriated the sum of five thousand dollars (\$5,000) is hereby appropriated for mileage of the members and officers of the Senate. Appropriation Senate mileage

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the Constitution take effect immediately. Current expenses

CHAPTER 2

An act making an appropriation for reimbursement of members of the Senate for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

[Approved by Governor January 18, 1945 Filed with Secretary of State In effect
January 18, 1945.] immediately

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

SECTION 1. Out of unappropriated moneys in the State treasury the sum of sixty thousand dollars (\$60,000) is appropriated for reimbursement of members of the Senate for expenses necessarily incurred by them while attending a session of the Legislature, as provided by Section 23b of Article IV of the Constitution and the Joint Rules of the Senate and Assembly. The provisions hereof and claims for such reimbursement are exempt from the provisions of Sections 669 and 677.5 of the Political Code. Appropriation Expenses of Members of Senate

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall take effect immediately. Current expenses

CHAPTER 3

An act to add Sections 73c and 73d to the Code of Civil Procedure, relating to hearings by superior courts, declaring the urgency thereof, to take effect immediately.

In effect immediately [Approved by Governor January 23, 1945. Filed with Secretary of State January 22, 1945.]

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

SECTION 1. Section 73c is added to the Code of Civil Procedure, to read:

Superior
court
hearings
Building
and loan
associations

73c. Notwithstanding anything to the contrary contained in Sections 73 and 142 of this code, or contained in any other law of this State, the judge or judges of the superior court of the county in which is located the principal office in this State of any building and loan association of whose business, property and assets possession shall have been taken by the Building and Loan Commissioner, may, in his or their discretion, whenever such judge or judges deem it necessary or advisable, hold hearings relating to the sale, exchange or other disposition of any parcel of real property or any item of personal property of such association, regardless of the location of such property, at the county seat of any county in this State or at such places in the county in which the principal office in this State of such association is located at which sessions of such superior court shall be held as provided in this code.

SEC. 2. Section 73d is added to the Code of Civil Procedure, to read:

Expenses of
hearings

73d. Whenever, under the provisions of Section 73c of this code, it becomes necessary for a judge, clerk, deputy clerk, court reporter or bailiff of or sitting in the superior court of the county in this State in which is located the principal office of any building and loan association whose business, property and assets are in the possession of the Building and Loan Commissioner, to travel to another county, there temporarily to attend hearings relating to the sale, exchange or other disposition of real or personal property of such association, each such judge, clerk, deputy clerk, court reporter or bailiff shall be allowed his necessary expenses in going to, returning from and attending upon the business of such court. Such expenses shall upon order of such court, be a charge against the funds of such association and paid out of such funds by the Building and Loan Commissioner.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The Building and Loan Commissioner is in possession of property, business and assets worth many millions of dollars

of insolvent building and loan associations. Due to statewide and branch office operations, the property and assets of such associations are located throughout the State, and as a result superior court hearings relating to the sale, exchange or other disposition of real or personal property of such associations, if conducted in the counties wherein their principal offices are located, are in many instances hundreds of miles distant from the properties involved. Such hearings are in character similar to auctions, and by reason of the distances involved and the fact that the present war in which the United States is engaged has seriously affected hotel and transportation facilities, persons most likely to be interested in properties being disposed of and who would bid in open court the highest and best prices therefor, do not attend such hearings, thereby causing considerable loss to the many thousands of investors and creditors of such associations. The provisions of this act will enable the superior court having jurisdiction to make and enter orders authorizing the Building and Loan Commissioner to sell, exchange or otherwise dispose of real or personal property of associations in his possession, to conduct hearings at or near the place where such properties are located, thus enabling persons most likely to be interested in such properties, and who will pay the highest and best prices therefor, to attend such hearings, with the result that substantially greater recoveries will be made for the investors and creditors of such associations. It is therefore essential to the immediate preservation of the public peace, health and safety that each and every part of this act be enacted and be immediately effective.

CHAPTER 4

An act to amend Section 13.16 of an act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: To define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the Office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses

Stats 1931,
p 483,
amended

by such associations, their directors, officers, agents, salesmen, collectors and employeas and by other persons and corporations; and to repeal Title 16 of Part 4 of Division 1 of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, relating to powers of the Building and Loan Commissioner upon liquidation; declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor January 22, 1945 Filed with Secretary of State
January 22, 1945]

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

Stats 1935,
p 1497

SECTION 1. Section 13.16 of the act cited in the title hereof is amended to read:

Powers of
commissioner upon
liquidation

Sec. 13.16. Powers upon Liquidation. In liquidating the affairs of an association, the commissioner shall have power to collect all moneys due to, and claims of, such association and to give full receipt therefor; to release or reconvey all real or personal property pledged, hypothecated or transferred in trust as security for loans; to approve and pay all just and equitable claims; provided, that shares shall participate ratably with investment certificates in the case of any association in which shareholders shall have heretofore been granted the right and option by the association to exchange their shares for investment certificates of equal value; to commence and prosecute all actions and proceedings necessary to enforce liquidation; and on the order of the superior court of the county in which the principal office in this State of such association is located, given and made after a hearing on such notice as the court shall prescribe, to compound bad or doubtful debts or claims, or to borrow money, or to sell, convey or transfer real or personal property. Notwithstanding anything to the contrary contained in Sections 73 and 142 of the Code of Civil Procedure, or contained in any other law of this State, the judge or judges of such superior court, may, in his or their discretion, whenever such judge or judges deem it necessary or advisable, hold hearings relating to the sale, exchange or other disposition of any parcel of real property or any item of personal property of such association regardless of the location of such property, at the county seat of any county in this State or at such places in the home county of such superior court at which sessions shall be held as provided in the Code of Civil Procedure. Whenever it becomes necessary for a judge, clerk, deputy clerk, court reporter or bailiff of or sitting in such superior court, to travel to another county, there to attend hearings relating to the sale, exchange or other disposition of real or personal property of such association, each such judge, clerk, deputy clerk, court reporter or bailiff shall be allowed his necessary expenses in going to, returning from and attending upon the business of such court. Such expenses shall upon order of

Hearings

such court, be a charge against the funds of such association and paid out of such funds by the commissioner. If a purchaser for any property or any bad or doubtful debt or claim can not be obtained and it appears improbable in the case of any such bad or doubtful debt or claim that recovery thereon can be had, and that the cost of action to enforce collection of the same would probably be lost, the court may direct that suit thereon need not be brought, and if in the case of any such property it appears improbable that anything can be realized therefrom and that the cost of maintaining, preserving or protecting said property would probably be lost, the court may direct the commissioner to abandon the same. For the purpose of executing and performing any of the powers and duties hereby conferred upon him, the commissioner may in the name of such association or in his own name prosecute and defend any and all suits and other legal proceedings and may in the name of such association or in his own name as commissioner execute, acknowledge and deliver any and all deeds, assignments, releases, requests for reconveyance, and other instruments necessary and proper to effectuate any sale of real or personal property or other transaction in connection with the liquidation of such association; and any deed, assignment, release, request for reconveyance or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes as though the same had been executed by the officers of such association by authority of its board of directors. In case any of the real property so sold is located in a county other than the county in which the application to the court for leave to sell the same is made, the commissioner shall cause a certified copy of the order authorizing or ratifying such sale to be recorded in the office of the recorder of the county in which such real property is located.

Upon determining to liquidate an association, the commissioner shall cause an inventory of all the assets of such association to be made in duplicate, the original to be filed with the court and the duplicate in the office of the commissioner. He shall cause notice to be given by publication once a week for four successive weeks in some newspaper of general circulation published at or near the principal place of business in this State of such association, to all persons having claims against it as creditors or investors or otherwise, to present and file same and make legal proof thereof at a place and within a time to be designated in such publication, which time shall be not less than six months after such first publication; and within 10 days after such first publication he shall cause a copy of such notice to be mailed to all persons whose names appear of record upon its books as creditors or investors; and upon the expiration of the time fixed for the presentation of claims, the commissioner shall prepare or cause to be prepared in duplicate a full and complete schedule of all claims presented, specifying by classes those that have been approved and those that have been disapproved and shall file the original with the court and the dup-

Inventory
of assets

Claims

licate in the office of the commissioner. Not later than five days after the time of filing such schedule with the court, written notice shall be mailed to all claimants whose claims have been rejected. Action to enforce the payment of or to establish any rejected claim must be brought and service had within four months from and after the date of filing of the schedule of claims with the proper court; otherwise all such actions shall be forever barred. All claims, demands or causes of action of whatever nature, and regardless of whether or not a suit shall be pending to enforce the same at the time of the taking possession of the assets of the association by the commissioner, of creditors, and persons other than investors against the association or against any property owned or held by it in trust or otherwise, must be presented to the commissioner in writing, verified by the claimant, or someone in his behalf, within the period limited in the above mentioned notice for the presentation of claims; and the commissioner shall have no power to approve any claim not so presented, and any such claim, demand or cause of action not so presented shall be forever barred. Any investor, without presenting a claim, shall be entitled, as to any dividends hereafter declared, to share in such dividends to the extent, and in the proper relative order of priority, of any claim shown by the books of the association to exist in his favor against the association.

Presenta-
tion of
claims

Appointing
deputies

The commissioner may under his hand and official seal appoint one or more special deputies to assist in the duties of liquidation and distribution under his direction and may also employ such special legal counsel, accountants and assistants as may be needful and requisite and fix the salaries and compensation to be allowed and paid to each. All such salaries and compensation with such other reasonable and necessary expenses as may be incurred in the liquidation shall be paid by the commissioner from the funds of such association in his hands. Such expenses shall include, among other things, that part of the salary of the commissioner and of his deputies, examiners, accountants, appraisers and other assistants, and that part of the general expenses of the commissioner's office, as shall fairly represent, in the opinion of the commissioner, the proportion thereof properly attributable to such liquidation. From the net realization of assets in excess of such salaries, compensation and expenses, the commissioner shall first pay all claims heretofore or hereafter approved by him in the sum of less than ten dollars (\$10), other than the claims of shareholders or stockholders, and other than the claims of certificate holders or other creditors who shall object in writing to such payment. Such claims of less than ten dollars (\$10) shall be paid at their surrender value as estimated by the commissioner and fixed and determined by the court on the same basis as claims are received in payment of real property as provided for by Section 13.16a, and all such claims shall thereupon be canceled. The commissioner shall then pay all claims approved in the sum of ten dollars (\$10) or more, other than the claims of shareholders and stock-

Expenses of
liquidation

Claims less
than \$10

holders, without distinction or preference as between the claims of certificate holders and other creditors; and thereafter he shall distribute and pay dividends in liquidation first to the shareholders until their claims are fully paid or such assets or funds are exhausted, and second, if any such assets or funds remain, to the stockholders until such assets or funds are exhausted; provided, however, notwithstanding anything to the contrary herein contained, in the case of any association in which shareholders shall have heretofore been granted the right and option by the association to exchange their shares for investment certificates of equal value he shall distribute and pay dividends in liquidation to such shareholders without distinction or preference as between the claims of such shareholders and the claims of certificate holders and other creditors. Such distributions shall be made as funds are available therefor to the extent of 10 per cent or more of the approved claims of the class of claimants then entitled to distribution, and shall continue until all the assets have been realized upon and a final dividend in liquidation shall be declared and paid. Where the commissioner shall have taken possession of an association and commenced paying dividends in liquidation prior to the effective date of this section, as amended, he shall nevertheless pay the claims of certificate holders or other creditors approved in the original sum of less than ten dollars (\$10), as hereinabove provided for, before paying other dividends in liquidation to those claimants whose claims were originally approved in the sum of ten dollars (\$10) or more. Upon the payment of a final dividend in liquidation, the commissioner shall prepare and file with the court a full and final statement of the liquidation, including a summary of the receipts and disbursements, and a duplicate thereof shall be filed in the office of the commissioner and after due hearing and approval by the court, the liquidation shall be deemed to be closed.

Distribution

The determination by the commissioner to liquidate any association, evidenced by filing written notice of such determination with the court, shall operate to stay or dissolve any or all actions or attachments instituted or levied within 30 days next preceding the taking of possession of such association by the commissioner, and pending the process of liquidation as herein provided no attachment or execution shall be levied or lien created upon any of the property of such association.

Stay of process, etc

Whenever in the case of any association which shall have issued stock, the commissioner shall have fully liquidated all claims other than claims of stockholders, and shall have made due provision for any and all known but unclaimed liabilities, excepting claims of stockholders, and shall have paid all expenses of liquidation, then upon the written request of the holders of a majority of the stock of such association any surplus that may then remain in his hands, together with all the records and effects, shall be delivered to the association or its trustees, and thereafter such association or its trustees shall have title thereto free from any claim of the commissioner.

Disposition of balance

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The Building and Loan Commissioner is in possession of property, business and assets worth many millions of dollars of insolvent building and loan associations. Due to state-wide and branch office operations, the property and assets of such associations are located throughout the State, and as a result superior court hearings relating to the sale, exchange or other disposition of real or personal property of such associations, if conducted in the counties wherein their principal offices are located, are in many instances hundreds of miles distant from the properties involved. Such hearings are in character similar to auctions, and by reason of the distances involved and the fact that the present war in which the United States is engaged has seriously affected hotel and transportation facilities, persons most likely to be interested in properties being disposed of and who would bid in open court the highest and best prices therefor, do not attend such hearings, thereby causing considerable loss to the many thousands of investors and creditors of such associations. The provisions of this act will enable the superior court having jurisdiction to make and enter orders authorizing the Building and Loan Commissioner to sell, exchange or otherwise dispose of real or personal property of associations in his possession, to conduct hearings at or near the place where such properties are located, thus enabling persons most likely to be interested in such properties, and who will pay the highest and best prices therefor, to attend such hearings, with the result that substantially greater recoveries will be made for the investors and creditors of such associations. It is therefore essential to the immediate preservation of the public peace, health and safety that each and every part of this act be enacted and be immediately effective.

CHAPTER 5

An act to suspend those provisions of Article XI, Section 5, of the Constitution relating to the compensation of county, township and municipal officers, declaring the urgency hereof, to take effect immediately.

In effect
immediately

[Approved by Governor January 24, 1945. Filed with Secretary of State January 24, 1945.]

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

Constitution,
Article XI,
Sec. 5:
Increase of
compensation
of officers

SECTION 1. Those provisions of Section 5 of Article XI of the State Constitution which prohibit the increase of compensation of any county, township or municipal officer after his election or during his term of office are hereby suspended for

the period commencing upon the effective date of this act and continuing until six months after hostilities terminate in each of the wars in which the United States is now engaged, whichever last terminate, as proclaimed by the President of the United States.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and shall go into effect immediately. The facts constituting such necessity are as follows:

By reason of the increased cost of living during the wars now being engaged in by the United States, many county, township and municipal officers whose compensation was established before costs of living increased are unable to live upon the salaries and compensation being paid them. These officers are being compelled to curtail their manner of living drastically and are rapidly exhausting their savings to provide themselves and their families with the common necessities of life. In order to enable the Legislature, counties, and cities to take the necessary steps to relieve the distress of these officers, who in many cases have faithfully served the public over a period of many years, it is necessary that this act take effect immediately.

CHAPTER 6

An act making an appropriation for the mileage of the members and statutory officers of the Assembly, to take effect immediately.

[Approved by Governor January 24, 1945 Filed with Secretary of State January 24, 1945] In effect immediately

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

SECTION 1. Out of any money in the State treasury not otherwise appropriated the sum of ten thousand dollars (\$10,000) is hereby appropriated for the mileage of the members of the Assembly and for the mileage of the officers of the Assembly. Appropriation
Assembly
mileage

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the Constitution take effect immediately. Current
expenses

CHAPTER 7

An act making an appropriation for reimbursement of members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, to take effect immediately.

In effect immediately [Approved by Governor January 24, 1945 Filed with Secretary of State January 24, 1945]

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

Appropriation.
Expenses of
Members of
Assembly

SECTION 1. Out of unappropriated moneys in the State treasury the sum of one hundred twelve thousand dollars (\$112,000) is appropriated for reimbursement of members of the Assembly for expenses necessarily incurred by them while attending a session of the Legislature, as provided by Section 23b of Article IV of the Constitution and the joint rules of the Senate and Assembly. The provisions hereof and claims for such reimbursement are exempt from the provisions of Sections 669 and 677.5 of the Political Code.

Current
expenses

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall take effect immediately.

CHAPTER 8

An act to add Section 4630 to the Education Code, relating to the powers of unified school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately [Approved by Governor January 26, 1945 Filed with Secretary of State January 26, 1945]

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

SECTION 1. Section 4630 is added to the Education Code, to read as follows:

Powers outside district
boundaries

4630. The governing board of a unified school district may acquire property, construct buildings, and maintain classes outside its boundaries on sites immediately adjacent to school sites of the district within its boundaries.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The present shifts of population due to the growth of war industries in certain districts have created a problem of providing adequate class rooms and other school facilities within the district. In some cases, surrounding property within the district is completely built up and it is necessary to extend the

school grounds to adjacent property which is not within the boundaries of the district. In order to provide for proper class rooms and other school facilities, authorization must be granted to school districts to extend their school grounds in the only direction possible. It is therefore necessary that this act take effect immediately.

CHAPTER 9

An act making an appropriation for support of the Colorado River Board, and declaring the purpose thereof, to take effect immediately.

[Approved by Governor January 27, 1945. Filed with Secretary of State January 27, 1945.] In effect immediately

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

SECTION 1. In addition to any money heretofore made available, the sum of twenty-five thousand dollars (\$25,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated for the support of the Colorado River Board, including the presentation to the Senate of the United States and the agencies of the United States of the interests of the State in the proposed treaty between the United States and Mexico affecting the disposition of the waters of the Colorado River, to be expended according to law during the Ninety-sixth and Ninety-seventh Fiscal Years. Of said sum not to exceed fifteen thousand dollars (\$15,000) may be expended for legal services rendered by the Attorney General, which expenditure is hereby authorized. Appropriation Colorado River Board

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current expenses

CHAPTER 10

An act to amend Section 2020 and to repeal Section 2020.01 of the Welfare and Institutions Code, relating to the amount of aid to the aged.

[Approved by Governor January 27, 1945. Filed with Secretary of State January 27, 1945.] In effect September 15, 1945

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

SECTION 1. Section 2020 of the Welfare and Institutions Code is amended to read:

2020. The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value Aid to the aged

of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, fifty dollars (\$50) per month. If, however, in any case it is found the actual need of an applicant exceeds fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount, not to exceed fifty dollars (\$50) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

Repeal

SEC. 2. Section 2020.01 of said code is repealed.

CHAPTER 11

Stats 1883,
p 93,
amended

An act to add Section 10 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to compensation of elective officers of cities, declaring the urgency hereof, to take effect immediately.

In effect
immediately

[Approved by Governor January 27, 1945. Filed with Secretary of State January 27, 1945.]

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

New section

SECTION 1. Section 10 is added to the act cited in the title hereof, to read:

Increasing
compensation
of municipal
officers

Sec. 10. Those provisions of the act cited in the title hereof which prohibit the increase of compensation of any municipal officer after his election or during his term of office are hereby suspended for the period commencing upon the effective date of this act and continuing until six months after hostilities terminate in each of the wars in which the United States is now engaged, whichever last terminate, as proclaimed by the President of the United States.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and shall go into effect immediately. The facts constituting such necessity are as follows:

By reason of the increased cost of living during the war now being engaged in by the United States, many municipal officers whose compensation was established before costs of living increased are unable to live upon the salaries and compensation being paid them. These officers have been compelled during the present war to curtail their manner of living drastically and are rapidly exhausting their savings to provide themselves and their families with the common necessities of life. In order to enable the cities to take the necessary steps to relieve the distress of these officers, who in many cases have faithfully served the public over a period of many years, it is necessary that this act take effect immediately.

CHAPTER 12

An act to amend Section 1160.5 of the Harbors and Navigation Code, relating to pilots, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1945. Filed with Secretary of State January 27, 1945.] In effect immediately

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

SECTION 1. Section 1160.5 of the Harbors and Navigation Code is amended to read:

1160.5. Subject to the provisions of this division, except Temporary pilot licenses Sections 1160, 1190, 1191, 1192 and 1193, the board may examine and issue temporary licenses to 20 bar pilots in addition to the 20 bar pilots it is authorized to license pursuant to Section 1160. Such temporary licenses are revocable at the pleasure of the board with or without cause. A temporary license to act as a bar pilot shall not be issued while the number of bar pilots licensed pursuant to Section 1160 is less than 20. If the number of outstanding licenses to act as bar pilot issued pursuant to Section 1160 falls below 20 and there are at the time outstanding temporary licenses to act as bar pilot, persons holding such temporary licenses shall be entitled to be licensed under Section 1160 in the relative order in which they received their temporary licenses and prior to any other person, but the number of licenses issued and outstanding under Section 1160 shall not at any time exceed 20.

A temporary license to act as bar pilot may be suspended or revoked by the board at any time with or without cause upon written notice of such suspension or revocation by the board to the holder of the license.

Bar pilots need not keep any vessels for their exclusive use.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Duration

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1, Article IV, of the Constitution of the State of California and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows: Urgency

This act provides for an increase in the number of bar pilots under Division 5, Chapter 2 of the Harbors and Navigation Code. Emergency conditions made necessary by the war and the volume and manner of shipping to and from San Francisco

Bay and tributaries make immediately necessary the appointment of additional bar pilots to take care of this condition, and unless this act becomes effective immediately, the expeditious movement of shipping and vital war cargoes will be impaired.

CHAPTER 13

An act to amend Section 6052 of the Penal Code, relating to employees in the Department of Corrections, declaring the urgency thereof, and providing this act shall take effect immediately.

In effect immediately [Approved by Governor January 29, 1945. Filed with Secretary of State January 29, 1945.]

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

SECTION 1. Section 6052 of the Penal Code is amended to read:

“State civil service” 6052. (a) On January 1, 1945 (hereinafter referred to as the effective date), the provisions of Article XXIV and the term “State civil service” shall include all officers and employees who on the effective date are within one of the following classes:

Classes Class 1. Officers and employees (i) holding positions on July 1, 1944, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) either continuously for six months prior to January 1, 1945, in the service of the Board of Prison Directors, the wardens, the department, the director, or any of them or, if not in such service continuously, the lack of continuity was due to service for which a right to return to the position vacated is granted under the State Civil Service Act, and (iii) holding a position subject to Section 6051 on the effective date.

Class 2. Officers and employees (i) holding positions on July 1, 1944, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) on the effective date absent due to service for which a right to return is granted by the State Civil Service Act, and (iii) otherwise continuously for six months prior to January 1, 1945, employed in the service of the Board of Prison Directors, the wardens, the department or any of them.

Permanent positions (b) Such personnel shall be included in the State civil service in permanent positions subject to a probationary period pursuant to subdivision (e) of Section 5 of Article XXIV of the Constitution, the probationary period to begin with respect to Class 2 personnel from the date they resume their position.

(c) An officer or employee, directly or indirectly, entitled to or having permanent status under this section, who is displaced by one having a right of return shall be accorded the

same rights to elect demotion in lieu of layoff granted by Section 172 of the State Civil Service Act as though he had had permanent status at all times in any previous position.

(d) The State Civil Service Act shall govern with respect to conflicting claims to the same position after the effective date, the same as though the position were at all times subject to civil service.

(e) After the effective date the director shall be the appointing authority for all positions not otherwise provided for and, pursuant to the State Civil Service Act, may employ and fix the compensation for the personnel for such positions

(f) Appointees of the Governor and persons holding positions designated to be confidential pursuant to paragraph (5) of subdivision (a) of Section 4 of Article XXIV (for the purposes of which paragraph the Adult Authority, the Youth Authority and the Director of Corrections shall be considered separate boards, commissions and officers) shall remain exempt from civil service.

(g) "Right of return" and "right to return" as used in this section refer to rights expressly provided by the State Civil Service Act to return to a position after military service in time of war or during a period of preparation for National defense or service as a seaman as described in Section 174 of the State Civil Service Act, and refers to rights which may hereafter be granted expressly by the State Civil Service Act to return to a position after service to the Nation.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

That the reorganization of the administration of the State prisons has resulted in uncertainty as to the civil service status and rights of employees at said institutions which is causing dissatisfaction upon the part of said employees, many of whom will resign unless their civil service status and rights are clarified; that due to wartime shortage replacement of said employees would be exceedingly difficult; that the retention of competent personnel is highly essential to the efficient administration and operation of the State prisons, the proper functioning of which is necessary in the public interest; that prevention of disruption of the organization of the State prisons is imperative and this act should therefore go into effect immediately.

CHAPTER 14

An act relating to union elementary school districts, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor January 29, 1945 Filed with Secretary of State
January 29, 1945.]

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

Effect of
annexation
of union
elementary
school
district

SECTION 1. The purported annexation or admission of a union elementary school district to another union elementary school district situated in the same county between July 1, 1944, and August 1, 1944, pursuant to Article 4 of Chapter 9 of Division 2 of the Education Code shall be deemed, for all purposes, to have resulted in the uniting of said union elementary school districts to form a new union elementary school district and the said new union elementary school district shall be deemed, for all purposes, to have been formed pursuant to the provisions of Article 1 of Chapter 9 of Division 2 of the Education Code.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity.

The provisions of the Education Code relating to the annexation of one union elementary school district to another union elementary school district are ambiguous. As a result there exists considerable doubt as to whether such annexation can be had and as to the effect thereof. In order to establish definitely the validity of proceedings already had and the effect thereof and thus avoid confusion which would result in the impairment of the ability of the public school system to adequately serve the children of the State, it is necessary that this act take effect immediately.

CHAPTER 15

An act making an appropriation for the Department of Finance for cost of advertising Veterans' Bond Act of 1943, to take effect immediately.

In effect
immediately

[Approved by Governor January 29, 1945 Filed with Secretary of State
January 29, 1945]

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

Appropri-
ation,
Department
of Finance

SECTION 1. The sum of thirty-two thousand, four hundred sixty-two and 66/100 dollars (\$32,462.66) out of any money in the State treasury not otherwise appropriated, is hereby appropriated to the Department of Finance to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years, to pay any expenses heretofore or hereafter incurred in advertising the Veterans' Bond Act of 1943.

Stats 1943,
p 2162

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

Current
expenses

CHAPTER 16

An act to amend Section 3 of an act entitled "An act to provide for the establishment of a fiscal agency for the State of California in the City of New York, in the State of New York, and prescribing the duties of such fiscal agency and the duties of the public officers in relation thereto," approved June 6, 1913, declaring the urgency thereof, to take effect immediately.

Stats 1913,
p 675,
amended

[Approved by Governor January 29, 1945. Filed with Secretary of State January 29, 1945.]

In effect
immediately

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

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read:

Stats 1913,
p 675
See also
Stats 1945,
Ch 120

Sec. 3. The Controller of the State of California shall draw his warrant on the treasury for, and the State Treasurer shall, out of any funds in the treasury available and appropriated for the payment of the principal and interest of the said debt, transmit or remit to the said fiscal agency, in the form of check or draft payable in the said City of New York, at such time as may be arranged by the State Treasurer with such fiscal agency, subject to the approval of the Governor, as hereinafter provided, sufficient funds out of any funds in the hands of such State Treasurer, or other officer, applicable to such purposes for the redemption of such bonds and coupons; provided, however, that the time when such funds shall be transmitted or remitted to such fiscal agency shall be not less than 10 days before the maturity of any such bonds or coupons. Express charges and postage shall be a proper charge against the State and shall be paid said fiscal agency and be allowed the State Treasurer or other proper officer in his settlement.

Redemption
of bonds

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

In order to make it unnecessary to dispose of Government bonds prior to the date when the interest on such bonds becomes due and payable, it is necessary to change the existing law so that moneys which must be transferred to the State's fiscal agent in New York City may not have to be forwarded until 10 days prior to the due date, instead of 30 days prior to such due date as now is required by law.

CHAPTER 17

Stats 1935, p. 226, amended. *An act to amend Sections 19 and 20 of, and to add Section 21 to the Unemployment Insurance Act, relating to unemployment insurance, declaring the urgency thereof, to take effect immediately.*

In effect immediately [Approved by Governor January 29, 1945 Filed with Secretary of State January 29, 1945]

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

Stats 1939, p. 2015
See also
Stat's 1945, Ch. 1181
Unemploy-
ment Fund

SECTION 1. Section 19 of the Unemployment Insurance Act is amended to read:

Sec. 19. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an Unemployment Fund, which shall be administered by the commission exclusively for the purposes of this act. This fund shall consist of (1) all contributions collected under this act; (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; and (4) all earnings of such property or securities. All moneys in the fund shall be mingled and undivided.

Stats 1941, p. 2914
See also
Stats 1945, Ch. 1223
Treasurer as
custodian

SEC. 2. Section 20 of the Unemployment Insurance Act is amended to read:

Sec. 20. The State Treasurer shall be ex officio the treasurer and custodian of the Unemployment Fund, and shall administer such fund in accordance with the directions of the commission. There shall be maintained within the fund three separate accounts:

- (1) A clearing account,
- (2) An Unemployment Trust Fund account, and
- (3) A benefit account

Contributions

All contributions and amounts payable to the fund, upon receipt thereof by the commission, shall be forwarded to the Treasurer who shall, after proper clearance, immediately deposit them in the clearing account. Refunds or judgments payable pursuant to this act may be paid from the clearing account or from the benefit account with respect to any moneys erroneously deposited therein, upon warrants issued by the Controller under the direction of and in accordance with authorized regulations. There is hereby continuously appropriated without regard to fiscal years such sums as may be necessary for such refunds. Immediately after clearance thereof, all other moneys in the clearing account excepting interest on contributions, penalties and fines collected shall be deposited in or invested in the obligations of the Unemployment Trust Fund of the United States of America or its authorized agent to the credit of this State, any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The amounts so deposited or invested shall be entered in the Unemployment Trust Fund account.

Penalties
and fines

The benefit account shall consist of all moneys requisitioned from this State's account in the Unemployment Trust Fund, and any moneys so requisitioned shall be transferred out of the Unemployment Trust Fund account into the benefit account. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the Treasurer, under the direction of the commission, in any bank or public depository in which public funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Moneys in the clearing and benefit accounts shall not be commingled with other State funds, but shall be maintained in a separate account on the books of the depository. Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the General Depository Law of the State and collateral pledged shall be maintained in a separate custody account. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Unemployment Fund. The Unemployment Fund shall be administered by the commission without liability upon the part of the State beyond the amounts paid into and earned by the fund.

Benefit
accountsState
liability

SEC. 3. Section 24 is added to the Unemployment Insurance Act, to read:

New section
See also
Stats 1945,
Ch 1223

Sec. 24. There is hereby created in the State treasury a separate fund to be known as the Department of Employment Contingent Fund into which shall be deposited or transferred all interest on contributions, penalties and fines collected under this act. There shall be transferred to this fund from the clearing account in the Unemployment Fund upon certification of the commission the amount of interest on contributions, penalties and fines deposited each month in the clearing account provided that there shall be withheld from any such transfer the amount certified by the commission to be required under this act to pay interest on refunds and judgments. Such amounts of interest, penalties and fines so certified for transfer shall be deemed to have been erroneously deposited in the clearing account and the transfer thereof to the Department of Employment Contingent Fund shall be deemed to be a refund of such erroneous deposits. All amounts in the Department of Employment Contingent Fund are hereby continuously appropriated without regard to fiscal years for the administration of the Department of Employment, provided, however, that no expenditure shall be made from this fund except under an authorization made by the Director of Finance in the manner prescribed in Section 661 of the Political Code; provided further that no such authorization shall be made as a substitution for a grant of Federal funds, or for any portion thereof, which in the absence of said authorization would be available to the Department of Employment.

Contingent
fund

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1, Article

Urgency

IV, of the Constitution and it shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

Apparently through oversight Section 20 as it now reads makes no provision for the payment of refunds authorized under Section 44.2 of the Unemployment Insurance Act. These refunds become payable to workers after January 1, 1945. This amendatory act will remedy this defect and preclude misunderstanding, confusion and expensive correspondence with respect to the many workers throughout the State who have become eligible for a refund under the provisions of the Unemployment Insurance Act.

It is also urgently necessary to provide some means of financing the operations of the department in times of emergency. The administrative costs of the department are financed by Federal grants allocated by the Social Security Board on a fiscal year basis. The imminent probability of large numbers of workers becoming unemployed on short notice and the resulting increase in administrative costs of the department would jeopardize the proper administration of the entire unemployment insurance program if Federal funds were not immediately available. This act would provide for a special fund to be available with the approval of the Director of Finance and the Governor for emergency costs of administration pending receipt of Federal grants.

CHAPTER 18

Stats 1935, p 122B, amended *An act to amend Section 57.7 of the Unemployment Insurance Act, relating to the benefit rights of veterans, declaring the urgency thereof, to take effect immediately.*

In effect immediately [Approved by Governor January 29, 1945 Filed with Secretary of State January 29, 1945.]

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

Stats 1943, p 3021 is amended to read:

See also Stats 1945, Ch 792

Benefit rights of trainees

SECTION 1. Section 57.7 of the Unemployment Insurance Act Sec. 57.7. Notwithstanding any inconsistent provisions of this act the benefit rights of trainees shall be determined in accordance with the following provisions of this section for the periods and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this act shall continue to be applicable in connection with such benefits.

"Military service"

(1) The term "military service" as used in this section means active service in the land or naval forces of the United States, but the service of an individual in any reserve component of the land or naval forces of the United States who is ordered to active duty in any such force for a period of 30 days or less shall not be deemed to be active service in such force during such period.

(2) The term "trainee" as used in this section means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before October 1, 1945. "Trainee"

(3) (a) With respect to any trainee who has an unexpired benefit year at the time of induction into the armed forces, the unexpended balance of benefits remaining to his account shall be reestablished beginning with the first day of the first week succeeding the date of his termination of service. Whenever this balance is exhausted the trainee may file a claim and his base period shall be determined in accordance with the provisions of subsection (4) hereof, except that all reestablished balances shall lapse 65 weeks after termination of such military service. Reestablishment of unexhausted benefits

(b) The benefit year of all other trainees shall be 52 weeks from the first day of the first week following the date of termination of military service. Benefit year

(4) With respect to the determination of the benefit rights of any trainee, the base period shall consist of the first four out of the last five completed calendar quarters, excluding those quarters during which the trainee was in military service 60 days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service, except that the quarter of entry into military service shall be counted as a completed quarter if the commission finds that the inclusion thereof would be more equitable to the trainee. Base period

(5) No disqualification shall be applied to any trainee after the termination of his military service, by reason of any act or course of action on his part prior to the date of his entry into such service. Disqualification

(6) If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a trainee shall be disqualified for benefits with respect to any week for which he receives such benefits and no benefits shall be paid under this section until he has exhausted all his rights to such payments from the United States. U S benefits

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1, Article IV, of the Constitution and it shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows: Urgency

Through apparent oversight Section 57.7 as it now reads prevents the payment of benefits to honorably discharged veterans based on wages earned after discharge, unless the veteran has exhausted any and all allowances payable to him under the Federal Servicemen's Readjustment Act, although it permits the payment of such benefits to dishonorably discharged veterans. This denial of the same right to unemployment insurance enjoyed by other workers in covered employment does not

encourage the increasing number of returning servicemen to seek employment at a time when there is an urgent need of workers. The foregoing amendment would permit honorably discharged veterans to claim unemployment insurance benefits based on earnings in employment after discharge to the same extent as any other claimant.

CHAPTER 19

Stats 1953, p 1226, amended *An act to add Section 9.1 to the Unemployment Insurance Act relating to unemployment insurance and the definition of employer thereunder, declaring the urgency thereof, to take effect immediately.*

In effect immediately [Approved by Governor January 29, 1945. Filed with Secretary of State January 29, 1945]

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

New section SECTION 1. Section 9.1 is added to the Unemployment Insurance Act, to read:

"Employer" Sec 9.1. Notwithstanding any other provision of this act, "employer" also means any employing unit which during the period, February 1, 1945 through March 31, 1945, or during any subsequent calendar quarter, pays wages for employment in excess of three thousand dollars (\$3,000) and which has four or more individuals in employment on any one day during such period.

Urgency SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefor go into immediate effect. The statement of the facts constituting such necessity is as follows:

A large source of revenue is lost by the State of California, and the operation and administration of the unemployment insurance law is seriously impaired by virtue of the existing provisions of Section 9 of the Unemployment Insurance Act whereby a large number of individuals, many of whom have war contracts and large pay rolls, have employed several thousand workers continuously for periods as long as nine consecutive months without paying or collecting any unemployment insurance taxes. In addition to the loss of revenue this condition prevents all of the workers employed from acquiring the benefit of unemployment insurance wage credits, creates difficulty in the proper administration of the law, and results in confusion, uncertainty and hardship among the workers. The foregoing amendment will remedy this defect without bringing under the Unemployment Insurance Act any employer with less than four employees or any employer with more than four employees whose pay roll does not exceed a specified amount.

CHAPTER 20

An act to add Chapter 8, consisting of Sections 19810 and 19811, to Part 3 of Division 13 of the Health and Safety Code, relating to inflammable or explosive materials and governing their use, declaring the urgency hereof, to take effect immediately.

[Approved by Governor January 29, 1945. Filed with Secretary of State January 29, 1945.] In effect immediately

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

SECTION 1. Chapter 8 is added to Part 3 of Division 13 of the Health and Safety Code, to read: See also Stats 1945, Ch 728

CHAPTER 8. INFLAMMABLE OR EXPLOSIVE MATERIALS

19810. It is unlawful to manufacture, sell or offer for sale in this State any article of wearing apparel, cloth, drapery or other fabric or material, made from or containing any synthetic fiber which is wholly or in part made from or contains any hazardous, explosive or other substance in sufficient quantity so as to make such fabric or material more highly inflammable than cotton cloth in its natural state. Inflammable material Manufacture, etc

19811. Any violation of this chapter is a misdemeanor. Penalty

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. The facts constituting such necessity are as follows: Urgency

Any continuance of the manufacture or sale of the articles made of the material prescribed by this act will in ever increasing degree enhance the risk of fire and the hazard of injury to persons and property and loss of life and limb, which the provisions of this act are designed to curtail.

CHAPTER 21

An act making an appropriation to meet a deficiency in the appropriation for legislative printing.

[Approved by Governor January 29, 1945. Filed with Secretary of State January 29, 1945.] In effect immediately

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

SECTION 1. The sum of twenty-eight thousand five hundred fifty-two and 12/100 dollars (\$28,552.12) is hereby appropriated out of any money in the State treasury not otherwise appropriated to meet a deficiency in the appropriation for legislative printing for the regular and extraordinary sessions of the Legislature during the Ninety-fourth, Ninety-fifth, and Ninety-sixth Fiscal Years. Appropriation Legislative printing

SEC. 2. This act inasmuch as it makes an appropriation for the usual, current expenses of the State shall, under the provisions of Section 1, Article IV, of the Constitution of the State of California, take effect immediately. Current expenses

CHAPTER 22

An act to make an appropriation for the cost of auditing and collecting unemployment relief restitution to take effect immediately.

In effect immediately [Approved by Governor January 29, 1945 Filed with Secretary of State January 29, 1945.]

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

Appropriation
Auditing and
collecting
of refunds

SECTION 1. There is hereby appropriated from the money hereafter deposited in the "State Controller's SRA Restitution Fund" the sum of seventeen thousand, five hundred dollars, (\$17,500), for the support of the State Controller from February 1, 1945 to June 30, 1945, inclusive, to be used for the auditing and collection of refunds, under, and administration expenses in connection with the "California Unemployment Relief Act of 1935."

Stats 1935,
p 1850

Transfer
of funds

SEC. 2. In addition, the State Controller shall transfer from the money now in the "State Controller's SRA Restitution Fund" for a period of not to exceed 90 days from the effective date of this act, the sum of ten thousand dollars (\$10,000), which sum may be used for cash advances during such period.

Policy

SEC. 3. The Legislature hereby declares that it is the policy of the State to make the work of the State Controller in auditing and collecting such restitutions, self-supporting.

Current
expenses

SEC. 4. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the State Constitution take effect immediately.

CHAPTER 23

Stats 1907,
p 124,
amended

An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poisons, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor January 29, 1945 Filed with Secretary of State January 29, 1945.]

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

Stats 1943,
p 2889

See also
Stats 1945,
Ch 1193
and 1196

Schedule
"A"

SECTION 1. Section 5a of the act cited in the title is amended to read:

Sec. 5a. The following is schedule "A" referred to in Section 1, viz.: Schedule "A," arsenic, its compounds and preparations, antimony and potassium tartrate, its compounds and preparations, poisonous salts of barium, cantharides, cowhage, digitalis, corrosive sublimate and other poisonous derivatives of mercury, cyanide, its compounds and preparations, fluorides, nitroglycerin, strychnine, hydrocyanic acid,

oils of croton, rue, savin, and tansy, phosphorus and its poisonous derivatives and compounds, santonin, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poisons containing any of the poisons enumerated in this schedule except ant poisons which contain not to exceed four-tenths ($\frac{4}{10}$) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic; provided, however, that the following shall not be included in this schedule, pills, or tablets of aloin belladonna and strychnine, plasters composed of aconite or belladonna, or elixir of iron quinine and strychnine or ethyl alcohol denatured in accordance with any formula approved by the Internal Revenue Department of the Federal Government for external use and all economic poisons, as that term is defined in Article 3 of Chapter 7 of Division 5 of the Agricultural Code, and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: Arsenate of lead, arsenate of calcium, paris green, london purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels, any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus, ant poisons containing more than four-tenths ($\frac{4}{10}$) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium; all of which economic poisons, with the above exceptions, may be sold by dealers generally, when prepared, packaged, and sold in accordance with rules and regulations authorized by the provisions of said article of the Agricultural Code, anything in this or any other act to the contrary notwithstanding.

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, oil of bitter almond, bromine, chloroform, creosote, conium, cotton root, cresolic acid, ether, solution of formaldehyde or formalin, cocculus indicus, all of their preparations; iodine or its tinctures, gelsemium, hyoscyamus, oil of pennyroyal, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of creosol, potassium permanganate, poisonous salts of silver and yellow jasmine. Schedule
"B"

The following is schedule "C1": Acetylurea. Sulphoated Methanes, Paraldehyde, Sulfanilamide, and substituted Sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only, and except in tablets of thirty (30) grains or more designed for stock purposes only and so labeled; Sobisminol, Aminopyrine, or compounds or mixtures thereof; Amphetamine, Desoxyephedrine, or compounds or mixtures thereof, except preparations for use in the nose and unfit for internal use; Cinchophen, Neocinchophen, or compounds or mixtures thereof; Ergot, Diethyl-Stilbestrol, or compounds or mixtures thereof, may be sold at retail only on order or prescription of a physician and surgeon, dentist, chiropodist, or Schedule
"C1"

veterinary surgeon duly licensed to practice in the State of California, and shall not be refilled without order of the prescriber.

Schedule
'C2'

The following is schedule "C2": Thyroid, Phenylhydantoin, derivatives, or compounds or mixtures thereof; may be sold at retail only on the order or prescription of a physician and surgeon, dentist, chiropodist, or veterinary surgeon duly licensed to practice in the State of California. Such prescription may, however, be refilled only for the person for whom originally written.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of facts showing such necessity:

Due to the present wording of the act several commonly used and widely known drugs necessary to the maintenance of public health and particularly beneficial in the treatment of common colds and infections are included within the restrictions of the act permitting retail sale only on the prescription of a physician and surgeon. The inclusion of these preparations by the last Legislature was by inadvertence in the wording of this act, and was without intent by its authors or sponsors. Immediate elimination of such restrictions on the sale of such preparations is essential in order that citizens of this State may readily purchase and beneficially use such preparations and in order that the time of the pharmacists, physicians and surgeons of this State may be conserved for activities essential to the health of the citizens of this State.

CHAPTER 24

An act to amend Section 257 of the Vehicle Code, relating to junior drivers licenses, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor January 29, 1945. Filed with Secretary of State January 29, 1945.]

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

SECTION 1. Section 257 of the Vehicle Code is hereby amended to read as follows:

Age limit for
operators
Junior
licenses

257. Age Limit for Operators.

Junior Licenses. No operator's license shall be issued to any person under the age of 16 years except that a junior operator's license may be issued to any person 14 years of age but less than 16 years of age upon application as required of other minors under Section 350 hereof.

Restrictions

Such license shall be restricted to the operation of a motor vehicle registered to the licensee's parent, guardian, or

employer, either to or from school, to or from work, or on the business of the parent, guardian, or employer, unless the licensee is accompanied by and under the immediate supervision of an adult.

The possession of a junior license shall not authorize the licensee to operate a motor vehicle in violation of any law, nor in violation of any rule or regulation of the State or Federal authorities relating to employment of minors. The department may issue a junior license for a period of less than four years and may cancel any such license at any time before the person is 16 years of age whenever in the opinion of the department the safety of such person or of other persons upon the highways may require such cancellation.

The department may impose such further restrictions as it may deem necessary to assure the safe operation of a motor vehicle by the licensee. Instruction
permit

The department may issue an instruction permit to any physically and mentally qualified person taking a course in driver instruction in a public school without further examination; provided, the instruction permit is restricted to the operation of a motor vehicle when accompanied by and under the immediate supervision of a regularly certificated teacher for the purpose of instruction.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such urgency is as follows: Urgency

The Government of the United States now being engaged in war, Federal authorities have requested that the State of California, along with the other States of the Union, provide driver training for those persons approaching the age of induction into the military services with a view that this training will expedite their orientation into the military and reduce the period of training necessary before such persons will be sufficiently trained to engage in combat operations. Approximately 300 high schools in California are undertaking driver instruction in compliance with the request of the Federal authorities but are unable to give driver instruction under actual driving conditions because the provisions of the Vehicle Code now requires a showing of actual present necessity on the part of the individual before he can be issued a permit authorizing actual driver's training on streets and highways.

It is therefore necessary that these provisions of the Vehicle Code be amended in order to permit the instruction considered necessary by Federal authorities to meet the urgent needs of National defense.

CHAPTER 25

An act to amend Sections 4455 and 4459, and to repeal Sections 4456, 4457, 4458 and 4460 of, and to add a new Section 4460 to, the Public Resources Code, relating to forest insect control, declaring the urgency thereof, to take effect immediately.

In effect immediately [Approved by Governor February 10, 1945 Filed with Secretary of State February 13, 1945]

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

SECTION 1. Section 4455 of the Public Resources Code is amended to read:

Infested timber on private land

4455. Whenever the State Forester determines that there exists an infestation of pine beetles or other insect pests injurious to timber or forest growth on privately owned lands and that said infestation is of such a character as to be a menace to the timber or timberlands of adjacent owners, the State Forester with the approval of the State Board of Forestry may declare the existence of a zone of infestation, and describe and fix its boundaries.

Powers of State Forester

Thereupon the State Forester or his agents shall have the power to go upon the land within said zone of infestation and shall cause the insect infestation to be eradicated and destroyed in a manner approved by the State Board of Forestry and in order to accomplish the eradication and destruction of such infestation, the State Forester may enter into cooperative agreement with private timberland owners, Federal Government and other public or private agencies, using such funds as have been or may hereafter be made available for such purpose; provided, however, that the State Board of Forestry shall set the ratio of State to private cooperation.

SEC. 2. Section 4459 of said code is amended to read:

Dissolving zone of infestation

4459. Whenever the State Board of Forestry determines that insect control work within the designated zone of infestation is no longer necessary or feasible, then the board shall instruct the State Forester by written order to dissolve the zone of infestation.

Repeals

SEC. 3. Sections 4456, 4457, 4458 and 4460 of said code are repealed.

Urgency

SEC. 4. This act is declared to be an urgency measure within the meaning of Section 1 of Article IV of the State Constitution, necessary for the immediate preservation of the public peace, health and safety. A statement of the facts constituting such necessity is as follows:

Serious infestation of forest insects now exists in valuable timber lands within the State. This infestation has increased approximately 400 per cent in the last year and if allowed to continue unabated all indications are that the infestations will rapidly extend into adjacent areas and destroy additional large volumes of merchantable timber.

It is estimated at the present time that there are 32,200 acres of private land in need of treatment, involving over 5,000 trees of unmerchantable size and nearly 4,000 merchantable trees which may be salvaged having a total volume of 4,155,000 board feet of lumber. If control measures are not taken immediately, it is safe to assume that the infested area will greatly expand and the loss in the volume of merchantable timber may be many times the present loss.

It is felt that the State of California has a direct interest in protecting this basic resource and the taxable values involved, approximately 50 per cent of the control cost. If this work is not accomplished between now and early summer while the insects are in their dormant state the infestation may assume catastrophic proportions.

CHAPTER 26

An act to provide for the making, investing in and purchasing loans made to veterans, which are wholly or partially guaranteed by the United States or any agency thereof under the provisions of the "Servicemen's Readjustment Act of 1944" by banks, insurance companies, building and loan companies, personal finance companies, mortgage loan companies, mortgage insurance companies, trust companies, fiduciaries or fiduciary institutions and to add Sections 67.2 and 80.2 to the Bank Act, Section 9.19 to the Building and Loan Association Act, and Sections 1176.5 and 1176.6 to the Insurance Code, declaring the urgency thereof, to take effect immediately.

Stats 1909,
p 87,
amended
Stats 1931,
p 483,
amended

[Approved by Governor February 10, 1945. Filed with Secretary of State February 13, 1945.] In effect immediately

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

SECTION 1. Section 67.2 is added to the Bank Act, to read :

Sec. 67.2. None of the provisions of the Bank Act limiting or restricting loans by savings banks or by the savings departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof; and in any case in which the payment of a portion of any loan secured by real property is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of Section 67 of the Bank Act or any other provision of law limiting the amount which

New section
Loans
guaranteed
under
Federal law

58 Fed
Stats 268

may be loaned by any savings bank or savings department of any bank upon the security of real property, and none of the provisions of Section 67 of the Bank Act limiting the term, nor any other provision of law limiting the term, for which loans may be made by savings banks or by savings departments of banks, shall be applicable to any such loan.

New section) SEC. 2. Section numbered 80.2 is added to the Bank Act, to read:

Loans
guaranteed
under
federal law

Sec. 80.2. None of the provisions of the Bank Act limiting or restricting loans by commercial banks or by the commercial departments of banks or prescribing the security therefor or the maximum term thereof shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof; and in any case in which the payment of a portion of any loan is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any Act of Congress supplementary or amendatory thereof, the portion of such loan, payment of which is so guaranteed, shall not be deemed to be a part of said loan for the purposes of Section 80 of the Bank Act or any other provision of law limiting the amount of individual loans, secured and unsecured, which may be made by any commercial bank or commercial department of any bank, and none of the provisions of the Bank Act limiting the term, nor any other provision of law limiting the term, for which loans may be made by commercial banks or by commercial departments of banks shall be applicable to any such loan.

New section) SEC. 3. Section 9.19 is added to the Building and Loan Association Act, to read:

Servicemen's
loans

Sec. 9.19. Servicemen's Loans. Notwithstanding anything to the contrary contained in this act, (a) if a portion of a loan secured by real property is guaranteed by the Administrator of Veterans' Affairs under Title III of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, such loan may be in an amount not in excess of the sum of (1) the amount otherwise permissible under this act plus (2) the portion of such loan so guaranteed, and (b) an association may make any loan (whether secured or unsecured, and if secured whether or not secured by first mortgage or first trust deed and irrespective of percentage of loan to value) provided the full amount of such loan is guaranteed by the Administrator of Veterans' Affairs under Title III of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof. If the whole or any portion of a loan is guaranteed by the Administrator of Veterans' Affairs under Title III of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, such loan may be made on any terms, plans, practices or procedures now or hereafter authorized or required by the Administrator of Veterans' Affairs

thereunder, provided such terms, plans, practices or procedures are approved by the commissioner as affording reasonable protection to associations and investors.

SEC. 4. Section 1176.5 is added to the Insurance Code, to read:

1176.5. Such insurers may make, invest in or purchase loans which are guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof. Loans guaranteed under Federal law

SEC. 5. Section 1176.6 is added to the Insurance Code, to read:

1176.6. None of the provisions of the Insurance Code limiting or restricting loans by insurers or prescribing the security therefor shall apply to any loans which are fully guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof; and in any case in which payment of a portion of any loan is guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, the guaranteed portion of such loan shall not be deemed a part of said loan for the purposes of any provision of the Insurance Code limiting the amount which may be loaned by an insurer upon the security of real property or improvements thereon shall be applicable to such loan. Same

SEC. 6. Any personal finance company, mortgage company, mortgage insurance company, or trust company, or fiduciary or fiduciary institution may make, invest in or purchase, with its funds or the money in its custody or possession, including but not being restricted to, all trust funds or funds the investment of which is regulated by law, loans and notes guaranteed by the United States or any agency thereof pursuant to the provisions of the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof. Same

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Congress has enacted and the President has signed Public Law 346 of the Seventy-eighth Congress, known as the Servicemen's Readjustment Act of 1944. This statute was enacted, in order, among other purposes, to facilitate means by which persons who have served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to the termination of World War II, and who shall have been discharged or released from such military or naval service under conditions other than dishonorable after active service of 90 days or more, may obtain loans for the purpose

of the purchase or construction of homes, or for the purchase of farms and farm equipment, or for the purchase of business properties. Many veterans will not have the financial means for their readjustment to civilian activity, and the Federal act does not provide for direct loans to these veterans, but provides certain guarantees. The authorization for investments under the law of this State are not sufficiently comprehensive to permit the making of the loans which are guaranteed under the provisions of the Servicemen's Readjustment Act of 1944. Since many of these veterans are now returning and seeking to readjust themselves to civilian life, it is necessary that this act take effect immediately.

CHAPTER 27

An act to amend the heading of Article 1, Chapter 2, Part 2, Division 1, of the Insurance Code, and to add Section 1141 to said code, relating to insurance, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor March 22, 1945. Filed with Secretary of State
March 22, 1945]

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

SECTION 1. The heading of Article 1, Chapter 2, Part 2, Division 1, of the Insurance Code is amended to read:

Article 1. General

SEC. 2. Section 1141 is added to said code, to read:

Liability for
failure to
contest tax
levy, etc

1141. No director, trustee, officer or agent of any insurer shall be subject to personal liability by reason of any payment or any determination not to contest or seek recovery of any payment made subsequent to June 4, 1944, or hereafter made, by or on behalf of such insurer on account of any tax, license, fee, deposit or other charge paid pursuant to the terms of any statute, law or ordinance of this or any other State, county, city or taxing authority, unless prior to such payment or determination such statute, law or ordinance shall have been judicially rendered invalid by action of the State court having final appellate jurisdiction in the premises or by action of the Supreme Court of the United States. This section is applicable not only to directors, trustees, officers and agents of insurers generally but also to reciprocal or interinsurance exchanges, members of their subscribers' boards, their attorneys in fact and any director, trustee, officer and agent thereof.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of

Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The Supreme Court of the United States has recently decided that insurance is commerce, thereby overruling its previous decisions of long standing that insurance was not commerce. The decision imparts to insurance, when transacted across State boundaries, the character of interstate commerce, the power to regulate which is vested in the Congress of the United States by the Federal Constitution. The laws of this State and of other States requiring payment of taxes, licenses, fees, deposits and other charges by insurers were adopted on the basis of such previous decisions that insurance is not commerce, and the recent decision has caused uncertainty and doubt as to the validity of many of such laws. In consequence, question has arisen as to the personal liability of directors, trustees, officers and agents of insurers in the event they authorize payments pursuant to such laws. The failure to make such payments or the determination to contest them would cause expensive and prolonged litigation, might result in the imposition of heavy statutory penalties or prevent insurers from doing business in many States, deprive authorities in many States of revenues necessary to continue their regulation, and deprive policyholders of needed protection and advantages obtained from such regulation. In many cases, such payments must be made at once. To insure the prompt and orderly payment of these taxes, fees, licenses, deposits and other charges and to preserve the fiscal and public policies upon which they are based, it is necessary that this act take effect immediately.

CHAPTER 28

An act to add Section 1142.5 to the Probate Code, relating to the duties of a public administrator, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 5, 1945. Filed with Secretary of State April 5, 1945.]

In effect immediately

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

SECTION 1. Section 1142.5 is added to the Probate Code, to read:

1142.5. The assistant public administrator or a deputy public administrator shall in addition to his other powers possess every power and perform all and every duty belonging to the office of the public administrator, or required in the administration of the estates in which the public administrator is acting, when the public administrator, or in the case of his sickness, absence or other disability, a judge of the superior court acting as probate judge, shall designate and authorize the assistant or deputy so to act, such designation and authority to be duly filed

Authority of assistant or deputy public administrator

in the office of the county clerk of the county. Such authority to the assistant public administrator or deputy public administrator shall cease and determine upon the written direction of the public administrator or of the judge of the superior court to that effect filed in the office of the county clerk.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Under provisions of Section 7 of the Government Code, deputies may exercise the powers and perform the duties of all county officers in their absence, and as a result the work of practically all officers is carried on at all times. In the single instance of the public administrator, however, due to the requirements of probate law at present for the personal performance by any administrator of certain functions, such as allowing or rejecting creditors' claims and the execution of conveyances, assignments and transfers of title, a widespread belief has grown up that the deputy of a public administrator may not perform many of the functions of that office in the administration of estates and in consequence the work of the office is handicapped and even substantially stops when the public administrator is not present. Due to the manpower shortage and the extra work cast upon all public officers under present conditions serious illness may interrupt the work of any public administrator or of several administrators throughout the State of California at any time, and public administrators are occasionally necessarily absent from the State on business; that in order to provide for the continuance of the business of the public administrator's office during his inability to act provision should be made for the performance of his functions by assistant or deputy.

CHAPTER 29

An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

In effect
immediately

[Approved by Governor April 11, 1945 Filed with Secretary of State
April 11, 1945]

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

Appropriation
Contingent
expenses of
Senate

SECTION 1. The sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury not otherwise appropriated for the contingent expenses of the Senate, without regard to fiscal years, including expenses of committees composed in whole or in part of members of the Senate.

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current
expenses

CHAPTER 30

An act to amend Section 10601.5 of the Elections Code, relating to candidates for judicial offices.

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 10601.5 of the Elections Code is amended to read:

10601.5. Every candidate for a judicial office, whether his declaration of candidacy is made personally or by sponsors, not more than 10 or less than five days prior to the first day on which his nomination papers may be circulated and signed or may be presented for filing, shall file in the office in which his nomination papers are required to be filed, a written and signed declaration of his intention to become a candidate for that office. This section shall apply to all judicial offices whether numerically designated or not.

Declaration
of candidacy

CHAPTER 31

An act to add Section 9322 to the Government Code, relating to compensation of legislative committee reporters.

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 9322 is added to the Government Code, to read:

9322. The compensation of legislative committee reporters for reporting testimony and proceedings and for transcribing copies shall not exceed that provided for court reporters in contested cases by Section 274 of the Code of Civil Procedure.

Legislative
committee
reporters

CHAPTER 32

Stats 1943,
p 3397,
amended

An act to amend Section 5 of the California Food and Fiber Production Act, relating to the period said act shall remain in effect.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

Stats 1943,
p 3397

SECTION 1. Section 5 of the California Food and Fiber Production Act is amended to read:

Effective
period

Sec. 5. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the expiration of one year after the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

CHAPTER 33

An act to amend Section 891 of the Military and Veterans Code, relating to educational assistance to veterans' dependents, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

See also
Stats 1945,
Chs 71 and
1452
Eligibility of
dependent

SECTION 1. Section 891 of the Military and Veterans Code is amended to read:

891. A dependent of a veteran applying for aid under the provisions of this article shall be over 16 and not more than 21 years of age and shall have lived in this State for five years immediately preceding the date upon which the application is filed. Any dependent of a veteran who has applied for aid pursuant to this article while under 21 years of age and has entered upon a course of training or education and received aid under this article and arrives at the age of 21 before completing the course may continue the course and continue to receive the benefits of this article until the course is completed or until he attains the age of 27 years, whichever first occurs.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The necessity for more education has never been more apparent than during the present war. Boys and girls who

should be continuing their education are being attracted to private industry and away from institutions of learning. After the termination of the war there will be a period when trained personnel will be needed in all lines of endeavor and unless those who are now in school can continue their education there will be a serious shortage of such trained personnel. To enable veterans' dependents to continue their education during the summer terms of schools and colleges, it is necessary that this act take effect immediately.

CHAPTER 34

An act to add Section 1241.5 to the Water Code, relating to the forfeiture of water rights, declaring the urgency of this act, to take effect immediately.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.] In effect immediately

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

SECTION 1. Section 1241.5 is added to the Water Code, to read:

1241.5. The period of time during which water appropriated for mining purposes is not beneficially used because of the suspension or limitation of the mining operations in which the water is used shall not be counted in computing the three year period referred to in Section 1241 if such suspension or limitation of mining operations is due to an order or directive of an agency of the United States. Water appropriated for mining

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature of California. Duration

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take immediate effect. The following constitutes a statement of the facts constituting such necessity: Urgency

The United States Government has effectively prohibited the mining of precious metals in order to promote the war effort. The result has been that many mines in the State have suspended operations and as a result have ceased to use water appropriated for mining purposes. Nonuse of such water for a three year period will terminate the right to use such water. Inasmuch as some of the water rights are of great value the owners of such rights will make every effort to retain them and such efforts may well lead to friction, unrest, and possible violations of the law or the Federal regulations involved. In order that the owners of these rights may be protected by law it is necessary that this act go into immediate effect.

CHAPTER 35

An act to provide for the employment of prisoners in State prisons in the production and harvesting of crops and the fighting of forest and range fires, to permit their removal for such work, to provide the conditions and regulations for the governance of such work, to authorize the establishment of camps for their housing in such work, to provide for the financing of such work from prisoners' earnings and public funds by creating a Prisoners' Harvest Fund and appropriating said fund, by repealing Section 2715 of the Penal Code and by adding Article 6 to Chapter 5 of Title 1 of Part 3 of the Penal Code, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

Repeal

SECTION 1. Section 2715 of the Penal Code, as added by Chapter 46, Statutes of 1943, is repealed.

SEC. 2. Article 6 is added to Chapter 5 of Title 1 of Part 3 of the Penal Code, to read:

Article 6. Employment in Farm Work and Fighting Fires

Authority for removal of prisoners

2800. The Adult Authority, under such conditions as it shall prescribe, may authorize the temporary removal from prison of prisoners under the custody of prison officials for the purpose of:

Harvesting crops

1. Accepting employment in the production and harvesting of crops, either at camps established under this article or as day labor, and

Fire fighting

2. Fighting forest and range fires.

Prisoners eligible

The Adult Authority may establish, and modify lists of prisoners who shall be eligible for such temporary removal. The Director of Corrections, in his discretion, may order the temporary removal of any prisoner from prison for the purposes herein specified of any prisoner who has been designated by the Adult Authority as eligible for such temporary removal. The director shall return to prison any prisoner when so directed by the Adult Authority and may return to prison any prisoner whose employment is not necessary or who violates any rule or regulation of the prison or camp or any provision of this article.

Harvest camps

2801. The Director of Corrections may establish harvest camps at such places, under such conditions, and for such periods of time as he deems necessary, for the housing of prisoners whose temporary removal from prison has been authorized pursuant to Section 2800 of this code. Subject to the provisions of law, he may lease, purchase, or otherwise acquire such real property and such housing and equipment

as may be necessary for the establishment and maintenance of such camps.

2802. Prisoners whose temporary removal from prison is authorized by the Adult Authority pursuant to Section 2800 may contract with any person, firm, association or corporation, for the performance of labor in the producing or harvesting of crops. Such contracts may be either written or oral, but shall be upon the following conditions:

Contract for services

1. That the prisoner shall receive the prevailing rate of wages in the locality as determined by the Director of Corrections for work of the character to be performed by the prisoner,

2. That the prisoner shall be considered an employee within the meaning of the workmen's compensation laws of this State,

3. That all work shall be performed under the supervision of prison officials,

4. That the Director of Corrections shall specify the hours and conditions of labor, and

5. That all sums due to the prisoner shall be paid to the Department of Corrections.

2803. Prior to the execution of any contract authorized by Section 2802 of this code, the person, firm, or corporation seeking to employ a prisoner shall certify to the Director of Corrections that a diligent effort has been made to secure emergency labor from other sources.

Certificate of employer

2804. All sums paid to the Department of Corrections by reason of the labor of any prisoner under this article shall be deposited in the State treasury in a fund to be known as the "Prisoners' Harvest Fund," which fund is hereby created. The earnings of each prisoner shall be carried in a separate account and all of his earnings under this article shall be credited to his account. There shall be debited to that account:

Prisoners' Harvest Fund

1. The prisoner's drawings from the commissary,

2. Such part of his earnings as the Director of Corrections shall determine to be necessary to meet the expenses of his transportation, guarding, and feeding while removed from prison under this article,

3. Such part of his earnings as the Director of Corrections shall determine to be necessary to meet the expenses of any clothing furnished to the prisoner because of his employment under this article, and

Credits and debits

4. In addition to the above, when confined in a camp established under this article, such part of his earnings as the Director of Corrections shall determine to be necessary to meet all of the expenses necessary to the proper maintenance of the camp in which he is confined.

Of the balance credited to any prisoner, there shall be paid to him, while he is confined in a penal institution, such amounts as may be determined by the Director of Corrections, upon his release on parole, such amount as may be determined by the Adult Authority, and upon his discharge from custody, the entire balance credited to him.

Balance credited to prisoner

Appropriation of money in fund

An amount in the Prisoners' Harvest Fund equal to the total amount debited to the accounts of all prisoners in said fund is hereby appropriated and shall be available for expenditure as a revolving fund from which shall be paid all expenses incurred by the Department of Corrections under this article. It is the intent of the Legislature that the expenses of the program prescribed by this article shall be wholly paid from the earnings of prisoners. But if at any time there shall be insufficient funds available in the Prisoners' Harvest Fund to meet the expenses necessary under this article, then said expenses may be paid from the then current appropriation for the support of the Department of Corrections. Any expenditures made from said appropriation shall be repaid as an abatement to said appropriation as soon as money is available for expenditure in the Prisoners' Harvest Fund. Any sums remaining in the Prisoners' Harvest Fund and available for expenditure under this article and unencumbered at the termination of this act shall abate to the current appropriation for the support of the Department of Corrections.

Forfeiture of earnings

2805. When any prisoner, temporarily removed from prison under this article is guilty of escape, or shall wilfully violate any rule of the Department of Corrections, or the terms of his parole, the Adult Authority shall determine what portion of the prisoner's earnings shall be forfeited by said prisoner and said forfeiture shall be deposited in the Prisoners' Harvest Fund and shall remain available for expenditure as are amounts debited to the prisoner's account and shall revert in the same manner.

Transfers to fund

2806. Any money deducted from prisoners' earnings under Section 2715 of this code as added by Statutes of 1943 Chapter 46 and remaining unexpended shall be transferred to the Prisoners' Harvest Fund upon the effective date of this article and shall be available for expenditure in the same manner and for the same purposes as are the amounts to remain deducted from prisoners' earnings under Section 2804 of this code.

2807. The Director of Corrections may order the temporary removal from prison of any prisoner eligible for such removal for the purpose of fighting fires upon demand of the Division of Forestry in the Department of Natural Resources or of Federal officials charged with the duty of suppressing and preventing fires in National forests within California. He may specify the conditions and regulations governing such removal. He may authorize the use of prisoners in fighting fires in areas adjacent to the prisons and institutions under the jurisdiction of the Department of Corrections.

Duration

SEC. 3. The article of the Penal Code added by this act shall remain in effect until April 15, 1947, or until the termination of the present National emergency declared to exist by the President of the United States by his proclamation of September 8, 1939, or until the termination of the present war and six months thereafter, whichever of the foregoing first occurs.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The facts constituting such necessity are as follows:

At the Fifty-fifth Session of the Legislature of California, the Legislature found that due to the necessities of the war then in progress, the demands of the United States Army and Navy and of defense industry had resulted in a manpower shortage, and that said shortage made it necessary that prisoners be employed in the harvesting, growing, and planting of crops and fighting of fires. The act then adopted, Statutes 1943 Chapter 46, expires on April 15, 1945. The situation then existing which caused the Legislature to authorize the employment of prisoners in such work still exists and it is necessary to public welfare of this State and the public health and safety that the program instituted under the Act of 1943 be continued without interruption.

CHAPTER 36

An act to add Section 652 to the Penal Code, relating to offers of rewards for the apprehension or capture of persons.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945] In effect
September
15, 1945

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

SECTION 1. Section 652 is added to the Penal Code, to read:
652. It is unlawful to offer a reward which has, either as its sole object or as one of its objects, the apprehension or capture of a person either "dead," or, in the alternative, "dead or alive." Any person who violates this section is guilty of a misdemeanor.

CHAPTER 37

An act to amend Sections 12 and 21.30 of, and to add Section 21.35 to, the Municipal Utility District Act, relating to municipal utility districts. Stats 1921,
p 245,
amended

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945] In effect
September
15, 1945

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

SECTION 1. Section 21.30 of the Municipal Utility District Act is amended to read:

Sec. 21.30. The incumbents of permanent positions who have held such positions for a period of at least six months continuously next preceding the time that a civil service

system shall first be adopted pursuant to the provisions of this act shall be continued in their positions as if appointed thereto after examination and certification from a list of eligibles and shall be governed thereafter by the provisions of this act and the rules and regulations adopted pursuant thereto but shall not be subject to the six months' probation period.

Appointment
without
examination

Whenever any district acquires existing facilities from a public utility, whether by proceedings in eminent domain or otherwise, any or all of the officers or employees of the public utility whose duties pertained to the facilities acquired may be appointed to positions in the district's civil service system without examination and certification from a list of eligibles and shall be governed thereafter by the provisions of this act and the rules and regulations adopted pursuant thereto but shall not be subject to the six months' probation period.

Employees
on leaves of
absence

In the event that a civil service system is adopted for a district pursuant to this section during the period of a leave of absence granted under Section 395.4 of the Military and Veterans Code or similar legislation, the officer or employee shall, on the termination of his leave of absence, be restored to a position in the district's civil service system wherein he shall have the same or equivalent status as of the last working day before his leave of absence began. Such officer or employee shall hold that position as if appointed thereto after examination and certification from a list of eligibles, and shall be governed thereafter by the rules and regulations of the civil service system, except that if such officer or employee had held a permanent position with the district for a period of six months continuously next preceding the beginning of his leave of absence, he shall not be subject to the six months' probation period.

New section

SEC. 2. Section 21.35 is added to the Municipal Utility District Act, to read:

Employees
in military
service

Sec. 21.35. Whenever a district acquires existing facilities from a public utility, whether by proceedings in eminent domain or otherwise, any officer or employee of the public utility who left a permanent position with such utility pertaining principally to the facilities acquired, in order to perform training and service under the Selective Training and Service Act of 1940 shall be entitled to be appointed to a position with permanent status in the district's civil service under the same conditions as would have governed his right to reinstatement with the public utility under Section 8(b) of that act if the district had not acquired those facilities.

54 Fed
Stats 885

No civil service status acquired by other officers or employees of the district shall prevent their removal by layoff or transfer from positions to which reinstatement is provided for in this section.

Stats 1943,
p 1309

SEC. 3. Section 12 of the Municipal Utility District Act is amended to read:

Powers of
district

Sec. 12. Any municipal utility district incorporated as herein provided shall have power:

First—To have perpetual succession.

Second—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Third—To adopt a seal and alter it at pleasure.

Fourth—To take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and to hold and enjoy real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The directors of the district may lease, mortgage, sell or otherwise dispose of any real or personal property within or without the district when in their judgment it is for the best interests of the district so to do. The provisions of this section shall apply to all sales or mortgages heretofore or hereafter made.

Fifth—To acquire, construct, own, operate, control or use, within or without, or partly within and partly without, the district, works or parts of works for supplying the inhabitants of said district and public agencies therein, or some of them, with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the collection, treatment or disposition of garbage, sewage, or refuse matter, and to do all things necessary or convenient to the full exercise of the powers herein granted; also to purchase any of the commodities or services aforementioned from any other utility district, public agency, person, or private company, and distribute the same. Whenever there is a surplus of water, light, heat or power above that which may be required by such inhabitants or public agencies within the district, such district shall have power to sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations, or public agencies outside said district.

Whenever any of the facilities, works, or utilities of the district, or part thereof, is not used or employed to its fullest capacity for the benefit or requirements of the district or its inhabitants, such district shall have power to enter into an agreement or agreements with public agencies or any person, firm or corporation, upon such terms and conditions as may be satisfactory to its board of directors, for renting, leasing, or otherwise using the available portion or parts of such facilities, works, or utilities, and in connection with any such agreement, renting or leasing, the district may undertake or perform any services incidental thereto.

Sixth—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to the exercise of the powers herein granted, whether such property be already devoted to the same use or otherwise. In the proceedings, venue and trial, relative to the exercise of such right the district shall have all the rights, powers and privileges of an incorporated city or town, and all rights, powers and privileges herein conferred.

Seventh—To construct works across or along any street or public highway, or over any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to municipalities within the State, and to construct its works across any stream of water or water-course. The district shall restore any such street or highway to its former state as near as may be, and shall not use the same in a manner to unnecessarily impair its usefulness.

Eighth—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against or be assumed by the district, and any special district established pursuant to the provisions of this act; provided, no indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the electors voting on the proposition to incur such indebtedness; provided, however, that a further vote of the electors is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any previously authorized bond issue and as to such indebtedness the proceeds of any of such bonds unexpended in the treasury of the district, or the par value of any of such bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of such district; provided further, that any district operating a utility under rules and regulations requiring applicants for extensions to advance the expenses of such extensions and facilities for serving additional territory may enter into agreements to refund to such applicants in a subsequent year the whole or any part of such expenses so advanced and such refunds may be paid out of the revenues of such subsequent years.

Ninth—To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district, and any special district established pursuant to the provisions of this act.

Tenth—To make contracts and to enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, also to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein in this act granted.

Eleventh—To proceed in the name of the district in case of condemnation proceedings.

Twelfth—To invest any surplus money in the district treasury, including money in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the district, in its own bonds, or in bonds of any special district established pursuant to the provisions of this act or in treasury notes

or bonds of the United States, or of this State, or bonds of any county, city and county, city, school district, or in bonds of any other public or municipal corporation or public district within this State which are legal as security for the deposit of public funds, or in obligations issued pursuant to the provisions of the Federal Home Loan Bank Act, approved June 22, 1932, as now or hereafter amended, or in obligations issued pursuant to Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended, and such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale of the same or by the subsequent purchase of such bonds, treasury notes, or obligations. Any bonds, treasury notes, or obligations thus purchased and held may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as above provided. Sales of any bonds, treasury notes, or obligations thus purchased and held shall from time to time be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds, treasury notes, or obligations were originally purchased, was placed in the treasury of the district.

47 Fed
Stats 725
48 Fed
Stats 1246

Thirteenth—To sell, or otherwise dispose of any water, sewage effluent, fertilizer or other by-product resulting from the operation of a sewage disposal system, and to construct, maintain and operate such pipe lines and other works as may be necessary for that purpose.

Fourteenth—To accept, without limitation by any other provisions of this act requiring approval of indebtedness, contributions or loans from the United States of America, or any department, instrumentality or agency thereof, for the purpose of financing the construction, maintenance and operation of any enterprise in which the district is authorized to engage, and to enter into contracts and cooperate with, and accept cooperation from, the United States of America, or any department, instrumentality or agency thereof, in the construction, maintenance and operation, and in financing the construction, maintenance and operation, of any such enterprise in accordance with any legislation which Congress may have heretofore adopted or may hereafter adopt, under which aid, assistance and cooperation may be furnished by the United States of America in the construction, maintenance and operation or in financing the construction, maintenance and operation of any such enterprise; and to do any and all things necessary in order to avail itself of such aid, assistance and cooperation under any Federal legislation now or hereafter enacted. Any evidence of indebtedness issued under this subdivision shall constitute a negotiable instrument.

Fifteenth—To accept, without limitation by any other provisions of this act requiring approval of indebtedness, contributions of money, rights of way, labor, materials and any other property for the construction, maintenance and operation of any enterprise in which the district is authorized to engage, and

to enter into any contracts and cooperate with, and accept cooperation from, the State of California, or any department, instrumentality or agency thereof, or any public agency of this State in the construction, maintenance and operation of, and in financing the construction, maintenance and operation of, any such enterprise.

CHAPTER 38

An act to add Section 988j to the Code of Civil Procedure, relating to practice and procedure on appeals from municipal courts in civil cases, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

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

SECTION 1. Section 988j is added to the Code of Civil Procedure, to read:

Appeals from
municipal
courts

988j. In appeals from municipal courts in civil cases, the practice and procedure on appeal, and the time and manner in which records on appeal shall be made up and filed, shall be prescribed in rules adopted by the Judicial Council. Until such rules are adopted, the practice and procedure, and the time and manner provided by statutes in force on the thirtieth day of June, 1943, shall govern. All proceedings taken since the thirtieth day of June, 1943, for the preparation of records on appeal from the municipal courts in civil cases, which are in accordance with such laws, are hereby confirmed and validated.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and shall therefore take effect immediately.

The facts constituting such necessity are as follows: The legal question has arisen whether the records on appeal from municipal courts shall be prepared in accordance with the Rules on Appeal relating to appeals from superior courts, which took effect on July 1, 1943, or in accordance with the laws in force before that date. Since that date many records on appeal from municipal courts have been prepared and are now being prepared in accordance with the laws previously in effect, and many appellants may be deprived of the benefit of their appeals if said laws are held not to be applicable, and many parties who have taken or are about to take appeals from municipal courts are uncertain how to proceed in the preparation of the records, and it is urgent that said uncertainty be cleared up at the earliest possible date, without awaiting the passing of other legislation or the preparation of rules by the Judicial Council.

It is also necessary that rules of the Judicial Council cover the whole field of practice and procedure in such appeals, in order that doubt and confusion might be removed as to whether such statutes or such rules are applicable.

CHAPTER 39

An act to amend Sections 984 and 988g, and to repeal Sections 983a, 988, 988a, 988b, 988c, 988c-1 and 988d, of the Code of Civil Procedure, relating to procedure and practice on appeal in municipal courts.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 984 of the Code of Civil Procedure is amended to read:

984. In the event of the death of any person having at his death a right of appeal, the attorney of record representing the decedent in the court in which the judgment was rendered may appeal therefrom at any time before the appointment of an executor or administrator of the estate of the decedent.

Death of per-
son having
right to
appeal

SEC. 2. Section 988g of said code is amended to read:

988g. Upon the final determination of an appeal by the superior court, the clerk of said court must remit to the municipal court a certified copy of the judgment of the superior court and of its opinion, if any. The clerk of the municipal court must file such certified copy of the judgment and opinion of the superior court, must attach the same to the judgment roll if the appeal was from a judgment, and must enter a note of the judgment of the superior court stating whether the judgment or order appealed from has been affirmed, reversed or modified, in the margin of the original entry of such judgment or order, and also in the register of actions.

Procedure
on final de-
termination
of appeal

SEC. 3. Sections 983a, 988, 988a, 988b, 988c, 988c-1 and 988d of said code are repealed.

Repeals

CHAPTER 40

An act to amend Sections 47, 936, 953d, 956a, 1034, 1178, and 1199, and to repeal Sections 618, 649, 650, 651, 653, 939, 940, 950, 951, 952, 953, 953a, 953b, 953c, 954 and 954a, of the Code of Civil Procedure; to amend Sections 1176, 1235, 1239, 1243, 1246, 1248, and 1252, and to repeal Sections 1241, 1249 and 1264, of the Penal Code; and to amend Sections 1232 and 1233 of the Probate Code, relating to appeals.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945]

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

SECTION 1. Section 47 of the Code of Civil Procedure is amended to read:

Supreme
Court.
Traveling
expenses

Facilities

47. The justices and officers of the Supreme Court shall be allowed their actual traveling expenses in going to and from their respective places of residence upon the business of the court, or to attend its sessions. If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the State, together with attendants, furniture, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the Clerk of the Supreme Court to provide such rooms, attendants, furniture, fuel, lights, and stationery; and the expenses thereof, certified by any three justices to be correct, shall be paid out of the State treasury, for which expenses, and to defray the traveling expenses of the justices and officers of the Supreme Court above-mentioned, a sufficient sum shall be annually appropriated out of any funds in the State treasury not otherwise appropriated. The moneys so appropriated shall be subject to the order of the Clerk of the Supreme Court, and be by him disbursed on proper vouchers, and the same shall be accounted for by him in annual settlements with the Controller of the State on the first Monday of December of each year.

SEC. 2. Section 936 of the Code of Civil Procedure is amended to read:

Review in
civil actions

936. A judgment or order, in a civil action, except when expressly made final by this code, may be reviewed as prescribed in this title and in rules adopted by the Judicial Council, except as otherwise expressly provided.

Notice of
entry of
judgment

SEC. 3. Section 953d of the Code of Civil Procedure is amended to read:

953d. Any notice of entry of judgment required by the provisions of Section 659 of this code, must be given in writing, unless written notice thereof be waived in writing or by oral stipulation made in open court and entered in the minutes.

SEC. 4. Section 956a of the Code of Civil Procedure is amended to read:

Findings of
fact on
appeal

956a. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the Supreme Court or

a district court of appeal may make findings of fact contrary to, or in addition to, those made by the trial court. Such findings may be based on the evidence adduced before the trial court either with or without the taking of evidence by the court of appellate jurisdiction, pursuant to such rules as the Judicial Council may prescribe.

The said courts of appellate jurisdiction may, for the purpose of making such findings or for any other purpose in the interest of justice, take, pursuant to such rules, additional evidence of or concerning facts occurring at any time prior to the decision of the appeal and may give or direct the entry of any judgment or order and make such further or other order as the case may require. This section shall be liberally construed to the end, among others, that wherever possible causes may be finally disposed of by a single appeal and without further proceedings in the trial court, except where the interest of justice requires a new trial.

SEC. 5. Section 1034 of the Code of Civil Procedure is amended to read:

1034. In appeals from the superior and municipal courts, costs shall be awarded as provided in rules adopted by the Judicial Council. In appeals from other courts, the prevailing party on appeal shall be entitled to his costs excepting when judgment is modified and in that event the matter of costs is within the discretion of the appellate court. The party entitled to costs, or to whom costs are awarded, may recover all amounts actually paid out by him in connection with said appeal and the preparation of the record for the appeal. The appellate court may reduce costs in case of the insertion of unnecessary matter in the record.

Whenever costs are awarded to a party by an appellate court, if he claims such costs, he must, within 30 days after the remittitur is filed with the clerk below, serve upon the adverse party and file with such clerk a memorandum of his costs, verified as prescribed by the preceding section. The party dissatisfied with the costs claimed may move to have the same taxed in the same manner and within a like time after service of a copy of the bill of costs, as prescribed by the preceding section. After such costs have been taxed, or the time for taxing the same has expired, execution may issue therefor as upon a judgment.

SEC. 5. Section 1178 of the Code of Civil Procedure is amended to read:

1178. The provisions of Part 2 of this code, relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this chapter or with rules adopted by the Judicial Council, apply to the proceedings mentioned in this chapter.

SEC. 6. Section 1199 of the Code of Civil Procedure is amended to read:

1199. The provisions of Part 2 of this code, relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this chapter or with rules adopted by the

Judicial Council, apply to the proceedings mentioned in this chapter.

Written instructions
SEC. 7. Section 1176 of the Penal Code is amended to read:
 1176. When written instructions have been presented, and given, modified, or refused, or when the charge of the court has been taken down by the reporter, the questions presented in such instructions or charge need not be excepted to; but the judge must make and sign an indorsement upon such instructions, showing the action of the court thereon.

Appeal on questions of law
SEC. 8. Section 1235 of the Penal Code is amended to read:
 1235. Either party in the prosecution by indictment, information, or complaint may appeal on questions of law alone, as prescribed in this chapter and in rules adopted by the Judicial Council.

Manner of taking appeal
SEC. 9. Section 1239 of the Penal Code is amended to read:
 1239. (a) Where an appeal lies on behalf of the defendant or the people, it may be taken by the defendant or his counsel, or by counsel for the people, in the manner provided in rules adopted by the Judicial Council.

Automatic appeal
 (b) When upon any plea a judgment of death is rendered, an appeal is automatically taken by the defendant without any action by him or his counsel.

Stay of execution pending appeal
SEC. 10. Section 1243 of the Penal Code is amended to read:
 1243. An appeal to the Supreme Court or to a district court of appeal from a judgment of conviction does not stay the execution of the judgment in any case unless the trial or appellate court shall so order. The granting or refusal of such order shall rest in the discretion of the court. If such order is made, the clerk of the court shall issue a certificate stating that such order has been made. In cases where the defendant has been sentenced to death or life imprisonment he shall be confined in a State prison pending the decision upon his appeal.

Record on appeal
SEC. 11. Section 1246 of the Penal Code is amended to read:
 1246. The record on appeal shall be made up and filed in such time and manner as shall be prescribed in rules adopted by the Judicial Council.

Irregular appeal
SEC. 12. Section 1248 of the Penal Code is amended to read:
 1248. If the appeal is irregular in any substantial particular, but not otherwise, the appellate court may order it to be dismissed.

Continuance on appeal
SEC. 13. Section 1252 of the Penal Code is amended to read:
 1252. On an appeal in a criminal case, no continuance shall be granted upon stipulation of counsel, and no continuance shall be granted for any longer period than the ends of justice shall require. On an appeal by a defendant, the appellate court shall, in addition to the issues raised by the defendant, consider and pass upon all rulings of the trial court adverse to the State which it may be requested to pass upon by the Attorney General.

Rulings considered
SEC. 14. Section 1232 of the Probate Code is amended to read:
Costs
 1232. When not otherwise prescribed by this code or by rules adopted by the Judicial Council, either the superior court

or the court on appeal, may, in its discretion, order costs to be paid by any party to the proceedings, or out of the assets of the estate, as justice may require.

SEC. 15. Section 1233 of the Probate Code is amended to read:

1233. Except as otherwise provided by this code or by rules adopted by the Judicial Council, the provisions of Part 2 of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this code with regard to trials, new trials, appeals, and all other matters of procedure. Rules of practice

An affidavit or verified petition must be received as evidence when offered in any uncontested probate proceedings, including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons after a guardian has been appointed therein and in uncontested proceedings to establish a record of birth. Affidavit or verified petition as evidence

SEC. 16. Sections 648, 649, 650, 651, 653, 939, 940, 950, 951, 952, 953, 953a, 953b, 953c, 954 and 954a of the Code of Civil Procedure are repealed. Repeals

SEC. 17. Sections 1241, 1249 and 1264 of the Penal Code are repealed. Same

CHAPTER 41

An act to amend Section 1143 of the Penal Code, relating to justices' courts of Class A.

[Approved by Governor April 18, 1945 Filed with Secretary of State April 18, 1945.] In effect September 15, 1945

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

SECTION 1. Section 1143 of the Penal Code is amended to read:

1143. The fees of jurors in the superior and municipal courts and justices' courts of Class A of the State, in criminal cases, shall be three dollars (\$3), in lawful money of the United States, for each day's attendance, and mileage, to be computed at the rate of fifteen cents (\$0.15) per mile for each mile necessarily traveled in attending court, in going only. Such fees and mileage shall be paid by the treasurer of the county, or city and county, in which the juror's services were rendered, out of the general fund of said county, or city and county, upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county, or city and county, shall pay said warrants. The board of supervisors of each county, or city and county, is hereby directed to make suitable appropriation for the payment of the fees herein provided for. Jurors' fees and mileage

All acts and parts of acts in conflict herewith are repealed so far as the same conflict with this section.

CHAPTER 42

An act to add Article 3.5, comprising Sections 18661 to 18663, inclusive, to Chapter 5 of Division 9 of the Education Code, relating to the sale or lease of real property belonging to school districts.

In effect
September
15, 1945

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

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

SECTION 1. Article 3.5, comprising Sections 18661 to 18663, inclusive, is added to Chapter 5 of Division 9 of the Education Code, to read:

Article 3.5. Sale or Lease of Property
by One District to Another

Sale or lease
of unneeded
property

18661. The governing board of any school district may sell, or may lease for a term not exceeding 99 years, to any other school district, except as provided in Article 3, any real property belonging to the school district, and which is not or will not at the time of delivery of title or possession be needed for school classroom buildings by the district owning it, as provided in this article.

Terms and
conditions

18662. Any sale or lease by one school district to another shall be upon such terms and conditions as the governing boards of the respective districts may agree and may be entered into without complying with any provisions of this code except as provided in this article.

Procedure

18663. The board shall not enter into and be a party to any such sale or lease unless the following conditions have been met:

(a) A resolution authorizing such action and prescribing the terms of the sale or lease has been adopted by the unanimous vote of all the members elected or appointed to the board;

(b) Such resolution has been published in a newspaper of general circulation published in the district, or if there be no such newspaper, in a newspaper having a general circulation in the district, once a week for three weeks prior to the making of the sale or the execution of the lease by the board.

Purchase
by lessee

18664. In any lease made pursuant to this article, it shall be competent to provide that the school district lessee may purchase the property at an agreed purchase price and that rental paid for the use of the property shall be applied in whole or in part upon the purchase price. The school district lessee may cancel the lease at the end of any budgetary year, and in such case shall not be obligated to complete the lease and shall be released from all obligations thereunder.

CHAPTER 43

An act to amend Section 808 of the Penal Code, relating to magistrates.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.] In effect September 15, 1945

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

SECTION 1. Section 808 of the Penal Code is amended to read:

808. The following persons are magistrates: Magistrates

1. The justices of the Supreme Court ;
2. The justices of the District Courts of Appeal ;
3. The judges of the superior court ;
4. The judges of the municipal court ;
5. Justices of the peace ;
6. Police magistrates in towns and cities, including judges of city courts.

CHAPTER 44

An act to add Sections 1520.1 and 2163.4 to the Welfare and Institutions Code, relating to the definition of stock in water companies as real property for the purposes of public assistance.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945] In effect September 15, 1945

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

SECTION 1. Section 1520.1 is added to the Welfare and Institutions Code, to read:

1520.1. For the purposes of this chapter only, the ownership of stock in a water company not appurtenant to the land shall be considered real property to the extent of and in the amount necessary to obtain water for agricultural purposes. Stock in water company as realty

SEC. 2. Section 2163.4 is added to said code, to read :

2163.4. For the purposes of this chapter only, the ownership of stock in a water company not appurtenant to the land shall be considered real property to the extent of and in the amount necessary to obtain water for agricultural purposes. Same

CHAPTER 45

Stats 1937,
p 2085,
amended

An act to add Section 25 to the State Civil Service Act and Section 18542 of the Government Code, relating to a definition of words and phrases as used in said act.

In effect
September
15, 1945

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

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

New section

SECTION 1. Section 25 is added to the State Civil Service Act, to read:

"Rehabilitation"
Sec. 25. "Rehabilitation" as used within this act shall mean a restoration of veterans declared to be 10 per cent or more disabled, either physically or mentally.

SEC. 2. Section 18542 is added to the Government Code, to read:

"Rehabilitation"
18542. "Rehabilitation" as used within this part shall mean a restoration of veterans declared to be 10 per cent or more disabled, either physically or mentally.

Effect
Stats 1945,
Ch 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 25 of the State Civil Service Act, added by this act, is hereby repealed.

CHAPTER 46

Stats 1937,
p 2085,
amended

An act to amend Section 225 of the State Civil Service Act and Section 18970 of the Government Code, relating to veterans' preference.

In effect
September
15, 1945

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

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

Stats 1937,
p 2085

SECTION 1. Section 225 of the State Civil Service Act is amended to read:

Military
personnel:
Preference

Sec. 225. It is the purpose of this act to give preference in the manner set forth in the foregoing sections to all persons who have served the Government and the people in the Army, Navy, Marine Corps, Revenue Marine Service, or as active nurses in the American Red Cross or the Army and Navy Nurse Corps, and particularly to persons who have rendered such service during the Ally-Germanic War, the Spanish-American War, the Philippine Insurrection, the Boxer Uprising, the Indian Wars, the Civil War, or any wars in which the United States has been or is engaged including the period September 16, 1940 to December 7, 1941.

SEC. 2. Section 18970 of the Government Code is amended to read:

18970. It is the purpose of this article to give preference, as specified herein, to all persons who have served in the Army, Navy, Marine Corps, Revenue Marine Service, or as active nurses in the American Red Cross or the Army and Navy Nurse Corps, and particularly to persons who have rendered such service during the Ally-Germanic War, the Spanish-American War, the Philippine insurrection, the Boxer uprising, the Indian wars, or the Civil War, or any wars in which the United States has been or is engaged including the period September 16, 1940 to December 7, 1941. Military Personnel Preference

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 225 of the State Civil Service Act is hereby repealed. Effect Stats 1943, Ch 123

CHAPTER 47

An act to amend Sections 78a and 78b of the State Employees' Retirement Act and Sections 21000 and 21001 of the Government Code, relating to the State Employees' Retirement System, and extending the period during which persons who have attained the age of compulsory retirement may be retained in State service or reinstated in State service from retirement, upon conditions specified therein. Stats 1931, p 1442, amended

[Approved by Governor April 18, 1945 Filed with Secretary of State April 18, 1945.] In effect September 15, 1945

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

SECTION 1. Section 78a of the State Employees' Retirement Act is amended to read: Stats 1043, p 138

Sec. 78a. Notwithstanding the provisions of Section 78, until October 1, 1947, or the termination of the war in which the United States is now engaged, whichever is earlier, any member (other than a person who is also a member of the California Highway Patrol) who would otherwise be retired because he has attained the age of 70 years may be retained in State service, upon (a) the recommendation of the head of the office or department in which he is employed, and (b) the determination of the Board of Administration, by medical examination, that he is not incapacitated for the performance of the duties assigned or proposed to be assigned to him. Retention of persons over 70

On October 1, 1947, or the termination of the war, whichever is earlier, any person who has attained the age of 70 years and who has been retained in State service pursuant to this section shall be forthwith retired in accordance with the provisions of Section 78. Subsequent retirement

Application to retire Any member retained in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed.

Stats. 1943, p. 2972 SEC. 2. Section 78b of the State Employees' Retirement Act is amended to read:

Temporary reemployment of retired employees Sec. 78b. Notwithstanding any other provision of this act, until October 1, 1947, or the termination of the war in which the United States is now engaged, whichever is earlier, any person (other than a person who retired for service while a member of the California Highway Patrol) who has been retired for service (as distinguished from disability) under the provisions of this act may be employed in State service in accordance with the laws governing such service, in the same manner as a person who has not been so retired, upon the determination of the Board of Administration, by medical examination, that he is not incapacitated for the duties proposed to be assigned to him.

Effect of reinstatement Any person so employed shall be considered as reinstated from retirement and his retirement allowance shall be canceled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of such reinstatement, and his rate of contribution for future years shall be the same as if he had continued in State service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

Application for retirement Any member employed in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed.

SEC. 3. Section 21000 of the Government Code is amended to read:

Retention of persons over 70 21000. Until October 1, 1947, or the termination of the war in which the United States was engaged on February 9, 1943, whichever is earlier, any member who would otherwise be retired because he has attained age 70 may be retained in State service, upon (a) the recommendation of the head of the State agency in which he is employed, and (b) the determination of the board, upon medical examination, that he is not incapacitated for the performance of the duties to be assigned to him.

Subsequent retirement On October 1, 1947, or the termination of the war, whichever is earlier, any person who has attained age 70 and who has been retained in State service pursuant to this section shall be retired forthwith.

Application to retire Any member retained in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed.

SEC. 4. Section 21001 of the Government Code is amended to read:

See also
Stats 1945,
Ch 1224

21001. Until October 1, 1947, or the termination of the war in which the United States was engaged on June 7, 1943, whichever is earlier, any person (other than a person who retired for service while a patrol member) who has been retired for service (as distinguished from disability) may be employed in State service in accordance with the laws governing such service, in the same manner as a person who has not been so retired, upon the determination of the board, based on medical examination, that he is not incapacitated for the duties to be assigned to him.

Temporary
reemploy-
ment of
retired
employee

Any person so employed is reinstated from retirement and his retirement allowance shall be canceled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of reinstatement, and his rate of contribution for future years shall be the same as if he had continued in State service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

Effect of re-
instatement

Any member employed in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed.

Application
to retire

SEC. 5. The provisions of this act amending sections of the Government Code become operative only if Part 3 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and, in such case, at the same time as said Part 3 takes effect. At that time, the sections of the State Employees' Retirement Act amended by this act are hereby repealed.

Effect
Stats 1945,
Ch 123

CHAPTER 48

An act to add Section 155.1 to the State Civil Service Act, and Section 19398 to the Government Code, relating to the computation of time during which a veteran may apply for reinstatement to State service after resignation.

Stats 1937,
p 2085,
amended

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 155.1 is added to the State Civil Service Act, to read:

New section

Sec. 155.1. Time spent in the military service in time of war, including the period September 16, 1940 to December 7, 1941, shall not be considered in computing the three-year period during which a request for reinstatement after resignation may be made.

Reinstatement
period
extended

SEC. 2. Section 19398 is added to the Government Code, to read:

Reinstatement period extended

19398. Time spent in the military service in time of war, including the period September 16, 1940 to December 7, 1941, shall not be considered in computing the three-year period during which a request for reinstatement after resignation may be made.

Effect Stats 1945, Ch 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 155.1 of the State Civil Service Act, added by this act, is hereby repealed.

CHAPTER 49

Stats 1925, p 648, amended

An act to add Section 19a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to emergency employees in municipal courts.

In effect September 15, 1945

[Approved by Governor April 18, 1945 Filed with Secretary of State April 18, 1945]

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

New section

SECTION 1. Section 19a is added to the act cited in the title hereof, to read:

Emergency employees

Sec. 19a. **Emergency Employees.** In the event an increase in business of any municipal court, or other emergency, shall require a greater number of employees for the prompt and faithful discharge of the business of such court than the number expressly provided by this act, the clerk or the marshal of such court, or both, as the occasion may require, may appoint as many additional deputies as will enable them to promptly and faithfully discharge the duties of their respective offices.

Duration of appointment

Such additional deputies shall be selected in the same manner as those for whom express provision is herein made, and they shall receive compensation from the same source and in the same amount as the lowest salary provided by law for the position of deputy clerk or deputy marshal of such court, respectively, but may hold office by virtue of such appointment not longer than ninety (90) days after the adjournment of the next Regular Session of the Legislature. No deputy so temporarily appointed shall be eligible for reappointment under the provisions of this section.

CHAPTER 50

An act to amend Section 9485 of the Education Code, relating to real and personal property of emergency schools maintained by county superintendent of schools.

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 9485 of the Education Code is amended to read:

9485. The county superintendent of schools may transfer or sell the real and personal property of any emergency school maintained by him to the elementary school district or other political subdivision of the State within which the school is located upon such terms and conditions as are agreed upon by the county superintendent of schools and the governing board or authority of the district or other political subdivision. Districts and other political subdivisions may enter into such agreements and acquire such property. Any funds received by the county superintendent of schools under this section shall be paid by him into the unapportioned county elementary school fund.

Transfer or
sale of emer-
gency school
property

CHAPTER 51

An act to amend Section 136.5 of the Streets and Highways Code, relating to rental of tools or equipment for State highway work.

[Approved by Governor April 18, 1945. Filed with Secretary of State
April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. The contracts referred to in Sections 135 and 136 are not subject to the provisions of the State Contract Act. Whenever the total consideration of such a contract exceeds five hundred dollars (\$500), it shall be awarded to the lowest, responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe, except in cases of emergency rental of tools or equipment as hereinafter provided. Posting of notice for five days in a public place in the district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts involving a consideration of less than five hundred dollars (\$500) need not be accompanied by labor and material bonds. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required.

Effect of
State Con-
tract Act
Govt Code,
Secs 14250,
14424, incl

Where a faithful performance bond is required, labor and material bonds shall be required.

Emergency
repairs

In cases of emergency repairs necessitated by a landslide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 10 days after the occurrence of such emergency without competitive bidding.

CHAPTER 52

An act to amend Section 692 of the Political Code and Section 11005 of the Government Code, relating to the approval of gifts of real property by the Director of Finance.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

SECTION 1. Section 692 of the Political Code is amended to read:

Approval of
acquisition
of real
property

692. Unless the Legislature specifically provides that approval by the Director of Finance shall not be required, every gift to the State of real property in fee or in any lesser estate or interest and every contract for the acquisition or hiring of real property in fee or in any lesser estate or interest by the State, entered into by any State department, board, commission, officer or any other State agency whatsoever, on behalf of the State, shall be approved by the Director of Finance. Any contract entered into in violation of the provisions of this section is void. This section shall not apply to the acquisition or hiring by the Department of Public Works of real property in fee or in any lesser estate or interest for highway purposes but shall apply to the hiring by said department of office space in any office building.

SEC. 2. Section 11005 of the Government Code is amended to read:

Approval of
acquisition
of real
property

11005. Unless the Legislature specifically provides that approval by the Director of Finance is not required, every gift to the State of real property in fee or in any lesser estate or interest and every contract for the acquisition or hiring of real property in fee or in any lesser estate or interest, entered into by or on behalf of the State, shall be approved by the Director of Finance. Any contract entered into in violation of this section is void. This section does not apply to the acquisition or hiring by the Department of Public Works of real property in fee or in any lesser estate or interest for highway purposes but does apply to the hiring by that department of office space in any office building.

Effect
Stats 1945,
Ch. 111

SEC. 3. Section 2 of this act becomes operative only if Part 1 of Division 3 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and in such case, at the same time as said Part 1 takes effect; at which time Section 692 of the Political Code is hereby repealed.

CHAPTER 53

An act to amend Section 186.5 of the Streets and Highways Code, to extend the effective date thereof.

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 186.5 of the Streets and Highways Code is amended to read:

186.5. From and after the effective date of this section, and until July 1, 1947, notwithstanding the provisions of Section 186, the department and the commission shall be limited in expenditures, for general administration and for maintenance, to an amount not exceeding the net revenue derived from one and one-half cents ($\$0.01\frac{1}{2}$) per gallon tax on motor vehicle fuel. Except as herein modified, all provisions of this article shall remain in full force and effect.

Expenditures
until
July 1, 1947

CHAPTER 54

An act to amend Section 151 of the State Civil Service Act, and Section 18100 of the Government Code, relating to the granting and computation of sick leave.

Stats 1937,
p 2085,
amended

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 151 of the State Civil Service Act is hereby amended to read as follows:

Stats 1943,
p 1912

Sec. 151. Employees shall be entitled to 12 days sick leave, excluding time during which they are not regularly assigned to work, with pay for a calendar year of service, or one day of sick leave with pay for a calendar month of service, on the submission of satisfactory proof thereof as provided by rule of the board. The board shall, by rule, provide for the granting of additional sick leave, with or without pay, or with reduced pay, or for accumulation of sick leave. For the purpose of computing sick leave, each employee shall be considered to work not more than five days each week.

Sick leave

SEC. 2. Section 18100 of the Government Code is amended to read:

18100. Each State officer and employee is entitled to 12 days of sick leave with pay, excluding time during which he is not regularly assigned to work, for a calendar year of service, or one day of sick leave with pay for each calendar month of service, on the submission of satisfactory proof of the necessity for sick leave as provided by rule of the State Personnel Board.

Sick leave

For the purpose of computing sick leave, each employee shall be considered to work not more than five days each week.

Effect
Stats. 1945,
Ch. 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 151 of the State Civil Service Act is hereby repealed.

CHAPTER 55

Stats 1937,
p 2085,
amended

An act to amend Section 150 of the State Civil Service Act, and Section 18050 of the Government Code, relating to the granting and computation of vacation time.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

Stats 1943,
p 1912

SECTION 1. Section 150 of the State Civil Service Act is hereby amended to read as follows:

Vacations

Sec. 150. Each employee shall be entitled to a vacation of not to exceed 15 days' duration, excluding time during which he is not regularly assigned to work, with pay, during each year of continuous service. The time when such vacations shall be taken shall be determined by the appointing power of such employee. The board shall provide by rule for the regulation and accumulation of vacations and may provide for vacations for employees who have been employed for a period of at least six months and less than one year. For the purpose of computing vacation time, each employee shall be considered to work not more than five days each week.

SEC. 2. Section 18050 of the Government Code is amended to read:

Vacations

18050. During each year of continuous service, each State officer and employee is entitled to 15 days of vacation with pay, excluding time during which he is not regularly assigned to work. For the purpose of computing vacation time, each employee shall be considered to work not more than five days each week. The time when vacations shall be taken shall be determined by the appointing power of the officer or employee.

Effect
Stats. 1945,
Ch. 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 150 of the State Civil Service Act is hereby repealed.

CHAPTER 56

An act to add Section 41.3 to, and to amend Section 153 of, the State Civil Service Act, and to add Section 18681 to, and to amend Section 19502 of, the Government Code, relating to State civil service.

Stats 1937,
p 2085,
amended

[Approved by Governor April 18, 1945 Filed with Secretary of State April 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 41.3 is added to the State Civil Service Act, to read: New section

Sec. 41.3. Whenever any matter is pending before the Personnel Board involving a dispute between one or more employees and an appointing power and the parties to such dispute agree upon a settlement or adjustment thereof, the terms of such settlement or adjustment may be submitted to the board, and if approved by the board, the disposition of the matter in accordance with the terms of such adjustment or settlement shall become final and binding upon the parties. Disputes of
employees

SEC. 2. Section 153 of the State Civil Service Act is amended to read: Stats 1937,
p 2085

Sec. 153. Resignations from the State civil service shall be subject to such rules as the board may prescribe. No resignation, except as in this section provided, shall jeopardize any rights and privileges of the employee except those pertaining to the position from which he resigns. A written resignation may expressly waive all or any rights or privileges provided for by this act, including but not limited to, accumulated vacation, and in such event the records of the board shall be made to conform therewith. No resignation shall be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence or that for any other reason it was not the free, voluntary and binding act of the person resigning, unless a petition to set it aside is filed with the board within 30 days after the last date upon which services to the State are rendered or the date the resignation is tendered to the appointing power, whichever is later. Resignations

SEC. 3. Section 18681 is added to the Government Code, to read:

18681. Whenever any matter is pending before the Personnel Board involving a dispute between one or more employees and an appointing power and the parties to such dispute agree upon a settlement or adjustment thereof, the terms of such settlement or adjustment may be submitted to the board, and if approved by the board, the disposition of the matter in accordance with the terms of such adjustment or settlement shall become final and binding upon the parties. Disputes of
employees

SEC. 4. Section 19502 of the Government Code is amended to read:

Resignations 19502. Resignations from the State civil service are subject to board rules. A resignation, except as provided in this section, does not jeopardize any rights and privileges of the employee except those pertaining to the position from which he resigns. A written resignation may expressly waive all or any rights or privileges provided for by this act, including but not limited to, accumulated vacation, and in such event the records of the board shall be made to conform therewith. No resignation shall be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence or that for any other reason it was not the free, voluntary and binding act of the person resigning, unless a petition to set it aside is filed with the board within 30 days after the last date upon which services to the State are rendered or the date the resignation is tendered to the appointing power, whichever is later.

Effect
Stats 1945,
Ch 123

SEC. 5. Sections 3 and 4 of this act become operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect: at which time Sections 41.3 and 153 of the State Civil Service Act, added and amended, respectively, by this act, are hereby repealed.

CHAPTER 57

Stats 1937,
p 2085,
amended

An act to amend Section 224 of the State Civil Service Act and Section 18976 of the Government Code, relating to the filing of requests for veterans' preference in civil service examinations.

In effect
September
15, 1945

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

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

Stats 1939,
p 2988

SECTION 1. Section 224 of the State Civil Service Act is hereby amended to read as follows:

Eligibility
for veterans'
preference

Sec. 224. Proof of eligibility for the preferences provided in this act shall be submitted not later than the date of the examination by filing such proof in the form prescribed by the board in the office of the Veterans' Welfare Board. Request for preference must be filed with said Veterans' Welfare Board by the veteran in each examination where the added points are desired. Such proof of eligibility in a given examination shall not be delivered by the Veterans' Welfare Board to the board until the board shall certify that all parts of that examination have been completed and that the relative standings of candidates are ready to be computed.

SEC. 2. Section 18976 of the Government Code is amended to read:

18976. Proof of eligibility for veterans' preferences shall be submitted not later than the date of the examination by filing in the form prescribed by the State Personnel Board in the office of the Veterans' Welfare Board. Request for preference must be filed by the veteran in each examination where the added points are desired. Proof of eligibility for preference in a given examination shall not be delivered by the Veterans' Welfare Board to the State Personnel Board until the latter certifies that all parts of that examination have been completed and the relative standings of candidates are ready to be computed.

Eligibility
for veterans'
preference

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 224 of the State Civil Service Act is hereby repealed.

Effect
Stats. 1945,
Ch 123

CHAPTER 58

An act to amend Section 64 of the State Civil Service Act and Section 18804 of the Government Code, relating to status and salary of persons whose positions have been reclassified or reallocated.

Stats 1937,
p 2085,
amended

[Approved by Governor April 18, 1945 Filed with Secretary of State April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 64 of the State Civil Service Act is amended to read as follows:

Stats 1937,
p 2085

Sec. 64. Upon the reclassification or reallocation of a position the status and salary of the person holding the position shall not be affected, unless his salary before the reclassification or reallocation was higher than the maximum salary prescribed for the class to which his position is reclassified or reallocated. In such event his salary shall be reduced to not less than the maximum prescribed for the class to which his position is reclassified or reallocated. In addition he shall be eligible for transfer to a vacant position in the class to which his position formerly was allocated, if this class has been retained, or to a vacant position in a comparable class, if it has not been retained. If no such position is vacant his name shall be placed on the departmental, general reemployment and subdivisional reemployment lists for the class to which his position was formerly allocated, if this class has been retained or for a comparable class if it has not been retained.

Effect of re-
classification
or re-allo-
cation

SEC. 2. Section 18804 of the Government Code is amended to read:

Effect of re-
classification on
or reallo-
cation

18804. Upon the reclassification or reallocation of a position the status and salary of the person holding the position is not affected, unless his salary before the reclassification or reallocation was higher than the maximum salary prescribed for the class to which his position is reclassified or reallocated. In such event his salary shall be reduced to not less than the maximum prescribed for the class to which his position is reclassified or reallocated. In addition he is eligible for transfer to a vacant position in the class to which his position formerly was allocated, if this class is retained or in a comparable class if it is not retained. If no such position is vacant his name shall be placed on the departmental, general and subdivisional reemployment lists for the class to which his position formerly was allocated, if this class is retained or for a comparable class if it is not retained.

Effect
Stats 1945,
Ch 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 64 of the State Civil Service Act is hereby repealed.

CHAPTER 59

Stats 1937,
p 2085,
amended

An act to amend and renumber Section 152.6 as added by Chapter 736 of the Statutes of 1943, of the State Civil Service Act, and to amend Section 19200 of the Government Code, relating to the termination of duration appointments.

In effect
September
15, 1945

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

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

Stats 1943,
p 2494

SECTION 1. Section 152.6, as added by Chapter 736 of the Statutes of 1943, of the State Civil Service Act is amended and renumbered to read:

Duration
appointments

Sec. 152.65 Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists, in preparing for the National defense, the board shall have the authority to provide by rule for the making of appointments from employment lists for the duration of such war or emergency in those classes in which the best interests of the service would be served by such appointments, to be known as "duration appointments." Such appointments shall automatically terminate 90 days after the Governor finds and proclaims that for the purpose of this section the emergency no longer exists. Subject to the provisions of this section duration appointees shall be subject to such conditions affecting status and tenure during and after such employment as the board, in accordance with the best interests of the State service, may by rule determine.

SEC. 2. Section 19200 of the Government Code is amended to read:

19200. Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense, the board may provide by rule for the making of appointments from employment lists for the duration of such war or emergency in those classes in which the best interests of the service would be served by such appointments. Such appointments shall be known as duration appointments and shall automatically terminate 90 days after the Governor finds and proclaims that for the purpose of this section the emergency no longer exists. Duration appointees are subject to such conditions affecting status and tenure during and after employment as the board, in accordance with the best interests of the State service, may by rule determine.

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 152.65 of the State Civil Service Act, is hereby repealed.

CHAPTER 60

An act to amend Section 3056 of the Business and Professions Code, relating to admission to practice optometry.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 3056 of the Business and Professions Code is amended to read:

3056. Notwithstanding the age requirement of Section 3044, any person under the age of 21 years, otherwise qualified under this article, may file an application for an examination and be examined by the board. If he satisfactorily passes the examination, he shall be registered in the board's register of optometrists and shall be issued a certificate of registration as soon as he has paid the issuance fees after attaining the age of 21 years.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

CHAPTER 61

An act to add Section 22023 to the Education Code, relating to libraries.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

SECTION 1. Section 22023 is added to the Education Code, to read:

Federal aid
to public
libraries

22023. The State Department of Education is hereby named and designated as the proper State agency to accept, receive and administer any and all funds, moneys or library materials, granted, furnished, provided, appropriated, dedicated or made available by the United States or any of its departments, commissions, boards, bureaus or agencies for the purpose of giving aid to public libraries in the State of California.

CHAPTER 62

Stats 1937,
p 2085,
amended

An act to amend Section 86.1 of the State Civil Service Act, and Sections 18932 and 19700 of the Government Code, relating to minimum or maximum age limit for civil service examination.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

Stats 1939,
p 1249

SECTION 1. Section 86.1 of the State Civil Service Act is hereby amended to read:

Age limits

Sec. 86.1. The board shall not establish any minimum or maximum age limits for any civil service examination, except in the cases of positions involving public health or safety, the board may establish minimum age limits. Age shall not be construed to be a minimum qualification for any State employment, except as herein mentioned.

Any person possessing all the minimum qualifications for any State position shall be eligible to take any civil service examination given for that position, regardless of his age, except as provided in this section, and neither the board, its executive officer, nor any appointing power shall adopt any rule, either written or unwritten prohibiting the employment of any person in any State position who is otherwise qualified therefor, solely because of his age.

This section shall not authorize the employment of any person in any State position who has reached the retirement age for that position, nor shall any person be employed in any

State position while he is receiving a retirement allowance by reason of prior State service.

SEC. 2. Section 18932 of the Government Code is amended to read:

18932. The board shall not establish any minimum or maximum age limits for any civil service examination. Age is not a minimum qualification for any State employment, except in the cases of positions involving public health or safety the board may establish minimum age limits.

Any person possessing all the minimum qualifications for any State position is eligible, regardless of his age, to take any civil service examination given for that position, except as provided in this section.

SEC. 3. Section 19700 of the Government Code is amended to read:

19700. The board, its executive officer, or any appointing power shall not adopt any rule, either written or unwritten prohibiting the employment of any person in any State position who is otherwise qualified therefor, solely because of his age, except as provided in Section 18932.

This section does not authorize the employment of any person in any State position who has reached the retirement age for that position.

SEC. 4. Sections 2 and 3 of this act become operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 86 1 of the State Civil Service Act is hereby repealed.

CHAPTER 63

An act to add Section 14143 to the Education Code, relating to the noncertificated employces of a unified school district conterminous with the boundaries of a city and county.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 14143 is added to the Education Code, to read:

14143. In every unified school district conterminous with the boundaries of a city and county, employees not employed in positions requiring certification qualifications shall be employed, if the city and county has a charter providing for a merit system of employment, pursuant to the provisions of such charter providing for such system and shall, in all respects, be subject to, and have all rights granted by, such provisions; provided, however, that the governing board of the school district shall have the right to fix the duties of all of its noncertificated employees.

CHAPTER 64

An act to add Section 1307 to the Education Code, relating to a superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

SECTION 1. Section 1307 is added to the Education Code, to read:

Powers of
superin-
tendent

1307. The superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county shall have all of the powers and duties set forth in this code for a superintendent of any school district of the class of school which is included within said unified school district; said superintendent shall have his compensation fixed and ordered paid by the board of education, anything in a city, county, or city and county charter to the contrary notwithstanding.

Compensation

CHAPTER 65

An act to add Section 26 to the Education Code, relating to city superintendent of schools.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

SECTION 1. Section 26 is added to the Education Code, to read:

"City super-
intendent
of schools"

26. "City superintendent of schools" includes the superintendent of schools of a district lying wholly or partly within a city and county.

CHAPTER 66

An act to add Section 27 to the Education Code, relating to city school district.

In effect
September
15, 1945

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

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

SECTION 1. Section 27 is added to the Education Code, to read:

"City school
district"

27. "City school district" includes a school district lying wholly or partly within a city and county.

CHAPTER 67

An act to amend Section 4245 of the Political Code, relating to compensation for public service in counties of the sixteenth class.

[Approved by Governor April 18, 1945 Filed with Secretary of State
April 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 4245 of the Political Code is amended to read:

4245. In counties of the sixteenth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums: Stanislaus
Salaries

1. The auditor, three thousand six hundred dollars (\$3,600) per annum. Auditor

2. The district attorney, four thousand dollars (\$4,000) per annum. District
attorney

3. Each supervisor, three thousand dollars (\$3,000) per annum and, except as otherwise provided, mileage at the rate of ten cents (\$0.10) per mile for each mile traveled in coming to and from the meetings of the board; provided, that only one mileage at any one session of the board shall be allowed. Counties of this class may furnish automobiles to the supervisors thereof for use on any trips taken in performance of their official duties for which mileage would otherwise be allowed. All expense for fuel, oil, supplies, upkeep, and maintenance of such automobiles shall be paid from county funds. Such use of automobiles shall be in lieu of any mileage elsewhere provided. The supervisors shall act as road commissioners in their respective districts. Supervisors

4. Grand and trial jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars (\$3), and for each mile from their residence to the county seat the sum of ten cents (\$0.10) per mile, such mileage to be allowed for each day such jurors are required to and do attend. For attending as a member of a committee of the grand jury, for each day's attendance on such committee, three dollars (\$3) and mileage at the rate of five cents (\$0.05) per mile. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the auditor, unless otherwise specifically ordered, shall draw said warrants on the first and fifteenth days of each and every month, and the treasurer shall pay the same. Jurors

SEC. 2. The compensation provided by Section 4245 of the Political Code shall be paid to incumbent officers. Incumbent
officers

CHAPTER 68

Stats. 1947,
p. 2087,
amended. *An act to add Section 152.8 to the State Civil Service Act, and
Section 19398 to the Government Code, relating to promo-
tional examinations for persons in military service.*

In effect
September
15, 1945. [Approved by Governor April 18, 1945. Filed with Secretary of State
April 18, 1945.]

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

New section SECTION 1. Section 152.8 is added to the act cited in the title
hereof, to read:

Servicemen'
Promotional
examinations Sec. 152.8. If, while a civil service employee is on military
leave, a promotional examination is held which he would have
been entitled to take had he not been on military leave, such
employee shall be eligible to take the identical promotional
examination, and the Personnel Board shall arrange for him to
take such examination within a reasonable time after applica-
tion of the employee to take such examination, providing applica-
tion is made not later than six months after his return from
military leave, or within six months after the effective date of
this section, whichever is the later date. If the employee
passes the examination, his name shall be placed on the promo-
tional list for the position in accordance with the provisions
of Section 89 of the State Civil Service Act as the eligible list
stands at the time his name is placed thereon.

SEC. 2. Section 19398 is added to the Government Code,
to read:

Servicemen'
Promotional
examinations 19398. If, while a civil service employee is on military leave,
a promotional examination is held which he would have been
entitled to take had he not been on military leave, such employee
shall be eligible to take the identical promotional examination,
and the Personnel Board shall arrange for him to take such
examination within a reasonable time after application of the
employee to take such examination, providing application is
made not later than six months after his return from military
leave, or within six months after the effective date of this sec-
tion, whichever is the later date. If the employee passes the
examination, his name shall be placed on the promotional list
for the position in accordance with the provisions of Section 89
of the State Civil Service Act as the eligible list stands at the
time his name is placed thereon.

Effect
Stats. 1945,
Ch. 123. SEC. 3. Section 2 of this act becomes operative only if Part
2 of Division 5 of Title 2 of the Government Code is enacted by
the Legislature at its Fifty-sixth Regular Session, and in such
case, at the same time as said Part 2 takes effect; at which time
Section 152.8 of the State Civil Service Act, added by this act,
is hereby repealed.

CHAPTER 69

An act to abolish the San Diego Harbor Improvement Fund in the State treasury.

[Approved by Governor April 18, 1945 Filed with Secretary of State In effect
 April 18, 1945] September
 15, 1945

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

SECTION 1. The San Diego Harbor Improvement Fund in the State treasury is hereby abolished. Any balance remaining in said fund upon the effective date of this act shall be transferred by the State Controller to the General Fund.

San Diego
 Harbor
 Improvement
 Fund

CHAPTER 70

An act to add Section 822.5 to the Streets and Highways Code, relating to Federal aid highway work.

[Approved by Governor April 18, 1945 Filed with Secretary of State In effect
 April 18, 1945] September
 15, 1945

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

SECTION 1. Section 822.5 is added to the Streets and Highways Code, to read:

822.5. Agreements are authorized between the department and any county, or counties, or city, or cities, providing for the acquisition of property for, the construction, improvement and maintenance of any highway, including those not in the State Highway System, to be constructed with Federal aid. The department may, when authorized by any such written agreement, acquire for the county or city as the case may be, any real property required for any such highway which is not in the State Highway System.

Agreements
 re highways
 constructed
 with Federal
 aid

CHAPTER 71

An act to amend Sections 890 and 891 of the Military and Veterans Code, relating to veterans' dependents.

[Approved by Governor April 18, 1945 Filed with Secretary of State In effect
 April 18, 1945] September
 15, 1945

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

SECTION 1. Section 890 of the Military and Veterans Code is amended to read:

890. As used in this article:

(a) "Veteran" means any person who served in the Army, Navy, or Marine Corps of the United States and was killed

"Veteran"

in action or died as a result of war service in the World War since April 6, 1917, or any member of the Army, Navy, Coast Guard or Marine Corps of the United States, or any of their auxiliaries who was killed in action or died as a result of war service in World War II since December 7, 1941.

'Dependent of a veteran'
See also
Stats 1945,
Ch 33 and
1452
Eligibility of
dependent

(b) "Dependent of a veteran" means the child or unmarried widow of a veteran.

SEC. 2. Section 891 of said code is amended to read:

891. A dependent child of a veteran applying for aid under the provisions of this article shall be over 16 and not more than 21 years of age and shall have lived in this State for five years immediately preceding the date upon which the application is filed. A dependent widow of a veteran applying for aid under the provisions of this article shall have lived in this State at least five years immediately preceding the date upon which the application is filed and any educational assistance received by such widow under this article shall be limited to not more than four years.

CHAPTER 72

An act to add Section 363i to the Political Code and Section 14037 to the Government Code, relating to the refund of moncys received or collected by the Department of Public Works.

In effect
September
15, 1945

[Approved by Governor April 15, 1945. Filed with Secretary of State April 15, 1945.]

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

SECTION 1. Section 363i is added to the Political Code, to read:

Refunds of
fees, etc

363i. The director may authorize the refund of moneys received or collected by the department in payment of fees, licenses, permits, tolls, or for rentals, property or services, wherein the license, permit, rental, property or service can not lawfully be issued, furnished, or transferred to the person making the payment, or in cases where the payment in whole or in part represents overpayment or payment in duplicate.

SEC. 2. Section 14037 is added to the Government Code, to read:

Re'unds of
fees, etc.

14037. The director may authorize the refund of moneys received or collected by the department in payment of fees, licenses, permits, tolls, or for rentals, property or services, wherein the license, permit, rental, property or service can not lawfully be issued, furnished, or transferred to the person

making the payment, or in cases where the payment in whole or in part represents overpayment or payment in duplica e.

SEC. 3. Section 2 of this act becomes operative only if Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and in such case, at the same time as such Title 2 takes effect, at which time Section 363i of the Political Code, as added by this act, is hereby repealed.

Effect
Stats 1945,
Ch. 111,
123, incl

CHAPTER 73

An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Sacramento, State of California.

[Approved by Governor April 18, 1945. Filed with Secretary of State April 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Any person or persons owning or claiming any interest in or to that certain real property situated in the County of Sacramento, State of California, and described in this act, may bring suit against the State of California, in accordance with law in any court of competent jurisdiction of the State of California, to quiet title to said property and to prosecute said action to final judgment. If the judgment be given against the State in such suit, no costs shall be recovered against the State.

Suit against
State to
quiet title

SEC. 2. Any suit brought under this authorization shall be commenced within one (1) year after this act takes effect. Service of summons in any such suit shall be upon the Governor and Attorney General and it shall be the duty of the Attorney General to represent the State in such suit.

Statute of
limitations
Summons

SEC. 3. The real property referred to in Section 1 of this act is described as follows:

Description
of property

All that certain real property, being, lying and situate in the County of Sacramento, State of California, and described as follows:

The south 50 feet of the north 75 feet of the east 25 feet of the west 302 feet of Lot 61 of subdivision of Section No. 28 of the Rancho Del Paso, according to official plat thereof filed in the office of the Recorder of Sacramento County, State of California, on April 28, 1913, in Book 14 of Maps. Map No. 9 said measurement of the west 302 feet of said Lot 61 being made from the center line of a county road along the west boundary of said Lot 61.

CHAPTER 74

An act to amend Section 2701 of the Penal Code, relating to the employment of prisoners in State prisons, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 19, 1945. Filed with Secretary of State April 19, 1945.]

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

SECTION 1. Section 2701 of the Penal Code is amended to read:

Articles to be produced or manufactured

2701. The Department of Corrections is hereby authorized and empowered to cause the prisoners in the State prisons of this State to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the State, or any political subdivision thereof, or that may be needed for any State, county, district, municipal, school, or other public use, or that may be needed by any public institution of the State or of any political subdivision thereof.

Duration

Until April 15, 1947, or until the termination of the present National emergency declared to exist by the President of the United States by his proclamation of September 8, 1939, or until the termination of the present war and six months thereafter, whichever of the foregoing first occurs, the Department of Corrections may cause the prisoners to be employed in rendering such services or producing and manufacturing such articles, materials, and supplies as are now, or may hereafter be, needed for use by the Federal Government or any department, agency or corporation thereof. The Department of Corrections may enter into contracts for the purposes of this article.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The facts constituting such necessity are as follows:

At the Fifty-fifth Session of the Legislature of California, the Legislature found that due to the necessities of the war then in progress, the demands of the United States Army and Navy and of defense industry had resulted in a manpower shortage and that said shortage made it necessary that prisoners be employed in the manufacture and production of goods and the performance of services for the Federal Government and its agencies. The act then adopted, Statutes 1943, Chapter 46, expires on April 15, 1945. The situation then existing still exists and it is necessary to the public welfare of this State and the public health and safety that the program instituted by the Fifty-fifth Session be continued without interruption.

CHAPTER 75

An act to add Article 5 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections and providing for the establishment of a medium security prison, and the commitment and transfer of persons thereto and therefrom.

[Approved by Governor April 19, 1945 Filed with Secretary of State April 19, 1945] In effect
September
15, 1945

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

SECTION 1. Article 5 is added to Chapter 1 of Title 1 of Part 3 of the Penal Code, to read:

Article 5. Medium Security Prison

2045. The Director of Corrections with the approval of the Board of Corrections, is authorized to establish a State prison for the confinement of males under the custody of the Director of Corrections. State prison
authorized

2045.1. The prison authorized to be established by Section 2045 of this code shall be a medium security type institution. Its primary purpose shall be to provide custody, care, industrial, vocational, and other training to persons confined therein. Type and
purpose

2045.2. Any person under the custody of the Director of Corrections may be transferred to the institution herein authorized by the Adult Authority. Transfer of
prisoners

2045.3. The Director of Corrections shall make rules and regulations for the government of said institution and the management of its affairs. Regulations

2045.4. The Director of Corrections shall appoint subject to civil service a warden for said institution and such other officials and employees as may be necessary and shall fix their compensation. Warden and
employees

2045.5. The Director of Corrections shall construct and equip in accordance with law, suitable buildings, structures and facilities for said institution. Facilities

2045.6. The provisions of Part 3 of this code apply to said institution and to the persons confined therein insofar as such provisions may be applicable. Law ap-
plicable

SEC. 2. Section 5003 of said code is amended to read:

5003. The department has jurisdiction over the following prisons and institutions: See also
Stats 1945,
Ch 1454
and 1491
Jurisdiction
of depart-
ment

- (a) The California State Prison at San Quentin
- (b) The California State Prison at Folsom
- (c) The California Institution for Men
- (d) The California Institution for Women
- (e) The California Vocational Institution
- (f) The Medical Center

(g) Such other institutions and prisons as the Department of Corrections may be authorized by law to establish.

CHAPTER 76

An act to add Section 66c to the Code of Civil Procedure, and to repeal an act entitled "An act to provide one additional judge of the superior court of the County of Contra Costa," approved June 4, 1913, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Contra Costa.

Stats 1913,
p 449,
repealed

In effect
September
15, 1945

[Approved by Governor April 19, 1945 Filed with Secretary of State
April 19, 1945]

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

SECTION 1. Section 66c is added to the Code of Civil Procedure, to read:

Contra
Costa Super-
rior judges

66c. In the County of Contra Costa there shall be three judges of the superior court.

Repeal

SEC. 2. The act cited in the title hereof is repealed.

Additional
judge

SEC. 3. Within 10 days after this act becomes a law the Governor shall appoint one judge of the superior court in the County of Contra Costa in addition to the two superior court judges already provided by law in said County of Contra Costa who shall hold office until the first Monday after the first day of January, 1947. At the elections to be held in 1946, one additional judge of the superior court of Contra Costa County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder and who shall hold office for the term prescribed by the Constitution and by law.

—Appoin-
ment

—Election

CHAPTER 77

An act to add Section 761.5 to the Probate Code, relating to sale of estate property.

In effect
September
15, 1945

[Approved by Governor April 19, 1945 Filed with Secretary of State
April 19, 1945]

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

SECTION 1. Section 761.5 is added to the Probate Code, to read:

Estate sales.
Agent's
commissions

761.5. Where an original bid is made by a purchaser direct to the estate and thereafter at the time of hearing the return of sale containing the original bid, an increased bid is made by a bona fide agent which results in the confirmation and sale of the property at such increased bid, the court shall allow a commission to the agent who procured the increased bid, which commission shall be fixed by the court at such amount as the court, in its discretion, finds will be a reasonable compensation for the services of the agent to the estate.

CHAPTER 78

An act to amend Section 223 of the State Civil Service Act and Section 18975 of the Government Code, relating to veterans' credit for journeyman experience gained while in military service. Stats 1937, p 2085 amended

[Approved by Governor April 19, 1945 Filed with Secretary of State April 19, 1945] In effect September 15, 1945

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

SECTION 1. Section 223 of the State Civil Service Act is amended to read as follows: Stats 1937, p 2085

Sec. 223. In the case of examinations to establish eligible lists for artisans and in which credits are allowed for experience as a journeyman, periods of service in the armed forces of the United States in time of war, whether as artisan or otherwise, shall be counted by the board as journeyman experience; provided, however, that experience in work of the same general nature only shall be so credited. Eligible lists Artisans

SEC. 2. Section 18975 of the Government Code is amended to read:

18975. For examinations to establish eligible lists for artisans and in which credits are allowed for experience as a journeyman, periods of service in the armed forces of the United States in time of war, whether as artisan or otherwise, shall be counted by the board as journeyman experience, except that experience of the same general nature only shall be so credited. Eligible lists Artisans

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 223 of the State Civil Service Act is hereby repealed. Effect Stats 1945, Ch. 123

CHAPTER 79

An act to amend Section 96.7 of the State Civil Service Act, and Section 19394 to the Government Code, relating to employment lists. Stats 1937, p 2085, amended

[Approved by Governor April 19, 1945 Filed with Secretary of State April 19, 1945] In effect September 15, 1945

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

SECTION 1. Section 96.7 of the State Civil Service Act is hereby amended to read as follows: Stats 1943, p 2494

Sec. 96.7. Any person whose name appears on any employment list and who enters the armed forces of the United States before such list upon which his name appears is abolished shall retain his place on such list until the expiration of three years Persons on employment lists

from the termination of his service with the armed forces; provided, however, this section does not apply to any person who refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces, or who has not been certified during his service with the armed forces of the United States. No promotional lists upon which the names of such persons appear may be abolished, except that they may be replaced by more recently prepared lists if the names of such persons are placed in the order in which they appeared on the former list and at the same place as they appeared on said list.

SEC. 2. Section 1939~~2~~ of the Government Code is amended to read:

Persons on
employment
lists

19394. Any person whose name appears on any employment list who enters the armed forces of the United States before it is abolished shall retain his place on it until the expiration of three years from the termination of his service with the armed forces.

Promotional lists upon which the names of such persons appear may not be abolished, unless they are replaced by more recently prepared lists and the names of such persons are placed thereon in the order and at the same place they appeared on the former list.

This section does not apply to any person who refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces, or who has not been certified during his service with the armed forces of the United States.

Effect
Stats 1945,
Ch 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 96.7 of the State Civil Service Act is hereby repealed.

CHAPTER 80

Stats 1929,
p 1805,
amended

An act to add Section 8.3 to and to amend Section 4 of the Planning Act, relating to names of streets.

In effect
September
13, 1945

[Approved by Governor April 23, 1945. Filed with Secretary of State April 23, 1945.]

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

New section

SECTION 1. Section 8.3 is added to the Planning Act, to read:

Names of
streets

Sec. 8.3. Whenever the planning commission of any city or county finds that there are two or more streets within the city or county that have the same name or names so similar as to confuse the public, the commission may adopt a resolution of intention to adjust, alter, or change said street names or some of them so as best to serve the public convenience. Such resolution

shall be set for hearing and notice of such hearing shall be given by posting notice in at least three public places along the street or streets proposed to be affected, such posting to be complete at least 10 days before the day set for the hearing. At the time set for hearing or at any time to which the hearing may be continued the commission shall hear and consider proposals to adjust, alter or change the names of the streets mentioned in the resolution and objections to such proposals. At or after the conclusion of the hearing the commission may make such recommendations as it deems appropriate to the legislative body of the city or county and the legislative body shall thereupon take such action as it considers proper. When any street is known by two or more names or when portions of the same street have names that conflict, the commission may, by resolution adopted without a hearing, recommend to the legislative body a single name for said street.

SEC. 2. Section 4 of said act is amended to read:

Sec. 4. It shall be the function and duty of the planning commission to prepare and adopt a comprehensive, long-term, general plan for the physical development of the city, county or region, and of any land outside the boundaries thereof which in the commission's judgment bears relation to the planning thereof. Such plan shall be known as the master plan and shall be so prepared that all or portions thereof may be adopted by the legislative body, as hereinafter provided, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practicably be covered thereby. The master plan, with the accompanying maps, diagrams, charts, descriptive matter and reports shall include such of the following subjects matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof.

Stats 1937,
p 1817

See also
Stats 1945,
Ch 1441

Master plan

Conservation Plan—For the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources. Such plan shall also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils, beaches and shores, and protection of watersheds.

Conservation

Land Use Plan—An inventory and classification of natural land types and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land.

Land use

Recreation Plan—Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

Recreation

- Streets and Highways** Streets and Highways Plan—Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof.
- Naming streets** Naming of Streets Plan—Showing a comprehensive system of naming of streets by adjustment or alteration of existing names of streets, or by initiating a street name system to serve the public convenience.
- Transportation** Transportation Plan—Showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts and grade separations. Such plan may also include port, harbor, aviation and related facilities.
- Transit** Transit Plan—Showing a proposed system of transit lines, including rapid transit, street car, motor coach and trolley coach lines and related facilities.
- Public Services** Public Services and Facilities—Showing general plans for sewerage, drainage and utilities, and rights of way, easements and facilities therefor.
- Public buildings** Public Buildings—Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.
- Community design** Community Design—Standards and principles governing the subdivision of land and recommended patterns for community design and development.
- Housing** Housing—Survey of housing conditions and needs, and plans and procedure for improvement of housing standards and for provision of adequate housing.
- Other plans** The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in this act shall be deemed to prohibit the preparation and adoption of any such subject as a part of the master plan.
- The commission may prepare and adopt all or any part of the master plan or any subject thereof for all or any part of the city, county or region; provided, however, that master regional plans shall be coordinated with similar plans of adjoining regions and that master county and city plans within each region shall be coordinated so as to fit properly into the master plan for the region.

CHAPTER 81

An act to amend Section 4237 and to repeal Section 4237.9 of the Political Code, relating to compensation for public service in counties of the eighth class.

[Approved by Governor April 23, 1945. Filed with Secretary of State April 23, 1945] In effect
September
15, 1945

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

SECTION 1. Section 4237 of the Political Code is amended to read:

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees, and expenses, to wit: San Bernardino.
Salaries

3. The chairman of the board of supervisors, six thousand six hundred dollars (\$6,600) and each of the other members thereof, one thousand eight hundred dollars (\$1,800) per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and ten cents (\$0.10) a mile in traveling to and from his residence to the county seat; provided, that not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation herein provided to be paid to the chairman and to each member of the board of supervisors shall be in full for all official services performed by him in any public capacity. Supervisors

4. For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, per day, three dollars (\$3); as a juror in the superior court, for each day's attendance, per day, three dollars (\$3). For each mile actually traveled in attending court as a juror in going, only, per mile, ten cents (\$0.10); for each mile actually traveled in attending meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, in going, only, per mile, ten cents (\$0.10). The grand jury is hereby empowered to order members to act as committees thereof and to conduct investigations on its behalf. Jurors

SEC. 3. Section 4237.9 of the Political Code is repealed. Repeal

CHAPTER 82

An act to amend Section 1038 of the Agricultural Code, relating to tonnage license tax.

In effect
September
15, 1945

[Approved by Governor April 23, 1945 Filed with Secretary of State
April 23, 1945.]

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

SECTION 1. Section 1038 of the Agricultural Code is hereby amended to read:

Commercial
fertilizer
tonnage tax

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay twenty cents (\$.20) per ton or fraction thereof, and upon such a sale of agricultural minerals, ten cents (\$.10) per ton or fraction thereof, except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales, shall be rendered to the director quarterly within one calendar month after March 31st, June 30th, September 30th, and December 31st, of each year, and shall be accompanied by the amount of tonnage license tax required by this section. Any delinquency in making a statement and return, or any deficiency in any return, shall subject the registrant to the payment of a penalty of ten per cent (10%) of the amount due.

On receipt of the tonnage license tax and statement, the director shall issue to the registered seller a certificate of compliance with this section.

Whenever a registered person shall have paid the tonnage license tax herein required, any person acting as his selling agent shall not be required to pay the tonnage license tax.

CHAPTER 83

An act to add a new section, to be numbered 1064.5, to the Agricultural Code, relating to economic poisons.

In effect
September
15, 1945

[Approved by Governor April 23, 1945. Filed with Secretary of State
April 23, 1945.]

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

SECTION 1. A new section, to be numbered 1064.5, is hereby added to the Agricultural Code, to read:

Ingredients
of economic
poisons

1064.5. The statement of ingredients in such economic poisons as are intended and sold for internal administration to animals may be given in terms of dosage in lieu of percentage by weight as specified in Sections 1064 and 1071.

CHAPTER 84

An act to add Section 2714 to and repeal Sections 2710, 2710.1, 2710.2, 2713, 2720, and 2746 of the Penal Code, relating to revolving funds for the maintenance of the work program in prisons and institutions under the jurisdiction of the Department of Corrections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1945. Filed with Secretary of State April 23, 1945.] In effect immediately

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

SECTION 1. Section 2714 is added to the Penal Code, to read:

2714. There is hereby constituted a permanent revolving fund in the sum of not less than seven hundred and thirty thousand dollars (\$730,000), to be known as the Correctional Industries Revolving Fund to be used to meet the expenses necessary in the purchasing of materials and equipment, salaries, construction and cost of administration of the work program of the Department of Corrections in the prisons and institutions under its jurisdiction. Said fund shall at all times contain the amount of seven hundred and thirty thousand dollars (\$730,000) after it has once reached that amount, either in cash or assets, consisting of raw materials and finished or unfinished products inventory at cost, or both, or proper charges made under this section. Money received from the rendering of services or the sale of products in the prisons and institutions under the jurisdiction of the Department of Corrections shall be paid to the State Treasurer monthly and shall be credited to said revolving fund. At such time as the Director of Corrections or the Director of Finance decide that the balance in said revolving fund is greater than is necessary to carry out the purposes of this section, either shall so inform the State Controller and request a transfer of the unneeded balance from the said revolving fund to the General Fund of the State of California. The Controller is authorized to transfer such balances upon the request of the Director of Finance.

The revolving funds created by Sections 2710, 2710.1, 2710.2, 2713, 2720, and 2746 of the Penal Code are abolished and the Controller shall transfer the balances in said revolving funds to the Correctional Industries Revolving Fund herein created. Funds abolished

SEC. 2. Sections 2710, 2710.1, 2710.2, 2713, 2720, and 2746 of the Penal Code are repealed. Repeals

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The facts constituting such necessity are as follows: Urgency

The changes made by this act will affect the financing of the prison work program. All State financing is upon a fiscal year

basis, and it is essential therefore, that this act take effect prior to the beginning of the Ninety-seventh Fiscal Year.

CHAPTER 85

An act to provide for forest practices which will promote the maximum sustained productivity of the forest lands of California.

In effect
September
15, 1945

[Approved by Governor April 23, 1945 Filed with Secretary of State
April 23, 1945]

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

Public inter-
est in forest
resources

SECTION 1. Statement of Purposes. This is an act to declare the existence of a public interest in and to the forest resources and forest lands of the State of California; to declare the necessity of good forest practices in the processes of harvesting such forest resources, and conserving and maintaining the productivity of such forest lands in the interests of the economic welfare of the State and the continuance of the forest industry; to establish forest districts in the State in which standards of forest practice shall be adopted to promote the maximum sustained productivity of the forests; to authorize the creation of district forest practice committees whose duty shall be to formulate and adopt forest practice rules, and approve forest management plans for final approval of the State Board of Forestry; to specify the manner in which forest practice rules shall be administered; to provide for the functioning of the district forest practice committees in an advisory capacity to the State Board of Forestry.

The public interest is affected by the management of forests, timberlands, watershed and soil resources of the State, and it is declared to be the policy of the State of California to encourage and promote and require such development, use and management of forests and forest lands as will maintain the continuous production of forest products, to the end that adequate supplies of forest products are assured for the needs of the people for their farms, homes and industries. It is declared to be the policy of the State of California to encourage and assist private ownership in the management and economic development of privately owned forest lands.

Definitions

SEC. 2. In this article the following definitions shall apply, unless the context clearly requires otherwise:

The terms "timberland," "forest land," and "commercial timber land" shall mean land upon which is growing a crop of trees of any species which are of sufficient size and quality to be capable of furnishing raw material used in the manufacture of lumber and other forest products; the term "cutover land" shall mean land which has borne a crop of commercial

timber from which at least 70 per cent of the merchantable original growth timber stand has been removed or destroyed by logging, fire, insects, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber and other forest products and which has not been converted to other commercial or agricultural use; the terms "timber owner" and "private timber owner" shall mean any person, copartnership, firm, corporation, or company, or a recognized agent or representative of such ownership, owning commercial timber, timber land, cutover land, or timber rights on lands of another other than a governmental agency; the term "timber owner-operator" shall mean any private timber owner, who cuts and removes timber and other forest products from forest lands; the term "farmer-timber owner" shall mean any timber owner, whose principal business is that of farming or ranching but included in whose property holdings are areas of commercial timber; the terms "board" and "State board" shall mean the State Board of Forestry; the terms "committee" and "district committee" shall mean the district forest practice committee; the term "district" shall mean forest district; the terms "rules" or "district rules" shall mean the district forest practice rules.

SEC. 3. Forest Districts. The privately owned commercial forest areas of the State are hereby divided into four regional groups to be known as Forest Districts. The boundaries of these Forest Districts are defined as follows:

1. Redwood Forest District. All privately owned timberland and all privately owned cutover lands not converted to other commercial or agricultural use situated between the Pacific Ocean and the eastern edge of the natural occurrence of redwood timber in the counties of Del Norte, Humboldt, Mendocino, Napa, Sonoma, San Mateo, Santa Clara and Santa Cruz.

2. North Sierra Pine Forest District. All privately owned timberland and all privately owned cutover lands not converted to other commercial or agricultural use, lying within the area of the State bounded on the north by the State of Oregon, on the east by the State of Nevada, on the south by the divide between the drainages of the American and Yuba Rivers and on the west by the Sacramento River and the Shasta River to its confluence with the Klamath River and thence north to the Oregon State line.

3. South Sierra Pine Forest District. All privately owned timberland and all privately owned cutover lands not converted to other commercial or agricultural use, lying within the area of the State bounded on the north by the divide between the drainages of the American and Yuba Rivers, on the east by the State of Nevada, on the west by the Sacramento and San Joaquin River Valleys and extending south to the southern limit of the commercial timber belt.

4. Coast Range Pine and Fir Forest District. All privately owned timberland and all privately owned cutover lands not converted to other commercial or agricultural use, lying

within the area bounded on the north by the State of Oregon, on the east by the Sacramento River and the Shasta River to its confluence with the Klamath River, thence north to the Oregon State line, on the west by the eastern boundary of the Redwood Forest District and extending south to the southern limit of the commercial timber belt which is north and west of the Sacramento River Valley.

District forest practice committees

SEC. 4. District Forest Practice Committees. For the purpose of assisting in administering the provisions of this act, a district forest practice committee shall be established for each forest district created by and as provided for in Section 3 of this act. Each district forest practice committee shall consist of five members, four of whom shall be appointed by and hold office at the pleasure of the Governor. Of the four members appointed by the Governor, two shall be private timber owner-operators in the forest district; one shall be a private timber owner owning 1,000 acres or more of commercial timber in the forest district, who does not conduct any logging or milling operations; and one shall be a farmer-timber owner owning not less than 160 acres nor more than 1,000 acres of commercial timber in the forest district. The fifth member of each district forest practice committee shall be a member of the State Board of Forestry or an employee of the Division of Forestry designated by said board to represent it and who shall be the secretary of such district forest practice committee, and who shall meet with and take part in all deliberations of the district forest practice committee, but shall not have the power of a vote excepting in the case of a tie vote. The appointive members of the district forest practice committee shall receive no compensation for their services or expenses in connection with the service on said district forest practice committee.

Duties of committees

SEC. 5. Duties of the District Forest Practice Committee. The district forest practice committee shall advise and assist the State Board of Forestry and the lumber industry in the establishment of forest conservation practices on privately owned land. The district forest practice committee in advising and in assisting the State Board of Forestry shall not interfere with any of the powers and duties of the State Board of Forestry which are established by law.

Forest practice rules

It shall be the duty of each district forest practice committee to develop forest practice rules for the forest district, to fulfill the purposes of this act. Such forest practice rules shall apply to old growth and second growth timber and shall include, but not be limited to: fire protection devices and practices, protection against operations in logging which unnecessarily destroy young timber growth or timber growing conditions of the soil, protection and prevention from damage by forest insects and disease, and provisions for the restocking of the land after cutting, by natural or artificial methods.

The district forest practice committee shall adopt forest practice rules for the forest district after due notice and hearings held for the purpose. When such forest practice rules

have been submitted to the private timber owners and have been approved by two-thirds of the private timber ownership in the district, such percentage to be measured by the acreage of timber and cutover land privately owned in the district, they shall be submitted to the State Board of Forestry for approval.

The committee may receive and approve forest management plans which may be submitted by owners of forest land in the forest district as an alternate for the forest practice rules approved for that district. Forest
management
plans

If in the judgment of the State Board of Forestry such rules of forest practice and such forest management plans are deemed sufficient to accomplish the purposes and intent of this act, they shall be approved by the board.

In the event that any of the rules so submitted are disapproved by the board, they shall be returned to the district forest practice committee with recommendations for amendments. Action upon such recommended amendments shall follow the same procedure as hereinbefore provided for the adoption of the initial rules.

In the event that the board deems that a forest management plan which has been submitted for approval is inadequate, it shall return such forest management plan to the district forest practice committee and the timber owner who submitted such forest management plan, for concurrence in suggested amendments which will fulfill the purposes and intent of this act.

Forest practice rules and forest management plans approved by the State Board of Forestry shall have the force of law within the forest district in which such rules originated, and all timber owners in the forest district shall be subject to compliance with such forest practice rules, excepting, however, that if any owner of forest land has submitted a forest management plan which has been approved by the State Board of Forestry, he shall be subject only to compliance with such forest practices as may be a part of such approved forest management plan; and excepting in such cases where timberland owners can give satisfactory proof that the forest lands in process of cutting or to be cut are to be devoted, in a bona fide manner, to other than a timber growing use.

Upon receipt by the State Board of Forestry of a petition, signed by 50 per cent of the private timber and cutover land ownership in an established forest district, requesting amendments to the forest practice rules of the forest district, the State board shall order the district forest practice committee to review the petition and to conduct public hearings in connection therewith. Should the district forest practice committee conclude after such public hearings that the forest practice rules should be amended to meet any or all the demands of said petition, they shall proceed to the adoption of such amendments under the procedure heretofore set forth for the adoption of the original forest practice rules. Amendment
of rules

Inspections
and admin-
istration

SEC. 6. Inspections and Administration. The Director of Natural Resources shall cause to have made, by the State Forester, periodic inspections of cutting operations to determine and to require compliance with the approved rules of forest practice and of approved forest management plans.

The State Forester, acting in accordance with the policies adopted by the State Board of Forestry and under the supervision and direction of the Director of Natural Resources, is charged with the administration of this act and may exercise all powers necessary to accomplish its purposes and intent.

Registration

SEC. 7. Registration. All timber operators engaged in the cutting and removal of timber or other forest products from forest lands, for commercial purposes, shall register with the State Forester, to perform such operations.

The fee for such registration shall be one dollar (\$1) per year.

Any timber operator who fails to register, as provided for in this section, shall be prohibited from cutting or removing timber or other forest products for commercial purposes from forest lands.

CHAPTER 86

An act to add Section 986.10 to the Military and Veterans Code, relating to contracts with veterans under 21 years of age.

In effect
September
15, 1945

[Approved by Governor April 23, 1945 Filed with Secretary of State
April 23, 1945.]

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

SECTION 1. Section 986.10 is added to the Military and Veterans Code, to read:

Veteran Age
of majority

986.10. For the purposes of this article any veteran who is under the age of 21 shall be deemed to be of the age of majority and to be an adult person for the purpose of entering into any contract for the purchase of a farm or home from the board or any other contract with respect to such property.

CHAPTER 87

An act to amend Section 149 of the State Civil Service Act and to add Section 19393.5 to the Government Code, relating to leaves of absence. Stats 1937, p 2085, amended

[Approved by Governor April 23, 1945. Filed with Secretary of State April 24, 1945] In effect September 15, 1945

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

SECTION 1. Section 149 of the State Civil Service Act is amended to read as follows: Stats 1943, p 2494

Sec. 149. Subject to rules prescribed by the board an appointing authority may grant a leave of absence without pay, to any employee under his jurisdiction for a period not exceeding one year. A leave so granted shall assure to the employee the right to return to his position upon expiration of the leave. Leave of absence

Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for National defense, then subject to the rule prescribed by the board an appointing authority may grant a leave of absence without pay to any employee under his jurisdiction for the purpose of (1) engaging in civilian war work pursuant to mandatory order of the State Manpower Director or his successor, (2) assuming active duty in the United States Merchant Marine, or (3) assuming active full-time duty for the American Red Cross. Any leave so granted shall assure to the employee the right to return to his position upon expiration of the leave. Leave for war work, etc

Any employee who has been granted a leave of absence pursuant to this section for the purpose of allowing him to participate in civilian war work and the leave of absence has expired, then the employee's leave shall conclusively be presumed to be extended until 90 days after the effective date of this act.

Whenever an employee requests a leave of absence to engage in other work and such request is accompanied by a letter from the State Manpower Director stating that such work is essential civilian war work, the appointing authority may grant the leave for the duration of the war or the time that the employee remains in said position, whichever is earlier. If an employee changes his position to one other than the one for which the leave was granted, such leave shall automatically terminate within 30 days thereafter.

SEC. 2. Section 19393.5 is added to the Government Code, to read:

19393.5. Whenever an employee requests a leave of absence to engage in other work and such request is accompanied by a letter from the State Manpower Director stating that such work is essential civilian war work, the appointing authority may grant the leave for the duration of the war or the time that the employee remains in said position, whichever is earlier. Length of leave for essential civilian war work

If an employee changes his position to one other than the one for which the leave was granted, such leave shall automatically terminate within 30 days thereafter.

Effect
Stats 1945,
Ch 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 149 of the State Civil Service Act is hereby repealed.

CHAPTER 88

An act to amend Sections 2893 and 2896 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate.

In effect
September
15, 1945

[Approved by Governor April 24, 1945. Filed with Secretary of State April 24, 1945.]

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

SECTION 1. Section 2893 of the Elections Code is amended to read:

Filling
vacancies for
general
election

2893. No vacancy on the ballot for a general election shall be filled except in the following cases:

(a) By reason of the death of a candidate occurring at least 40 days before the date of the next ensuing general election.

(b) By reason of the disqualification of a candidate because of his failure to secure the nomination of the party with which he was affiliated on the date his declaration of candidacy or his declaration of acceptance of nomination was filed.

SEC. 2. Section 2896 of said code is amended to read:

Time for fill-
ing vacancies

2896. A vacancy authorized to be filled because of the death of a candidate, shall be filled and the name of the person named to fill the vacancy shall be certified to the officer charged with the duty of printing of the ballots 40 days before the day of election.

The name of the person named to fill a vacancy caused by the disqualification of a candidate shall be certified, at least 45 days before the day of election, to the officer with whom a nomination paper for that office may be filed.

CHAPTER 89

An act to amend Section 691 of the Military and Veterans Code, relating to the Veterans' Welfare Board.

[Approved by Governor April 24, 1945. Filed with Secretary of State April 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 691 of the Military and Veterans Code is amended to read:

691. There is in the department of Military and Veterans' Affairs a Veterans' Welfare Board. The board consists of five members appointed by the Governor with the advice and consent of the Senate to hold office for a term of four years. Such members shall be veterans as defined by Section 720 or Section 980. The terms of the members of the board in office on the date this division takes effect shall expire on the dates and in the rotation heretofore established. Vacancies shall be filled for the unexpired term. The Governor shall designate one of the veteran members chairman of the board. The secretary need not be a member of the board.

Veterans'
Welfare
Board

CHAPTER 90

An act to amend Sections 2700 and 3323 of the Penal Code, relating to the employment of prisoners.

[Approved by Governor April 24, 1945. Filed with Secretary of State April 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2700 of the Penal Code, is amended to read:

2700. The Department of Corrections shall require of every able-bodied prisoner imprisoned in any State prison as many hours of faithful labor in each day and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the Director of Corrections.

Hours of
labor of
prisoners

Each prisoner, who is engaged in productive work in any State prison or institution under the jurisdiction of the Department of Corrections as a part of the prison work program, may receive for his work such compensation as the Director of Corrections with the approval of the Department of Finance shall determine. Such compensation shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, but in no event shall such compensation exceed fifty cents (\$0.50) a day. Said compensation shall be credited to the account of the prisoner.

Compensation

When any prisoner violates the rules of the prison or escapes, the Adult Authority shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the Correctional Industries Revolving Fund.

Said compensation shall be paid from the Correctional Industries Revolving Fund. Whenever by any statute a price is required to be fixed for any article, material, supply, or services to be produced, manufactured, supplied or performed in connection with the work program of the Department of Corrections, the compensation paid to prisoners shall be included as an item of cost in fixing the final statutory price.

No civil
rights

Nothing in this section or in Section 3323 of this code is intended to restore, in whole or in part, the civil rights of any prisoner. No prisoner compensated under this section or Section 3323 shall be considered as an employee or to be employed by the State or the Department of Corrections, nor shall any such prisoner come within any of the provisions of the Workmen's Compensation Insurance and Safety Act of 1917, now codified as Division 4 and Division 5 of the Labor Code, or be entitled to any benefits thereunder whether on behalf of himself or of any other person.

SEC. 2. Section 3323 of said code is amended to read:

Supplies or
produce
for sale

3323. Said institution may manufacture or raise for sale, supplies or produce for use in any State institution, or for the use of any political subdivision of the State, and the Department of Corrections may in its discretion pay to any inmate producing or assisting in the production of such article, or to the dependent family of such inmate, the proceeds or a part of the proceeds of the sale thereof. The Department of Corrections shall also have the power to employ inmates in actual work in said institution, and to fix their compensation, if any, therefor, and to pay the same at such times and in such manner as the Department of Corrections may see fit.

Compensa-
tion of
inmates

The compensation of inmates under this section shall be subject to the same restrictions, conditions and regulations as those specified in Section 2700 of this code.

CHAPTER 91

An act to amend Sections 1202a and 2900 of the Penal Code, relating to persons convicted of crimes, and providing for their delivery to State prisons and the time of commencement of their terms of imprisonment.

In effect
September
15, 1945

[Approved by Governor April 24, 1945. Filed with Secretary of State April 24, 1945.]

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

SECTION 1. Section 1202a of the Penal Code is amended to read:

Imprison-
ment in
State prison

1202a. If the judgment is for imprisonment in the State prison the judgment shall direct that the defendant be delivered

into the custody of the Director of Corrections at the State prison or institution designated by the Director of Corrections as the place for the reception of persons convicted of felonies, except where the judgment is for death in which case the defendant shall be taken to the warden of the California State Prison at San Quentin.

Unless a different place or places are so designated by the Director of Corrections, the judgment shall direct that the defendant be delivered into the custody of the Director of Corrections at the California State Prison at San Quentin. The Director of Corrections shall designate a place or places for the reception of persons convicted of felonies by order, which order or orders shall be served by registered mail, return receipt requested, upon each judge of each superior court in the State. The Director of Corrections may change the place or places of commitment by the issuance of a new order. Nothing contained in this section affects any provision of Section 3400 of this code.

SEC. 2. Section 2900 of the Penal Code is amended to read:

2900. The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant into the custody of the Director of Corrections at the place designated by the Director of Corrections as a place for the reception of persons convicted of felonies, and if thereafter, during such term, the defendant by any legal means is temporarily released from such imprisonment and subsequently returned thereto, the time during which he was at large must not be computed as part of such term.

When term
of imprison-
ment com-
mences, etc

CHAPTER 92

An act to amend Section 7305 of the Education Code, and to add Section 7305.1 to said code, relating to average daily attendance.

[Approved by Governor April 24, 1945. Filed with Secretary of State April 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 7305 of the Education Code is amended to read:

7305. The average daily attendance in regular day classes of any high school district which during the school year 1941-1942 had an average daily attendance in regular day classes of 500 or less credited to it for apportionment purposes in each high school maintained by the district shall, for the school year 1943-1944 and for each subsequent school year, be deemed to be, for all the purposes of this division, not less than 80 per cent of the actual average daily attendance in regular day classes of such district for the school year 1941-1942. For all other purposes the average daily attendance of the district shall be the actual average daily attendance of the district.

Computing
average daily
attendance in
certain high
schools

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 2. Section 7305.1 is added to said code, to read:

Average daily attendance in certain junior colleges

7305.1. The average daily attendance in regular day classes of any junior college district which during the school year 1941-1942 had an average daily attendance in regular day classes of 500 or less credited to it for apportionment purposes in each junior college maintained by the district shall, for the school year 1943-1944 and for each subsequent school year, be deemed to be, for all the purposes of this division, not less than 80 per cent of the actual average daily attendance in regular day classes of such district for the school year 1941-1942. For all other purposes the average daily attendance of the district shall be the actual average daily attendance of the district.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 93

An act to amend Section 2957 of the Civil Code, relating to mortgages of personal property.

In effect September 15, 1945

[Approved by Governor April 24, 1945. Filed with Secretary of State April 24, 1945.]

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

See also Stats 1945, Ch 226 and 1158. Requisites to validity of mortgage of personal property or crops

SECTION 1. Section 2957 of the Civil Code is amended to read:

2957. A mortgage of personal property or crops is void as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property in good faith and for value, unless:

1. It is acknowledged, or proved and certified, in like manner as grants of real property;

2. The mortgage, if of animate personal property other than crops growing or to be grown, is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, or in case the mortgagor is a non-resident of this State, in the office of the recorder of the county where the property mortgaged is located at the time the mortgage is executed;

3. The mortgage, if of crops growing or to be grown, is recorded in the office of the recorder of the county where the land is located upon which such crops are growing or to be grown;

4. The mortgage, if of personal property other than crops growing or to be grown or animate personal property, is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, and also in the county where the property mortgaged is located, at the time the mortgage is executed, and to which such property is thereafter removed;

5. Each such mortgage is clearly entitled on the face thereof, apart from and preceding all other terms of the mortgage, to be a mortgage of crops and chattels, or either; and

6. Within four years from the last recording or rerecording thereof, it be rerecorded in its entirety or in lieu thereof there be recorded a certificate executed by the mortgagor or mortgagee, or the successor in interest of either thereof, and recorded in the office of the recorder of each county in which the mortgage has been recorded, which said certificate shall be in substantially the following form:

CERTIFICATE OF RERECORDATION

Form

By this Certificate of Recordation that certain mortgage made by -----, mortgagor, to -----, mortgagee, and dated the ----- day of -----, in the year -----, and recorded in the office of the recorder of the county of ----- on the ----- day of -----, in the year -----, in Book ----- of ----- at page ----- (set forth if available the date and place of each recordation), be and the same hereby is rerecorded. (Signed) A. B.

Said certificate shall be acknowledged, or proved and certified, in like manner as grants of real property. No certificate shall be deemed defective because it does not refer to all of the recordations of the original mortgage. The provisions of subdivision 6 of this section shall not apply to any mortgage heretofore or hereafter made pursuant to an order, judgment, or decree of court of record, or heretofore or hereafter made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or heretofore or hereafter made by a public utility as defined in the Public Utilities Act, but such a mortgage when once recorded as provided by law, shall remain valid and effective as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property mortgaged without rerecording, anything in this section to the contrary notwithstanding. The term "rerecording" as used in this section shall include the recording of a certificate of rerecording, and the provisions of this section, as amended in 1941, shall apply to all mortgages of personal property or crops whether recorded or rerecorded prior or subsequent to the enactment of this section or any amendment thereto.

Certificate of recordation

Exceptions

'Rerecording'

CHAPTER 94

An act to amend Section 7015 of the Insurance Code, relating to county mutual fire insurers.

In effect
September
15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State
April 25, 1945.]

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

SECTION 1. Section 7015 of the Insurance Code is amended to read:

Assessments
upon policy

7015. (a) No assessment or assessments can be levied upon any policy in excess of three times the amount of the premium named therein. The liability to assessment on any policy may be further reduced or eliminated as provided in subdivisions (b), (c), (d), and (e).

Request to
reduce
liability

(b) Upon written request, and if the commissioner finds that such an insurer has a surplus of admitted assets over liabilities of at least:

(1) Seventy-five thousand dollars (\$75,000) but less than one hundred fifty thousand dollars (\$150,000).

(2) One hundred fifty thousand dollars (\$150,000) but less than two hundred fifty thousand dollars (\$250,000), or

(3) Two hundred fifty thousand dollars (\$250,000);
he shall issue his certificate stating that such insurer has a surplus of at least \$-----, but less than \$-----, filling in the applicable amounts, or of at least two hundred fifty thousand dollars (\$250,000), as the case may be.

(c) If, when a policy is issued, there is in force an unrevoked certificate issued by the commissioner stating that such an insurer has a surplus of admitted assets over liabilities of at least:

(1) Seventy-five thousand dollars (\$75,000), but less than one hundred fifty thousand dollars (\$150,000), no assessment or assessments can be levied on such a policy in excess of twice the amount of the premium named therein.

(2) One hundred fifty thousand dollars (\$150,000), but less than two hundred fifty thousand dollars (\$250,000), no assessment or assessments can be levied on such a policy in excess of a sum equal to the amount of the premium stated therein.

(3) Two hundred fifty thousand dollars (\$250,000), no assessment or assessments can be levied on such a policy.

(d) Whenever the commissioner finds that the surplus of such an insurer is less than the minimum specified in an outstanding certificate he shall revoke such certificate.

Revocation
of certificate

(e) Upon revocation of such a certificate no policy shall thereafter be issued nor be permitted to remain in force beyond the date fixed for the next payment of premium without provision therein or endorsement thereon providing for such assessment liability as may be applicable at the time of such issuance or at the time for the payment of such premium.

(f) As used in this section "liabilities" includes liabilities "Liabilities" for losses reported, expenses, taxes and all other indebtedness, and provision for reinsuring all outstanding risks estimated as prescribed in Section 908.

CHAPTER 95

An act to amend Section 5056 of the Insurance Code, relating to county mutual insurers and the election and terms of directors thereof.

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5056 of the Insurance Code is amended to read:

5056. Such insurer shall have not less than seven, nor more than 11 directors, a majority of whom shall constitute a quorum to do business. Directors

The by-laws or the articles may provide or be amended to provide for either concurrent terms of one year for all directors or staggered terms of not more than five years. If provision is made for staggered terms, such terms shall, except for the first directors elected for staggered terms, be uniform for all directors and so arranged that as nearly equal a number of directors as is feasible shall be elected each year. Terms of office

The directors shall be elected by ballot from the members of the insurer. They shall hold office for the terms for which they were elected, and until their successors are elected and qualified. Elected from members

CHAPTER 96

An act to add Section 5081 to the Insurance Code, relating to county mutual fire insurers.

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5081 is added to the Insurance Code, to read:

5081. Such insurer may accumulate such surplus as its directors deem desirable for meeting contingencies, to cover the catastrophe hazard, and for general corporate purposes. Surplus to meet contingencies, etc

CHAPTER 97

An act to amend Section 6047 of the Insurance Code, relating to county mutual fire insurers.

In effect
September
15 1945

[Approved by Governor April 25, 1945 Filed with Secretary of State
April 25, 1945.]

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

SECTION 1. Section 6047 of the Insurance Code is amended to read:

Policies
issued
Amount

6047. Except as provided in this section, such insurer shall not issue policies to an amount in excess of six thousand dollars (\$6,000) on any one risk, whether under one or more policies, without immediately reinsuring the excess amount in some other insurer. Any such insurer having more than ten million dollars (\$10,000,000) insurance in force as shown by its books may, for each one million dollars (\$1,000,000) in excess of ten million dollars (\$10,000,000), write five hundred dollars (\$500) additional insurance in excess of six thousand dollars (\$6,000) on each such risk.

CHAPTER 98

An act to amend Sections 8071 and 8072 of the Insurance Code, relating to the county mutual fire reinsurers.

In effect
September
15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State
April 25, 1945.]

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

SECTION 1. Section 8071 of the Insurance Code is amended to read:

Losses

8071. The president and secretary shall proceed to ascertain the amount of such loss and make adjustment.

SEC. 2. Section 8072 of said code is amended to read:

Claims over
\$5,000

8072. If the claim is for more than five thousand dollars (\$5,000), the secretary shall forthwith notify each member of the executive committee. At each regular meeting of the directors the secretary shall furnish them with a statement showing all claims filed since the previous regular meeting of the directors.

CHAPTER 99

An act to add Chapter 4, consisting of Section 10700, to Division 12 of the Elections Code, relating to elections of county and township officers.

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

In effect
September
15, 1945

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

SECTION 1. Chapter 4 is added to Division 12 of the Elections Code, to read:

CHAPTER 4. COUNTY AND TOWNSHIP OFFICERS

10700. In any election at which two or more constables of a justice court are to be voted for or elected for the same term, within the same judicial township, it shall be deemed that there are as many separate offices of constable to be filled as there are constables of the justice court to be elected. Each separate office shall be designated by a distinguishing number not greater than the total number of the offices. The designation shall remain the same for all purposes of both primary and general elections and shall be used on all nomination papers, certificates of nomination, ballots, certificates of election, and all election papers referring to the office. After election and the issuance of the certificates of election the designating number shall have no further significance.

Election of
constables

CHAPTER 100

An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund.

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

In effect
September
15, 1945

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

SECTION 1. A new section is added to the Streets and Highways Code, to be numbered 207, and to read as follows:

207. Whenever it is determined by the California Highway Commission that any money in the State Highway Fund is not immediately required for State highway purposes, the commission may by resolution authorize the department to invest such excess money in bonds or interest bearing notes or obligations of the United States for which the faith and credit of the United States are pledged, for the payment of principal and interest. The department may, with the approval of the State Treasurer and of the Director of Finance, invest such excess

Investment
of excess
money in
State High-
way Fund

funds in accordance with said resolution. All such bonds, notes or obligations purchased under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a portion of the State Highway Fund, and all interest thereon when collected shall be paid into and become a part of the State Highway Fund.

All investments under this section shall be liquidated as soon as the funds invested are required for State highway purposes.

CHAPTER 101

An act to add Section 11009 to the Government Code, relating to investments of funds and the sale or exchange of securities by State agencies and the powers of the Department of Finance.

In effect
September
15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State
April 25, 1945]

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

SECTION 1. Section 11009 is added to the Government Code, to read:

Investment
of funds by
State
agencies

11009. Whenever any State agency, including but not limited to State agencies acting in a fiduciary capacity, is authorized to invest funds, or to sell or exchange securities, prior approval of the Department of Finance to the investment, sale or exchange shall be secured.

Every State agency shall furnish the Department of Finance with such reports and in such form, relating to the funds or securities, their acquisition, sale or exchange, as may be requested by the Department of Finance from time to time.

Exceptions

This section does not apply to the following State agencies:

(a) Any State agency when issuing or dealing in securities authorized to be issued by it.

(b) The Treasurer.

(c) The Regents of the University of California.

(d) California Employment Stabilization Commission.

(e) Veterans' Welfare Board.

(f) Hastings College of Law.

(g) Board of Administration of the California State Employees' Retirement System.

(h) State Compensation Insurance Fund.

(i) California Toll Bridge Authority and Department of Public Works when acting in accordance with bond resolutions adopted under the California Toll Bridge Authority Act prior to the effective date of this section.

CHAPTER 102

An act to add Section 5006 to the Penal Code, relating to an Inmate Welfare Fund, and transferring thereto the balances of certain other funds enumerated therein.

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5006 is added to the Penal Code, to read:

5006. All moneys now held for the benefit of prisoners including that known as the Inmate Canteen Fund of the California Institution for Men, and the Inmate Welfare Fund of the California Institution for Women, and the Trust Contingent Fund of the State Prison at Folsom, and the S. P. L. Commissary, Canteen Account, Hobby Association, Camp Account, Library Fund, News Agency of the State Prison at San Quentin, the Prisoners' Fund, and the Prisoners' Employment Fund, shall be deposited in the Inmate Welfare Fund of the Department of Corrections, in the State treasury, which fund is hereby created. The money in the fund shall be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the Department of Corrections, including but not limited to the establishment, maintenance, employment of personnel for, and purchase of items for sale to inmates at, canteens maintained at the State institutions and for the establishment, maintenance, employment of personnel and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of the Department of Corrections.

There shall be deposited in the Inmates' Welfare Fund all net proceeds from the operation of canteens and hobby shops and the money and property of prisoners who escape and are not apprehended or who die without leaving heirs, and there shall also be deposited in said fund any moneys which may be assigned to the State prison by prisoners for deposit in said fund. The moneys in said fund shall constitute a trust held by the Director of Corrections for the benefit and welfare as herein defined of all of the inmates of institutions and prisons under the jurisdiction of the Department of Corrections.

CHAPTER 103

An act to repeal Sections 2690, 2703, and 2704 of, and to add a new Section 2690 to, the Penal Code, relating to the temporary removal of persons from prisons and other institutions under the jurisdiction of the Department of Corrections.

In effect
September
15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State
April 25, 1945.]

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

Repeals

SECTION 1. Sections 2690, 2703, and 2704 of the Penal Code are hereby repealed.

SEC. 2. Section 2690 is added to Article 4 of Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:

Temporary
removal of
inmate

2690. The Director of Corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the prison or institution in which he is confined, or of furnishing to the person medical treatment not available at the prison or institution.

Except in the case of removal for medical treatment, such removal shall not be for a period longer than one day.

CHAPTER 104

An act to amend Sections 823 and 987.3 of the Military and Veterans Code, relating to the rate of interest on veterans' farm and home loans.

In effect
September
15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State
April 25, 1945.]

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

SECTION 1. Section 823 of the Military and Veterans Code is amended to read:

Default in
taxes, etc

823. If the purchaser fails or neglects to pay, satisfy, and discharge at maturity all taxes and assessments, and all other charges and encumbrances which are a lien upon the property being purchased from the board, or any part thereof, and also all taxes and assessments levied or assessed upon the interest created by the contract of purchase of such property; or to keep the buildings, fences, other permanent improvements upon such property insured and in good order and repair, or to keep the crops upon such property insured; or to keep in good order and repair all buildings, fences, and other permanent improvements situated upon such property; then, in such event,

the board may pay, satisfy, discharge, settle, or compromise the taxes, assessments, charges, or encumbrances, or insure the buildings, fences, permanent improvements, or crops, or do the work and supply the materials necessary to keep the buildings, fences, and other improvements in good order and repair. All moneys so expended by the board shall be added to the selling price of the property and bear interest at the rate of interest designated in Section 820 from the date of expending the same, and shall be repaid by the purchaser to the board on demand. The board may amortize the repayment of such expenditures or permit repayment in installments upon the terms and conditions which it deems proper.

Payment or other acts by board

Addition to sales price

SEC. 2. Section 987.3 of said code is amended to read:

987.3. If the purchaser fails or neglects to pay, satisfy, and discharge at maturity all taxes and assessments, and all other charges and encumbrances which are a lien upon the property being purchased from the board, or any part thereof, and also all taxes and assessments levied or assessed upon the interest created by the contract of purchase of such property; or to keep the buildings, fences, other permanent improvements upon such property insured and in good order and repair, or to keep the crops upon such property insured; or to keep in good order and repair all buildings, fences, and other permanent improvements situated upon such property; then, in such event, the board may pay, satisfy, discharge, settle, or compromise the taxes, assessments, charges, or encumbrances, or insure the buildings, fences, permanent improvements, or crops, or do the work and supply the materials necessary to keep the buildings, fences, and other improvements in good order and repair. All moneys so expended by the board shall be added to the selling price of the property and bear interest at the rate of interest designated in Section 987 from the date of expending the same, and shall be repaid by the purchaser to the board on demand. The board may amortize the repayment of such expenditures or permit repayment in installments upon the terms and conditions which it deems proper.

Default in taxes, etc

Payment or other acts by board

Addition to sales price

CHAPTER 105

An act to amend Sections 985 and 987 of the Military and Veterans Code, relating to initial payments.

[Approved by Governor April 25, 1945 Filed with Secretary of State April 25, 1945]

In effect September 15, 1945

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

SECTION 1. Section 985 of the Military and Veterans Code is amended to read:

985. Definitions.

(a) "Board" means the Veterans' Welfare Board.

Definitions

(b) "Farm" means a tract of land, which, in the opinion of the board, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(c) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the board, suit the needs of the purchaser and his dependents as a place of abode.

(d) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the board.

(e) "Purchase price" means the price which the board pays for any farm or home.

(f) "Selling price" means the price for which the board sells any farm or home.

(g) "Initial payment" means the payment to be made by a purchaser to the board for a farm or home at the time he enters into a contract for the purchase of the property.

SEC. 2. Section 987 of said code is amended to read:

987. The purchaser shall make an initial payment of at least 10 per cent of the selling price of the property, in case of a farm, and 5 per cent in the case of a home. The board may waive the initial payment in any case where the purchaser is refinancing through the board property owned by him and in which he owns an equity, prior to purchase by the board, of at least 10 per cent of the purchase price to the board. In such case the value of the property as determined by appraisal shall equal the amount to be paid by the board plus at least 10 per cent. The balance of the selling price may be amortized over a period fixed by the board, not exceeding 40 years, together with interest thereon at the rate of 5 per cent per annum compounded at periods fixed by the board. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the board may for good cause postpone from time to time, upon terms as the board deems proper, the payment of the whole or any part of any installment of the selling price or interest thereon.

See also
Stat., 1945,
Ch. 255 and
1233;
Initial
payments
Waiver

Amortization
of balance

CHAPTER 106

An act to amend Section 1183 5 of the Civil Code, relating to the proof or acknowledgment of instruments.

[Approved by Governor April 25, 1945 Filed with Secretary of State
April 25, 1945]

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

SECTION 1. Section 1183 5 of the Civil Code is amended to read:

1183.5. 1. Any officer of any component of the Army of the United States on active duty in Federal service commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting

Notarial acts
for persons
in armed
forces

In effect
September
15, 1945

staff judge advocate, and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command ;

2. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of lieutenant, senior grade, on active duty with the Navy or Coast Guard of the United States ;

3. Any officer of or above the rank of captain on active duty with the United States Marine Corps ;

Shall have the power if a commissioned officer to administer and certify oaths or affirmations, attest documents, take acknowledgments, and perform all other notarial acts, for any person serving in or with the armed forces of the United States, wherever located within or without this State.

Any instrument acknowledged by any such officer or any oath or affirmation made before such officer shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment or of any jurat signed by him shall be required but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in a form authorized by the laws of this State or in the following form :

On this the ----- day of -----, 19---, before me, Form of certificate -----, the undersigned officer, personally appeared ----- known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that ----he---- executed the same. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

Signature of officer and serial number, rank, branch of service and capacity in which signed.

To any affidavit subscribed and sworn to before such officer there shall be attached a jurat substantially in the following form :

Subscribed and sworn to before me on this-----day of -----, 19---.

Signature of officer and serial number, rank, branch of service and capacity in which signed.

The recitals contained in any such certificate or jurat shall be prima facie evidence of the truth thereof, and any certificate of acknowledgment, oath or affirmation purporting to Presumption of truth

have been made by any commissioned officer of the Army, Navy, Marine Corps or Coast Guard shall, notwithstanding the omission of any specific recitals therein, constitute presumptive evidence of the existence of the facts necessary to authorize such acknowledgment, oath or affirmation to be taken by the certifying officer pursuant to this section.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 107

An act to repeal Section 222 of the Welfare and Institutions Code, relating to warrants for public assistance.

In effect
September
15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

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

Repeal

SECTION 1. Section 222 of the Welfare and Institutions Code is hereby repealed.

CHAPTER 108

An act to amend Sections 500.1 and 502.1 of the Military and Veterans Code and to repeal Section 8 of Chapter 738 of the Statutes of 1943, relating to high school cadets, and continuing in effect the law relating to high school cadets.

In effect
September
15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

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

SECTION 1. Section 500.1 of the Military and Veterans Code is amended to read:

High school
cadet
companies

500.1. Except as hereinafter provided, each four-year high school and each senior high school in this State having 100 or more male students of 14 years of age or over and in which there is not maintained an R. O. T. C. unit shall establish a high school cadet company or companies under such rules and regulations as the governing body of the schools and The Adjutant General may prescribe, and any four-year high school or senior high school in the State having less than 100 of such students may establish a high school cadet company

or companies. Said companies shall be of such strength as shall be prescribed by The Adjutant General. A high school cadet company is not required to be established in a high school unless a number of qualified male students sufficient to constitute a company of the strength prescribed by The Adjutant General voluntarily enroll therein.

SEC. 2. Section 502.1 of said code is amended to read:

502.1. Upon recommendation of the school board having jurisdiction over the school and with the approval of The Adjutant General the Governor may commission commandants, assistant commandants, and assistant commandants (junior grade) of cadets for duty in each school having one or more cadet companies. Commandant corresponds to the rank of major of the National Guard; assistant commandant corresponds to the rank of captain of the National Guard and assistant commandant (junior grade) corresponds to the rank not higher than first lieutenant of the National Guard. Said officers shall be commissioned in the same manner that National Guard officers are commissioned. Each such officer shall hold office at the pleasure of the Governor, or until his successor has been appointed and qualified or his connection with the cadets is severed. Said officers shall be entitled to the same privileges and exemptions accorded National Guard officers, of corresponding rank, as above stated except that pay and expenses on special detail shall be taken from the moneys appropriated for the maintenance of the California High School Cadets.

Commissioning of commandants

A candidate who has previously been a commissioned officer of, and honorably discharged from the United States Army, the Army of the United States, the Navy, the Marine Corps, the Coast Guard, the National Guard, the Officers' Reserve Corps, or the State Guard may be appointed assistant commandant or commandant and commissioned in the same rank or its equivalent last held in the branch of service in which he was commissioned. Each officer commissioned shall hold office at the pleasure of the Governor, or until his successor has been appointed and qualified or his connection with the cadets has been severed. The Governor with the approval of The Adjutant General may also commission qualified officers to the rank of colonel for administrative and field supervision of the cadet corps. Such officers may be chosen from the commandants of the corps. Pay and expenses shall be taken from the moneys appropriated for the maintenance of the California High School Cadets.

Honorably discharged commissioned officer

SEC. 3. Section 8 of Chapter 738 of the Statutes of 1943 is repealed. In repealing said Section 8, it is the intent of the Legislature that all of the provisions of said Chapter 738, except said Section 8, shall remain in effect without any limitation as to time.

Repeal Intent

CHAPTER 109

Stats 1947, p. 2385, amended
An act to amend Section 172 of the State Civil Service Act and Section 19536 of the Government Code, relating to replacement by demotion.

In effect
 September
 15, 1945

[Approved by Governor April 25, 1945. Filed with Secretary of State April 25, 1945.]

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

Stats 1941, p. 2916

SECTION 1. Section 172 of the State Civil Service Act is amended to read:

Layoff

Sec. 172. (a) Whenever it is necessary because of lack of work or lack of funds or whenever it is advisable in the interests of economy to reduce the staff of any State agency, the appointing power may lay off employees according to the procedure set forth in this act and the rules of the board.

(b) The duties performed by the employee or employees so laid off may be assigned to any other employee or employees in the State agency holding positions in appropriate classes.

(c) With the approval of the board, only the employees of a designated geographical, organizational or functional subdivision of a State agency need be considered for layoff, and in such event reemployment lists shall be established for such subdivision, which lists shall take priority over the departmental and other reemployment or employment lists.

(d) Layoff shall be made in accordance with the relative efficiency and seniority of the employee or employees of the class in which the layoff is to be made as determined by seniority and by performance reports on file with the board. In determining seniority two points shall be allowed for each complete year of State service performing work which would fall in the series of classes related to the employee's present class.

(e) The employee or employees in the class under consideration having the lowest combined score or scores for efficiency and seniority, up to the number of positions to be abolished or discontinued, shall be laid off, but as between two or more such employees who have the same score, their respective performance rating or ratings shall be considered, and such employee or employees having the lowest performance rating or ratings shall be the first laid off.

(f) When an employee has previously served the State with permanent status in any class below that of the class under consideration or its equivalent in any previous classification, the employee shall be afforded the option of being demoted to the lower class in lieu of being laid off to replace the employee in said lower class having the lowest score for efficiency and

seniority ; provided, such score is lower than that of the employee being demoted.

(g) Any employee replaced by such demotion who has previously served the State with permanent status in the class or its equivalent in any previous classification below that in which he was serving at the time of replacement shall have the same option of demotion as though his position were abolished or discontinued, and under the conditions provided in this act may replace the employee in said lower class.

Any employee demoted pursuant to the provisions of subdivisions (f) or (g) shall receive the maximum of the salary range of the class to which such employee is demoted ; provided, that such salary is not greater than the salary he received at the higher classification at the time of demotion.

(h) The names of employees thus laid off or demoted shall be placed upon the reemployment list for the subdivision from which they were laid off, if such a subdivision was created pursuant to paragraph (c) of this section, upon the departmental reemployment list for the class from which they were laid off or demoted and also upon the general reemployment list for such class, and for such other appropriate classes as the board may determine. Any employee certified to a position from any reemployment list for a class different than that held by him when laid off shall serve a probationary period before attaining permanent status in such position. Any employee who is recertified to a position in a class after layoff, or demotion in lieu of layoff, from a position in said class shall receive the same salary as such employee previously received in said position prior to such layoff or demotion.

(i) Whenever any employee accepts a voluntary demotion under the provisions of Section 147, or is demoted to a lower class by reason of a layoff or replacement in accordance with subdivision (f) or (g), his performance rating in such lower class shall be the same as his last previous rating in such class, if any, and shall continue to be for all purposes until the first regular date, next following such demotion, for making and submitting performance ratings.

(j) All employees compensated on a monthly basis who are to be laid off under the provisions of this act shall be given 15 days' notice of such layoff prior to the effective date thereof.

(k) Any employee may appeal to the board within 30 days ^{Appeal} of receiving notice of layoff on the grounds that the procedure herein prescribed has not been complied with or that the layoff has not been made in good faith or was otherwise improper. The board shall within 30 days of such appeal hold such hearing or investigation as it may deem necessary. The board may also conduct any such hearing or investigation within 30 days of receiving a notice of layoff on its own motion. In rendering a decision as a result of any hearing or investigation held pursuant to this subdivision the board may order the reinstatement of the employee with or without pay if it appears that the

proper procedure has not been followed or that the layoff was not made in good faith or was otherwise improper.

SEC. 2. Section 19536 of the Government Code is amended to read:

Replaced
employee
Option of
demotion

19536. Any employee replaced by such demotion who has previously served the State with permanent status in a class or its equivalent in any previous classification below that in which he was serving at the time of replacement has the same option of demotion afforded by Section 19535 as if his position had been abolished or discontinued.

Any employee demoted pursuant to this article shall receive the maximum of the salary range of the class to which he is demoted; provided, that such salary is not greater than the salary he received at the higher classification at the time of demotion.

Effect
Stats 1945,
Ch 123

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 172 of the State Civil Service Act is hereby repealed.

CHAPTER 110

Stats 1943,
p 2859,
amended

An act to amend Sections 9, 44, 45, 48, and 55 of the Vehicle Parking District Act of 1943, relating to leasing or acquiring property for parking places, the administration of parking places, and the levying of taxes and assessments, and declaring the urgency of this act to take effect immediately.

In effect
immediately

[Approved by Governor April 25, 1945 Filed with Secretary of State April 25, 1945]

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

Stats 1943,
p 2859

SECTION 1. Section 9 of said act is amended to read as follows:

Ordinance
declaring
formation

Sec. 9. Unless the power to proceed has been terminated as hereinbefore provided, the legislative body at the conclusion of the hearing may find and determine that the public interest and necessity require and may order the acquisition and improvement described in the ordinance of intention. If said acquisition and improvement are ordered, the legislative body shall fix and establish the boundaries of the district and shall declare that the same has been duly formed under the provisions of this act. Such determination and order shall be by ordinance. Each vehicle parking district formed hereunder shall be numbered and the designation of such district shall be substantially (using appropriate number) "Vehicle Parking District No. ----- of the City of -----."

Designation
of district

Limitation
on assess-
ments

The total amount of outstanding bonds issued for the acquisition and improvement of parking places for any vehicle parking district under this act shall not exceed twenty-five per cent

(25%) of the assessed value of the taxable lands in the district subject to assessment under the provisions of this act, as shown by the last equalized assessment roll of the city in which the district lies.

SEC. 2. Section 44 of said act is amended to read as follows: Stats. 1943,
p. 2859

Sec. 44. Whenever in any city a vehicle parking district is created under this act, immediately upon the acquisition of the parking places to be acquired pursuant to the petition for the formation of the district, a parking place commission shall be appointed which shall have the powers, jurisdiction and authority granted in this act. The commission shall consist of three members. Each commissioner shall be a resident and qualified elector of the city. Members of the commission shall serve without compensation. Members of the commission shall be appointed by the mayor of the city, subject to confirmation by the legislative body thereof. Parking
place com-
mission

The commissioners shall hold office for the term of three years from the date of their appointment and qualification and until their successors are appointed and qualified, except that members of the first board appointed shall classify themselves by lot so that one member holds office for one year, one for two years, and one for three years, and, in each instance, until a successor has been appointed and qualified; provided, however, that by a four-fifths vote a commissioner may be removed by the legislative body at any time. Terms of
commis-
sioners

SEC. 3. Section 45 of said act is amended to read as follows: Stats. 1943,
p. 2859

Sec. 45. The board of parking place commissioners appointed to manage the parking places acquired or constructed under proceedings for the creation of a vehicle parking district shall have possession and control of all parking places acquired and constructed and paid for or to be paid for by taxes upon lands or real property or assessments upon lands in the district, or acquired or constructed for the use or benefit of said district and paid for in any other manner, and the said board shall operate, manage and control all of said parking places and shall make and enforce all necessary rules and regulations for the use thereof. It shall fix, regulate and collect rentals, fees or charges for the parking of vehicles therein and may provide different rates for different classes of customers or users. Commission-
ers' powers

The providing of adequate public parking places in cities largely depends upon the formation of local vehicle parking districts. Such districts will be created and will be successful only if so operated as to serve the property within the district adequately. It is the intent of this act that the owners of real property in a vehicle parking district which is created hereunder to provide parking places to solve the parking problems of the district may receive preferential rates, charges, or rentals for themselves, their tenants and the classes of persons who call upon or do business with them, all to the end that the property which bears the burden and provides a solution for the parking problem shall receive a special benefit. Intent re
property
owners

Public parking places All parking places acquired and constructed under this act shall be public parking places; but nevertheless the board of parking place commissioners having jurisdiction over the parking places for any district may restrict or partially restrict the use of such parking places to owners and tenants, and classes of persons designated by such owners or tenants of real property in the vehicle parking district, and may establish rates or charges or rentals for the owners and tenants of such properties and classes of persons designated by such owners or tenants which differ from and are less than the rates, charges, or rentals charged other persons.

Rentals, fees, etc. Such rentals, fees and charges shall be fixed after public hearing following such notice as the board of parking place commissioners may prescribe. It shall appoint such employees, said employees to be selected as other city employees are selected, as it deems necessary and shall have complete charge, supervision and control of all parking places acquired and constructed through taxation or assessment upon lands in such district, or acquired or constructed for the use or benefit of the district and paid for in any other manner.

Stats. 1943,
p. 2859

Title to property

Sec. 4. Section 48 of said act is amended to read as follows:
Sec. 48. All real property shall be acquired or condemned in the name of the city and title to such property shall be in the city; provided, however, that such property shall be held by the city subject to the provisions of this act. All contracts for the lease or purchase, or both, of real property hereunder shall be made by the legislative body of the city.

Acquisition of additional space

Whenever the board of parking place commissioners of a vehicle parking district determines by resolution that the public interest and necessity and the needs of the district require that additional parking places be acquired for the district, it shall also determine whether property for the parking places be leased, or acquired by contracts with installment payments, or on lease with option to purchase, or by a lump sum payment from funds raised as provided in Section 49 hereof, and shall designate the property to be so leased or acquired. When a certified copy of such resolution is filed with the legislative body of the city, said legislative body shall proceed to acquire or lease the property pursuant to said resolution. Such property for additional parking places may be:

How acquired

(1) Acquired by contract of purchase with payments made annually, or otherwise, over a period of years, but no contract shall provide for payments to be over a period longer than ten (10) years from the date of such contract. The purchase price shall be paid from special ad valorem taxes levied upon all land in the vehicle parking district or from revenues derived from operation of parking places of the district or both.

(2) Leased; provided that no such lease shall run for a period longer than ten (10) years. Rental on any lease shall be paid from revenues derived from the operation of parking places of the district or from special taxes levied on taxable real property

in the district, in the manner provided in Section 46 of this act, or from both such sources.

(3) Acquired under lease and option to purchase. No such lease and option shall run for a longer period than ten (10) years. The purchase price may be provided by a special ad valorem tax upon all taxable lands in the vehicle parking district.

(4) Acquired as provided in Section 49 hereof.

No lease or contract of purchase hereunder shall bind the city to pay the rental or purchase price from funds other than those provided under the authority of this act.

Upon recommendation of the board of parking place commis- Levy of annual tax
sioners, the legislative body shall levy an annual tax upon all taxable lands in the vehicle parking district to create a fund for the purchase of any property upon which it has a lease with an option to purchase. All moneys derived from said tax shall be placed in a special fund and used only for the purpose for which said fund is created.

Proceeds of taxes levied under Section 46 may also be used for the maintenance, operation, repair, and improvement of any parking places held under lease or contract of purchase, or lease with option to purchase.

SLC. 5. Section 55 of said act is amended to read as follows: Stats. 1943, p. 2859

Sec. 55. This act shall be known as and, whenever cited, referred to or amended, may be designated as the "Vehicle Parking District Act of 1943." Short title

The provisions of the Special Assessment Investigation, Majority protest
Limitation and Majority Protest Act of 1931 shall apply to the proceeding under this act. A majority protest filed any time Stats. 1931, p. 1372
prior to the adoption of the ordinance ordering any acquisition or improvement hereunder shall terminate the proceeding.

All ad valorem special taxes to be levied under this act upon Taxes
lands or real property in a vehicle parking district shall be levied, collected and enforced at the same time, in the same manner, and by the same persons as general city taxes upon the same property are levied, collected and enforced.

Notwithstanding any of the provisions of this act, any pro- Acquisition and improvement of property
ceeding for the formation of a vehicle parking district hereunder may provide for the acquisition of property for parking places or for both the acquisition of property for parking places and the improvement thereof.

SEC. 5. This act is hereby declared to be an urgency meas- Urgency
ure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into effect immediately. The following is a statement of facts constituting such necessity: Shopping districts in cities which have had great increases in population due to war production in California are congested, making traffic both difficult and dangerous, and causing delays in the finding of parking places and shopping, all of which impedes our production for war and endangers pedestrians and drivers of automobiles. When this

act takes effect, it will be possible to establish parking places to serve these congested areas, thereby removing traffic from the streets and reducing greatly the time necessary for parking and shopping. It is therefore necessary that this act take effect immediately.

CHAPTER 111

An act to add Chapter 7 to Part 1, Division 2, Title 2, to add Part 2 to said Division 2, to add Division 3 to said Title 2, of, and to add Sections 500016 to 500023, inclusive to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 27, 1945.]

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

SECTION 1. Chapter 7 is added to Part 1, Division 2, Title 2, of the Government Code, to read:

CHAPTER 7. LEGISLATIVE PRINTING AND PUBLICATIONS

Article 1. General

Governed
by rules

9700. All printing ordered by the Legislature or the Senate or Assembly, and all printing to be charged to legislative printing shall be governed by the joint rules and by the rules of the respective houses insofar as applicable. After final adjournment, the rules in effect at the time of adjournment shall continue to govern until the adoption of rules at the subsequent session.

Vouchers

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

Preprinting
measures

9702. The Secretary of the Senate, in the case of Members and Members-elect of the Senate, and the Chief Clerk of the Assembly, in the case of Members and Members-elect of the Assembly, shall, prior to the convening of any session of the Legislature, order the printing of all legislative bills and constitutional amendments which the Members and Members-elect certify in writing they intend to introduce at the session. They shall be printed by the State Printing Office, and the cost paid out of the appropriation for legislative printing.

State Print-
ing Office

9703. The State Printing Office shall print the laws, including initiative measures adopted by the people, public documents ordered to be printed by the Legislature, the Journals of the

Senate and Assembly, and bills, resolutions, and other printing ordered by the Senate or Assembly.

Article 2. Daily Journals

9720. The Secretary of the Senate and the Chief Clerk of the Assembly shall determine what is a sufficient number of copies to supply the members of both houses and chief officers daily during the session with the Journal of the previous day's proceedings of each house. Number of copies

9721. A sufficient number of copies, with proper repaging, as determined by the Secretary and Chief Clerk, shall be bound at the end of the session of the Legislature as the Journals of the Senate and Assembly. Bound copies

9722. Each daily Journal and the Journals of the Senate and Assembly shall be printed by the State Printing Office. Each daily Journal shall be printed in book form separately, and the Journals of the Senate and Assembly shall be bound in book form. Printing and binding

9723. One copy of the daily Journal of each house, upon its approval by the house, shall be authenticated as so approved by the Presiding Officer and Chief Clerk or Secretary of the house. Authenticated copy

9724. Upon final adjournment of the Legislature, the authenticated copy of the daily Journal of each house for the entire session shall be properly bound in separate volumes and deposited in the office of the Secretary of State as the official journals of both houses of the Legislature. Official journals

Article 3. Legislative Manual

9740. The Secretary of the Senate and the Chief Clerk of the Assembly shall compile, during the constitutional recess, and publish and distribute a legislative manual, in such manner as they may determine. Compilation

9741. The legislative manual shall be uniform in size and style with similar publications of previous sessions. It shall include: Size, style, and contents

- (a) A list of State officers.
- (b) Members and officers of both houses.
- (c) Lists of committees.
- (d) The rules of both houses and the joint rules.
- (e) Other information deemed by the Secretary and Chief Clerk to be of use to Members of the Legislature.

9742. The manual shall be distributed as follows:

- (a) Each Senator, 50 copies.
- (b) Each Member of the Assembly, 25 copies.
- (c) Each elective State officer, one copy.
- (d) The State library, five copies.
- (e) Each free public library in the State, one copy.
- (f) The congressional library at Washington, D. C., 5 copies.

9743. The Secretary of the Senate and the Chief Clerk of the Assembly shall each retain the number of manuals needed Distribution

for use in the respective houses and for distribution to the Members of the Senate and Assembly for the succeeding session of the Legislature.

Sale 9744. The remainder shall be sold at a price to be fixed by the Department of Finance. The price shall be sufficient to cover the cost of printing and binding the manual. The amount received from sales shall be deposited in the State treasury to the credit of the Legislative Printing Fund.

Article 4. Preparation and Printing of Statutes

Notice of signing 9760. Whenever a law is signed by the Governor, official notice of the fact shall be forwarded, in writing, to the State Printing Office.

Printing by State Printing Office 9761. Upon the receipt of the notice, the State Printing Office shall print for the use of the Legislature such number of copies of the law, or joint or concurrent resolution, as is provided for by the rules of the Legislature and the necessary number of sheets to make the number of copies of the Statutes required by law to be printed. One composition of type shall answer the purpose of such printing.

New codes and revisions 9762. When a new or a revised code is established, it shall be prepared by the Legislative Counsel with all amendments and superseding sections enacted during the session properly inserted, and with proper notes indicating the original text and any intermediate amendments. The code, as enacted, shall not be printed until after thirty days (30) after final adjournment of the Legislature, when it shall be printed by the State Printing Office as prepared by the Legislative Counsel pursuant to this section. The act as so printed shall be included in its proper sequence in the bound volume of the Statutes of the session. This section does not apply to a new or revised code which is enacted as an urgency measure. For the purposes of this section, a code is any act of the Legislature which is entitled a code.

Statutes of regular and extra sessions 9763. The Department of Finance shall direct the preparation of the Statutes of each session of the Legislature after each regular and extra session. If in the department's judgment the preparation of the Statutes after any extra session is not necessary or desirable, it need not so direct the preparation of the Statutes but shall direct the preparation of the Statutes for that extra session after the next succeeding regular session of the Legislature. The Statutes for that extra session shall then be cumulated and prepared with the Statutes for the next succeeding regular session.

Preparation 9764. The Statutes of each session shall be prepared for printing and publication by the Legislative Counsel, the State Librarian, or such other State agency authorized or required by law to render the service when directed or requested, as the Department of Finance directs or requests in writing.

Index, etc. 9765. Preparation of the Statutes shall include the making of an index, marginal notations and section headings, and the

delivery thereof to the State Printing Office as soon as practicable after final adjournment of the Legislature. The date of approval or adoption of each act and its effective date shall be prefixed to its text. The cost of preparation shall be paid from the same source as the cost of printing and publishing the Statutes is paid.

9766. At the beginning of each volume of the Statutes there shall be printed: Contents of
volumes

- (a) The Constitution of the State.
- (b) The name and place of residence of:
 - (1) The Governor.
 - (2) The Lieutenant Governor.
 - (3) The other executive officers of the State.
 - (4) The Senators and Members of the Assembly.
 - (5) The presiding officers of the Senate and Assembly.
 - (6) The Commissioners of Deeds of the State residing out of the State and in office at the time of publication
- (c) The certificate of the Secretary of State showing what acts, or sections or parts of acts of the Legislature are delayed from going into effect by a referendum petition properly certified and filed in his office.

(d) The certificate of the Secretary of State showing the result of all elections upon any initiative or referendum measures submitted to the electors of the State within the previous two years.

(e) The text of all such initiative measures adopted by the electors.

9767. The State Printing Office shall print at least 1,800 copies of the Statutes of each session prepared at the direction of the Department of Finance. Number
of copies

9768. The Statutes shall be bound in law buckram binding. Binding

Article 5. Distribution of Statutes and Legislative Publications

9790. The Department of Finance shall maintain a bill-filing room for the Senate and Assembly, and file all bills, resolutions, journals and other documents ordered by the Senate or Assembly. It shall also place all such bills, resolutions, journals and other documents in binders for the use of the members of the Legislature and perform such other duties in connection with their filing and distribution as may be required by the rules or special orders of either house. Bill-filing
room

9791. The laws, resolutions and journals of the Legislature shall be distributed by the Department of Finance as follows: Distribution
See also
Stats 1945,
Ch 1403

- (a) To the Library of Congress, three copies.
- (b) To the State Library, or other library or department authorized to receive them, in each State and Territory, one copy.
- (c) To the Lieutenant Governor, each member of the Legislature, the Secretary of the Senate and the Clerk of the Assembly, one copy each.

(d) To each municipal and county free library, county law library, and the library of each incorporated college or university in the State, one copy.

(e) To the State Library, 50 copies or as many more as the State Librarian may require for exchange purposes.

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

(g) To the Legislative Counsel Bureau, as many copies as may be requested, not exceeding the number necessary to supply one copy of each for the use of the Legislative Counsel, each Assistant Legislative Counsel, and each Deputy Legislative Counsel.

Sale 9792. All other copies of the laws, resolutions and journals shall be sold by the Department of Finance at such price as it may fix.

SEC. 2. Part 2 is added to Division 2, Title 2, of said code, to read:

PART 2. AIDS TO THE LEGISLATURE

CHAPTER 1. LEGISLATIVE COUNSEL

Article 1. General

Legislative
Counsel
Bureau 10200. There is in the State Government the Legislative Counsel Bureau. The bureau is in charge of a chief, who is a civil executive officer and who shall be known as the Legislative Counsel of California.

Selection of
Legislative
Counsel 10201. The Legislative Counsel shall be selected by concurrent resolution at the beginning of each regular session and shall serve until his successor is selected and qualified.

Vacancy
after ad-
journing 10202. If a vacancy occurs while the Legislature is not in session, a committee consisting of the Speaker of the Assembly, the Speaker pro tempore of the Assembly, the President pro tempore of the Senate and the chairman of the Finance Committee of the Senate shall select the Legislative Counsel to serve until the Legislature in session makes a selection for the office.

Qualifi-
cations 10203. The Legislative Counsel shall be chosen without reference to party affiliations and solely on the ground of fitness to perform the duties of his office.

Salary and
expenses
See also
Stats 1945,
Ch 1185 10204. The annual salary of the Legislative Counsel is seven thousand five hundred dollars (\$7,500) The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties.

Employees 10205. The Legislative Counsel may employ and fix the compensation, in accordance with law, of such professional assistants and clerical and other employees as he deems necessary for the effective conduct of the work under his charge.

offices 10206. The permanent office of the Legislative Counsel shall be in the State Capitol in Sacramento, where he shall be pro-

vided with suitable and sufficient offices convenient to the chambers of the Senate and Assembly. For the convenience of Members of the Legislature, and when in his judgment the conduct of his work requires, he may maintain temporary offices at other places in the State.

10207. All books, papers, records and correspondence of the bureau pertaining to its work are public records and shall be filed with and recorded and kept at the permanent office of the bureau, except:

(a) Copies furnished to or retained by the Legislative Counsel of what is filed at his permanent office.

(b) Memoranda made by the Legislative Counsel.

(c) Personal papers and correspondence of any person receiving service from the Legislative Counsel when such person has requested in writing that his papers and correspondence be kept private and confidential.

Such papers and correspondence shall become public records whenever the Legislative Counsel or the Legislature shall so order or the written request is withdrawn.

10208. Neither the Legislative Counsel nor any other employee of the bureau shall reveal to any person outside thereof the contents or nature of any matter which has not become a public record, except with the consent of the person bringing the matter before the bureau.

10209. The material, including books and other publications, of the State Library shall be made available to the bureau. The University of California, all State agencies and other official State organizations, and all persons connected therewith shall give the Legislative Counsel ready access to their records and full information and reasonable assistance in any matters of research requiring recourse to them or to data within their knowledge or control.

10210. Neither the Legislative Counsel nor any employee of the bureau shall oppose or urge legislation.

Article 2. Duties

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

10231. The Legislative Counsel shall prepare and assist in the preparation, amendment and consideration of legislative measures when requested or upon suggestion as herein provided.

10232. Upon request, the Legislative Counsel shall advise any State agency as to the preparation of measures to be submitted to the Legislature.

10233. Insofar as in his power, upon request, the Legislative Counsel shall aid and assist any member of the Legislature as to bills, resolutions and measures, drafting them into proper form, and furnishing to the member the fullest information upon all matters in the scope of the bureau.

10234. The Legislative Counsel shall give such consideration to and service concerning any measure before the Legisla-

ture as circumstances will permit, and which is in any way requested by the Governor, the Senate or Assembly, or any committee of the Legislature having the measure before it for consideration.

Service of or
adjournment:
To Governor

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

Same To
legislative
committees

10236. Upon request, the Legislative Counsel shall advise as to its work with any legislative committee appointed to carry on investigations.

Assistance
to judges

10237. The Legislative Counsel shall prepare or assist in the preparation or amendment of legislative measures at the written suggestion of any judge of the Supreme Court, the District Courts of Appeal, or of the superior courts of the State.

Suggestion
of judge

10238. Every suggestion of a judge shall set forth the substance of the provisions desired or which may be needed with the reasons therefor.

Filing of
suggestion

10239. A suggestion by a judge of the Supreme Court shall be filed with the clerk of that court. A suggestion by a judge of a District Court of Appeal shall be filed with the clerk of that court. A suggestion by a judge of a superior court shall be filed with the clerk of the District Court of Appeal of the district within which the superior court is located.

Transmission
to Legislative
Council

10240. When a suggestion is so filed with the clerk, he shall make and send to the permanent office of the Legislative Counsel a certified copy of the suggestion. All suggestions received at the permanent office shall be permanently filed and recorded and copies furnished to the Legislative Counsel.

Preparation
of measure

10241. The Legislative Counsel shall prepare a measure in accordance with the suggestion of a judge, and shall transmit it to the chairman of the judiciary committee of each house at the next session of the Legislature.

Advice re
revision and
repeal of
statutes

10242. The Legislative Counsel shall advise the Legislature from time to time as to needed revision of the Statutes. He shall present to each session of the Legislature a statement calling attention to laws which have been repealed by implication or which have been declared unconstitutional by the courts but which have not been expressly repealed.

Cooperation
on initiative
measures

10243. The Legislative Counsel shall cooperate with the proponents of an initiative measure in its preparation when:

(a) Requested in writing so to do by 25 or more electors proposing the measure; and

(b) In the judgment of the Legislative Counsel there is reasonable probability that the measure will be submitted to the voters of the State under the laws relating to the submission of initiatives.

County
and city
ordinances

10244. The Legislative Counsel may contract, at not less than cost and subject to regulations approved by the Director of Finance, with any county or city for the codification, compilation, or indexing of any or all of its ordinances or resolutions. All money received by the Legislative Counsel pursuant to such

contracts shall be paid into the State treasury to the credit and in augmentation of the current appropriation for the support of the Legislative Counsel Bureau.

10245. The Legislative Counsel may cooperate with any educational institution of the State in any manner approved by the Legislative Counsel and such institution. Cooperation with educational institutions

CHAPTER 2. CALIFORNIA CODE COMMISSION

Article 1. General

10300. There is in the State Government the California Code Commission. California Code Commission

10301. The commission consists of nine members appointed by the Governor. Membership

10302. The members of the commission shall serve without compensation, but shall be allowed actual expenses incurred in the discharge of their duties, including travel expenses. Compensation and expenses

10303. The commission shall select one of its members chairman. Chairman

10304. The Legislative Counsel is the secretary of the commission. Secretary

10305. The commission may employ and fix the compensation, in accordance with law, of such clerical and other assistants as may be necessary. Assistants

10306. The material of the State Library shall be made available to the commission. All State agencies, and other official State organizations, and all persons connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control. Assistance by State agencies

10307. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties. Assistance by State Bar

Article 2. Duties

10330. The commission shall revise all the laws of the State. Revision of State laws

10331. The work of revision includes:

(a) The preparation of a statutory record showing the status and disposition of all acts and parts of acts adopted. Nature of revision

(b) The codification, consolidation, compilation, or revision of all statutes in force.

(c) The express repeal of all statutes repealed by implication, held unconstitutional by the Supreme Court of the State, or which will be rendered obsolete by the proposed revision if adopted.

(d) Whenever necessary, the correction of errors in form or substance, including such restatement as will best serve clearly and correctly to express the existing provisions of law, and the suggestion of such substantive changes in the existing law as may be deemed proper.

- Report to Governor 10332. Within 30 days prior to each regular session of the Legislature, the commission shall submit to the Governor a full and true report of transactions under this chapter during the current biennium, including a complete statement of receipts and expenditures during that period.
- Reports and recommendations 10333. The commission shall submit its reports, including its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute its reports to the Governor, the Members of the Legislature, and the heads of all State departments.
- Proposed measures 10334. The commission shall accompany its report with the legislative measures proposed by it to effect the adoption or enactment of the proposed revision.
- Exhibits and indexes 10335. The reports shall be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.
- Printing 10336. The reports and exhibits shall be printed by the State Printing Office under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.
- Cooperation with legislative committee 10337. The commission shall confer and cooperate with any legislative committee on revision of the law.
- Cooperation with bar associations 10338. The commission may cooperate with any of the bar associations of the State, or the American Bar Association in any manner suitable for the fulfillment of its purposes.
- Acceptance of donations 10339. The commission may accept donations of money for use in carrying out this chapter.

Article 3. Contracts for Revision of Law

- Revision of State law 10350. Any State agency may contract with the commission for revision by the commission of any existing State law or group of laws, independent of the general revision by the commission. Such independent revisions shall be prepared in the same manner and so as to form a part of the plan of general revision pursued by the commission.
- Cost of revision 10351. The cost of any revision pursuant to such a contract shall be defrayed entirely from appropriations made for the use or support of the State agency contracting for the revision; it may use any part of its appropriations for this purpose. The cost shall not exceed the actual and necessary expense incurred in the preparation of the revision.

CHAPTER 3. COMMISSION ON UNIFORM STATE LAWS

Article 1. General

- Commission on Uniform State Laws 10400. There is in the State Government the Commission on Uniform State Laws.
- Membership 10401. The commission consists of three members, appointed by the Governor. The Legislative Counsel is an ex officio non-voting member of the commission.

10402. Each appointed commissioner shall be a member of the bar of the State in good standing. Qualifications of members

10403. Each appointed commissioner shall hold office for a term of four years and until the appointment and qualification of his successor. Term

10404. Upon the death, resignation or refusal to serve of any appointed commissioner, the Governor shall make an appointment to fill the vacancy so caused. The new appointment shall be for the unexpired term. Vacancies

10405. A commissioner is eligible for reappointment. Reappointment

10406. No member of the commission shall receive any compensation for his services as commissioner. Compensation

10407. The commission may expend in accordance with law for expenses and actual disbursements in effectuating the objects of this chapter, including travel expenses all money made available for its use. The commission may participate in the work of the National Conference of Commissioners on Uniform State Laws, and may pay, from the sums available for the support of the commission, not to exceed three hundred fifty dollars (\$350) annually as its proportionate share of the expenses of the National Conference of Commissioners on Uniform State Laws. Expenditures

10408. The commission shall meet at some place in the State at least once in every two years. It shall elect one of its members as chairman and another as secretary, who shall hold their respective offices for a term of two years, and until their successors are elected and qualified. Meetings

Article 2. Duties

10430. The commissioners shall either each attend the meetings of the National Conference of Commissions on Uniform State Laws, or arrange for the attendance of at least one of their number at such National conference. Attendance at National conference

10431. The commissioners shall do all in their power to promote uniformity in State laws upon all subjects where uniformity is deemed desirable and practicable. Promotion of uniformity in laws

10432. The commission shall bring about, as far as practicable, the passage of the various uniform acts recommended by the National conference, and shall devise and recommend such additional legislation or other or further course of action as is deemed necessary to accomplish the purposes of this chapter. Uniform acts

10433. The commission shall report to the Legislature from time to time as the commission deems desirable and practicable, giving an account of its transactions and its advice and recommendations for legislation. Report to Legislature

SEC. 3. Division 3 is added to Title 2 of said code, to read:

DIVISION 3. EXECUTIVE DEPARTMENT

PART 1. STATE DEPARTMENTS AND AGENCIES

CHAPTER 1. STATE AGENCIES

Article 1. General

"State
agency"

11000. As used in this title "State agency" includes every State office, officer, department, division, bureau, board, and commission.

References to particular State agencies in this title, without further identification, such as to the "Treasurer" or "Department of Finance," are references to the State officer or agency known by that name.

Exhibits at
fairs and
exhibitions

11001. With the approval of the Director of Finance, any State agency may make exhibits descriptive or illustrative of any activity or pursuit relating to its work or affairs at any international, State, district, county or municipal fair, exposition or exhibit, authorized or recognized by the laws of the State or acts of Congress. Subject to such approval, it may pay all actual and necessary expenses incurred in making the exhibits from any appropriation available for the use, support or maintenance of the agency.

Mailing of
remittances

11002. If a remittance to cover a payment required by law to be made to the State or to a State agency is sent through the United States mail, it shall be deemed received on the date shown by the post-office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the State or State agency establishes that the mailing occurred on an earlier date.

Mailing of
applications,
etc

11003. If an application, tax return or claim for credit or refund is filed with a State agency through the United States mail, it shall be deemed filed on the date shown by the post-office cancellation mark stamped on the envelope containing it, or on the date it was mailed if proof satisfactory to the State agency establishes that the mailing occurred on an earlier date.

Exceptions
Gov C,
Secs. 14250
to 14424

11004. Sections 11002 and 11003 are not applicable to:
(a) Applications or other documents required or permitted to be filed under the State Contract Act.

(b) Applications to appropriate water under Division 2 of the Water Code.

Contracts
re real
property
See also
Stats 1945,
Ch. 52

11005. Unless the Legislature specifically provides that approval by the Director of Finance is not required, every contract for the acquisition or hiring of real property in fee or in any lesser estate or interest, entered into by or on behalf of the State, shall be approved by the Director of Finance. Any contract entered into in violation of this section is void. This section does not apply to the acquisition or hiring by the Department of Public Works of real property in fee or in any lesser

estate or interest for highway purposes but does apply to the hiring by that department of office space in any office building.

11006. With the written consent of the Governor, the Director of Finance may in writing authorize the creation of deficiencies in any appropriation of money made by law in cases of actual necessity and shall authorize the payment of deficiencies out of any money which may be appropriated for such purposes. No deficiency shall be authorized except upon the written authority, first obtained, of the Director of Finance and of the Governor. Any indebtedness attempted to be created against the State in violation of this section is void, and shall not be allowed by the director or the Controller.

11007. Except as expressly authorized by law, property belonging to the State shall not be insured against risk of damage or destruction by fire, and policies of fire insurance upon any property belonging to the State shall not be renewed.

11008. Whenever any State agency except the State Compensation Insurance Fund has drawn against any bank account for the payment of any claim and payment of the claim has not been made for a period of six months by reason of the failure of the claimant to present the instrument to the bank, the State agency shall pay the amount of the claim to the Treasurer in trust.

11009. Except as otherwise expressly provided by law, the members of State boards and commissions shall serve without compensation, but shall be allowed necessary expenses incurred in the performance of duty.

Article 2. Office Hours

11020. Unless otherwise provided by law, all offices of every State agency, except the State Compensation Insurance Fund, shall be kept open for the transaction of business from 9 o'clock a.m. until 5 o'clock p.m. of each day other than legal holidays, but the office of the Treasurer shall close one hour earlier.

11021. A State agency may operate with a skeleton crew from 9 o'clock a.m. to 12 o'clock noon of each Saturday if the total number of hours per week of its employees is not less than the total number of office hours established in this article.

Article 3. Traveling Expenses

11030. All elective constitutional officers, heads of departments, chiefs of divisions, assistants, deputies, agents, experts and other officers and employees of the State when away from their headquarters on State business and all Members of the Legislature when attending Regular, Special or Extraordinary Sessions of the Legislature shall receive in addition to their salaries, their actual necessary traveling expenses.

11031. The headquarters of heads of departments, elective constitutional officers (other than Member of the Legislature), commissioners of divisions in the Department of Investment, and members of all boards and commissions, unless fixed by law,

shall be determined and fixed by the State Board of Control, and the headquarters of all other officers, agents and employees shall be determined and fixed by the appointing power.

Travel out-
side State:

11032. Any State officer or employee of any State agency may confer with other persons, associations or organizations outside of the State whenever it may be of assistance to the State officer or agency in the conduct of its work, and actual and necessary traveling expenses shall be allowed such persons when traveling outside of the State, when such traveling and expenses have been approved by the Governor and by the Director of Finance.

Article 4. Legal Services

Employment
of counsel

11040. This article does not affect the right of any State agency or employee to employ counsel in any matter of the State, after first having obtained the written consent of the Attorney General.

Exempt
agencies

11041. Sections 11042 and 11043 are not applicable to The Regents of the University of California, Division of Contracts and Rights of Way, Division of Labor Statistics and Law Enforcement, Industrial Accident Commission, Railroad Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Division of Water Resources, Secretary of State, State Lands Commission, and Department of Education, nor to any other State agency which by law enacted after Chapter 213 of the Statutes of 1933 is authorized to employ legal counsel.

Employment
of Attorney
General

11042. No State agency shall employ any legal counsel other than the Attorney General, or one of his assistants or deputies, in any matter in which the agency is interested.

Same

11043. Except as to the State agencies and laws specified in Section 11041, whenever any law authorizes any State agency to employ legal counsel other than the Attorney General, it shall be construed to refer to the Attorney General. The Attorney General may assign to the State agency assistants or deputies from his staff, under such terms as he deems necessary to conduct the legal business of or render legal counsel to the agency.

Payment
for legal
services

11044. The cost of all legal services rendered by the Attorney General or his deputies or assistants for a State agency which is supported otherwise than by appropriations from the General Fund is a charge against, and shall be paid from funds available by law for the support of the agency, and shall be fixed and determined by the Attorney General. Such payments shall be paid into the State treasury to the credit and in augmentation of the current appropriation for the support of the Attorney General's office.

Article 5. Advertisements

Preparation
of notice,
etc.

11080. Whenever any State agency is required or authorized by law to prepare and cause the publishing of any notice, advertisement or publication in any newspaper or other medium, it

shall properly prepare the notice, advertisement or publication and deliver it to the Department of Finance in due time for publication.

11081. After approval of the notice, advertisement or publication, the Department of Finance shall cause it to be published in the newspapers or other medium required by law. The Department of Finance has exclusive control of the publication of all such advertisements, publications, and notices. Publication

Article 6. Reports and Records

11090. On order of the Governor the head of each State agency shall make a report to the Governor giving an account of all matters pertaining to the agency covering the period specified by the Governor. Reports to Governor

11091. The head of each State agency shall make a typewritten report to the Governor covering each biennial period, a copy of which shall be filed with the Secretary of State. With the exception of the biennial report of the Controller which shall be printed, no biennial report shall be printed without the approval of the State Board of Control. Biennial reports

11092. Except as otherwise provided by law, the head of any State agency may, with the approval of the Department of Finance, destroy or otherwise dispose of any records of the agency after they have served their purpose and are no longer required. Destruction of records

Article 7. Signatures

11100. The Controller or other State disbursing officer may secure and use a facsimile signature machine and sign or countersign all warrants or checks issued in pursuance of his duties by placing a facsimile signature thereon with such machine. Facsimile signature

11101. The Controller and, with the approval of the Board of Control, any other State disbursing officer using such machine may secure forgery insurance protecting him and all funds under his control or under the control of the State agency to which he is attached against forgery resulting from or occasioned by the use of the machine, or which would not have occurred had the machine not been in use. Forgery insurance

11102. The premiums on forgery insurance are a proper charge against appropriations for the support or maintenance of the officer using the machine or the State agency to which the officer is attached. Premiums

CHAPTER 2. STATE DEPARTMENTS

Article 1. General

11150. It is the policy of this State to vest in the Governor the civil administration of the laws of the State and for the purpose of aiding the Governor in the execution and administration of the laws to divide the executive and administrative work into departments as provided by law. State policy

Office of de-
partment,
etc

11151. Each department shall maintain an office and the director of each department who is a member of the Governor's council shall reside at Sacramento. Each department shall adopt and keep an official seal.

Powers of
head of
department

11152. Subject to the approval of the Governor, the head of each department may arrange and classify the work of the department and consolidate, abolish, or create divisions thereof. So far as consistent with law the head of each department may adopt such rules and regulations as are necessary to govern the activities of the department and may assign to its officers and employees such duties as he sees fit. For the betterment of the public service, he may reassign to any employees under the chief of any division, such duties as he sees fit.

Division
chief

11153. Except as otherwise provided by law, each division of a department shall be in charge of a chief who shall be appointed by the head of the department and receive such compensation as is fixed according to law. When a new division is created and a new chief appointed the salary of the chief shall be fixed by the Governor until fixed by the Legislature and shall not exceed the compensation paid for like services.

Officers and
employees

11154. Except as otherwise provided by law, the head of each department may, with the approval of the Governor, appoint such officers and employees as are necessary; and prescribe their duties, and fix their salaries in accordance with classifications made by the State Personnel Board.

Limitation

11155. The head of a department has no authority to obligate the State for salaries in excess of money available by law for that purpose.

Official
bonds

11156. In addition to any bonds required by the Director of Finance the head of each department may require any officer or employee in his department to execute an official bond in such amount as he determines.

Legal
adviser

11157. The Attorney General is the legal adviser of each department in all matters relating to the department and to the powers and duties of its officers. Upon request of the head of a department, the Attorney General, or under his direction, the district attorney of any county in which the proceeding is brought, shall aid in any investigation, hearing, prosecution or trial had under the laws which the department is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such law and for the punishment of all violations thereof.

Duty of
sheriff and
constables

11158. The sheriffs and constables in the several counties shall execute all lawful orders of a department in their counties.

Succession
to duties,
etc., of State
agency

11159. Whenever a department succeeds to and is vested with the duties, powers, purposes, responsibilities and jurisdiction of a State agency, deputy, employee, or employment, the name or designation of the State agency, deputy, employee, or employment and of its several members, officers, deputies and employees, when used in any law then in force or thereafter

enacted, shall be construed to mean the department, as though the title of the department had been specifically set forth in the law.

11160. Whenever a department is invested with the power and is charged with the duty of administering and enforcing any law which imposes a duty or jurisdiction or confers an authority upon any State agency, deputy or employee, to administer its provisions, the duty, jurisdiction, and authority are hereby imposed upon and transferred to the department and its officers, deputies and employees with the same effect as if the name of the department occurred in the law in each instance in lieu of the name of the State agency, the member, officer, deputy or employee, as the case may be. Administra-
tion of laws

11161. Every person is subject to the same obligations and duties, and has the same rights as if the rights, powers and duties imposed upon and transferred to a department were exercised by the State agency, deputy or employee designated in the laws administered by departments created in conformity with this chapter. Every person is subject to the same penalties, civil or criminal, for failure to perform any obligation, or duty, or for doing a prohibited act as if the obligation or duty arose from or was prohibited by the State agency, deputy or employee, designated in the laws administered by the department. Existing
obligations
and duties

11162. Every State officer, deputy and employee is subject to the same penalties, civil or criminal, for any offense as are prescribed by existing law for the same offense by any officer, deputy or employee whose powers or duties are devolved upon him under any law creating a new department. No law creating a new department affects any act done, ratified, or confirmed, or any right accrued or established, or any offense committed, or any action or proceeding had or commenced in a civil or criminal cause before such law takes effect; but such right may be enforced, offense punished and action or proceeding prosecuted and continued by the department having or acquiring jurisdiction of the subject matter to which such litigation or proceeding pertains, with the same effect as if the transfer of such rights, powers, duties, responsibilities and jurisdiction had not been made to the department. Existing
penalties

Article 2. Investigations and Hearings

11180. The head of each department may make investigations and prosecute actions concerning: Investiga-
tions and
prosecutions

(a) All matters relating to the business activities and subjects under the jurisdiction of the department.

(b) Violations of any law or rule or order of the department.

(c) Such other matters as may be provided by law.

11181. In connection with these investigations and actions he may: Powers of
head of
department

(a) Inspect books and records.

(b) Hear complaints.

- (c) Administer oaths.
- (d) Certify to all official acts.

(e) Issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding pertinent or material thereto in any part of the State.

Delegator
of powers

11182. The head of a department may delegate the powers conferred upon him by this article to any officer of the department he authorizes to conduct the investigation or hearing.

Confidential
information

11183. Except in his report to the head of the department or when called upon to testify in any court or proceeding at law, any officer who divulges any information acquired by him from the private books, documents or papers of any person while acting or claiming to act under any authorization pursuant to this article, in respect to the confidential or private transactions, property or business of any person is guilty of a misdemeanor and disqualified from acting in any official capacity in the department.

Process

11184. In any hearing in any part of the State the process issued by the head of a department extends to all parts of the State and may be served by any person authorized to serve process of courts of record or by any person designated for that purpose by the head of the department. The person serving any such process may receive such compensation as is allowed by the head of the department not to exceed the fees prescribed by law for similar service. Such compensation shall be paid in the manner provided in this article for the payment of the fees of witnesses.

Attendance
as witness

11185. A person is not obliged to attend as a witness in any matter under this article at a place out of the county in which he resides, unless the distance is less than 50 miles from his place of residence.

Enforcing
attendance,
etc

11186. The superior court in the county in which any hearing is held under the direction of the head of a department has jurisdiction to compel the attendance of witnesses, the giving of testimony and the production of papers, books, accounts and documents as required by any subpoena issued by the head.

Petition to
superior
court

11187. If any witness refuses to attend or testify or produce any papers required by such subpoena the head of the department may petition the superior court in the county in which the hearing is pending for an order compelling the person to attend and testify or produce the papers required by the subpoena before the officer named in the subpoena

The petition shall set forth that:

(a) Due notice of the time and place of attendance of the person or the production of the papers has been given.

(b) The person has been subpoenaed in the manner prescribed in this article.

(c) He has failed and refused to attend or produce the papers required by subpoena before the officer in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of the investigation or hearing.

11188. Upon the filing of the petition the court shall enter an order directing the person to appear before the court at a specified time and place and then and there show cause why he has not attended or testified or produced the papers as required. A copy of the order shall be served upon him. If it appears to the court that the subpoena was regularly issued by the head of the department, the court shall enter an order that the person appear before the officer named in the subpoena at the time and place fixed in the order and testify or produce the required papers. Upon failure to obey the order, the person shall be dealt with as for contempt of court.

Proceedings
in superior
court

11189. In any matter pending before him a department head may cause the deposition of persons residing within or without the State to be taken by causing a petition to be filed in the Superior Court in the County of Sacramento reciting the nature of the matter pending, the name and residence of the person whose testimony is desired, and asking that an order be made requiring him to appear and testify before an officer named in the petition for that purpose. Upon the filing of the petition the court may make an order requiring the person to appear and testify in the manner prescribed by law for like depositions in civil actions in the superior courts of this State. In the same manner the superior courts may compel the attendance of persons as witnesses, the production of papers, books, accounts, and documents, and may punish for contempt.

Depositions

11190. Any party to any departmental hearing has the right to the attendance of witnesses in his behalf at the hearing or upon deposition upon making request therefor to the head of the department, designating the persons sought to be subpoenaed, and depositing with the officer before whom the hearing is to be had the necessary fees and mileage.

Right to
witnesses

11191. Each witness, other than an officer or employee of the State or of a political subdivision of the State, who appears by order of the head of a department shall receive for his attendance the same fees and all witnesses shall receive the same mileage allowed by law to a witness in civil cases. The amounts shall be paid by the party at whose request the witness is subpoenaed. The mileage, and fees, if any, of a witness subpoenaed by the head of a department, but not at the request of a party, shall be paid from the funds appropriated for the use of the department in the same manner as other expenses of the department are paid.

Witness fees
and mileage

CHAPTER 3. INTERAGENCY SERVICES AND TRANSACTIONS

Article 1. General

11250. Whenever a State agency supported from the General Fund renders services or furnishes materials to a State agency not supported from the General Fund, the cost of the services or materials is a charge against the fund from which is derived the support of the State agency receiving the services or materials.

Service for
special fund
agency

Intradepartmental service plans

11251. The Controller may approve any general plan whereby any State agency which is within a department and which is supported either by a special fund or by a separate appropriation from the General Fund, may make financial adjustments with the department of which it is a part and with any other State agency within the department for services rendered, supplies used, or for a proper proportion of other expenses. A copy of the approved plan shall be furnished to the Department of Finance.

Transfer of funds

11252. Such adjustments shall be made in accordance with the plan approved by the Controller by filing a financial statement, approved by the Department of Finance, with the Controller and requesting the Controller to make the necessary transfers upon his books. Upon receipt of such a request, the Controller shall make the transfers.

Interdepartmental service

See also Stats 1945, Ch 261

11253. Upon written request approved by the Department of Finance, a department shall furnish to another department such assistance as it is able to render without detriment to its administration, including the deputizing of agents and inspectors, when consistent with law, and the temporary reassignment of employees when reassignment will tend to eliminate duplication or expense.

Any traveling or other expense incurred by an employee in the performance of his duties while he is reassigned or loaned to another department, may be paid in accordance with law by the department to which he is reassigned or loaned from funds available for support of that department.

Advances to Napa State Farm

11254. With the approval of the Department of Finance, any State institution or home may advance from its revolving fund to the Napa State Farm money to cover the cost of livestock or meat to be purchased in the open market or for processing meat for the use of the institution or home to which the meat is to be delivered after processing.

Article 2. General Administrative Costs

"Administrative Costs"

11270. As used in this article "administrative costs" means the amounts expended by the Controller, Treasurer, and Department of Finance for supervision or administration of the State Government or for services to the various State agencies, other than those for which the Department of Finance may charge and collect pursuant to Article 3.

Quarterly determination

11271. The State Board of Control shall determine quarterly the amount of administrative costs and the percentage of administrative costs which is the fair share of each State agency which is not entirely supported from the General Fund.

Method of determination

11272. In determining such fair share, the Board of Control:

(a) May consider such factors of cost distribution as it deems necessary.

(b) May consider the approximate amount of interest earned on special funds. Such amount need not be computed but may be estimated.

(c) Shall exclude amounts allocated and paid to cities for expenditure by them for highway purposes.

(d) Shall exclude amounts expended and received under Section 824 of the Streets and Highways Code.

11273. The share of administrative costs of each State agency which is not entirely supported from the General Fund is a charge against any appropriations for its support made other than from the General Fund. Share of special fund agency

11274. The Board of Control shall certify quarterly to the Controller who shall notify each State agency of the amount of its fair share of administrative costs due. Each State agency shall quarterly pay the amounts due to the Controller who shall deposit the payments in the State treasury to the credit of the General Fund. Certification and payment

Article 3. Special Costs

11290. From each State agency having any special fund in the treasury available by law for the use, support or maintenance of all or any part of its work and affairs, the Department of Finance may fix and collect: Items chargeable

(a) The pro rata share of the cost of insuring motor vehicles belonging to the State agency against liability for damages resulting from the negligent operation of motor vehicles and arising under Section 400 of the Vehicle Code or, in the discretion of the Director of Finance, an amount which he considers equivalent to such pro rata share to be expended by him in accordance with law in paying claims under that section and for their investigation, adjustment, defense and administration.

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the State and used by the State agency in carrying out all or that portion of its work and affairs, for the carrying out of which the special fund was created.

(c) The actual cost of janitor and maintenance service rendered to such State agency to enable it to carry out all or that portion of its work and affairs, for the carrying out of which the special fund was created.

(d) The pro rata cost of workmen's compensation insurance and bonds covering the officers and employees of the State agency.

11291. If a State agency refuses to pay the charges fixed by the Department of Finance pursuant to this article, the department may file a claim for such charges against any appropriations made from special funds for the support or maintenance of all or any part of the work and affairs of the State agency. The Controller shall draw his warrant in accordance with law upon the claim in favor of the Department of Finance. Refusal to pay

11292. At the end of each month, the Department of Finance shall account for and report to the Controller all money received by it pursuant to paragraphs (a) and (d) of Section 11290. Monthly reports

The money shall be credited by the Controller as an abatement of the expenses of the Department of Finance, and at the same

time be remitted to the Treasurer to become a part of the appropriation from which the expenses for such purposes were paid.

Same 11293. At the end of each month the Department of Finance shall account for and report to the Controller all money received by it pursuant to paragraph (b) of Section 11290 and at the same time remit such money to the Treasurer to become a part of the General Fund.

All money received by the Department of Finance pursuant to paragraph (c) of Section 11290 shall be accounted for pursuant to Section 13167.

Article 4. Interagency Contracts

Special and technical services. See also Stats 1945, Ch 261. 11310. With the approval of the Department of Finance, any State agency may contract with another State agency for the furnishing to it of necessary special or technical services or the performance of certain of its work or functions when to do so will tend to eliminate duplication or expense. State agencies may contract with other State agencies to furnish such special or technical services or perform such work and may employ such employees and furnish such materials, supplies or equipment as are necessary to carry on efficiently the work or services provided for in the contract.

Amounts to be paid 11311. The contracts shall specify the amounts to be paid. The amounts shall include a sum which, with respect to its employees performing services in connection with the contract, will reimburse the contractor for:

(a) Contributions to the State Employees' Retirement System.

(b) The proportionate share of vacation, sick leave and overtime.

(c) The proportion of compensation insurance costs actually chargeable against the State agency whose officer or employee is a claimant for compensation benefits.

Computation of time 11312. Such sums shall be based upon the ratio of the elapsed time worked for the agency for which the services were performed to the total number of days in the month. Where a full work week is covered by employment under the contract, the seven-day period from Monday to Sunday, inclusive, including any holidays, shall be considered as part of the time employed.

Payment 11313. Amounts due under the contracts shall be paid to the contractor in accordance with law from funds available for the support of the contracting agency.

Disposition of receipts. See also Stats 1945, Ch 261. 11314. All money received by The Regents of the University of California under this article shall be added to other funds provided for the use of the University of California and used in the same manner.

All money received by any other State agency shall be deposited in the treasury and used in augmentation of the appropriations for the agency.

Article 5. Sale or Exchange of Products

11330. Every State agency having the control of any public institution owned or controlled by the State shall notify the Department of Finance of any horticultural, agricultural livestock, manufactures, mineral, natural or other products of the public institution in excess of its needs. Notification of excess products

11331. Upon receipt of such notices, the Department of Finance shall estimate the selling price of the products upon the basis of their reasonable value and arrange so far as practicable for their sale or exchange between the several public institutions owned or controlled by the State and its political subdivisions. Arrangement for sale or exchange

11332. No public institution owned or controlled by the State shall purchase any product from any source other than a public institution owned or controlled by the State or one of its political subdivisions, if the Department of Finance determines that the product is available under this article. Limitation of purchase

11333. If it is impossible or impracticable to sell or exchange agricultural or livestock products between public institutions owned or controlled by the State and its political subdivisions, the products, except those grown by prison labor, may be sold in any manner authorized by law. Sale

11334. All money received by a State agency for the sale of products shall be accounted for and reported at the end of each month to the Controller and at the same time remitted to the Treasurer and credited to the appropriation or the then corresponding current appropriation from which the cost of production was or is paid. Disposition of proceeds

Such remittances shall be in augmentation of the appropriations to which they are credited and available for the same purposes as the original or corresponding appropriation.

11335. This article does not limit or prevent sales pursuant to any other law relating to the sale of personal property belonging to the State. Application of article

CHAPTER 4. RULES AND REGULATIONS

Article 1. General

11380. As used in this chapter:

(a) "State agency" does not include the judicial and the legislative branches of this State. "State agency"

(b) "Regulation" includes any rule or regulation made by any State agency except one which: "Regulation"

(1) Relates only to the organization or internal management of the State agency.

(2) Establishes or fixes rates or tariffs.

(3) Is directed to a specifically named person or to a group of persons, and does not apply generally throughout the State.

(4) Is duly served by the State agency in the manner authorized by law upon the persons designated therein as the parties legally affected.

(5) Relates to the use of public works, including streets and highways, under the jurisdiction of any State agency when the effect of such order is indicated to the public by means of signs or signals.

Copies and
citation
See also
Stats 1945,
Ch 1334

11381. Every State agency shall file with the Secretary of State an original and two duplicate copies of every regulation made by it. Each regulation shall include a citation of the authority pursuant to which it, or any part was adopted.

Filing

11382. The Secretary of State shall indorse on the original and duplicates of each regulation filed the time and date of filing and shall maintain a file of regulations for public inspection.

Effect of
filing or
publication
See also
Stats 1945,
Ch 1356

11383. The filing or publication of a regulation raises rebuttable presumptions that:

(a) It was duly adopted, issued, or promulgated.

(b) It was duly filed with the Secretary of State and made available for public inspection at the day and hour indorsed on it.

(c) The copy printed is a true copy of the original.

(d) All requirements of this chapter and the regulations prescribed hereunder have been complied with.

Judicial
notice
See also
Stats 1945,
Ch 1356

11384. The courts shall take judicial notice of any regulation duly filed or published under this chapter or the regulations prescribed hereunder.

Publication
of rates, etc.

11385. With the approval of the Codification Board any State agency may file and the Codification Board may publish in such manner as it believes proper, rates, tariffs, and other documents not required by this chapter to be filed and published.

Article 2. The Codification Board

Codification
Board

11400. There is in the State Government, a Codification Board composed of the Secretary of State, the Director of Finance, and the Legislative Counsel, or their nominees. The Codification Board shall select one of its members as chairman and one as secretary.

Regulations
of board

11401. The Codification Board shall prescribe regulations for carrying out this chapter. Among other things, the regulations shall provide for:

(a) The periodic publication of all regulations filed with the Secretary of State under this chapter, in a publication to be known as the "California Administrative Register."

(b) The compilation, publication, recompilation, and republication of the several compilations or codifications in a publication to be known as the "California Administrative Code."

(c) The manner and form in which regulations, compilations, and codifications shall be prepared, printed, reprinted, compiled, recompiled, and indexed, to the end that all regulations, compilations, and codifications shall be prepared and published in a uniform manner and at the earliest practicable date.

Assistance
of Legislative
Counsel
Bureau

11402. In accordance with Article 4, Chapter 3, the Legislative Counsel Bureau shall assist the board in the performance of its duties.

Article 3. The California Administrative Register and Code

11410. The California Administrative Register and the California Administrative Code shall be sold to the public by the Department of Finance for the best price obtainable without regard to any of the costs incurred for compilation, codification, indexing, printing, and publication. All money received from the sale of the California Administrative Register and the California Administrative Code shall be deposited in the treasury to the credit of the General Fund.

Sale of Administrative Register and Administrative Code
See also Stats 1945, Ch 1356

11411. The publication date shall be determined by the Codification Board, and all rules and regulations thereafter filed and all rules and regulations theretofore filed and in effect on the publication date shall be published.

Publication date

PART 2. CONSTITUTIONAL OFFICERS

CHAPTER 1. GOVERNOR

Article 1. General

12000. The annual salary of the Governor is ten thousand dollars (\$10,000).

Salary

12001. The Governor may appoint and fix the salaries of such secretaries and other personnel as he deems necessary for his office. No salary fixed under this section shall exceed eight thousand dollars (\$8,000) annually.

Secretaries, etc

12002. Every law of this State relating to the powers and duties of the Governor and to acts and duties to be performed by others toward him extends to the person performing for the time being the duties of Governor.

Acting Governor

Article 2. Powers and Duties

12010. The Governor shall supervise the official conduct of all executive and ministerial officers.

Supervision of officers

12011. The Governor shall see that all offices are filled and their duties performed. If default occurs, he shall apply such remedy as the law allows. If the remedy is imperfect, he shall so advise the Legislature at its next session.

Performance of duties

12012. The Governor is the sole official organ of communication between the government of this State and the government of any other State or of the United States.

Official organ of communication

12013. The Governor may direct the Attorney General to appear on behalf of the State and may employ such additional counsel as he deems expedient whenever any suit or legal proceeding is pending:

Legal proceedings

(a) Against the State.

(b) Which may affect the title of the State to any property.

(c) Which may result in a claim against the State.

12014. The Governor may require the Attorney General or the district attorney of any county to inquire into the affairs or management of any corporation existing under the laws of this State.

Inquiry into corporate affairs

12015. The Governor-elect may require any State agency to furnish him with such information, assistance, supplies, transportation and facilities as he deems necessary in connection with the budget or to assist him in its preparation.

Article 3. Records

12030. The Governor shall cause the following registers to be kept:

(a) All applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application.

(b) Statements in capital cases made to him, with his action thereon.

(c) All appointments made by him, showing date of commission, and names of appointee and predecessor.

12031. He shall cause accounts to be kept of:

(a) All his official expenses and disbursements, including the incidental expenses of his office.

(b) All rewards offered by him for the apprehension of criminals and persons charged with crime.

Article 4. Governor's Council

12040. There is in the State Government the Governor's Council. It consists of the Directors of Finance, Education, Public Works, Motor Vehicles, Public Health, Institutions, Agriculture, Industrial Relations, Social Welfare, Natural Resources, Investment, Professional and Vocational Standards, Military and Veteran's Affairs, and Corrections.

12041. At least once each month the council shall meet in Sacramento at such time and place as the Governor may designate. Each member of the council shall report to the Governor at the time of the monthly meeting, and at such other times as the Governor may desire, the facts regarding the administration of the functions of his department and shall perform such other duties as a member of the council, as the Governor may require.

CHAPTER 2. THE LIEUTENANT GOVERNOR

12100. The annual salary of the Lieutenant Governor is four thousand dollars (\$4,000).

12101. The Lieutenant Governor may appoint and, subject to the approval of the Director of Finance, fix the salaries of one secretary and such clerical assistants as the Lieutenant Governor deems necessary for his office.

CHAPTER 3. SECRETARY OF STATE

Article 1. General

12150. The annual salary of the Secretary of State is five thousand dollars (\$5,000).

12151. The Secretary of State shall execute an official bond in the sum of ten thousand dollars (\$10,000).

12152. To assist him in the discharge of the duties of his Assistant office, the Secretary of State may appoint one Assistant Secretary of State, whose powers, duties and liabilities shall be those of a deputy, and such deputies and clerical, expert, technical and other assistants as may be necessary for the proper conduct of his office. The Assistant Secretary of State and all deputies are civil executive officers.

12153. The Secretary of State shall appoint a competent Keeper of the Archives person to the position of Keeper of the Archives.

In case of his absence or inability to perform the duties of his position, the Secretary of State shall designate some other competent person to act in his place.

Article 2. Duties

12160. The Secretary of State is charged with custody of: Duties

- (a) The enrolled copy of the Constitution.
- (b) All acts and resolutions passed by the Legislature.
- (c) The Journals of the Legislature.
- (d) The Great Seal.

(e) All books, records, deeds, parchments, maps, and papers, kept or deposited in his office pursuant to law.

12161. The Secretary of State shall attend at every session Attendance at legislative sessions of the Legislature, for the purpose of receiving bills and resolutions and perform such other duties as may be devolved upon him by resolution of the two houses, or either of them.

12162. The Secretary of State shall keep a register and attest Official acts of Governor the official acts of the Governor and shall affix the Great Seal, with his attestation, to commissions, pardons, and other public instruments, to which the official signature of the Governor is required.

12163. The Secretary of State shall receive and record in Register of official bonds proper books the official bonds of all officers whose bonds are required by law to be filed with him.

12164. The Secretary of State shall record in Records proper books all:

(a) Conveyances made to the State, except (1) evidences of title acquired for State highway purposes and retained by the Department of Public Works, and (2) conveyances of tax sold property.

(b) Articles of incorporation filed in his office.

(c) Changes of names certified to him by the county clerks, in the manner in which such record is now made.

12165. The Secretary of State shall certify and declare Results of elections the result of all elections upon any question submitted to the electors of the State by either initiative or referendum petition filed in his office and make official declaration of the vote upon each question.

12166. Within 100 days after the final adjournment of each Certification of referendum petitions session of the Legislature, the Secretary of State shall deliver to the State Printing Office his certificate showing what acts, or

sections, or parts of acts of the Legislature are delayed from going into effect by referendum petition properly certified and filed in his office.

Certificate on
of election
results

12167. Within 60 days after the day on which a general election is held throughout the State, the Secretary of State shall deliver to the State Printing Office his certificate showing:

(a) What laws or constitutional amendments, proposed by initiative petition and approved by the people, have gone into operation, and the date of going into operation.

(b) The result of all elections upon any question submitted to the electors of the State by initiative or referendum petition within the preceding two years.

Certified
copies of
laws, etc.

12168. On demand, the Secretary of State shall furnish, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office.

Descriptions
of official
seals

12169. The Secretary of State shall file in his office descriptions of seals in use by the different State officers and furnish such officers with new seals whenever required.

Biennial
report

12170. On or before the fifteenth day of September in each even numbered year, the Secretary of State shall report to the Governor a detailed account of all of his official actions since his previous report. The report shall be accompanied with a detailed statement, under oath, of the manner in which all appropriations for his office have been expended.

Article 3. Fees

Fee book

12180. The Secretary of State shall keep a fee book. There shall be entered in the book all fees, commissions, and compensation of whatever nature or kind by him earned, collected or charged, with the date, name of payer, paid or not paid, and the nature of the service in each case. The book shall be verified annually by his affidavit entered therein.

Disposition
of fees

12181. At least weekly, all fees collected by the Secretary of State shall be paid into the State treasury.

Exemptions
from fees

12182. No member of the Legislature or State officer shall be charged for any search relative to matters appertaining to the duties of his office, nor shall he be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to his official duties.

Fees

12183. For services performed in his office, the Secretary of State shall charge and collect the fees fixed in this article.

First copy

12184. The fee for preparing a first copy, other than a carbon copy, of any law, resolution, record, or other document on file in his office, is thirty cents (\$0.30) per page, or fraction thereof.

Carbon copy

12185. The fee for preparing a carbon copy of any law, resolution, record, or other document on file in his office, made at the time of preparing the first copy, is twelve cents (\$0.12) per page, or fraction thereof.

12186. The fee for comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, is twelve cents (\$0.12) per page, or fraction thereof. Comparing

12187. The fee for recording miscellaneous documents or papers is thirty cents (\$0.30) per page, or fraction thereof. Recording documents

12188. The fee for filing contracts for conditional sale of railroad or street railway equipment or rolling stock and declarations of payment and performance is five dollars (\$5). Filing contracts of conditional sale of railroad, etc

12189. The fee for recording contracts for conditional sale of railroad or street railway equipment or rolling stock and declarations of payment and performance is thirty cents (\$0.30) per page, or fraction thereof. Recording same

12190. The fee for filing a statement of trust receipt financing or an affidavit continuing the rank of an entrustor's existing security interest is one dollar (\$1). Statement of trust receipt financing, etc.

12191. The fee for registering farm, ranch, or villa names, including the issuance of certificates of such registration, is one dollar (\$1). Registration of farm, etc., names

12192. The fee for filing claim to trademark and issuing certificate of filing is five dollars (\$5). Claim to trademark

12193. The fee for issuing certificates of the filing of a copy of any lecture, sermon, address, dramatic composition, story or motion picture scenario and of an affidavit of authorship is five dollars (\$5). Copyright, etc

12194. The fee for filing a certified copy of a decree changing the name of a natural person is five dollars (\$5). Change of name

12195. The fee for attesting each patent for land issued by the Governor is one dollar (\$1) for each 160 acres, or fraction thereof. Patent for land

12196. The fee for issuing a certificate of official character is two dollars (\$2). Certificate of official character

12197. The fee for attesting each commission, passport, or other document signed by the Governor is five dollars (\$5). Attesting commission, etc

A fee shall not be charged for attesting pardons, extradition papers, military commissions, and commissions issued to non-salaried State officers other than notaries public.

12198. The fee for receiving and recording each official bond is five dollars (\$5). Official bond

12199. The fee for issuing a certificate of reservation of corporate name is two dollars (\$2). Reservation of corporate name

12200. The fee for filing articles of incorporation or agreements of consolidation not providing for shares is five dollars (\$5). Articles of incorporation, etc

Same

12201. (a) The fee for filing articles of incorporation or agreements of consolidation providing for shares shall be as provided in the following schedule:

Amount represented by the total number of shares provided for in the articles of incorporation or the agreement of consolidation	Fee
\$25,000 or less-----	\$15
Over \$25,000 and not over \$75,000 -----	\$25
Over \$75,000 and not over \$200,000-----	\$50
Over \$200,000 and not over \$500,000-----	\$75
Over \$500,000 and not over \$1,000,000-----	\$100
Over \$1,000,000—	

- (1) For the first \$1,000,000----- \$100
- (2) For each additional \$500,000 or fraction thereof-- \$50

(b) For the purposes of subdivision (a), the amount represented by the total number of shares provided for in the articles of incorporation or the agreement of consolidation shall be:

- (1) The aggregate par value of the shares, if only shares with a par value are therein provided for,
- (2) The product of the number of shares multiplied by ten dollars (\$10), if only shares without par value are therein provided for, or
- (3) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by ten dollars (\$10), if shares with and without par value are therein provided for.

Amendment of articles of incorporation, etc

12202. (a) The fee for filing certificates of amendment of articles of incorporation or agreements of merger providing for shares the total number of which represents an amount in excess of the amount represented by the total number of authorized shares of the corporation, or the surviving corporation, respectively, is five dollars (\$5) for each fifty thousand dollars (\$50,000), or fraction thereof, of such additional amount.

In all other cases it is five dollars (\$5).

(b) For the purposes of subdivision (a), the amounts represented by (i) the total number of authorized shares of the corporation, or the surviving corporation, respectively, and (ii) the total number of shares provided for in the certificate of amendment or agreement of merger, shall be

- (1) The aggregate par value of the shares, in the case of shares with a par value,
- (2) The product of the total number of the shares multiplied by ten dollars (\$10), in the case of shares without par value, or
- (3) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by ten dollars (\$10), in the case of shares with and without par value.

Articles of incorporation, etc., of foreign corporations

12203. The fee for recording articles of incorporation, agreements of consolidation, and certified copies of articles of foreign corporations filed at the time they qualify for transaction of

intrastate business in this State is thirty cents (\$0.30) per page, or fraction thereof.

12204. The fee for filing the certified copy of the articles of incorporation of a foreign nonprofit corporation, and of a foreign corporation organized for educational, religious, scientific, or charitable purposes, and not issuing shares, is five dollars (\$5). Same

The fee for filing the certified copy of articles of incorporation of any other foreign corporation is one hundred dollars (\$100).

12205. Unless another fee is specified by law, the fee for filing any instrument by or on behalf of a corporation is five dollars (\$5). Corporation instruments

This section is not applicable to a certificate showing the surrender of the right of a foreign corporation to transact intrastate business nor to evidence of termination of the existence of a foreign corporation.

12206. The fee for acceptance of copies of process against a corporation is five dollars (\$5) for each corporation upon which service is sought. Acceptance of process

12207. Unless another fee is specified by law: Other fees

(a) The fee for affixing the certificate and seal of State is two dollars (\$2).

(b) The fee for issuing certificate of filing of any document not otherwise provided for is three dollars (\$3).

Article 4. State Archives

12220. As used in this article, "item" includes but is not limited to any paper, document, book, map, or other type of record. "Item"

12221. The Secretary of State is the custodian of the public archives of the State. Custodian of State archives

12222. The Secretary of State shall maintain and properly equip safe and secure vaults for the preservation, indexing and use of the archives. Preservation, etc.

12223. The Secretary of State shall receive into the archives any item that is required by law to be delivered to or filed with him. Items required by law

12224. The Secretary of State may receive into the archives any item that he deems to be of historical value and shall receive into the archives any other item from a State agency if directed to do so by the Department of Finance. Items of historical value, etc

12225. With the approval of the Department of Finance, the Secretary of State may at any time return to the State agency from which it was received any item in the archives which he does not deem to be of historical value. Return of items

12226. With the consent of the Secretary of State, the governing body of a county or city may by order or resolution direct the transfer to the Secretary of State for inclusion in the State archives, of official items it deems have historic interest or value, and which are in the custody of any officer of the county or Items from county or city

city. Accurate copies of the transferred items shall be substituted for the originals when the governing body deems necessary.

Responsibility for preservation, etc.

12227. The Keeper of the Archives is responsible for the preservation and indexing of material deposited in the State archives, and shall make the material readily available for use.

Receipts

12228. The Keeper of the Archives shall give an appropriate receipt for all material received by him as a part of the archives.

Maintenance on active file

12229. The Secretary of State may maintain any item in an active file in his office for such time as he deems proper before transferring it to the archives.

Article 5. Roster of Public Officials

Compilation, etc.

12240. Whenever an appropriation is made by the Legislature for the purpose, the Secretary of State shall compile, publish, and distribute a roster of the State and local public officials of California.

Printing and distribution

12241. The Secretary of State shall cause the roster to be printed and shall distribute copies free of charge, as follows: To the Governor, 50 copies; to the Lieutenant Governor, 30 copies; to each member of the Senate and to each member of the Assembly, 30 copies; to each elective State officer, each head of a State department, each county clerk, each public library upon request, each Governor and each Secretary of State of a State of the United States, one copy. The remaining copies may be distributed, singly and free of charge to any person requesting them.

CHAPTER 4. TREASURER

Article 1. General

Salary
See also
Stats 1945,
Ch. 1143

12300. The annual salary of the State Treasurer is five thousand dollars (\$5,000).

Official bond

12301. The Treasurer shall execute an official bond in the sum of one hundred thousand dollars (\$100,000).

Assistants

12302. The Treasurer may appoint one Deputy Treasurer at an annual salary of five thousand dollars (\$5,000), and one cashier at an annual salary of four thousand dollars (\$4,000). He may also appoint and fix the salaries of one bond officer, one deposit officer, one vault officer, one bookkeeper, and one secretary-stenographer. Each of such appointees is a civil executive officer. He may also appoint and fix the salaries of four clerk watchmen and one watchman porter, and such other clerical help as may be necessary for the proper conduct of his office. He may also appoint and fix the salaries, with the approval of the Board of Control, of such expert assistants as may be necessary.

Official bonds

12303. Each of the following personnel in the Treasurer's office shall execute an official bond to the State in the sums set forth opposite his title:

(a) The Deputy Treasurer, fifty thousand dollars (\$50,000).

(b) The cashier, ten thousand dollars (\$10,000).

(c) The bond officer, five thousand dollars (\$5,000).

12304. The watchmen shall be alternately on duty at all ^{Watchmen} hours of the day and night. The watchman porter shall act as relief watchman. Each has the same power to make arrests as is by the Penal Code conferred upon peace officers.

12305. The Treasurer may contract for and secure ^{Insurance} insurance against the loss of any securities and money in his custody from any insurable risk whatsoever.

The amount of insurance obtained shall not exceed the daily average amount of cash and securities respectively, in the custody of the Treasurer in the preceding year.

Article 2. Duties

12320. The Treasurer shall receive and keep in the vaults ^{State money} of the State treasury or deposit in banks all money belonging to the State, not required to be received and kept by some other person.

12321. The Treasurer shall not receive money into the ^{Certificate of Controller} treasury unless it is accompanied by the certificate of the Controller provided for in Section 12414.

12322. The Treasurer shall file and keep the certificates of ^{Same} the Controller delivered to him when money is paid into the treasury.

12323. The Treasurer shall deliver to each person ^{Receipts for payments} paying money into the treasury a memorandum receipt numbered in order showing the amount, the sources from which the money accrued, and the funds into which it is paid.

12324. The Treasurer shall pay warrants drawn by the ^{Payment of warrants} Controller out of the funds upon and in the order in which they are drawn, but he shall not pay any money out on warrants issued for indebtedness accruing prior to January 1, 1857.

12325. The Treasurer may attach to or indorse upon ^{Same} warrants drawn by the Controller an order directing payment by any bank in which money of the State is on deposit. Upon presentation for payment, the person to whom it is paid shall receipt therefor in the manner customary in the payment of bank checks. The Treasurer shall deliver daily to the Controller all canceled warrants, taking the Controller's receipt therefor.

12326. The Treasurer shall keep an account of all ^{Accounts} money received and disbursed, and keep separate accounts of the different funds.

12327. Upon the last day of each month, or when the last ^{Monthly list of warrants paid} day falls upon a day on which the Treasurer is not required by law to keep his office open for the transaction of business, then upon the business day immediately preceding the last day, the Treasurer shall furnish the Controller with a list of all warrants paid by him since the date on which the preceding list was furnished. The list shall show the number, date, and amount of each warrant, and the fund out of which each was paid.

Monthly Report to Controller 12328. On or before the tenth day of each month, the Treasurer shall report to the Controller the amounts disbursed during the preceding month, the funds out of which the disbursements were paid and all cash on hand to the credit of each fund.

Biennial report to Governor 12329. On or before the fifteenth day of September in each even-numbered year, the Treasurer shall report to the Governor the exact balance in the treasury to the credit of the State, and a summary of the receipts and payments of the treasury during the two preceding fiscal years.

Information to Legislature 12330. At the request of either house of the Legislature, or of any committee thereof, the Treasurer shall give written information as to the condition of the treasury, or upon any subject relating to the duties of his office.

Authentication of documents 12331. The Treasurer shall authenticate with his official seal all writings and papers issued from his office.

CHAPTER 5. CONTROLLER

Article 1. General

Salary See also Sta's 1945, Ch 1143 12400. The annual salary of the Controller is five thousand dollars (\$5,000).

Official bond 12401. The Controller shall execute an official bond in the sum of fifty thousand dollars (\$50,000).

Assistants 12402. The Controller may appoint and fix the salaries of two Deputy Controllers, one bookkeeper, one redemption tax expert, one franchise tax expert, one superintendent franchise tax department, one statistician, and one superintendent motor vehicle fuel tax department, all of whom are civil executive officers, and such other clerical and expert assistants as may be necessary for the proper conduct of his office.

Administration of oaths 12403. The Controller may designate any one or more of his employees to administer oaths in respect to returns, reports, affidavits, or other documents that are required to be filed with the Controller.

Article 2. Duties

Superintendence of fiscal affairs, etc. 12410. The Controller shall superintend the fiscal concerns of the State, and audit all claims against the State where there are sufficient provisions of law for their payment.

Management of public revenues 12411. The Controller shall suggest plans for the improvement and management of the public revenues.

Accounts 12412. The Controller shall keep and state all accounts in which the State is interested and keep a separate account under the head of each specific appropriation, showing at all times the unexpended balance of the appropriation.

Account with Treasurer 12413. The Controller shall keep an account between the State and the Treasurer and charge the Treasurer with the balance in the treasury when he comes into office and with all money received by him, and credit him with all warrants drawn on and paid by him.

Indebtedness to State 12414. The Controller shall examine and settle the accounts of all persons indebted to the State and certify the amount to the

Treasurer. Such certificates shall show who is to make the payment, the amount, and the fund to be credited, and shall be numbered in consecutive order, beginning with number one at the commencement of each fiscal year.

Upon presentation and filing of the Treasurer's receipt therefor, the Controller shall give such person a discharge and charge the Treasurer therewith.

12415. The Controller may require any person, presenting an account for settlement, to be sworn before him and to answer orally or in writing as to any facts relating to it. Presentation of accounts for settlement

12416. The Controller shall require all persons who have received any money belonging to the State and have not accounted for it to settle their accounts and may inspect the books of any person charged with the receipt, safekeeping, or disbursement of public money. Settlement of accounts

12417. The Controller may require all persons who have received money or securities, or have had the disposition or management of any property of the State of which an account is kept in his office to render statements thereof to him; and all such persons shall render such statement at such times and in such form as he may require. Statements of management of State property

12418. The Controller shall direct and superintend the collection of all money due the State, and institute suits in its name: Collection of money due State

(a) For all official delinquencies in relation to the assessment, collection, and payment of the revenue.

(b) Against persons who by any means have become possessed of public money or property and fail to pay it over or deliver it.

(c) Against all debtors of the State.

If the action is commenced in a court of competent jurisdiction in Sacramento County such court is the proper court for trial, without regard to the residence of the defendants.

12419. The Controller shall state an account with any person who: Statement of accounts

(a) Has received money or has money or other personal property which belongs to the State by escheat or otherwise, or has been intrusted with the collection, management, or disbursement of any money, bonds, or interest accruing therefrom, belonging to or held in trust by the State, and fails to render an account thereof to and make settlement with the Controller within the time prescribed by law, or when no particular time is specified, fails to render such account and make settlement.

(b) Fails to pay into the State treasury any money belonging to the State upon being required so to do by the Controller, within 20 days after such requisition.

In stating such an account, the Controller shall charge 25 per cent damages, and interest at the rate of 10 per cent annually from the time of the failure.

In any action based thereon a copy of such an account is prima facie evidence of the things therein stated. If the Controller can not for want of information state an account, he

may in any action brought by him aver that fact, and allege generally the amount of money or other property which is due or belongs to the State.

Rules and
regulations
re pay to l
deduct ions

12420. The Controller shall make rules and regulations governing the deduction of such sums of money from the salary or wages of any State officer or employee, as may be requested of him in writing by the officer or employee, for:

(a) Paying premiums on any policy or certificate of group insurance issued by an admitted insurer to the officer or employee insured under any plan of group insurance approved by the Director of Finance.

(b) Paying dues or charges of any nonprofit membership corporation organized under the laws of this State for the purpose of defraying the cost of medical services rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic, hospital care, or both, to the officer or employee under any plan approved by the Director of Finance.

Authenti-
cation of
drafts, etc

12421. The Controller shall authenticate with his official seal all drafts and warrants drawn by him, and all copies of papers issued from his office.

Article 3. Warrants

Drawing of
warrants

12440. The Controller shall draw warrants on the Treasurer for the payment of money directed by law to be paid out of the treasury; but a warrant shall not be drawn unless authorized by law, and upon an unexhausted specific appropriation provided by law to meet it.

Article 4. Reports

Biennial
report to
Governor

12460. Before the fifteenth day of December preceding each Regular Session of the Legislature, the Controller shall report to the Governor a statement of the funds of the State, its revenues, and the public expenditures during the two preceding fiscal years. For the two ensuing fiscal years, the report shall:

(a) Include a detailed estimate of the expenditures to be defrayed from the treasury.

(b) Specify each object of expenditure.

(c) Distinguish between those provided for by permanent or temporary appropriations and those that should be provided for by a new statute.

(d) Suggest the means from which such expenditures are to be defrayed.

Tabular
statements

12461. The Controller shall accompany this biennial report with tabular statements, showing:

(a) The amount of each appropriation for the two preceding fiscal years, the amounts expended, and the balance, if any.

(b) The amounts of revenue chargeable to each county for such years, the amount paid, and the amount unpaid or due.

Information
to Legis-
lature

12462. Upon request, the Controller shall give information in writing to either house of the Legislature relating to the fiscal affairs of the State or the duties of his office.

12463. The Controller shall compile and publish annually reports of the financial transactions of each county and city within the State, together with such other matter as he deems of public interest. The reports shall be made in the time, form, and manner prescribed by the Controller. Annual reports of county and city financial transactions

12464. If the county or city reports are not made in the time, form, and manner required or there is reason to believe that any such report is false or incorrect, the Controller shall appoint some qualified accountant to make an investigation and to obtain the information required. The accountant appointed shall report to the Controller the results of investigation, and a copy shall be filed with the legislative body of the county or city, the accounts of which were so investigated. If a similar investigation has to be made of the accounts of any county or city for two successive years, a certified copy of the results of the investigation last made shall be transmitted to the grand jury of the county so investigated or in which the city so investigated is situated. Investigation of county and city accounts

12465. All reports from county and city officials and individuals which have been in the custody of the Controller for a period of five years may be destroyed. This section does not apply to claims upon which warrants have been issued, canceled warrants, other records involving the expenditure of State money, and books of original entry. Destruction of reports

On the first business day of each month, the Controller shall furnish the Department of Finance with a statement of the amount of money in each fund of the treasury, and the total amount as it appears upon the books of his office, together with a list of warrants issued by him but not paid by the Treasurer, and for the payment of which there is money in the treasury. Monthly report to Department of Finance

CHAPTER 6. ATTORNEY GENERAL

Article 1. General

12500. The annual salary of the Attorney General includes all services rendered ex officio as member of any board or commission. Salary

12501. The Attorney General shall execute an official bond in the sum of ten thousand dollars (\$10,000). Official bond

12502. The Attorney General may appoint and fix the salaries of such Assistant Attorneys General, Deputy Attorneys General, service agents, experts, and technical and clerical employees as he deems necessary for the proper performance of the duties of his office. Each appointee is a civil executive officer. Assistants

Article 2. General Powers and Duties

12510. The Attorney General is head of the Department of Justice. Department of Justice

12511. The Attorney General has charge, as attorney, of all legal matters in which the State is interested, except the business of The Regents of the University of California and of such State legal matters

other boards or officers as are by law authorized to employ attorneys.

Attendance
upon Su-
preme Court

12512. The Attorney General shall attend the Supreme Court and prosecute or defend all causes to which the State, or any State officer is a party in his official capacity; and all causes to which any county is a party, unless the interest of the county is adverse to the State, or some State officer acting in his official capacity.

Execution of
judgment

12513. After judgment in any of the causes referred to in Section 12512, the Attorney General shall direct the issuing of such process as may be necessary to carry the judgment into execution.

Docket

12514. The Attorney General shall keep a docket of all causes in which he is required to appear. The docket shall be open to the inspection of the public during business hours, and shall show:

(a) The county, and court in which the causes have been instituted and tried.

(b) Whether they are civil or criminal.

(c) The stage of the proceedings.

(d) If civil, the nature of the demand and judgment, any process issued thereon, and satisfaction of the judgment or the return of the sheriff.

(e) If criminal, the nature of the crime, the mode of prosecution, the sentence, the execution of the sentence or the reasons for the delay or prevention of execution.

Purchase at
execution
sale

12515. The Attorney General shall bid upon and purchase, in the name of the State and under the direction of the Department of Finance, any property offered for sale under execution issued upon judgments in favor or for the use of the State, and enter satisfaction in whole or in part, of such judgments as the consideration for such purchase.

Redemption
of property

12516. Whenever the property of a judgment debtor in any judgment in favor or for the use of the State has been sold under a prior judgment, or is subject to any prior judgment, lien, or encumbrance, the Attorney General shall, under the direction of the Department of Finance, redeem the property from the prior judgment, lien, or encumbrance. Upon order of the Department of Finance, the money necessary for redemption shall be paid out of any appropriation for that purpose.

Fraudulent
conveyances

12517. When in his opinion it may be necessary for the collection or enforcement of any judgment in favor or for the use of the State, the Attorney General shall institute and prosecute, in behalf of the State, actions or proceedings to set aside and annul all conveyances fraudulently made by judgment debtors. When allowed by the Department of Finance, the necessary cost shall be paid out of any available appropriation.

State lands

12518. Whenever any action is brought against the State or any State agency involving the title, or right to possession or the boundaries of any lands belonging to the State or in which it has any interest, the Attorney General may, when in his judgment the public interest so requires, upon his own

motion or upon the request of any State agency, appear as attorney in defense of the State or State agency.

Upon his own motion or upon the request of any State agency, the Attorney General may institute such an action in the name of the people of the State or on behalf of any State agency.

12519. The Attorney General shall give his opinion in writing to the Legislature or either house thereof, and to the Governor, the Secretary of State, Controller, Treasurer, State Lands Commission, Superintendent of Public Instruction any State agency prohibited by law from employing legal counsel other than the Attorney General, and any district attorney when required, upon any question of law relating to their respective offices. Opinions

12520. The Attorney General shall not employ special counsel in any case except pursuant to: Special counsel

(a) Article 3.

(b) Article 4.

12521. The Attorney General shall account for and pay over to the proper officer all money which may come into his possession belonging to the State or to any county. State and county money

12522. On or before the fifteenth day of September in each even-numbered year, the Attorney General shall report to the Governor the condition of the affairs of his office and of the reports received by him from district attorneys. Biennial report to Governor

Article 3. Escheated Property

12540. The Attorney General shall institute investigations for the discovery of all real and personal property to which the State may be entitled by escheat. For that purpose he may cite any person before any superior court of this State to answer investigations and render accounts concerning any such property, and he may examine all books and papers of any corporation. Investigations

12541. The Attorney General shall commence and prosecute actions on behalf of the State pursuant to Title 8, Part 3, of the Code of Civil Procedure, for the purpose of having it adjudged that title to real or personal property, to which the State has become entitled by escheat, is vested in the State. Actions

12542. The Attorney General may employ counsel to act in his place and stead for the investigation for discovery and the recovery of any such property. In such proceedings counsel so employed have the authority of the Attorney General. Employment of counsel

12543. The compensation for services of such counsel shall be determined by the Department of Finance and paid only out of the sums found to be escheated and recovered to the State. The Attorney General may pay to such counsel a sum not in excess of 10 per cent of the sums actually received, and the balance shall be paid into the estates of Deceased Persons Fund. Compensation of counsel

12544. If an escheat proceeding is prosecuted by the regular staff of the Attorney General's office, the Attorney General shall recover, by presenting a claim to the Controller, all costs and charges of commencing and prosecuting the suit, from the funds Actions prosecuted by Attorney General

so escheated. Such claims shall be paid from the estates of Deceased Persons Fund and credited to and in augmentation of any support appropriation of the Attorney General. The costs and charges shall not in any case exceed 10 per cent of the sum or sums actually escheated to the State in such suits.

Article 4. Supervision of District Attorneys

Supervision,
etc., of
district
attorneys

12550. The Attorney General has direct supervision over the district attorneys of the several counties of the State and may require of them written reports as to the condition of public business entrusted to their charge.

When he deems it advisable or necessary in the public interest, or when directed to do so by the Governor, he shall assist any district attorney in the discharge of his duties, and may, where he deems it necessary, take full charge of any investigation or prosecution of violations of law of which the superior court has jurisdiction. In this respect he has all the powers of a district attorney, including the power to issue or cause to be issued subpoenas or other process.

Grand jury
investigations

12551. Whenever the Attorney General considers the public interest requires, he may, with or without the concurrence of the district attorney, direct the county grand jury to convene for the investigation and consideration of such matters of a criminal nature as he desires to submit to it, and may take full charge of the presentation of such matters to the grand jury, issue subpoenas, prepare indictments, and do all other things incident thereto to the same extent as the district attorney may do.

Impanelling
of grand
jury, etc.

12552. If a county grand jury is not in existence, the Attorney General may demand the impanelling of a grand jury by those charged with the duty to do so, and upon such demand by him, it shall be their duty to do so.

The Attorney General may also file informations.

Disqualifi-
cation of
district
attorney

12553. If a district attorney is disqualified to conduct any criminal prosecution within the county, the Attorney General may employ special counsel to conduct the prosecution. The attorney's fee in such case is a legal charge against the State.

Article 5. Supervision of Sheriffs

Supervision,
etc., of
sheriffs

12560. The Attorney General has direct supervision over the sheriffs of the several counties of the State, and may require of them written reports concerning the investigation, detection and punishment of crime in their respective jurisdictions. Whenever he deems it necessary in the public interest he shall direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff, and he may direct the service of subpoenas, warrants of arrest, or other processes of court in connection therewith.

Investiga-
tion of
crime, etc

12561. Whenever he deems it necessary in the public interest, the Attorney General may appoint some competent person to perform the duties of sheriff with respect to the investigation

or detection of a particular crime and cause the arrest of persons in connection therewith. Any person so appointed has all the powers of a sheriff with respect to the particular matter.

Article 6. Special Agents and Investigators

12570. For the purpose of enabling him to perform the duties imposed upon him by Section 21 of Article V of the Constitution the Attorney General may appoint and fix the compensation of such special agents and investigators not exceeding ten in number as he deems necessary. The Attorney General shall not be required to divulge their identities. They may be employed either on a monthly basis or by the day. Each special agent or investigator shall take an oath of office, the record of which shall be kept in the private files of the Attorney General. Appointment and compensation

12571. When serving under the direction of the Attorney General each special agent or investigator is a peace officer of this State. Peace officer

12572. Whenever the Attorney General deems it advisable to keep secret the identity of any special agent or investigator, claims for compensation and expenses of the special agent or investigator may be presented by the Attorney General in his own name with the statement that the charges have been incurred under this article. When so presented the claims shall be paid out of any fund in the State treasury allocated for the use of the Attorney General. Such claims are exempt from Section 16003. Payment of claims

12573. Upon the completion of each secret investigation and, in any event, within not more than one year after the payment of any claim, the Attorney General shall file with the Controller vouchers in support of the claim. The Controller shall not divulge any information conveyed by the vouchers, except upon order of a court of record in cases where the information is relevant and material evidence or upon order of the Legislature. Vouchers

SEC. 4. Section 500016 is added to said code, to read:
500016. The following acts and sections are repealed:

		Repeals
1852	: 15: 53	1852 : 167: 253
1852	: 23: 58	1852 : 187: 263
1852	: 161: 250	1852 : 189: 265
1852	: 162: 251	1852 : 191: 266
1852	: 165: 252	1853 : 112: 158
1853	: 126: 180	1935 : 341: 1176
1855	: 48: 57	1935 : 634: 1874, Sec. 2,
1855	: 169: 211	only
1857	: 89: 86	1937 : 157: 423
1857	: 202: 234	1937 : 762: 2180
1858	: 133: 102	1937 : 799: 2274
1860	: 143: 110	1937 : 811: 2294, Sec. 2,
1860	: 208: 173	only
1860	: 339: 333	1938 : 11: 66

1861	:	130:	156	1939	:	2:	2
1861	:	307:	301	1939	:	5:	4
1861	:	487:	534	1939	:	12:	15
1862	:	40:	32	1939	:	17:	28
1863	:	53:	54	1939	:	18:	30
1863	:	82:	92	1939	:	45:	472
1865-6	:	203:	197	1939	:	49:	475
1865-6	:	477:	620	1939	:	71:	1008
1873-4	:	89:	100	1939	:	115:	1228
1873-4	:	308:	442	1939	:	486:	1833
1873-4	:	398:	570	1939	:	557:	1960
1877-8	:	570:	913	1939	:	655:	2097
1883	:	31:	55	1939	:	666:	2139
1899	:	89:	104	1939	:	671:	2144
1899	:	108:	144	1939	:	706:	2224
1903	:	121:	132	1939	:	914:	2528
1903	:	127:	138	1939	:	948:	2663
1905	:	170:	166	1939	:	1046:	2897
1909	:	46:	39	1939	:	1048:	2902
1909	:	161:	260	1939	:	1105:	3037
1911	:	36:	52	1940 (1st Ex. Sess.)	:	8:	16
1911	:	182:	358	1940 (1st Ex. Sess.)	:	15:	39
1913	:	616:	1148	1940 (1st Ex. Sess.)	:	18:	43
1915	:	257:	463	1940 (1st Ex. Sess.)	:	19:	44
1917	:	326:	477	1940 (1st Ex. Sess.)	:	26:	79
1917	:	419:	538	1940 (1st Ex. Sess.)	:	30:	84
1921	:	708:	1201	1940 (1st Ex. Sess.)	:	44:	121
1921	:	866:	1651	1940 (1st Ex. Sess.)	:	58:	167
1923	:	185:	427	1940 (1st Ex. Sess.)	:	62:	172
1923	:	454:	1117	1940 (1st Ex. Sess.)	:	63:	172
1925	:	205:	358	1940 (1st Ex. Sess.)	:	64:	173
1925	:	302:	497	1940 (1st Ex. Sess.)	:	65:	173
1929	:	39:	81	1940 (2d Ex. Sess.)	:	1:	327
1931	:	183:	300	1940 (2d Ex. Sess.)	:	3:	329
1933	:	81:	519	1940 (4th Ex. Sess.)	:	7:	363
1933	:	278:	814	1940 (4th Ex. Sess.)	:	8:	363
1933	:	366:	966	1940 (5th Ex. Sess.)	:	1:	377
1933	:	865:	2247	1940 (5th Ex. Sess.)	:	3:	379
1933	:	984:	2547	1941	:	1:	401
1941	:	2:	401	1941	:	828:	2378
1941	:	65:	731	1941	:	829:	2378
1941	:	389:	1673	1941	:	980:	2616
1941	:	600:	1984	1941	:	1242:	3124
1941	:	760:	2296	1941	:	1268:	3213

SEC. 5. Section 500017 is added to said code to read:

Repeals 500017. The following acts and sections are repealed:

1850	:	1:	45	1860	:	161:	128
1850	:	4:	47	1860	:	201:	166
1850	:	5:	48	1860	:	265:	248
1850	:	11:	55	1860	:	332:	328
1850	:	104:	256	1861	:	305:	298

1851	:	120:	443	1862	:	117:	104
1851	:	133:	519	1862	:	276:	309
1852	:	8:	48	1862	:	350:	475
1852	:	30:	63	1862	:	413:	537
1852	:	32:	66	1863	:	100:	113
1852	:	35:	77	1863	:	144:	176
1852	:	36:	78	1863	:	266:	351
1852	:	55:	128	1863- 4:	:	194:	191
1852	:	62:	84	1865- 6:	:	157:	142
1852	:	83:	160	1865- 6:	:	200:	193
1853	:	32:	43	1865- 6:	:	314:	353
1853	:	97:	146	1865- 6:	:	398:	487
1853	:	132:	187	1865- 6:	:	553:	774
1853	:	172:	270	1865- 6:	:	557:	780
1854	:	9:	21	1865- 6:	:	563:	784
1854	:	24:	31	1865- 6:	:	634:	858
1854	:	29:	33	1865- 6:	:	649:	869
1854	:	31:	38	1867- 8:	:	147:	125
1854	:	52:	58	1867- 8:	:	431:	554
1854	:	66:	117	1869-70:	:	21:	22
1855	:	9:	5	1869-70:	:	80:	79
1855	:	45:	48	1869-70:	:	232:	333
1855	:	54:	61	1869-70:	:	251:	359
1855	:	91:	112	1869-70:	:	344:	451
1855	:	109:	131	1869-70:	:	390:	544
1855	:	172:	213	1869-70:	:	399:	562
1856	:	95:	110	1869-70:	:	444:	646
1856	:	113:	135	1871- 2:	:	237:	312
1856	:	137:	213	1871- 2:	:	588:	871
1856	:	143:	224	1873- 4:	:	171:	235
1857	:	244:	300	1873- 4:	:	511:	746
1858	:	91:	72	1873- 4:	:	666:	937
1858	:	257:	212	1875- 6:	:	36:	16
1875- 6:	:	245:	314	1925	:	315:	535
1877- 8:	:	614:	956	1927	:	431:	714
1885	:	3:	2	1927	:	498:	838
1885	:	46:	49	1929	:	267:	572
1887	:	94:	110	1929	:	371:	694
1889	:	143:	151	1929	:	420:	741
1889	:	239:	451	1929	:	750:	1427
1891	:	38:	24	1929	:	776:	546
1891	:	78:	70	1931	:	123:	169
1891	:	149:	210	1931	:	403:	927
1891	:	187:	268	1931	:	850:	1745
1891	:	235:	452	1933	:	11:	37
1893	:	30:	46	1933	:	264:	796
1893	:	187:	229	1933	:	948:	2477
1893	:	201:	285	1933	:	1016:	2592
1895	:	97:	88	1935	:	66:	402
1897	:	3:	3	1935	:	827:	2246
1897	:	7:	5, Sec. 1,	1937	:	199:	496
			only	1937	:	342:	750

1897	:	253:	393	1937	:	590:	1656
1899	:	105:	143	1937	:	796:	2271
1899	:	109:	146	1937	:	800:	2274
1903	:	187:	207	1937	:	880:	2437
1903	:	315:	436	1938	:	18:	99
1906 (Ex. Sess.):	17:	20		1939	:	55:	478
1907	:	154:	187	1939	:	664:	206
1907	:	182:	214	1939	:	741:	2269
1909	:	406:	711	1939	:	823:	2396
1911	:	109:	273	1939	:	945:	2659
1911	:	337:	559	1939	:	961:	2709 (Sec. 2)
1911	:	550:	1071, Secs. 2, 4, and 5, only	1939	:	1106:	3038
1911	:	543:	1067	1940 (1st Ex. Sess.):	25:	77	
1913	:	322:	626	1940 (1st Ex. Sess.):	55:	161	
1913	:	542:	924	1941	:	102:	1077
1915	:	321:	493	1941	:	761:	2296
1919	:	527:	1139	1941	:	837:	2409
1921	:	157:	155	1943	:	600:	2181
1921	:	614:	1051	1943	:	1060:	3003
				1943	:	1102:	3041

Repeals SEC. 6. Section 500018 is added to said code, to read: 500018. The following acts and sections are repealed:

1852	:	168:	254	1856	:	144:	225
1855	:	165:	208	1858	:	5:	3
1856	:	23:	35	1858	:	333:	316
1856	:	24:	36	1859	:	122:	120
1860	:	27:	15	1875- 6:	471:	688	
1860	:	45:	25	1877- 8:	116:	138	
1860	:	167:	137	1877- 8:	152:	194	
1860	:	237:	207	1877- 8:	281:	341	
1860	:	239:	207	1877- 8:	318:	425	
1861	:	68:	55	1877- 8:	336:	451	
1861	:	340:	348	1877- 8:	574:	915	
1865- 6:	520:	675		1889	:	190:	221
1867- 8:	63:	59		1891	:	10:	7
1867- 8:	420:	537		1891	:	136:	182
1869-70:	126:	121		1891	:	145:	194
1873- 4:	23:	22		1891	:	246:	467
1873- 4:	579:	819		1929	:	705:	1243
1875- 6:	462:	680					

Repeals SEC. 7. Section 500019 is added to said code, to read: 500019. The following acts are repealed:

1853	:	84:	130	1865- 6:	340:	382
1857	:	152:	177	1865- 6:	632:	856
1860	:	26:	15	1869-70:	294:	399
1860	:	363:	352	1869-70:	496:	724
1861	:	238:	241	1871- 2:	462:	694
1861	:	533:	628	1871- 2:	618:	905

1862	:	231:	250	1877-	8:	276:	336
1862	:	434:	554	1909	:	505:	842
1863	:	497:	754	1927	:	566:	951
1863-	4:	113:	103	1935	:	350:	1218
1865-	6:	332:	378				

SEC. 8. Section 500020 is added to said code, to read:
500020. The following acts and sections are repealed:

Repeals

1850	:	9:	51	1871-	2:	591:	873
1850	:	16:	63	1873-	4:	9:	6
1855	:	50:	59	1873-	4:	569:	802
1855	:	114:	135	1877-	8:	582:	928
1856	:	3:	18	1885	:	23:	26
1857	:	23:	16	1891	:	170:	244
1858	:	51:	38	1891	:	213:	290
1862	:	7:	4	1893	:	9:	6
1863	:	88:	97	1893	:	52:	64
1863	:	282:	362	1909	:	43:	37
1871-	2:	117:	118	1915	:	360:	515
Secs. 1-4, 7-10, only				1925	:	241:	419
1871-	2:	522:	762	1937	:	483:	1440

SEC. 9. Section 500021 is added to said code, to read:
500021. The following acts are repealed:

Repeals

1861	:	5:	4	1900 (Ex. Sess.):	8:	17	
1861	:	67:	55	1905	:	4:	2
1862	:	1:	1	1905	:	102:	99
1862	:	68:	56	1906 (Ex. Sess.):	28:	30	
1863	:	3:	6	1907	:	1:	1
1863	:	51:	51	1907	:	21:	14
1863	:	124:	145	1907	:	217:	268
1865- 6:	380:	465	1907	:	366:	687	
1865- 6:	504:	640	1907	:	409:	752	
1867- 8:	319:	357	1909	:	45:	38	
1871- 2:	345:	475	1909	:	74:	85	
1873- 4:	19:	21	1909	:	585:	895	
1873- 4:	419:	593	1913	:	588:	1034	
1873- 4:	509:	745	1915	:	261:	466	
1875- 6:	477:	723	1923	:	184:	427	
1875- 6:	503:	761	1933	:	444:	1160	
1880	:	2:	1	1933	:	527:	1348
1881	:	46:	48	1933	:	606:	1549
1885	:	118:	100	1937	:	802:	2275
1891	:	165:	237	1941	:	227:	1296
1893	:	67:	78				

SEC. 10. Section 500022 is added to said code, to read:
500022. The following acts are repealed:

Repeals

1853	:	31:	42	1863-	4:	118:	108
1853	:	110:	154	1865-	6:	106:	91
1853	:	170:	268	1865-	6:	319:	360

1854 (Spec.):	17: 40	1865- 6:	339: 382
1854 (Spec.):	20: 147	1865- 6:	429: 539
1854 (Spec.):	25: 149	1867- 8:	83: 71
1854 (Spec.):	31: 152	1867- 8:	467: 627
1854 (Spec.):	38: 156	1869-70:	89: 86
1854 (Spec.):	47: 169	1869-70:	106: 102
1855 :	55: 62	1871- 2:	38: 38
1855 :	90: 112	1871- 2:	328: 439
1858 :	310: 294	1873- 4:	217: 320
1859 :	284: 307	1873- 4:	431: 606
1863 :	465: 738	1873- 4:	444: 620
1863- 4:	53: 46	1875- 6:	4: 3

Sec. 11. Section 500023 is added to said code, to read:
 Repeals 500023. The following sections are repealed:

CODE OF CIVIL PROCEDURE

Section 262

STREETS AND HIGHWAYS CODE

Section 203.5

POLITICAL CODE

Sections	Sections	Sections	Sections
256	407	461	689
318	408	462	692
348	409	470	693
349	410	470a	695.4
350	411	471	695.5
351	412	472	720
351a	415	473	721
352	416	473a	722
353	424	474	724
354	433	474a	725
355	433.6	475	725.1
356	434	476	725.2
356a	437	477	725.3
357	438	478	725.4
358	439	479	854
359	439.5	526	855
359b	442	527	1002
368	446	528	1003
371	452	528a	1030
380	453	533	1034
382	455	536	2326
383	456	539d	2328
384	457	541	3233
385	458	661	3234
396	459	677.6	
397	459a	683	
398	460	687	

CHAPTER 112

An act to add Parts 3 and 4 to Division 3, Title 2 of, and to add Section 500029 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor April 27, 1945 Filed with Secretary of State April 27, 1945.] In effect September 15, 1945

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

SECTION 1. Part 3 is added to Division 3, Title 2, of the Government Code, to read:

PART 3. DEPARTMENT OF FINANCE

CHAPTER 1. GENERAL

Article 1. Administration

13000. There is in the State Government a Department of Finance. Department of Finance

13001. The department is under the control of an executive officer known as Director of Finance. Director of Finance

As used in this part, "director" and "department" refer to the Director and Department of Finance, respectively, unless the context otherwise requires.

13002. The director is appointed by and holds office at the pleasure of the Governor. The annual salary of the director is ten thousand dollars (\$10,000). The director may also be chief of the Division of Budgets and Accounts without additional compensation. Appointment and salary See also Stats 1945, Ch 1185

13003. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of one hundred thousand dollars (\$100,000), conditioned upon the faithful performance of his duties. Official bond

13004. The director shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department, except as otherwise expressly provided by this code. Duties and powers

13005. For the purpose of administration, the director shall organize the department with the approval of the Governor, in the manner that he deems necessary properly to segregate and conduct the work of the department. Organization of department

The director may arrange and classify the work of the department and with the approval of the Governor may create such divisions and subdivisions as may be necessary, and change or abolish them from time to time.

13006. The work of the department shall be divided into at least three divisions known as the Division of Budgets and Accounts, the Division of Fairs and Expositions, and the Division of State Lands. Divisions

Official bonds 13007. Before entering upon the duties of his office each division chief shall execute to the State an official bond in the penal sum of twenty-five thousand dollars (\$25,000).

Superintendent of Accounts 13008. For the purpose of administering Article 1, Chapter 3, the director may appoint and prescribe the duties and fix the salaries of a superintendent of accounts and such number of skillful accountants or assistants as he deems necessary. Each such appointee is a civil executive officer.

Before entering upon the discharge of the duties of his office each such appointee shall execute to the State an official bond conditioned upon the faithful performance of his duties in such penal sum as the director prescribes, but not less than five thousand dollars (\$5,000).

Bureau of Buildings and Grounds 13009. The director shall appoint and fix the salaries of a Chief of the Bureau of State Buildings and Grounds, who is a civil executive officer, a Chief of State Police, and such other police officers, assistants, clerks, and employees as may be necessary to guard and maintain the State buildings and grounds.

The Chief of the Bureau of State Buildings and Grounds, the Chief of State Police, the police officers and such employees as may be designated by the department have the power of peace officers in all parts of this State.

Property 13010. The department has the possession and control of all records, books, papers, offices, equipment, supplies, money, funds, appropriations, land and other property, real or personal, held for the benefit or use of State agencies within the department.

Article 2. Crimes

Crimes and Penalties 13030. Every person is guilty of a misdemeanor who:

(a) Fails or neglects to make, verify and file with the Department of Finance any report required by this part.

(b) Fails or neglects to follow the directions of the Department of Finance in keeping the accounts of his office.

(c) Refuses to permit the examination of or access to the records, files, books, accounts, papers, documents or cash drawers or cash of his office by a representative of the Department of Finance or in any way interferes with such examination.

Conviction of any such misdemeanor is punishable by a fine of not less than one hundred (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not less than 30 days, or both.

CHAPTER 2. POWERS AND DUTIES, GENERALLY

Article 1. General

Financial Policies 13070. The department has general powers of supervision over all matters concerning the financial and business policies of the State and whenever it deems it necessary, or at the instance of the Governor, shall institute or cause the institution of such investigations and proceedings as it deems proper to conserve the rights and interests of the State.

13071. The director and the civil executive officers of the department have the powers of a peace officer in all parts of the State in enforcing any lawful order of the department. Peace officers

13072. The department shall engage competent artists to paint oil portraits of all Governors of California whose portraits have not been painted, and a portrait of each Governor upon his retirement from office. The portraits shall be framed and hung in appropriate places in the State Capitol. Portraits of Governors

13073. The department may render advisory, investigational, or other similar service to any city, county, district or any other political subdivision of the State, or to the Federal Government upon such terms and conditions as may be satisfactory to the director. Service to public agencies

13075. The director may require any person who has charge of, handles or has access to any State property to file an official bond in an amount to be fixed by him. Official bonds

13076. The director shall visit or cause to be visited from time to time every public institution maintained in whole or in part by State appropriations, to ascertain their condition, and their wants and requirements. Public institutions

Article 2. State Property

13100. The director may acquire title to real property in the name of the State whenever the acquisition of real property is authorized or contemplated by law, if no other State agency is specifically authorized and directed to acquire it. Real property

13101. The director may institute and maintain in the name of the State condemnation proceedings for the acquiring of any land authorized by law to be obtained for any State agency, except land to be acquired by the Department of Public Works for highway purposes, if no other State agency is specifically authorized and directed to institute such proceedings. Condemnation proceedings

13102. With the consent of the State agency concerned, the director may establish boundaries between property of the State held in proprietary capacity and property in private ownership, and execute and accept in behalf and in the name of the State instruments necessary to the establishment of any such boundary. Boundaries

13103. The director may execute grants to real property belonging to the State in the name and upon behalf of the State, whenever the sale or exchange of real property is authorized or contemplated by law, if no other State agency is specifically authorized and directed to execute the grants. Grants

13104. With the consent of the State agency concerned, the director may execute grants to real property belonging to the State in the name and upon behalf of the State to the United States of America in exchange for lands of the latter or for such other considerations, as the director deems are in the best interests of the State. Exchange of real property

Real property acquired by the State by exchange pursuant to this section is subject to the laws governing real property of the class to which it belongs.

Easements,
etc 13105. With the approval of the State agency concerned, the director may grant and convey in the name of the State, easements and rights of way across real property belonging to the State not used for highway rights of way, for such purposes and upon such consideration and subject to such conditions, limitations, restrictions, and reservations as he deems are in the interest of the State.

Abandoned
river
channels 13106. The director may grant and convey by deed or otherwise to abutting property owners all interests of the State in and to abandoned river channels.

Public lands 13107. With the approval of the Governor, the director may by executive order withdraw from sale any and all public lands belonging to the State, and return any lands so withdrawn for the purpose of sale or other disposition in accordance with law.

Leased
property 13108. Upon the written request of a State agency that is not specifically authorized by law to lease or hire property, the director may hire or lease any real or personal property, if he deems the hiring or leasing is in the best interests of the State.

Same 13109. With the consent of the State agency concerned, the director may let for a period of not to exceed five years, any real or personal property which belongs to the State, the letting of which is not expressly prohibited by law, if he deems such letting is in the best interests of the State.

State-owned
land 13110. The control or possession of land owned by the State may be transferred from one State agency to another State agency with the written approval of the director.

In connection with such a transfer the director may authorize the payment of such consideration as he deems proper from available funds of the receiving agency to the transferring agency.

Where the interest the State owns in land is not under the control or in possession of any specified State agency the department may act as the transferring agency.

Upon request and without fee, the recorder of each county in which any portion of land so transferred is located shall record any instruments executed in connection with such a transfer.

Personal
property 13111. With the consent of the State agency concerned, the director may authorize the sale or exchange of any personal property which belongs to the State, if he deems the sale or exchange is in the best interests of the State.

Transfer 13112. The director may authorize the transfer or loan of personal property owned by the State from one State agency to another State agency if he deems the transfer or loan and the terms and conditions thereof, are in the best interests of the State.

Purchase of
Sacramento
property 13113. Upon behalf and in the name of the State, the department may contract to purchase or otherwise acquire, that certain real property situate in the City of Sacramento, County of Sacramento, State of California, and bounded and described as follows, to wit:

Lots five (5) and six (6) in the block bounded by 10th and 11th and O and P Streets, upon such terms and conditions as may be in the best interests of the State.

Upon acquisition the department may make the structure thereon available to State agencies upon such terms and conditions as may appear proper.

If the property is acquired under a contract to purchase, all money remaining after payment of interest, maintenance, repair, alteration, and other necessary expenditures, shall be paid or credited to the balance due upon the purchase price.

Article 3. Refunds

13140. As used in this article:

(a) "Permit" includes application, license, certificate, or authorization. See also
Stats 1945,
Ch 1204

(b) "Fee" includes any monetary exaction imposed or collected for or as a condition precedent to the issuing, making, taking, or securing of any permit, filing, examination, or inspection.

13141. This article does not affect payments required by Article 2, Chapter 2, Part 2, Division 4 to be made into or from the "Special Deposit Fund." Same

13142. When any applicant for a permit is ineligible for the permit because of any State law, a State agency may refund the fee without the approval of the Department of Finance. Same

13143. This article does not authorize the refund of any fee when: Same

(a) The payor, either before or after the issuance of a permit, has exercised or enjoyed, or has not been prevented by law from exercising or enjoying, the rights and privileges conferred thereby.

(b) The payor has been granted permission to take an examination.

(c) The State agency has made an examination, inspection or filing.

13144. When any law which provides for fees does not provide detailed procedure for the refund of erroneous or excessive payments, refunds may be made in accordance with this article, of all amounts received by a State agency in consequence of error, either of fact or of law, as to: Same

(a) The proper amount of the fee.

(b) The necessity of making or securing a permit, filing, examination, or inspection.

(c) The sufficiency of the credentials of the applicant.

(d) The eligibility of an applicant for any other reason.

13145. When any fee subject to refund under Section 13144 has not been paid into the treasury, the State agency may submit to the director a certificate setting forth the facts pertaining thereto, and upon the return of the certificate approved by the director, may refund the fee. Same

13146. When any fee subject to refund under Section 13144 has been paid into the treasury to the credit of a special fund Same

and an appropriation for refunds has been made, the State agency may prepare a claim setting forth the facts pertaining to the fee sought to be refunded and, upon approval of the claim by the director, the Controller shall draw his warrant therefor upon the fund to which the fee was credited.

Same 13147. Whenever, pursuant to any law which provides for fees, there has been paid into the treasury any amount which, if it had not been so paid, would be refundable under Section 13144, but which may not be refunded because no provision has been made therefor the State agency may submit to the director a certificate setting forth the facts pertaining thereto, and upon return of the certificate approved by the director, the State agency shall refund the amount to the person entitled and take his receipt.

The refund shall be made out of any money collected which would otherwise be paid into the treasury to the credit of the same account or fund to which the refunded payment was credited.

Upon making the refund the receipt of the person to whom it was made shall be transmitted to the Controller together with a copy of the certificate approved by the director.

Same 13148. Whenever any law which provides for fees and for their appropriation to a special fund does not provide for the refund of erroneous or excessive payments, the director may approve, and the Controller shall pay, such claims as are submitted by any State agency in accordance with the applicable provisions of this article.

Article 4. Buildings and Grounds

Rules and regulations 13160. The department may establish rules and regulations for the government and maintenance of the State buildings and grounds. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.

Flags 13161. The Chief of the Bureau of State Buildings and Grounds shall purchase and provide for the display of both the Flag of the United States and the Bear Flag of California in a prominent place outside of each public building of the State.

Membership in associations 13162. To enable it better to perform its powers and duties relating to public buildings, the department may become a member and participate in the activities of any building management association. The department may pay any fee or charge incident to membership in such an association or for services furnished thereby out of any money available for expenditure by the department.

Such membership and participation does not render the department nor the State liable to the payment of any dues, fees or other considerations after withdrawal of the department from membership and participation and membership and participation is subject to the right of the department to withdraw at any time and terminate any obligations that membership or participation may entail.

13163. The Service Revolving Fund in the State treasury is continued in existence. All salaries and wages and other expenses incurred by the Bureau of Buildings and Grounds in the department shall be paid from that fund. Service
Revolving
Fund

13164. The cost of rendering services to State agencies supported from funds other than the General Fund, and the cost of rendering services to any State agency at its request, shall be determined monthly and charged to the State agencies by the department. Cost of serv-
ice to State
agencies

13165. After deducting the cost of services rendered and charged to other State agencies, the remaining amount of expenditure from the Service Revolving Fund is a charge against the appropriation for the support of the Bureau of Buildings and Grounds. Upon certification by the department these amounts shall be transferred monthly by the Controller from the bureau support appropriation to the Service Revolving Fund. Other
expenditures

13166. The amounts expended from the Service Revolving Fund for which a charge is made against the bureau support appropriation and the amounts so charged are not subject to charges for: Exceptions

(a) General administrative costs under Chapter 3, Part 1.

(b) Support of the Personnel Board.

(c) Retirement contributions, but retirement contributions shall be paid from the General Fund.

13167. At the end of each month, the department shall account for and report to the Controller all money received by the department for services rendered to other State agencies. Such money shall be credited by the Controller to the Service Revolving Fund, and at the same time remitted to the treasury to become a part of that fund. Money
received for
services

13168. The department shall consider all matters of city planning affecting the future needs of the State and the relation of the State plans to those of the capital city. City
planning

13169. The department shall confer and advise with the planning body of the capital city concerning all matters affecting the metropolitan district in and within fifteen miles outside the corporate limits of the city. It shall make recommendations to the governing bodies of all political units within the metropolitan district and to the Governor as to all matters of interest to the State concerning existing or new roads, boulevards and thoroughfares, street railway systems, depots, smoke prevention, parks, parkways and playgrounds, water supply, sewage and sewage disposal, collection and disposal of garbage, civic centers, and other natural or artificial physical features, and other public improvements that will affect the character of the district as a whole. Sacramento
metropolitan
area

13170. The department may make recommendations to such political units concerning the metropolitan district. (n so doing it shall have regard for: Recommen-
dations

(a) The present conditions and future needs and growth of the district.

(b) The distribution and relative location of all streets and railways, waterways, and other means of public travel and business communication.

(c) The distribution and relative locations of all public buildings, public grounds, and open spaces devoted to the public use.

(d) The planning and laying out for urban uses of private grounds brought into the market from time to time.

Article 6. State Burial Grounds

- State burial grounds 13210. The Department of Finance has control of the State burial grounds.
- Sacramento city cemetery 13211. The fee to the State burial grounds, in the city cemetery of the City of Sacramento, is in the people of the State.
- Eligibility for interment 13212. There may be interred in the State burial grounds the remains of any person who:
- (a) Was a State officer or a member of the Senate or Assembly at the time of his death.
- (b) At the death of any State officer or member of the Senate or Assembly, was the spouse of the officer or member.
- Employees 13213. The department may employ such employees as are necessary to perform its duties concerning the State burial grounds.

Article 7. State Land Settlement

- Deposit of money 13230. All money received by the department under this article shall be deposited in the treasury to the credit of the General Fund.
- Delhi Colony 13231. The Department of Finance has complete control of all of the land owned by the State in the Delhi Colony in Merced County, consisting of approximately 58.50 acres. The department may sell all or any part for cash at a price to be fixed by the director.
- There shall be excepted and reserved to the State the minerals including oil and gas in such lands, and the right of the State or persons authorized to do so by the State to prospect for, extract, and remove, the minerals, oil and gas therefrom.
- The department may lease all or any part of the land for such rental and upon such terms and conditions as are provided for other State lands of similar character.
- Sacramento city property 13232. The department has control of real property in the City of Sacramento, consisting of property known as the State Garage on L Street, and lots designated 83, 84 and H on Fifth Street, for use for State purposes. The department may sell all or part upon such terms and conditions as the director deems for the best interests of the State.
- Personal property 13233. All personal property received from the State Land Settlement shall be held by the department for use by it, for transfer to and for use by other State agencies which receive their support from the General Fund, or it may be sold.
- State Agricultural Society 13234. The State Agricultural Society has control of the real property in the City of Sacramento, described as Lots 62,

63, 64 and 65 on Fifth Avenue and Fifty-seventh Street, and now merged with the land comprising the State Fair Grounds, for use for State Fair purposes.

CHAPTER 3. FISCAL AFFAIRS

Article 1. General

13290. The department shall devise, install, supervise, and Accounting system at its discretion revise and modify a modern and complete accounting system for each agency of the State permitted or charged by law with the handling of public money or its equivalent, to the end that all revenues, expenditures, receipts, disbursements, resources, obligations, and property of the State be properly, accurately, and systematically accounted for and that there shall be obtained accurate and comparable records, reports, and statements of all the financial affairs of the State.

13291. The department may require from all such agencies of Reports the State financial and statistical reports, duly verified, covering the period of each fiscal year.

Such reports shall be made upon blank forms prescribed and furnished by the department, and mailed to each such agency not less than 60 days before the time the reports are required to be filed with the department.

13292. When necessary, the department may require special Special reports reports from any such State or public agency. These special reports shall be filed with the department without delay.

13293. The department may examine all records, files, documents, accounts and all financial affairs of every agency mentioned in Section 13290. It may enter any public office or institution in this State and examine any records, files, books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian or his deputy, to the cash drawers and cash in the custody of such agency. Examination of records, etc.

During business hours the department may examine the public accounts in any depository which has public funds in its custody.

13294. The department shall examine and expert the books Examination of books of the several State agencies, at least once in each year, and as often as the director deems necessary.

13295. Every State agency shall permit such examination and experting and upon demand shall produce without unnecessary delay all books, contracts, and papers in its offices, and furnish information, touching books, papers, contracts, and other matters pertaining to the agency. Duties of State agencies

13296. The director shall supply to the Controller a certified copy of each periodical audit of the accounts of any State agency. Copy of periodical audit

13297. The money in the treasury shall be counted by the director at least once every month, without giving the Treasurer any previous notice of the day or hour of counting. Count of money in treasury

At any counting the director may place any sum in bags or boxes and mark and seal them with a seal adopted and kept by him. At any subsequent counting he may count each sealed bag or box separately and credit at the value stamped thereon the contents of the bags or boxes as part of the money counted without making a detailed count of the contents.

Money on deposit

13298. The director shall count as cash all evidence of money belonging to the State upon deposit outside the treasury that may be held by the Treasurer in accordance with law and shall determine for himself whether such evidence is sufficient according to law.

Affidavit of count

13299. After each count of money the director shall make and file with the Secretary of State and cause to be published in some newspaper in the City of Sacramento, an affidavit showing :

(a) The amount of money or credit which should be in the treasury.

(b) The amount and kind of money or credit actually therein.

Article 2. Fiscal Year Budgets

Budgets of agencies

13320. Every State agency and court for which an appropriation has been made, shall submit to the department for approval, a complete and detailed budget at such time and in such form as may be prescribed by the department, setting forth all proposed expenditures and estimated revenues for the ensuing fiscal year.

Contents

13321. The budgets shall show the allotments of appropriations or other funds available for the fiscal year by quarter or other period of time, by organization unit, and by expenditure classification, in the detail prescribed by the department. The department may require the head of the State agency or court, in making up the budget allotments, to set aside a reserve for contingencies or other purposes in such amount as the department determines.

Revision, etc.

13322. Before or after approval, the department may revise, alter, or amend any fiscal year budget, if, in its opinion, revision, alteration or amendment is required in the interest of the State. The department shall notify the head of the State agency or court of any revision, alteration, or amendment of its fiscal year budget.

Transfers

13323. Upon request of a State agency or court at any time during the fiscal year, the department may authorize transfers between its budget allotments, including reserves.

Excess expenditures

13324. Every person who incurs any expenditure in excess of the allotments or other provisions of the fiscal year budget as approved by the department or as subsequently changed by or with the approval of the department, is liable both personally and on his official bond for the amount of the excess expenditures.

CHAPTER 5. PURCHASE AND SALE OF BONDS

Article 1. General

13450. Whenever by law the Director of Finance is authorized to invest funds in the purchase of bonds or to sell bonds, he shall first secure the consent of the State Board of Control.

13451. At any sale of bonds by the Treasurer the director may become a bidder and purchase bonds with the funds at his disposal. The appropriate transfer of funds shall be made by the Controller and Treasurer on the books of their offices.

No purchase of bonds shall be completed by the director until the Attorney General has approved the validity of the issue.

No certified check, bond or other assurance in law shall be required from the director or the State upon a bid made by the director under this section.

Article 2. State School Funds

13470. Whenever there is in the treasury to the credit of the estates of deceased persons' fund the sum of twenty thousand dollars (\$20,000) or more, the Director of Finance shall invest all but ten thousand dollars (\$10,000) in the bonds specified in this article. No investment shall be made which will reduce the uninvested portion of the fund below the amount of ten thousand dollars (\$10,000), and whenever a demand presented against the fund will reduce the amount of cash therein below ten thousand dollars (\$10,000) the director shall sell such bonds belonging to the fund as he deems proper, so as to restore the cash retention of ten thousand dollars (\$10,000).

13471. Whenever there is in the treasury the sum of ten thousand dollars (\$10,000) or more as the proceeds of the sale of State school lands, the Director of Finance shall invest such sums in the bonds specified in this article.

13472. Investments under this article may be made in bonds of this State, of the United States, or of any county, permanent road district, city, school district, metropolitan water district, or municipal utility district of this State. Investment of school land proceeds may also be made in bonds of irrigation districts of this State.

13473. The investments shall be made in such manner and on such terms as the director deems best for each fund.

13474. All bonds purchased under this article shall be delivered to the Treasurer, who shall:

(a) Keep the bonds purchased with school land proceeds as a special school fund deposit.

(b) Keep the bonds purchased from the estates of deceased persons' fund as a part of that fund.

(c) Credit the interest to the State School Fund, when collected.

SEC. 2. Part 4 is added to Division 3, Title 2, of said code, to read:

PART 4. STATE BOARD OF CONTROL

CHAPTER 1. GENERAL

- State Board of Control 13900. As used in this chapter, "board" means the State Board of Control.
- Membership 13901. There is in the State Government the State Board of Control. The board consists of the Director of Finance and the Controller, both acting ex officio, and a third member who shall be appointed by and serve at the pleasure of the Governor. The third member may be a State officer who shall act ex officio.
- Compensation 13902. If the third member is not a State officer acting ex officio, he shall receive ten dollars (\$10) for every day of actual attendance at meetings of the board, together with his necessary traveling expenses in attending such meetings. Such payments shall be made from the appropriation for the support of the Department of Finance.
- See also Stats 1945, Ch 1182
- The ex officio members of the board shall receive no additional compensation for their services.
- Chairman 13903. The Director of Finance is chairman of the board.
- Record of proceedings 13904. The board shall keep a record of all its proceedings and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record.
- Seal 13905. The board shall have a seal, bearing the following inscription: "State Board of Control." The seal shall be fixed to all writs and authentications of copies of records and to such other instruments as the board directs.
- Quorum 13906. A majority of the board constitutes a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the board. A vacancy in the board does not impair the right of the remaining members to exercise all the powers of the board.
- Act of board 13907. The act of a majority of the board when in session as a board is the act of the board; but any investigation, inquiry, or hearing which the board has power to undertake or to hold may be undertaken or held by or before any member designated for the purpose by the board.
- Investigations, etc. 13908. The evidence in any investigation, inquiry, or hearing may be taken by the member to whom the investigation, inquiry, or hearing has been assigned or, in his or their behalf, by an examiner designated for that purpose. Every finding, opinion, and order made by a member so designated, pursuant to investigation, inquiry, or hearing, when approved or confirmed by the board and ordered filed in its office at the State Capitol, Sacramento, is the finding, opinion, and order of the board.
- Employees 13909. The board may appoint a secretary and assistant secretaries who shall hold office at its pleasure. It may also employ such personnel, including examiners, as it deems necessary for the performance of its duties.

13910. The secretary shall keep a full and true record of all proceedings of the board, issue all necessary process, writs, warrants, and notices, and perform such other duties as the board prescribes. The secretary and the assistant secretaries may administer oaths, certify to all official acts, and issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony in any inquiry, investigation, hearing, or proceeding in any part of the State. Secretary

13911. The examiners may administer oaths, examine witnesses, issue subpoenas, and receive evidence, under such rules and regulations as the board may adopt. Examiners

CHAPTER 2. POWERS AND DUTIES

13920. By a majority vote, the board shall adopt general rules and regulations: Rules and regulations

(a) Limiting the amount, time, and place of expenses and allowances to be paid to officers, agents, and employees of the State while traveling on official State business.

(b) Governing such matters as are specifically committed to its jurisdiction.

(c) Governing the presentation and audit of claims against the State for which an appropriation has been made or for which a State fund is available.

13921. The board shall cause a set of such general rules and regulations to be printed for distribution among all State agencies and for the use of any one desiring to present a claim against the State. Printing and distribution

13922. The board shall make rules and regulations governing the deductions of such sums of money from the salary or wages of any State officer or employee as may be requested in writing by the officer or employee for the purpose of purchasing United States savings bonds or similar obligations of the United States. Pay roll deductions

13923. The board may authorize any State agency for which any appropriation is made by law, to withdraw from the appropriation, without at the time furnishing vouchers or itemized statements, an amount not more than five thousand dollars (\$5,000) nor more than 5 per cent of the total amount appropriated. Any sums so withdrawn shall be used as a revolving fund where cash advances are necessary; and at the close of each biennium, or at any other time upon the demand of the board, shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller. Revolving funds
See also
Stats. 1945,
Ch. 150

13924. The board shall fix the maximum sums allowed for provisions and other maintenance expenses to officers and employees of any State hospital, prison, home, school, or other State institution who reside therein. Allowances for maintenance

13925. Whenever the chairman of the board has reason to believe that the Controller has drawn or is about to draw his Stopping payment of warrant

warrant without authority of law, or for a larger amount than the State actually owes, or in a manner not in conformity with the rules adopted by the board governing presentation and audit of claims, the chairman shall notify the Treasurer not to pay the warrant; and thereupon the Treasurer shall not pay the warrant whether already drawn or not, until he is otherwise directed by the chairman of the board or the Legislature.

CHAPTER 3. DISCHARGE FROM ACCOUNTABILITY

Application 13940. Any State agency or employee charged by law with the collection of any State taxes, licenses, fees, or money owing to the State for any reason, which is due and payable, may file a verified application with the board for a discharge from accountability for the collection of the taxes, licenses, fees, or money if the amount is so small as not to justify the cost of collection.

Contents of application 13941. The application for a discharge shall include:

- (a) A statement of the nature and amount of the taxes, licenses, fees, or other money.
- (b) The names of the persons liable.
- (c) The estimated cost of collection.
- (d) Any other fact warranting the discharge, except where the board determines that the circumstances do not warrant the furnishing of detailed information.

Order 13942. The board shall make an order discharging the applicant from further accountability for the collection of the taxes, licenses, fees, or other money specified in the application, and authorizing the applicant to close his or its books in regard to such items, if it is satisfied that:

- (a) The matters contained in the application are true.
- (b) Where an item exceeds fifty dollars (\$50), the Attorney General has in writing advised that the amount is too small to justify the cost of collection or that collection is improbable for any reason.

- (c) The amounts are too small to justify the cost of collection.
- (d) It will be to the advantage of the State to grant the relief requested.

Effect of discharge 13943. Such a discharge of a State agency or employee does not release any person from the payment of any taxes, licenses, fees, or other money which is due and owing to the State.

Estates of deceased persons 13944. The board may investigate, inquire, and, if necessary, conduct hearings concerning property in the possession of the Treasurer which has escheated to the State from the estates of deceased persons pursuant to a judgment of escheat or pursuant to a distribution to the State under Section 1027 of the Probate Code.

After investigation, inquiry, and hearing, the board may relieve the Treasurer from any liability arising from the possession of, and direct the Controller to sell, or authorize the Treasurer to destroy or otherwise dispose of, any such property as it deems proper.

SEC. 3. Section 500029 is added to said code, to read :
500029. The following acts and sections are repealed :

Repeals

POLITICAL CODE

Sections	Sections	Sections	Sections
654	660	671	680
655	661½	672	682
656	663	674	685
657	663b	674a	686
658	663c	675	686a
658.5	663.5	675.2	689.5
658.6	663.6	677	689.7
658 7	664	677.5	691
658.8	665.5	678	716
659	670	679	3596
			3597

GENERAL LAWS

1915:757:1514
1937:199:496
1937:384:1200
1937:801:2275
1937:873:2424
1939:81:1042, Sec. 3 only.
1943:217:1118

CHAPTER 113

An act to add Sections 13074 and 500024 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 27, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 13074 is added to the Government Code, to read:

13074. The director may contract with private persons for the recovery by them for the State of (1) unpaid taxes due the State or (2) excess freight rates paid by the State.

Contracts for
recovery of
taxes, etc

Payments for services and incidental expenses under any such contract shall not exceed one-half of the amounts recovered thereunder.

Upon approval by the department, the Controller shall approve claims for services and expenses against the funds to which the amount to which the claims relate have been credited. Payment under such contracts may also be made by the Department of Finance by deduction from sums so collected before the balances are remitted to the treasury.

SEC. 2. Section 500024 is added to said code, to read :
500024. Section 662 of the Political Code is repealed.

Repeal

CHAPTER 114

An act to add Article 5 to Chapter 2, Part 3, Division 3, Title 2 of, and to add Section 50025 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 27, 1945]

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

SECTION 1. Article 5 is added to Chapter 2, Part 3, Division 3, Title 2, of the Government Code, to read:

Article 5. Napa State Farm

Description 13190. The Napa State Farm consists of that certain tract of land with all improvements and appurtenances thereto attached formerly known as the "Fry Ranch," situated near the town of Rutherford in the county of Napa, State of California, and purchased by the State under Chapter 570 of the Statutes of 1911.

Operation 13191. The Napa State Farm is under the control of the Department of Finance. The department shall operate the farm for the benefit of the State and its institutions.

Eligibility 13192. No person shall be committed by any court to imprisonment or confinement, and no prisoner from any State prison or reformatory shall be transferred to, kept, housed, or retained, upon the Napa State Farm.

Cooperation
with State
institutions 13193. The department may cooperate with any State institution for the purpose of utilizing the farm for agricultural or horticultural purposes or as a stock or dairy farm and may transfer to and maintain upon the farm any livestock owned by any State institution and distribute to State institutions, by arrangement, the products of the farm or of the livestock maintained thereon.

Napa State
Farm Re-
volving Fund
See also
Stats 1945,
Ch 314 13194. The Napa State Farm Revolving Fund in the treasury in the sum of one hundred thousand dollars (\$100,000) is continued in existence. It shall be used to meet all expenses incurred in purchasing, fattening, and slaughtering cattle and furnishing meat for the use of State institutions; and for planting, growing, harvesting, and shipping crops produced on the farm.

Receipts
See also
Stats 1945,
Ch 314 13195. Of the money received from the sale of any goods produced on the farm, so much shall be returned to the revolving fund as is necessary to maintain it at one hundred thousand dollars (\$100,000). Any accrued balances in excess of one hundred thousand dollars (\$100,000) as reflected from the accounts of the farm shall be deposited in the treasury to the credit of the General Fund.

13196. The department may take and conduct from the farm ^{Use of water} for the use and benefit of the State such quantity of water as may be determined by the State Engineer to be necessary for the use of Veterans' Home at Yountville and the Napa State Hospital, both in the County of Napa, and may acquire rights of way by purchase, lease, or condemnation for that purpose.

13197. The director may make all or any portion of the ^{Use of property} Napa State Farm available, by lease or otherwise, for the housing of farm labor or for any of the purposes of the California Food and Fiber Production Act and the Emergency Farm Production Act.

SEC. 2. Section 500025 is added to said code, to read:

500025. The following acts are repealed:

Repeals

1917:165:250.

1929:611:1019.

1943:719:2479.

CHAPTER 115

An act to add Chapter 4 to Part 3, Division 3, Title 2 of, and to add Section 500026 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 27, 1945.]

In effect
September
15, 1945

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

SECTION 1. Chapter 4 is added to Part 3, Division 2, Title 2, of the Government Code, to read:

CHAPTER 4. PURCHASES AND SERVICES

Article 1. General

13370. All contracts entered into by any State agency for the hiring or purchase of equipment, supplies, materials, textbooks for use in the day and evening elementary schools of the State, or for services, are of no effect unless and until approved by the Department of Finance. Every such contract shall be transmitted with all papers, estimates, and recommendations concerning it to the department and, if approved by the department, shall be effective from the date of such approval. ^{Approval of contracts}

13371. To meet an emergency, supplies and materials of a perishable nature, in an amount not exceeding one hundred dollars (\$100) in value, may be purchased by a State agency without the permission of the department. ^{Emergency purchases}

13372. The department may except from this article certain classes or types of contracts of any particular State agency and ^{Exemptions}

authorize it to enter into such contracts without submitting them for approval. Written notice of exceptions shall be given to the State agency and the Controller.

Purchasing
Revolving
Fund

13373. The revolving fund in the sum of four hundred thousand dollars (\$400,000) which was heretofore created by Section 696 of the Political Code is continued in existence and shall be known as the Purchasing Revolving Fund. It is under the control of the department and shall be used for the purchasing and selling of materials, supplies and equipment, and the rendering of services to other State agencies and, in connection therewith, for the employment and compensation of necessary personnel and expenses. Without first submitting vouchers and itemized accounts, the department may draw from the fund a sum not in excess of ten thousand dollars (\$10,000) to be used for urgent cash advances, which sum shall at any time upon demand be accounted for by the department to the Controller.

Article 2. Purchases

University of
California

13390. Purchases by The Regents of the University of California are not subject to this article.

Supplies

13391. Except as provided in Article 1, the purchase of all supplies for every State agency shall be made by or under the supervision of the Department of Finance.

For the purpose of making such purchases the department is the purchasing agent for every State agency.

Purchase in
open market

13392. No State agency may purchase equipment, supplies, or materials in the open market, unless permission has been given by the department, upon a showing of the necessity therefor.

Reports of
purchases

13393. Upon the request of the department, every State agency that is authorized by law to make purchases of equipment, material or supplies shall designate some person in the agency whose duty it shall be to make such reports to the department at such times and in such manner as it may require.

Approval by
agency

13394. An estimate or requisition approved by the State agency in control of the appropriation or fund against which a purchase is to be charged, is full authority for any contract and purchase made pursuant thereto by the department.

Invoice and
demand

13395. Immediately upon the rendition of services or the delivery of supplies, the disbursing officer shall transmit the invoice or demand for payment together with his sworn statement to the department.

Sworn
statement

13396. Such sworn statement shall show that the services have been rendered and the supplies delivered to the State agency in accordance with the contract and law.

Audit

13397. Every valid claim on account of contracts and purchases negotiated by the department shall be audited and paid from the appropriations or funds against which the estimates or requisitions were charged upon such sworn statement and the approval of the Department of Finance as to the correctness of the claim.

13398. Such approved sworn statements are sufficient authority for the Controller to draw his warrant and the Treasurer to pay the warrant against such appropriations or funds. Authority for payment

13399. The department may rent, lease, construct, and maintain warehouses and make such rules and regulations as are necessary for the proper and economical making of State purchases. Warehouses

13400. The department may insure in the name of the State any goods or merchandise belonging to the State which are stored in any warehouse or storage depot not under exclusive State control, in an amount sufficient to indemnify the State against loss or damage by fire. Premiums for such insurance shall be paid out of the purchasing revolving fund and prorated and added to the price of the goods or merchandise. Insurance

13401. Each person in the department who has personal supervision and control of any warehouse or storage depot wherein merchandise or goods belonging to the State are stored, shall execute to the people of the State a bond in the penal sum of five thousand dollars (\$5,000). Premiums on the bonds shall be paid by the State as are the premiums upon the bonds of State officers. Official bonds

SEC. 2. Section 500026 is added to said code, to read :

500026. The following sections and acts are repealed: Repeals

Political Code Sections 675a, 675b, and 696.

General Laws

1915 : 351 : 508.

CHAPTER 116

An act to add Chapter 6 to Part 3, Division 3, Title 2, of, and to add Section 500027 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor April 27, 1945 Filed with Secretary of State April 27, 1945]

In effect
September
15, 1945

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

SECTION 1. Chapter 6 is added to Part 3, Division 3, Title 2, of the Government Code, to read :

CHAPTER 6. PRINTING

Article 1. General

13530. All State printing shall be done in the State Printing Office. State Printing Office

State work only shall be done in the State Printing Office.

13531. The department has entire charge and superintendence of the State printing and binding. Duties

13532. The department shall decide upon the style and manner of printing all laws and other State documents except those printed for the Legislature.
13533. The department may revise, reduce or decline to execute any order, or part of any order, which it deems unnecessary or unwarranted by law, and which will tend to consume unnecessarily the appropriation for support of the State Printing Office.
13534. Appropriations from the General Fund shall not be expended for the printing or publishing of any book, pamphlet, report of activities, or compilation or synopsis of laws, rules or regulations, or other document concerning any of those activities of any State agency that is supported from special funds.
13535. When any chart, map, diagram, or other engraving is required to illustrate any document ordered to be printed, such chart, map, diagram, or engraving shall be prepared or procured by the department. Bills for engraving, lithographing, or lithograph printing not so prepared or procured shall not be allowed by the Controller.
13536. The department may cause the State Printing Plant, its contents and all printing supplies and other property used or intended to be used for State printing, wherever located, to be insured against damage or destruction by fire.
13537. The department may purchase any machinery or equipment, including motor vehicles, needed in the operation or administration of the State Printing Office, and the cost may be paid from the State Printing Fund.
13538. On or before the fifteenth day of September of each year, the department shall make a written report to the Governor, embracing a record of the complete transactions of the State Printing Office for the preceding fiscal year. The report shall show:
- (a) In detail, all items of expense attending the State printing and all the expenses of the office, including repairs and the purchase of materials of all kinds.
- (b) The number of reams and various kinds of paper received, and the amount and quality remaining on hand.

Article 2. Costs

13550. All printed matter for all State agencies and The Regents of the University of California shall be prepared at the expense of their respective funds or appropriations.
13551. The cost of all printing and publishing by the State Printing Office shall be fixed by the department in an amount which will pay for the actual cost of material and labor and such additional sum as will, for the aggregate of all printing, provide for a depreciation fund to be used for replacing or repairing machinery and equipment used in printing.
13552. The department shall install a cost system for pricing all orders for printing executed in the State Printing Office and compile a schedule showing the value of each of the

different types of work or operations which can be performed. The schedule shall be subject to revision and modification by the department whenever necessity arises.

13553. All claims for services rendered and materials furnished by the State Printing Office shall have attached a certificate under oath as to the correctness of the claim. The Controller shall not allow a claim unless it is fully itemized and is accompanied by such a certificate.

Article 3. Operation of State Printing Office

13570. The department shall execute promptly all orders for printing or binding received from the various State agencies.

13571. The orders shall be made out upon printed blanks, with vouchers attached, furnished by the department.

13572. The original order and duplicate voucher shall be returned with the completed work to the State agency that ordered it. The voucher shall be signed by the agency receiving the work and returned to the State Printing Office. Both original and duplicate vouchers shall be kept on file in the State Printing Office, and are a sufficient voucher for the work.

13573. The department shall take charge of and is responsible for all manuscripts and other matter delivered to it for printing.

13574. There shall be kept in the State Printing Office a transcript of all orders. The record shall show the sequence in which orders for legislative printing and binding were received.

13575. There shall be entered upon a book kept for the purpose, the name, quantity, and weight of paper used for each order printed.

13576. There shall be retained and filed in the State Printing Office one copy or sample of each blank, circular, pamphlet, book, legislative bill, file, report, or any other work emanating from the State Printing Office except that only sample sheets of blank books need be kept. The copies or samples shall bear a uniform number and date with the voucher.

13577. The department shall file in the office of the Secretary of State, all proposals, bids, contracts, bonds, and other papers appertaining to the awarding of contracts and retain copies in the State Printing Office.

13578. Claims for materials, stock, and paper furnished the State Printing Office under contracts, shall not be allowed or paid unless the department certifies under oath that the materials, stock, and paper are of the quality, kind and weight required by the contracts.

13579. The department shall employ such compositors, bookbinders, pressmen and assistants as the exigency of the work from time to time requires.

13580. At no time shall more compositors, bookbinders, pressmen or assistants be employed than the absolute necessities of the State printing may demand.

- Wages 13581. At no time shall the compositors, bookbinders, pressmen or assistants be paid a lower rate of wages than the average wage paid by those employing such mechanics in Sacramento, San Francisco, Oakland and Los Angeles for like work.
- Time book 13582. There shall be kept in the State Printing Office, open to public inspection, a time book, containing the name of every employee connected with the State Printing Office, the time employed, the rate of wages, and amount paid.

Article 4. Publications and Documents

- Supervisor of distribution 13600. The department has general supervision of the distribution of all public documents and other publications printed for any State agency and the custody of all State documents and other publications subject to public distribution, except those printed for the special use of the Legislature, the Governor, or the elective officers of the State.
- Acceptance for distribution, etc 13601. The department may accept for distribution or disposal documents and other publications from the Legislature, the Governor, or the elective officers of the State, when requested to do so.
- The department shall fix the price and dispose of or sell the documents and publications.
- Compilation and publication of documents, etc. 13602. The department may compile and publish such documents, pamphlets, bulletins or other publications as it deems are for the best interests of the State or for public information.
- The cost of compiling, printing and distributing any document, pamphlet, bulletin or other publication so issued, including salaries and other expenses, is payable from the appropriation for the support of the department.
- Cost of administration 13603. There shall be deducted from all money received from the sale of such documents or publications, a pro rata share of the cost of administration and the balance shall be paid monthly into the treasury and credited to the fund from which the cost of the printing was paid. The amounts deducted for administrative costs shall be deposited in the treasury and credited to the current support appropriation of the department.
- Cumulative supplement and statutory record 13604. The cumulative supplement and statutory record shall be sold at a price fixed by the director to cover the cost of publication and distribution. All money received from the sale of the cumulative supplement and statutory record shall be used to defray the cost of publication and distribution.
- Index of Constitution and laws 13605. The index of the Constitution and laws shall be offered for sale to the public at a price to be fixed by the department. Such portion of the receipts as may be required to complete the cost of printing, publication and distribution shall be paid into the State Printing Fund and the balance paid into the treasury and credited to the General Fund.
- State Blue Book 13606. Whenever so directed by law, the State Printing Office shall, with the approval of the department, compile or cause to be compiled, published and distributed a State Blue Book.

The Blue Books shall be compiled following the adjournment of the session of the Legislature at which the law is enacted and material therein pertaining to the Legislature shall be compiled under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly as pertaining to their respective houses.

13607. The volumes shall be distributed as follows: To the Secretary and each Member of the Senate and to the Chief Clerk and each Member of the Assembly, 10 copies; to the Governor, 25 copies; to the Secretary of State, the Controller, the Attorney General and the Treasurer, each 5 copies; to the director of each State department, 2 copies; to the State Library, 50 copies. Distribution

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

Article 5. Compilations

13620. Whenever any State agency requires the compilation, printing, and publication of any volumes or pamphlets of laws or other matter for use or information in the discharge of its duties or for the general use or information of the people it shall apply to the department for its approval. Application

The application shall show:

- (a) All the pertinent facts.
- (b) The necessity for the compilation.
- (c) The estimated cost.
- (d) The funds or appropriations which are available for the payment of the cost pursuant to this article.

13621. After approval of the application by the department and upon its written direction or request, the Legislative Counsel, State Librarian, or other State agency authorized or required by law to render the service, shall compile the volumes and pamphlets for printing and publication. Compilation

13622. The State agency requiring the compilation shall furnish the State agency compiling it such data and information as it has or may be able to obtain conveniently concerning the compilation. Data and information

13623. If the compilation is required for its own use or information, the cost of compiling, printing, and publishing the volumes or pamphlets shall be paid for from any appropriation for the State agency that is available for printing purposes. Payment of costs

13624. If the compilation is for the general use or information of the people, the cost of compiling, printing, and publishing the volumes or pamphlets shall be paid for from funds appropriated for that purpose by the Legislature. Same

Article 6. Funds

13640. The State Printing Fund in the treasury is continued in existence. State Printing Fund

It consists of all money appropriated by the Legislature for the support of the State Printing Office, and all money received

into the treasury from any source whatever in payment of printing, ruling, and binding done in the State Printing Office. From it all expenses for the support of the State Printing Office shall be paid.

Appropriations

13641. The Controller and Treasurer shall transfer from the General Fund to the State Printing Fund all money appropriated from time to time by the Legislature for the support of the State Printing Office.

Deficiency

13642. At any time the department may order the Controller to transfer money from any appropriation to any State agency or The Regents of the University of California for printing and other work at the State Printing Office, to the credit of The Regents of the University of California or any State agency that may need it, and whose appropriation for that purpose has been exhausted.

Repeals

SEC. 2. Section 500027 is added to said code, to read:
500027. The following acts and sections are repealed:

POLITICAL CODE

Sections	Sections	Sections	Sections
529	534	538	542.1
530	535	540	542.5
531	535a	542	543
			695

GENERAL LAWS

1919:473:926	1933:92:536	1941:395:1682
1931:584:1266	1937:445:1392	

CHAPTER 117

An act to add Sections 13643, 13644, 13645 and 500028 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State April 27, 1945]

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

SECTION 1. Section 13643 is added to the Government Code, to read:

Payment of
receipts

13643. The department shall render monthly reports to the Controller and pay into the treasury to the credit of the State Printing Fund all money received for printing, binding, and ruling done in the State Printing Office, after reimbursement of the Bureau of Printing Revolving Fund for advances made therefrom in connection with the work for which the money was received.

SEC. 2. Section 13644 is added to said code, to read :

13644. The Bureau of Printing Revolving Fund, heretofore created by Chapter 829 of the Statutes of 1937 and augmented by Chapter 324 of the Statutes of 1941, consisting of one hundred seventy thousand dollars (\$170,000), is continued in existence. Bureau of
Printing Re-
volving Fund

SEC. 3. Section 13645 is added to said code, to read :

13645. The revolving fund shall be used to make cash payments when necessary and at any time upon demand of the Controller all payments shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller. Use of re-
volving fund

SEC. 4. Section 500028 is added to said code, to read :

500028. The following acts are repealed :

1937 :829 :2304

1941 :324 :1542

Repeals

CHAPTER 118

An act to add Parts 5, 6, 7, and 8, to Division 3, Title 2 of, and to add Section 500030 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 27, 1945.]

In effect
September
15, 1945

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

SECTION 1. Part 5 is added to Division 3, Title 2, of the Government Code, to read :

PART 5. DEPARTMENT OF PUBLIC WORKS

CHAPTER 1. GENERAL

Article 1. Administration

14000. There is in the State Government a Department of Public Works. Department
of Public
Works

14001. The department is under the control of an executive officer known as Director of Public Works. Director
of Public
Works

14002. The director is appointed by and holds office at the pleasure of the Governor. The annual salary of the director is ten thousand dollars (\$10,000). Appointment
and salary
See also
Stats. 1945,
Ch. 1185

14003. Before entering upon the duties of his office the director shall execute an official bond to the State in the penal sum of twenty-five thousand dollars (\$25,000) conditioned upon the faithful performance of his duties. Official bond

- Duties** 14004. The director shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department except as otherwise expressly provided by law.
- Organization of department** 14005. For the purpose of administration, the director shall organize the department with approval of the Governor in the manner that he deems necessary properly to segregate and conduct the work of the department. The work of the department shall be divided into at least three divisions known as the Division of Water Resources, the Division of Highways, and the Division of Architecture.
- State Architect** 14006. The Chief of the Division of Architecture is designated as the State Architect. He shall execute an official bond to the State in the penal sum of ten thousand dollars (\$10,000) conditioned upon the faithful performance of his duties.
- Divisions, etc** 14007. With the approval of the Governor, the director may create such other divisions and subdivisions as may be necessary and change or abolish them from time to time.
- Official bonds** 14008. The director may require any of the personnel of the department who is entrusted with money belonging to the State to furnish a bond for the faithful performance of his trust, executed by an admitted corporate surety insurer, in the amount the director prescribes. The bond shall cover duties prescribed by administrative regulations or orders of the director as well as those imposed by law.
- Any bond may be canceled at any time with the approval of the director. Schedule bonds may be taken covering two or more persons. Bonds provided for in this section shall be filed with the director, and not elsewhere.
- Premiums** 14009. The premiums on such bonds and on official bonds shall be paid by the department.
- Expenditures** 14010. The department may expend money appropriated for the administration of the laws the enforcement of which is committed to the department. The department may expend such money for the use, support, or maintenance of any appropriate State agency within the department.
- Such expenditures by the department shall be made in accordance with law in carrying on the work for which the appropriations were made.

Article 2. Funds

- See also Stats 1945, Ch. 853** 14030. The "Division of Architecture Revolving Fund," is continued in existence. With the approval of the Department of Finance, there shall be transferred to the fund all money appropriated for new construction, major construction and equipment, minor construction, improvements and equipment, and other building and improvement projects, as authorized by the State agency for which such an appropriation is made. Money so transferred is available for the purposes for which appropriated without regard to fiscal years.
- Same** 14031. The Division of Architecture shall file against the revolving fund all claims covering expenditures incurred in

connection with the construction, improvements, or equipment of buildings, and improvement projects, and the Controller shall draw his warrant therefor against that fund.

14032. The Division of Architecture shall keep a record of ^{Same} all expenditures chargeable against each specific appropriation, and any unused balance in such an appropriation shall be withdrawn from the revolving fund and credited to the appropriation from which it was transferred.

14033. Without at the time furnishing vouchers and itemized ^{Same} statements, the department may withdraw from the Division of Architecture Revolving Fund or from any appropriations for the support of the Division of Architecture, or from any appropriation made to the Division of Water Resources, not exceeding fifty thousand dollars (\$50,000) in the aggregate at any one time, to be used as a revolving fund where payments of compensation earned or cash advances are necessary.

14034. The Water Resources Fund in the treasury is ^{Same} continued in existence. With the approval of the Department of Finance, there shall be transferred to the fund all money appropriated for work within the powers and duties of the Division of Water Resources for new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by any State agency, for which such an appropriation is made. Money so transferred is available for the purposes for which appropriated without regard to fiscal years.

14035. The Division of Water Resources shall file against ^{Same} the Water Resources Fund all claims covering expenditures in connection with the construction, improvements, equipment, maintenance, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, and the State Controller shall draw his warrant therefor against that fund.

14036. The Division of Water Resources shall keep a record ^{Same} of all expenditures chargeable against each specific appropriation, and any unused balance in such an appropriation shall be withdrawn from the fund and credited to the appropriation from which it was transferred.

CHAPTER 2. POWERS AND DUTIES

Article 1. General

14100. The State Architect has general charge, under the ^{Erection of State buildings} department, of the erection of all State buildings and shall have an inspector at each building during the whole time of its construction.

14101. Whenever authorized by law to prepare plans for a ^{Plans} public building or other structure, the department may, with the approval of the Department of Finance, contract with a duly qualified architect for the performance of such work.

14102. The cost of all architectural services performed by the department for a State agency, which is supported otherwise than by appropriations from the General Fund, except the Veterans' Home, shall be determined by the Director of Public Works, and paid from appropriations available for the support of the State agency. All payments for services shall be deposited in the treasury to the credit and in augmentation of the current appropriation for the support of the department.

14103. The department may prepare, publish, and issue such printed pamphlets and bulletins as the director deems necessary for the dissemination of information to the public concerning the activities of the several divisions of the department. Funds available for the support of the several divisions may, with the approval of the Department of Finance, be used to pay the cost of preparation, publication, and distribution.

14104. The department may employ such assistance as may be necessary for the proper discharge of its duties, and may purchase any necessary supplies, instruments, tools, and conveniences.

Article 2. Emergencies

14120. In times of extraordinary stress and of disaster, resulting from storms and floods, the director may declare the existence of an emergency and designate the location, nature, cause, area, and extent of the emergency if in his opinion:

(a) The emergency is a matter of general public and State concern; and

(b) Work and remedial measures are required to immediately avert, alleviate, repair, or restore damage or destruction to property having a general public and State interest and to protect the health, safety, convenience, and welfare of the general public of the State.

14121. The department may perform any work required or take any remedial measures necessary to avert, alleviate, repair, or restore damage or destruction to property as provided in this article.

14122. The director shall transmit any declaration made under this article to the Department of Finance with a recommendation and request that money be allocated from any available money appropriated for that purpose or to meet State emergencies within the meaning of that term as employed in this article, in order to carry out the work and remedial measures required to meet the emergency.

14123. The Director of Finance shall forthwith determine if a State emergency exists, and if money is available in any appropriation or emergency fund for the work and remedial measures. Upon an affirmative finding upon these matters he shall allocate to the Department of Public Works such amount as in his opinion will be required to meet the emergency.

CHAPTER 3. PUBLIC WORKS

Article 1. Scope of Chapter and General Provisions

14250. This chapter may be cited as the State Contract Act Short title

14251. Contracts for the purchase of supplies or materials, which are purchased through the Bureau of Purchases of the Department of Finance, are not subject to this chapter, even though the seller is required to perform some incidental work or service in connection with the delivery of the material or supplies. Exceptions
—Bureau of Purchases

14252. Improvements on the property of the State on the waterfront of the City and County of San Francisco under the jurisdiction of the Board of State Harbor Commissioners are not subject to this chapter. —San Francisco waterfront

14253. Work done directly by any public utility company pursuant to order of the Railroad Commission or other public authority, is not subject to this chapter, whether or not done under public supervision or paid for in whole or part out of public funds. —Work done on order of Railroad Commission

14254. As used in this chapter, "project" includes the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind which will exceed in cost a total of one thousand dollars (\$1,000). "Project"

14255. Whenever provision is made by law for any project, the project shall be under the sole charge and direct control of the Department of Public Works. Control of Department of Public Works

14256. If the total cost of a project will not exceed four thousand dollars (\$4,000), and the nature of the work in the opinion of the department is such that its services in connection therewith are not required, it may, with the approval of the Department of Finance, authorize the carrying out of the project directly by the State agency concerned therewith. Cost of project

Article 2. Plans and Specifications

14270. Before entering into any contract for a project, the department shall prepare full, complete, and accurate plans and specifications and estimates of cost, giving such directions as will enable any competent mechanic or other builder to carry them out. Plans, specifications, and estimates

14271. The plans, specifications, and estimates of cost shall be approved by the director and the original draft or a certified copy filed permanently in the office of the department before further action is taken. Approval

14272. Work on all projects shall be done under contract awarded to the lowest responsible bidder pursuant to this chapter, except that it may be done by day's labor under the direction of the department: Contracts and day's labor

(a) In case of emergency due to the failure of any bridge or other highway structure.

(b) At any time after the approval of plans, specifications and estimates of costs, if the director deems the advertising or award of a contract, the acceptance of any bid, or the acceptance of any further bids after the rejection of all submitted bids, is not in the best interests of the State.

Informal
bids

14273. Upon the approval of the director the authorized officers of the department may, when proceeding upon the basis of day's labor, let any subdivision or unit of the work by contract upon informal bids.

Unit basis

14274. Bids may be received and contracts awarded on a unit basis, that is, the bids compared upon the basis of estimates of the quantities of the work to be done.

Limitation
on contract
amount

14275. Except in unit basis contracts, contracts shall not be made exceeding in amount the estimates of costs approved by the director and plans and specifications and estimates of costs including expense of advertising and inspection, shall not be approved by the director requiring a greater expenditure of money than is appropriated for the specific purpose in the law authorizing the expenditure.

Article 3. Advertisements for Bids

Work under
\$15,000

14290. When it appears from the estimates of cost that the estimated contract price of any project will not exceed fifteen thousand dollars (\$15,000), the director may direct that public notice to bidders be given as follows:

(a) By publication for two consecutive insertions in a weekly trades paper of general circulation, published either in Los Angeles or San Francisco, devoted primarily to the dissemination of contract news among contracting firms; and

(b) Once a week for two consecutive weeks in a newspaper of general circulation in the county in which the project is located, or, if located in more than one county in such a newspaper in a county in which a major portion of the work is to be done.

Contents of
notice

14291. The notices shall state the time and place for the receiving and opening of sealed bids and describe in general terms the work to be done.

In the case of work done by or under the Division of Highways, the director may require that bids shall be delivered to and opened by the district engineer of the Division of Highways in whose district the work is to be done, and the notice shall designate when and by whom the bids shall be opened.

Work over
\$15,000

14292. When it appears that the estimated contract price will exceed fifteen thousand dollars (\$15,000), public notice to bidders shall be given by publication once a week for at least two consecutive weeks, or once a week for more than two consecutive weeks if such longer period of advertising is deemed necessary by the department, next preceding the day set for the receiving of bids:

(a) In two trade papers of general circulation, one published in Los Angeles and one in San Francisco, devoted primarily to

the dissemination of contract and building news among contracting and building material supply firms; or

(b) In the discretion of the department, in one newspaper of general circulation published in the county in which the major portion of the project is located, and in one such trade paper published in the county group, as defined in Section 187 of the Streets and Highways Code, in which the work is to be done.

14293. The notices shall state the time and place for the receiving and opening of sealed bids and that the bids will be required for the entire project and for the performance of segregate designated parts of the entire project, when the department determines that segregation is advisable. Contents of notice

Article 4. Bids and Bidders

14310. On contracts the estimated cost of which exceeds fifteen thousand dollars (\$15,000), the department shall require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in performing public works. When completed, the questionnaire and financial statement shall be verified under oath by the bidder in the manner in which pleadings in civil actions are verified. Questionnaire and financial statement

14311. The department shall adopt and apply a uniform system of rating bidders, on the basis of the standard questionnaires and financial statements, in respect to the size of the contracts upon which each bidder is qualified to bid. System of rating bidders

14312. The questionnaires and financial statements are not public records and are not open to public inspection. Not public records

14313. The department shall furnish to each bidder a standard proposal form, which, when filled out and executed may be submitted as his bid. Bids not presented on forms so furnished shall be disregarded. The department shall not furnish proposal forms to any person who is required to submit and has not submitted a questionnaire and financial statement for prequalification at least five days prior to the date fixed for publicly opening sealed bids and been prequalified for at least one day prior to that date. Bids

14314. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security: Cash, a cashier's check, certified check, or a bidder's bond executed by an admitted surety insurer, made payable to the Director of Public Works. The security shall be in an amount equal to at least 10 per cent of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is inclosed with it. Security

14315. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time. Late bids

14316. Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids only by Withdrawal of bids

written request for the withdrawal of the bid filed with the Director of Public Works or the chief of the division under which the work is to be performed. The request shall be executed by the bidder or his duly authorized representative. The withdrawal of a bid does not prejudice the right of the bidder to file a new bid.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

Article 5. Award of Contracts

Awarding contracts 14330. On the day named in the public notice the department shall publicly open the sealed bids and award the contracts to the lowest responsible bidders.

In the case of bids opened by a district engineer, pursuant to Section 14291, he shall report the contents thereof to the director. In all other respects the contracts shall be awarded as are other contracts.

Failure to execute contract 14331. If the successful bidder fails to execute the contract, his bidder's security shall be forfeited to the State. The cash or proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of cost, and publication of notice are paid.

Award to next bidder 14332. If the director deems it is for the best interests of the State, he may, on the refusal or failure of the successful bidder to execute the contract, award it to the second lowest responsible bidder.

If the second lowest responsible bidder fails or refuses to execute the contract, the director may likewise award it to the third lowest responsible bidder.

On the failure or refusal of the second or third lowest bidder, to whom a contract is so awarded, to execute it, his bidder's security shall be likewise forfeited to the State.

Failure to furnish bond 14333. The failure of the successful bidder to furnish any bond required of him by law, within the time fixed for his execution of the contract, constitutes a failure to execute the contract.

Withholding of bidder's security 14334. The bidder's security of the second and third lowest responsible bidders may be withheld until the contract has been finally executed. The cash, cashier's checks and certified checks submitted by all other unsuccessful bidders shall be returned to them within 10 days after the contract is awarded, and their bidders' bonds shall be of no further effect.

Rejection of bids 14335. If the director deems the acceptance of the lowest responsible bid or bids is not for the best interests of the State, he may reject all bids and proceed by day's labor or advertise for other bids in the manner required by this chapter.

Article 6. Relief of Bidders

Recovery of forfeiture 14350. A bidder shall not be relieved of his bid nor shall any change be made in his bid because of mistake, but he may bring

an action against the department in a court of competent jurisdiction in the county in which the bids were opened for the recovery of the amount forfeited, without interest or costs.

The bond of an admitted surety insurer shall be filed with the complaint, in such sum as the court may fix, but not less than five hundred dollars (\$500), conditioned that, if the plaintiff fails to recover judgment, he shall pay all costs incurred by the department in the suit, including a reasonable attorney's fee to be fixed by the court.

14351. The complaint shall be filed, and summons served on the Director of Public Works or State Highway Engineer, or an appearance made, within 90 days after the opening of the bid; otherwise, the action shall be dismissed. Time of action

14352. The bidder shall establish to the satisfaction of the court that: Grounds for recovery

(a) A mistake was made.

(b) He gave the department written notice within five days after the opening of the bids of the mistake, specifying in the notice in detail how the mistake occurred.

(c) The mistake made the bid materially different than he intended it to be.

(d) The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

14353. Other than the notice to the department, no claim is required to be filed before bringing the action. claim

Article 7. Contract Requirements

14370. Every contract awarded under this chapter shall be submitted to the Attorney General or the attorney appointed according to law and authorized to represent the division of the Department of Public Works under which it is to be performed. Such a contract is not binding on the State until the appropriate attorney finds it to be in accordance with the requirements of this chapter, and endorses such finding thereon. Approval

A certified copy of each contract shall be filed with the Controller and the Director of Finance, but the failure so to file does not invalidate it.

14371. Every contract shall provide for the filing of separate performance and labor and material bonds by the contractor executed by an admitted surety insurer, subject to the approval of the Department of Public Works. Bonds

14372. Each bond shall be in a sum equal to at least one-half of the contract price, except as otherwise provided in Section 4202 or in the California Toll Bridge Authority Act. Amount of bond Stats 1929, p 1489

14373. The labor and material bond shall secure the payment of the claims of laborers, mechanics or materialmen employed on the work under the contract and shall contain all other provisions required by law. Labor and material bond

14374. The performance bond shall guarantee the faithful performance of the contract by the contractor. Performance bond

Additional
surety

14375. Whenever the director has cause to believe that the surety has become insufficient, he may demand in writing of the contractor such further bonds or additional surety, not exceeding that originally required, as in his opinion is necessary, considering the extent of the work remaining to be done. Thereafter no payment shall be made upon such contract to the contractor or any assignee of the contractor until the further bonds or additional surety has been furnished.

Time of
completion
of work

14376. Every contract shall contain a provision in regard to the time when the whole or any specified portion of the work contemplated shall be completed, and shall provide that for each day completion is delayed beyond the specified time, the contractor shall forfeit and pay to the State a specified sum of money, to be deducted from any payments due or to become due to the contractor.

Changes in
plans and
specifications

14377. Every contract shall provide that the Department of Public Works may make changes in the plans and specifications pursuant to this chapter.

Article 8. Modifications; Performance; Payment

Modification
of plans

14390. Excepting unit basis contracts and extra work authorized by Section 14392, after a contract is let no change shall be made to increase or diminish the cost in excess of five hundred dollars (\$500), except with the approval of the director, and then only upon the filing and approval of additional plans and specifications and estimates of cost. Amended contracts for such work shall be entered into and filed with the original contract.

Change in
unit basis
contract

14391. The department may increase or decrease quantities of work to be done under a unit basis contract during the progress of the work.

Provisions re
extra work

14392. The department may cause the insertion of provisions in any contract for the performance of such extra work and the furnishing of materials therefor by the contractor as the department requires for the proper completion or construction of the whole work contemplated, if the bidders have equal opportunity of knowing the proposed terms for the extra work.

Extension
of time

14393. The director may grant such extensions of time for completion as he deems for the best interests of the State.

Default in
performance

14394. If the director deems that a contractor has failed to supply an adequate working force, or material of proper quality, or has failed in any other respect to prosecute the work with the diligence and force specified by the contract, the director may:

(a) After written notice of at least five days to the contractor, specifying the defaults to be remedied, provide any such labor or materials and deduct the cost from any money due or to become due to the contractor under the contract; or

(b) If he considers that the failure is sufficient ground for such action, he may give written notice of at least five days to

the contractor and the contractor's sureties, that if the defaults are not remedied the contractor's control over the work will be terminated.

14395. If the defaults are not remedied within the time specified in the notice, the contractor's control shall terminate as of the expiration of that time. Termination of contractor's control

14396. Upon such termination, the director may take possession of and use all or any part of the contractor's materials, tools, equipment, and appliances upon the premises to complete the contract. All or any part of the work may be completed by day's labor or by employment of other contractors on informal contracts, or both. Completion of work

14397. Such informal contracts may be awarded only after a proposal form has been prepared, a copy is served upon the contractor whose control has been terminated, and three days allowed thereafter so that he may cause others to bid. Any person who is prequalified therefor under Article 4 may bid on informal contracts. Informal contracts

14398. The provisions of this chapter, except as to prequalification, are not applicable to the award of informal contracts. Applicability of chapter

14399. If the control of a contractor is terminated or he abandons the work, he is not entitled to receive any portion of the amount to be paid under the contract until it is fully completed. After completion, if the unpaid balance exceeds the sum of the amount expended by the State in finishing the work, plus all damages sustained or to be sustained by the State, the excess not otherwise required by law to be retained shall be paid to the contractor, but if such sum exceeds the unpaid balance, the contractor and his surety are liable to the State for the excess. Payment of contractor

14400. On the completion of the contract, the contractor is entitled to the return of all his unused materials, and his equipment, tools, and appliances, except that he shall have no claim on account of usual and ordinary depreciation loss, and wear and tear. Return of materials, etc

14401. The notices required by this article may be served on the contractor or on his agent having charge of the work, personally, or by registered mail addressed to the contractor or his agent, or, if neither can be located or their addresses are unknown, by posting in a conspicuous place upon the premises of the project. Service of notices

14402. Payments upon contracts shall be made as the department prescribes upon estimates made and approved by the department, but progress payments shall not be made in excess of 90 per cent of the percentage of actual work completed, plus one-half of the value of material delivered on the ground and unused. The department shall withhold not less than 10 per cent of the contract price until final completion and acceptance of the project. The Controller shall draw his warrants upon estimates so made and approved by the department and the Treasurer shall pay them. Progress payments

Article 9. Offenses

Performance of official act 14420. Any officer or employee of the department who corruptly performs any official act to the injury of the State, is guilty of a felony.

Violation of contract 14421. Any contractor or his agent or employee who corruptly permits the violation of any contract awarded under this chapter to the injury of the State, is guilty of a felony.

Failure to notify department 14422. Any subcontractor or agent or employee of any contractor or subcontractor, who has knowledge of any work being done in violation of any contract under this chapter and does not immediately notify the department or the inspector or resident engineer upon the project of the violation, is guilty of a felony.

Criminal penalty 14423. Such felonies are punishable by imprisonment in the State prison for not less than one nor more than five years.

Liability in damages 14424. Such persons are also liable to the State for double the amount the State may have lost, or be liable to lose by reason of the acts made crimes by this article.

SEC. 2. Part 6 is added to Division 3, Title 2, of said code, to read:

PART 6. DEPARTMENT OF JUSTICE

CHAPTER 1. ADMINISTRATION

Department of Justice 15000. There is in the State Government a Department of Justice. The department is under the direction and control of the Attorney General.

Organization 15001. The department is composed of the Office of the Attorney General, the State Bureau of Criminal Identification and Investigation, and the Division of Narcotic Enforcement.

Civil service 15002. The civil service status, positions and rights of officers and employees of the Department of Justice who were members of the State civil service prior to May 1, 1944 shall not be affected by their transfer to the Department of Justice and their status, positions and rights shall continue to be accorded to them pursuant to the State Civil Service Act. The inclusion of any office or agency in the Department of Justice shall not bring any exempt officer, employee, or position into the State civil service.

SEC. 3. Part 7 is added to Division 3, Title 2 of said code, to read:

PART 7. DEPARTMENT OF INVESTMENT

CHAPTER 1. GENERAL

Department of Investment 15480. There is in the State Government a Department of Investment. The department is under the control of a Board of Investment consisting of the Superintendent of Banks, the Commissioner of Corporations, the Insurance Commissioner, the Real Estate Commissioner and the Building and Loan Commissioner. The department and the board shall exercise only such functions as are specifically set forth in this chapter.

15481. The names of the governmental agencies, the heads of which are members of the Board of Investment are the Division of Banking, the Division of Corporations, the Department of Insurance, the Division of Real Estate, and the Division of Building and Loan. Board of Investment

15482. The powers vested by law in those agencies shall continue to be so vested, and are not transferred or consolidated in the Department of Investment. Powers of agencies

15483. Each member of the board shall serve as chairman for a period of six months in rotation in the order heretofore determined by lot. During his service as chairman of the board the chairman shall be known as the "Director of Investment," and is a member of the Governor's Council. Director of Investment

15484. The board shall meet monthly at the State Capitol, and its members shall then, and at such other times as the Governor may require, make reports of their work to the board. Meetings

15485. The reports shall not include data concerning any person, if the data is by law or in fact confidential. The report of the Director of Investment to the Governor's Council shall be upon such matters as have been considered or discussed at the previous meeting of the Board of Investment. Reports

SEC. 4. Part 8 is added to Division 3, Title 2 of said code, to read:

PART 8. STATE RECONSTRUCTION AND REEMPLOYMENT COMMISSION

CHAPTER 1. GENERAL

Article 1. Purpose

15530. It is the public policy of the State and the purpose of this part to prevent unemployment; conserve and develop the natural, social and economic resources of the State; promote development of new industries and create new markets; promote the reemployment of discharged service men and readjustment of displaced war workers, and the conversion of industry and commerce from war to peace standards; provide for postwar adjustment and reconstruction; and encourage economic and social improvement of the general public. Declaration of purpose

Article 2. Administration

15540. There is in the State Government the State Reconstruction and Reemployment Commission. It consists of nine members as follows: State Reconstruction and Reemployment Commission

- (a) The Director of Public Works.
- (b) Director of Finance.
- (c) Director of Professional and Vocational Standards.
- (d) President of the University of California, or his representative, with the approval of the Governor.
- (e) Director of Natural Resources.
- (f) Director of Agriculture.

- (g) Director of Industrial Relations.
- (h) Superintendent of Public Instruction.
- (i) Executive Secretary of the Governor.

Org. nization 15541. The Director of Public Works shall be the chairman and the Director of Finance the vice chairman of the commission. A majority of the members of the commission in office constitutes a quorum, and the vote of such a majority is necessary to the transaction of the business of the commission. The commission shall provide by rule for regular and special meetings and for the method of calling meetings.

Advisory committees 15542. Each member of the commission shall act as chairman of a citizens advisory committee of five members selected by the Governor upon nomination by the member, and qualified as specialists in the respective fields of activity of the members of the commission. Members of these advisory committees shall receive no compensation for their services under this part, but shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder. The members of the advisory committees serve at the pleasure of the committee chairman.

Officers and employees 15543. The commission shall create positions, fix the compensation and prescribe the powers and duties of officers and employees necessary for the administration and to effectuate the purposes of this part. The compensation fixed shall be subject to the approval of the Director of Finance. All such officers and employees shall be appointed by and serve at the pleasure of the Governor.

Adminis- tration 15544. In the execution of their powers and duties, officers and employees engaged in the administration of this part shall be governed by such rules as the commission may from time to time make.

Expenditures 15545. The commission may expend any appropriation available by law for expenditure by the State Planning Board.

Director of Reconstruction and Re-employment 15546. There is in the State Government the office of Director of Reconstruction and Reemployment. The director is appointed by and holds office at the pleasure of the Governor. He shall receive such salary as the commission designates, with the approval of the Director of Finance, not in excess of ten thousand dollars (\$10,000) annually, and the actual and necessary expenses incurred by him in the performance of his duties. He also may be removed from office by a vote of a majority of the members of the commission then in office.

Powers 15547. The director is the chief executive officer for the administration of this part, but the commission shall require the prior approval by it of any or all contracts involving the expenditure of more than five hundred dollars (\$500) that may be executed by the director.

The director may delegate any of the powers vested in him by this part, except the power to contract, to employees and officers engaged in the administration of this part. Any power so delegated may at any time be modified, withdrawn or terminated by the director.

15548. The director is the head of a department within the meaning of Sections 11090, 11091, 11157, 11158, 11180 to 11191, inclusive, and 11253. Head of department

CHAPTER 2. POWERS AND DUTIES

15560. The commission shall:

(a) Collect, assemble, study, and analyze data concerning the human, natural, and economic resources of the State. Duties of commission

(b) Cooperate with Federal, State, and other public and private agencies to effect the purposes of this part.

(c) Prepare and submit a quarterly report to the Governor.

(d) Prepare and submit an annual report and recommendations to the Governor and the Legislature.

15561. The commission shall endeavor to formulate and promote plans and programs to: Formulation of plans, etc.

(a) Recemploy discharged service men and women.

(b) Rehabilitate discharged veterans through purchase of homes and farms.

(c) Provide for and encourage the resumption of the education of veterans whose education has been interrupted.

(d) Readjust displaced war workers.

(e) Convert industry and commerce from war to peace standards.

(f) Encourage the development, preservation, and restoration of industry.

(g) Encourage and promote the full development of the natural resources of California.

(h) Encourage and arrange for cooperation with the other western States in the development of a regional economy.

(i) Plan for and promote the improvement and expansion of the highway and freeway systems of the State.

(j) Plan for and support the necessary reconstruction and expansion of State buildings, particularly State hospitals and institutions.

(k) Prepare for postwar adjustments generally.

15562. The commission may accept gifts and use them in accordance with the terms of the grant. Gifts

15563. The director may procure and maintain offices in such parts of the State as he deems necessary or convenient. The director may do such other acts and things as may be necessary and incidental to the full discharge of duties expressly conferred or imposed upon him. Duties of director

15564. The director may contract with such other agencies, public or private, as he deems necessary or desirable for the rendition and affording of such services, facilities, studies, and reports to him as will assist in carrying out this part. Contracts with other agencies

15565. Upon the request of the commission or the director every State officer and employee shall consult and advise the commission or the director, as the case may be, and each State agency or political subdivision shall render all possible assistance to the commission and the director for the purpose of carrying out this part. Assistance

Repals SEC. 5. Section 500030 is added to said code, to read:
500030. The following acts and sections are repealed:

WATER CODE

Sections	Sections
8200	8202
8201	8203

POLITICAL CODE

Sections	Sections	Sections	Sections
363	363j	363p	375c
363a	363l	363bb	375d
363e	363m	375	376
363f	363n	375a	376b
363g	363o	375b	

GENERAL LAWS

1907:183 :215, Secs. 11, 15, and 17 only.

1909:387 :656

1943:631 :2250, Secs. 1-17, inclusive, and Secs. 20, 21 and 22, only.

CHAPTER 119

An act to add Part 9 to Division 3, Title 2 of, to add Division 4 to said Title 2, and to add Section 500031 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 27, 1945]

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

SECTION 1. Part 9 is added to Division 3, Title 2, of the Government Code, to read:

PART 9. STATE EMERGENCY COUNCIL

CHAPTER 1. ADMINISTRATION

See also
Stats 1945,
Ch. 1024

15600. There is in the State Government a State Emergency Council.

The council consists of the Directors of Finance, Public Works, Military and Veterans Affairs, Public Health, and five members appointed by the Governor.

Of the five appointive members: one shall be a peace officer; one shall represent the American Legion; one the American Red Cross; one the transportation interests; and one from the business organizations of the State.

15601. The term of office of the appointive members of the Same council is two years. They shall serve without pay, but shall receive their actual and necessary traveling expenses incurred in the performance of the work of the council.

15602. The chairman shall be elected from and serve at the Same pleasure of the council.

CHAPTER 2. EMERGENCIES

Article 1. The Governor

15610. In times of extraordinary stress and widespread Same disaster, such as floods, fires, tornadoes, earthquakes, pestilence, and similar conditions, the Governor shall declare the existence of an emergency and designate the nature, area, and extent of the emergency.

15611. During the existence of a declared emergency and Same when there is a conflict of local police authority or the local police authority is inadequate to meet the situation, the Governor shall designate one or more State agencies to take charge of the relief work necessary to relieve the emergency.

Article 2. The Council

15620. The council shall prepare a general plan and design- Same nate ways and means for the meeting of any great emergency after and when the Governor has declared that the emergency exists.

15621. The council shall cooperate with the State agencies Same designated by the Governor to take charge in the case of a declared emergency.

15622. With the consent of the Governor the council may Same use any money which may be made available for the purposes of this part.

CHAPTER 3. GENERAL

15630. Upon the order of the Governor the Director of Same Finance shall make available from the available fund or appropriation such amount as may in the opinion of the Governor be necessary for the policing of the stricken area and the necessary expenses of the members of the council in relieving any emergency, which may be declared to exist by the Governor under this part.

15631. All agencies of local government shall cooperate Same with the State to the fullest extent in order to accomplish the purposes of this part.

15632. Any person acting under the direction of the Gov- Same ernor and in pursuance of this part, has the authority of the highest police power in the area affected.

This part does not require a person to submit to medical or surgical treatment without his consent.

Same 15633. The emergency council fund in the treasury is continued in existence and is available without regard to fiscal years for the purpose of creating a general emergency plan, to be expended on the order of the chairman of the council.

SEC. 2. Division 4 is added to Title 2 of said code, to read:

DIVISION 4. FISCAL AFFAIRS

PART 1. CLAIMS AGAINST THE STATE

CHAPTER 1. GENERAL

State Board of Control 16000. As used in this part, "board" means the State Board of Control.

Exemptions 16001. Claims upon the contingency funds of either house of the Legislature and for official salaries are exempt from this chapter.

Presentation to Controller 16002. Any person having a claim against the State for which an appropriation has been made, or for which a State fund is available, may present it to the Controller in the form and manner prescribed by the general rules and regulations adopted by the board for the presentation and audit of claims.

Audit 16003. The Controller shall not draw his warrant for any claim until it has been audited by him in conformity with law and the general rules and regulations adopted by the board, governing the presentation and audit of claims. Whenever the Controller is directed by law to draw his warrant for any purpose, the direction is subject to this section, unless it is accompanied by a special provision exempting it from this section.

Approved claim 16004. If the Controller approves a claim he shall draw his warrant for the amount approved in favor of the claimant.

Disapproved claim 16005. If he disapproves a claim, he shall file it and a statement of his disapproval and his reasons with the board as prescribed in the rules and regulations of the board.

Reconsideration of claim 16006. The Controller shall not entertain for a second time a claim against the State once rejected by him or by the Legislature unless such facts are subsequently presented to the board as in suits between individuals would furnish sufficient ground for granting a new trial.

Appeal to board 16007. Any person who is aggrieved by the disapproval of a claim by the Controller, may appeal to the board. If the board finds that facts are presented justifying such action, the Controller shall reconsider his rejection of the claim.

Appeal to Legislature 16008. After final rejection of a claim by the Controller following reconsideration any person interested may appeal to the Legislature by filing with the board a notice of appeal. Upon receipt of such notice the board shall transmit to the Legislature the rejected claim, all papers accompanying it, and a statement of the evidence taken before the board.

CHAPTER 2. FILING WITH STATE BOARD OF CONTROL

16020. There shall be presented to the board and it shall audit claims against the State for which settlement is provided by law but for which:

- (a) No appropriation has been made,
- (b) No fund is available, or
- (c) An appropriation or fund has been exhausted.

Upon approval of such a claim by unanimous vote of the board, it shall with the consent of the Governor be transmitted to the Legislature with a brief statement of the reasons for approval.

16021. Any person having a claim against the State, the settlement of which is not otherwise provided for by law, shall present it to the board at least four months before the meeting of the Legislature, accompanied by a statement showing the facts constituting the claim, and verified in the same manner as complaints in civil actions. Notice of the time and place of hearing shall be mailed to the claimant at least 15 days prior to the date set for final action by the board

16022. At the time designated the board shall examine and adjust such claims. It may hear evidence for and against them and, with the approval of the Governor, report to the Legislature such facts and recommendations concerning them as it deems proper. In making recommendations the board may state and use any official or personal knowledge which any member may have touching any claim.

16023. Upon the allowance by the board of all or part of a claim arising under Section 400 of the Vehicle Code, and the execution and presentation of documents in such form as the board prescribes, which discharge the State of all liability under the claim, the claim so allowed shall be paid in accordance with law out of money appropriated or collected for payment of such claims.

16024. If the State elects to insure its liability under Section 400 of the Vehicle Code, the board may automatically deny any claim arising under that section.

CHAPTER 3. ACTIONS

16040. This chapter is not applicable to actions on claims for the taking or damaging of private property for public use, within the meaning of Section 14 of Article I of the Constitution, which were pending prior to September 13, 1941.

16041. Any person who has a claim against the State (1) on express contract, (2) for negligence, or (3) for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution, shall present the claim to the board in accordance with Section 16021. If the claim is rejected or disallowed by the board, the claimant may bring an action against the State on the claim and prosecute it to final judgment, subject to the conditions prescribed by this chapter.

Rules of civil practice 16042. Except as otherwise provided in this chapter, the rules of practice in civil actions apply to all actions brought under this chapter.

Limitation of actions Vehicle claims 16043. A claim arising under Section 400 of the Vehicle Code shall be presented to the board within one year after the claim first arose or accrued. An action on such a claim shall be brought either within the time prescribed by the Code of Civil Procedure within which such an action may be brought or within six months after the claim is rejected or disallowed in whole or in part.

Same Other claims 16044. A claim not arising under Section 400 of the Vehicle Code shall be presented to the board within two years after the claim first arose or accrued. An action on such a claim shall be brought within six months after the claim is rejected or disallowed in whole or in part.

Portion of claim 16045. An action may not be maintained on a portion of a claim arising under Section 400 of the Vehicle Code, but if the amount allowed is not accepted in full settlement of the claim and an action is brought, it shall be brought on the entire claim and the allowance is ineffective. If any other claim is rejected or is allowed only in part, an action may be maintained only on the portion of the claim rejected or disallowed.

Legal disability 16046. Claims of a minor or insane person, a person imprisoned on a criminal charge or undergoing execution of sentence of a criminal court, a married woman if her husband is a necessary party with her in commencing action thereon, or an incompetent person shall be presented to the board as prescribed by this chapter within two years after the disability ceases. An action on such a claim shall be brought within six months after the claim is rejected or disallowed in whole or in part by the board.

Undertaking 16047. At the time of filing the complaint in any action against the State, the plaintiff shall file therewith an undertaking in such sum, but not less than five hundred dollars (\$500), as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court. The undertaking shall be conditioned upon payment by the plaintiff of all costs incurred by the State in the suit, including a reasonable counsel fee to be fixed by the court, if plaintiff fails to recover judgment in the action.

Private property claims 16048. In actions for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution on claims arising out of work done by the Department of Public Works:

(a) Service of summons shall be made on the Director of Public Works.

(b) The defense shall be conducted by the attorney for the department.

Other claims 16049. Except actions in which service is required to be made on the Director of Public Works:

(a) Service of summons shall be made on the Governor and Attorney General.

(b) The Attorney General shall defend all actions on claims against the State.

16050. The proper court for trial of actions for the taking or damaging of private property for public use is a court of competent jurisdiction in the county in which the property is situate. ^{Venue}

Upon written demand of the Attorney General made on or before answering, the place of trial in other actions shall be changed to Sacramento County.

16051. If judgment is rendered for the plaintiff, it shall be for the legal amount actually found due from the State to the plaintiff, with legal interest from the time the claim or obligation first arose or accrued, and without costs. ^{Judgment}

16052. Without presentation to or approval by the board, the Controller shall draw his warrant for the payment of any judgment against the State upon a claim arising under Section 400 of the Vehicle Code upon money appropriated by the Legislature or collected from special funds for the payment of such claims. ^{Payment of judgment Vehicle claims}

16053. The Controller shall draw his warrant for the payment of any other judgments against the State whenever a sufficient appropriation for such payment exists. Claims upon such judgments are exempt from Section 16003. ^{Same Other claims}

16054 The Governor shall report to the Legislature, at each session, all judgments against the State upon claims not arising under Section 400 of the Vehicle Code and not theretofore reported. ^{Report of Governor}

SEC. 3. Section 500031 is added to said code, to read:

500031. The following acts and sections are repealed. ^{Repeals}

POLITICAL CODE

Sections	Sections	Sections	Sections
665	667	669	688.1
666	668	688	

GENERAL LAWS

1929:662:1111

1941:982:2618

CHAPTER 120

An act to add Parts 2, 3 and 4 to Division 4, Title 2 of, and to add Section 500032 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 27, 1945]

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

SECTION 1. Part 2 is added to Division 4, Title 2, of the Government Code, to read:

PART 2. STATE FUNDS

CHAPTER 1. GENERAL

General Fund 16300. The General Fund consists of money received into the treasury and not required by law to be credited to any other fund.

Monthly
account of
receipts 16301. Except as otherwise provided by law, all money belonging to the State received from any source whatever by any State agency shall be accounted for at the close of each month to the Controller, in such form as he prescribes, and on the order of the Controller be paid into the treasury and credited to the General Fund; except that money received by any State hospital, asylum, prison, or school, for hospital care of persons not entitled thereto without charge or for meals served to persons not entitled thereto without charge, shall become a part of and be added to the current appropriation for the support of the hospital, asylum, prison, or school.

Donations 16302. Whenever any person donates any money to the State, the Treasurer shall receive it, upon the receipt of a certificate from the Controller. If the donor, at the time of making the donation, files with the Controller a written designation of the fund or appropriation he desires to benefit thereby, his donation shall be credited accordingly. If such a designation is not made, the donation shall be credited to the State School Fund.

Return of
withdrawals 16303. If money withdrawn from the treasury pursuant to a valid act of appropriation is subsequently returned, in whole or part, the Controller shall credit it back to the special or general appropriation from which it was drawn, and it is available for the purpose for which it was appropriated.

Period of
availability
See also
Stats 1945,
Ch 426 16304. An appropriation not otherwise limited by law as to availability shall be available for expenditure for three years after the date upon which it becomes available. No encumbrances may be placed against the appropriation after the period of availability.

Encumbrances made during the period of availability and not paid during that period, may be paid during the year following. If not paid before the expiration of four years after the appropriation became available, the claim for which the money was encumbered is barred. Four years after the date upon which such appropriation became available for expenditure, any balance in the appropriation shall finally revert to and become a part of the fund from which the appropriation was made. Encumbrances

This section does not affect or apply to :

(a) Transfers of money from the General Fund for the benefit of elementary schools, high schools, the University of California, the Interest and Sinking Fund, or any other bond interest fund. Exceptions

(b) Regular periodic expenditures of fixed sums for any public purpose.

(c) Appropriations made for cooperative work under specific agreement or under contract.

(d) Appropriations transferred to revolving funds specifically created by law.

16305. All money drawn from the treasury or collected under the authority of this State from any source whatever by any State agency shall, except when otherwise authorized by the Director of Finance, be placed in the custody of the Treasurer who shall place it in a trust account and disburse it upon the order of such State agency, or its disbursing officer. Trust accounts

The money in such accounts may be deposited by the Treasurer in banks to the same extent as if the money in the trust accounts were money in the State treasury. The Treasurer and Controller, with the approval of the Department of Finance, may make any regulations which are necessary or convenient in the handling of such disbursing officers' accounts as may be established, and the crediting and debiting of amounts thereto.

This section does not apply to money drawn or collected by The Regents of the University of California.

16306. When any State revenue, other than revenue payable into the General Fund, is set apart to be applied by the State to the support of the public school system and the State university, the amount set apart shall be repaid into the funds into which the revenue would otherwise have been paid or from which the revenue was set apart. Public school funds

16307. There are hereby appropriated out of the General Fund such amounts as may be necessary to make such repayments. Such repayments shall be made from the first money accruing to the General Fund over and above the amounts: Repayments

(a) Then necessary to provide for payments for the support of the public school system and the State university, and

(b) Which under the State Constitution shall first be applied to the payment of obligations of the State existing at the time the revenues were set apart.

16308. Claims against special fund appropriations for the support of any State agency, that can not be paid by reason of Claims against special funds

the depletion of the special fund as a result of any setting apart of revenues under Section 15 of Article XIII of the Constitution shall be paid from the General Fund to the extent only of the sums so set apart.

Proportional
payment

16309. If money is set apart from more than one nongeneral fund revenue, and available money is insufficient for repayment in full, repayments shall be made in proportion to the unpaid balances.

Exhaustion
of funds

16310. When either the General Fund or the Interest and Sinking Fund in the treasury is exhausted, and there is money in some other fund not required to meet any demand which has accrued or may accrue against it, the Controller shall notify the Governor and the Treasurer. If they find that the money is not needed in the other fund, the Governor may order the Controller to direct the transfer of all or any part of the money to the General Fund or to the Interest and Sinking Fund, as the case may be. All money so transferred shall be returned to the fund from which it was transferred as soon as there is sufficient money in the fund to which the transfer was made to return it. This section does not authorize any transfer which will interfere with the object for which a special fund was created.

Collection of
bonds, etc

16311. The Treasurer may pay all expense for collecting bonds and bond coupons. Where the proceeds of the collection are part of any special fund, the expense shall be charged against the special fund and credited to the General Fund.

CHAPTER 2. SPECIAL FUNDS

Article 1. General

Abolishment
of fund

16350. Except as otherwise provided by law, every special fund created by, or money collected pursuant to, a statute which has been repealed or which is declared invalid by a court of competent jurisdiction shall, after the expiration of five years from the date of repeal or the date on which the judgment of such court becomes final, be abolished, and the balance in such fund and all such money shall be transferred on the books of the Controller to the credit of the General Fund.

Exhaustion
of fund

16351. When any special fund in the treasury is exhausted, and there is money in the General Fund not required to meet any demand which has accrued or may accrue against it, the Controller shall so report to the Governor and the Treasurer. If they find that the money is not needed in the General Fund, the Governor may order the Controller to direct the transfer of such money, or any part thereof, to the special fund in need. All money so transferred shall be returned to the General Fund as soon as there is sufficient money in the special fund to return it.

If such a sufficiency does not accumulate within one year, the amount of money transferred or whatever portion of such amount is in the fund at that time shall be then returned, and the balance, if any, shall be returned thereafter in monthly installments as it accumulates. Any fund which fails to return the full amount of any transfer within one year from and after

the transfer is ineligible to receive further transfers until such time as it has returned the full amount. When there is any money in a special fund transferred thereto pursuant to this section, Section 11006 does not apply to that special fund.

CHAPTER 3. INVESTMENTS

Article 1. General

16420. This chapter is not applicable to the method of investing the State School Land Fund, the Estates of Deceased Persons Fund, the Dissolved Savings Bank Fund, or the sinking funds under the control of the Treasurer. Application of chapter

16421. The Treasurer and the Director of Finance shall at such times as they deem necessary determine whether any portion of the money in the treasury is not necessary for immediate use, and the amount thereof. Determination of availability

16422. With the approval of the Treasurer, the Director of Finance shall, by executive order, designate the amount of money so determined as surplus money. Designation of surplus money

16423. The amount designated as surplus money shall be either: Computation of amount

(a) At no time in excess of 75 per cent of the least amount of money shown by the records in the Treasurer's office to have been in the treasury at the end of any day's transactions during the twelve months' period next preceding compiled in accordance with Section 13297; or

(b) That portion of the General Fund current assets in excess of 110 per cent of actual disbursements, excluding amounts disbursed for purchase of bond investments and premiums and accrued interest on such investments, from the General Fund during the twelfth month preceding, as shown by the records of the Controller.

"General Fund Current Assets" as used in this section means (a) unapplied money in the General Fund, (b) unapplied money in other funds which by law is available for transfer to the General Fund, and (c) investments held for the General Fund pursuant to law.

16424. The Department of Finance may invest such surplus money in the securities specified in Article 2. Legal investments

Article 2. Eligible Securities

16430. Such surplus money may be invested in bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. Obligations of U. S.

16431. Such surplus money may be invested in bonds of this State, or those for which the faith and credit of this State are pledged for the payment of principal and interest. State bonds

16432. Such surplus money may be invested in bonds of any county, city, metropolitan water district, municipal utility district, or school district of this State. Local agency bonds

Article 3. Disposition

Sale or exchange	16440. Securities purchased or held under this chapter may be sold or exchanged for other securities specified in Article 2. The money received from any sale may be reinvested in any such securities by the Department of Finance.
Price	16441. No sale or exchange shall be made at a price less than the market price of the securities sold or exchanged.
Interest and premiums	16442. Interest and premiums derived from any securities purchased or held under this chapter shall be credited by the Treasurer to the General Fund.

CHAPTER 4. BANK DEPOSITS

Article 1. General

Eligible bank	16500. As used in this chapter, "eligible bank" means a State or National bank located in this State and selected by the Treasurer with the approval of the Governor and Controller for the safekeeping of money belonging to or in the custody of the State. Such a bank is eligible to receive deposits only to the extent that it furnishes the security required by this chapter.
Deposits outside State	16501. Under such conditions as he with the approval of the Governor may fix, the Treasurer may deposit money in banks outside this State for the payment of the principal or interest of bonds, made payable outside of this State, at the places at which the bonds are payable.
Deposit in eligible banks	16502. All other money under the control of the Treasurer belonging to or in the custody of the State, shall, so far as possible, be deposited by the Treasurer to the credit of the State in eligible banks. Any sum so deposited is deemed to be in the State treasury.
Inactive and active deposits	16503. With the consent of the Governor and Controller, the Treasurer shall determine what amounts of money shall be deposited: (a) As inactive deposits, and the rates of interest to be received. (b) As active deposits, and the rates of interest to be received, if any.
Same	16504. Subject to the applicable contract, the Treasurer may call in money from inactive deposits and place it in active deposits, when necessary to meet current requirements; and inactive money in his possession for which there is no demand may be placed as active deposits.
Limitation of deposits	16505. Deposits in any bank shall not exceed its paid in capital exclusive of surplus, except that after the Treasurer has made deposits in each eligible bank making application for deposits in an amount equal to its paid in capital, exclusive of surplus, he may, in addition, make active deposits in any such bank in an amount not exceeding its surplus.
Money not in custody of Treasurer	16506. All money belonging to or in the custody of the State under the control of any State officer or employee, other than

the Treasurer, except petty cash funds authorized by the Department of Finance, shall be deposited as active deposits in such State or National banks in this State and under such conditions as the Director of Finance prescribes. Banks receiving such deposits may be required to deposit with the Treasurer the same security as is required by this chapter for active deposits

16507. A State officer is not liable on his official bond for losses caused by the failure of a bank in which is made a deposit of money belonging to an inmate of a State institution, if the officer was required or permitted by law to act as a trustee or fiduciary with respect to the money and if he made the deposit in good faith and in accordance with law. Liability for loss

16508. The Treasurer is not responsible for any money deposited in a bank pursuant to this chapter, and while it remains so deposited with the consent of the Governor and Controller. Same

16509. The Treasurer is responsible for the safekeeping, management and disbursement of the certificates of deposit received and the securities deposited with him, the interest received on deposits, and the proceeds of any sale under this chapter. The State is responsible for the custody and safe return of any securities so deposited. Responsibility for certificates of deposit, etc

16510. Any State officer or employee who deposits any money belonging to or in the custody of the State in any manner other than as prescribed in this chapter is subject to forfeiture of his office or employment. Penalty for violation

Article 2. Security for Deposits

16520. Security shall not be required for that portion of any deposit that is insured under any law of the United States. Insured deposits

16521. To be eligible to receive and retain active or inactive deposits, a bank shall deposit with the Treasurer as security for such deposits, securities specified in Section 16522, and approved by the Governor, Controller and Treasurer, in an amount in value at least 10 per cent in excess of the amount deposited with the bank. Eligible banks

16522. The following securities may be received as security for active and inactive deposits: Legal securities

(a) Treasury notes or bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this State or of any county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, water district, water conservation district or irrigation district within this State.

(c) Registered warrants of this State.

16523. If it appears to him necessary for the security of the State, the Treasurer, with the approval of the Governor and Controller, shall require as a condition of eligibility that a bank Indemnity bonds

furnish an indemnity bond approved by the Governor, Controller, and Treasurer, conditioned against loss by any depreciation in value that may occur in securities deposited as security for the safekeeping and prompt payment of deposits. The sureties shall not be stockholders of the principal.

Treasurer's
annual
report

16524. On the first day of July annually, the Treasurer shall furnish each depository bank with a statement showing the amount and description of the securities on deposit with him by the bank to secure State deposits.

Bonds of
admitted
surety
insurers

16525. In lieu of deposits of securities, any otherwise eligible bank may deposit with the Treasurer bonds of admitted surety insurers as security for active deposits.

Limitation
on amount

16526. An admitted surety insurer is not eligible as surety for active deposits in any one bank in amounts in excess of 10 per cent of the capital and surplus of the surety as shown in the preceding report issued by the United States Treasury Department.

Certificate
of Insurance
Commissioner

16527. On demand of the Treasurer, the Insurance Commissioner shall issue a certificate showing the qualifications of any admitted surety insurer as surety for active deposits.

Qualification
of admitted
surety
insurer

16528. The bond of an admitted surety insurer shall not be accepted as security for active deposits unless it has been certified by the Insurance Commissioner as meeting the requirements of this chapter and unless it also holds a certificate of authority from the United States Treasury Department under which it is eligible as surety on Federal bonds.

Form of
bond

16529. The form of bonds required under this chapter shall be prescribed by the Attorney General.

Termination
of bond

16530. A surety upon any bond to secure active deposits may terminate the bond as to future liability by giving 10 days' written notice of termination to the Treasurer. Such notice of termination shall not affect any liability accruing prior to the expiration of the 10-day period.

Within 10 days after receipt of such a notice of termination, the Treasurer shall require other acceptable security or withdraw the deposits secured by the bond to be terminated.

Excess
security

16531. That portion of any security for deposits that is in excess of the requirements of this article may be withdrawn or released on the written consent of the Governor, Controller, and Treasurer.

Failure of
bank to pay

16532. If any bank fails to pay all or any part of such deposits on demand of the Treasurer, pursuant to the terms and conditions of the contract relating to the deposit that is to be withdrawn in whole or in part, the Treasurer shall forthwith recover upon or convert the security therefor into money and disburse it according to law.

Additional
security

16533. If at any time the security deposited with the Treasurer is not deemed satisfactory by the Governor, Controller, and Treasurer, they may require such additional security as is satisfactory to them.

Article 3. Custody of Securities

16550. As used in this article, "qualified trust company" means the trust department of any State or National bank in this State or a trust company authorized to act as such in this State. Qualified trust company

16551. With the consent of the bank owning securities deposited or to be deposited with him as security, the Treasurer may: Deposit of securities

(a) Authorize any qualified trust company other than the depositor bank to receive as his agent deposits of any securities approved under this chapter.

(b) Place and maintain for safekeeping as a trust deposit with any qualified trust company other than the depositor bank any securities that have been received by him under this chapter.

16552. The Treasurer shall take from the qualified trust company a receipt for any securities received by it under this article. Neither the Treasurer nor the State is responsible for the custody and safe return of such securities until they are withdrawn from the qualified trust company by the Treasurer. Responsibility for securities

16553. Any qualified trust company to which securities are delivered, either as agent or depository for the Treasurer, shall make such disposition of the securities as the Treasurer directs and is responsible only for strict compliance with written instructions given to it by the Treasurer. All such securities are at all times subject to the order of the Treasurer. Duties of qualified trust company

16554. The charges of any qualified trust company for the handling and safekeeping of such securities are not a charge against the Treasurer but shall be paid by the owner. Handling charges

Article 4. Contracts

16560. The Treasurer shall enter into such contracts with such depositories as in his judgment will be to the public advantage so to do. The contracts shall fix the duration of deposits and the rates of interest to be received, if any, and provide conditions for their withdrawal, repayment, and security. Conditions of contracts

16561. In order to obtain as high rates of interest as possible, the contracts may contain any conditions necessary to conform with Section 19 of the Federal Reserve Act, as amended, and with regulations established pursuant thereto by the Board of Governors of the Federal Reserve System; but the term of any inactive deposit shall not be for longer than one year, and active deposits shall be subject to withdrawal at any time upon demand of the Treasurer. Conformity with Federal Reserve Act 38 Fed Stat 270

16562. The contracts shall provide that each depository shall at the end of each month render to the Treasurer a statement in duplicate showing the daily balances or amount of money of the State held by it during the month and the amounts of accrued interest thereon separately. The Treasurer shall file one copy with the Controller. Monthly report of depository

16563. The contracts shall be executed by the depositories in triplicate. The Treasurer shall file one copy of each contract with the Controller. Execution of contracts

Receipts,
etc

16564. At the time of depositing State money in any bank, designated as a depository, the Treasurer shall take and preserve a receipt, certificate of deposit, or such other evidence of the deposit as the Treasurer may require, stating the amount deposited and referring to the contract made between the depository bank and the Treasurer.

Handling
clerks, etc.

16565. On the order of the Treasurer, depository banks shall handle, collect and pay all checks, drafts and other exchange in the same manner and under the same conditions as checks, drafts, and other exchange of other depositors are handled, collected, and paid.

Article 5. Interest

Payment of
interest

16580. The interest to be paid by a depository bank, shall be paid in accordance with the contract made with the Treasurer, and at least semiannually.

Statement of
depository

16581. The amounts of interest shall be reported by the depository bank at the time of payment of the interest by a statement in triplicate showing the balances or amounts of money of the State held by it during the period, and a separate statement in triplicate showing the amount of the accrued interest thereon.

Two copies of both statements shall be delivered to the Treasurer with the interest payment and the third copy shall, at the same time, be delivered by the depository bank directly to the Controller.

Crediting
interest

16582. The Controller shall order interest paid on money belonging to the State School Fund or the State School Land Fund to be credited to the State School Fund. He shall order interest received on all other money to be credited to the General Fund.

SEC. 2. Part 3 is added to Division 4, Title 2 of said code, to read:

PART 3. STATE BONDS

CHAPTER 1. GENERAL

"Fiscal
agent"

16650. As used in this part, "fiscal agent" means the State fiscal agent selected and acting pursuant to Chapter 2.

Running of
statute of
limitations

16651. Whenever the statute of limitations has run against any outstanding bond or coupon issued by the State, the Treasurer shall withdraw from the fiscal agent any money transferred to the fiscal agent to meet the payment of the bond or coupon and deposit it in the treasury to the credit of the General Fund.

Lost or
destroyed
bonds, etc

16652. Whenever it appears to the Treasurer, upon competent proof, that any bonds, coupons, or other evidences of State indebtedness, except warrants, have been lost or destroyed, he shall endeavor to stop payment on them, and notify the State's fiscal agent to endeavor to stop payment thereon.

CHAPTER 2. STATE FISCAL AGENT

16670. Upon the recommendation of the Treasurer the Governor may designate in the City of New York, New York, a well known and responsible banking firm or association, or incorporated banking institution having a paid-up capital and surplus of not less than one million dollars (\$1,000,000) as the State fiscal agent for the payment of bonds and coupons issued by the State. Fiscal agent in New York

16671. A designation of a fiscal agent shall remain in effect until the designation of another fiscal agent pursuant to Section 16670. Period of designation

16672. With the approval of the Governor, the Treasurer may fix the amount of and require bonds from the fiscal agent to the State, conditioned on the faithful performance of its duties as fiscal agent. Faithful performance bond

16673. Subject to the approval of the Governor, the Treasurer may do all things necessary or proper to effectuate the purposes of this chapter, including, among others, the making of such arrangements with the fiscal agent as may be necessary, including the compensation, if any, of the fiscal agent for services under this chapter, and the time when funds for the redemption of bonds and coupons shall be remitted to it. Duties of Treasurer

16674. All bonds and coupons issued by the State, which by their terms are payable at the office of the Treasurer, without further designation of a place of payment, are at the option of the holder also payable at the fiscal agent. Place of payment

16675. The Treasurer and any other State officers authorized to sell and deliver any bonds of the State, may at the time of delivery to the purchaser attach to the bonds irrespective of the time they are signed, countersigned and sealed, a copy of this chapter and a certificate in the following terms: Certificate of designation

“Pursuant to the above chapter, ----- in the City of New York, State of New York, has been designated as the fiscal agent of the State of California, to continue as such until the designation of another fiscal agent in the City of New York. Attached before issuance to State of California ----- bond, dated ---, 19---, No. -----.

Sacramento, California, -----, 19----.

-----,
State Treasurer.”

16676. Not less than 10 days before the maturity of any State bonds or coupons and at such time as the Treasurer may fix with the approval of the Governor, the Controller shall draw his warrant for, and the Treasurer shall, out of any funds available for the payment of the bonds or coupons, remit to the fiscal agent, in the form of check or draft payable in the City of New York, sufficient funds for the redemption of the bonds and coupons. Remitting of funds

16677. The fiscal agent shall promptly notify the remitting officer of the receipt of the remittances, and immediately on the payment of the bonds and coupons for which funds were Duties of fiscal agent

remitted shall cancel and return them to the Treasurer or officer from whom the funds were received.

Absence of certificate of designation on

16678. The fiscal agent may redeem State bonds and coupons when duly presented to it by the holder, with or without a certificate making them payable at the fiscal agent.

Express charges and postage

16679. Express charges and postage are a proper charge against the State.

CHAPTER 3. DUPLICATE BONDS

'Instrument'

16700. As used in this chapter, "instrument" means bonds, coupons, and other evidences of State indebtedness, except warrants.

Lost or destroyed instruments

16701. Whenever it appears to the Treasurer upon competent proof that any instrument has been lost or destroyed and the required security is deposited, he may issue or cause to be issued instruments similar as to form and content, except that they shall be signed and countersigned by the corresponding officials in office at the time the new instruments are issued. If the indebtedness evidenced by the instrument has matured and is due and payable, he may pay it if his records show the instrument is outstanding and unpaid.

Application to court

16702. If the Treasurer refuses to issue or cause to be issued new instruments to replace those lost or destroyed, the owner may apply to the Superior Court of the County of Sacramento for an order requiring the Treasurer to show cause why he should not be required to issue or cause to be issued new instruments.

Service of petition

16703. A copy of the petition for the order to show cause shall be served upon the Treasurer not less than 10 days prior to the time set for the hearing.

Order of court

16704. If the court finds that the petitioner is the lawful owner of the instruments described in the petition, that they have been lost or destroyed and can not after due diligence be found, and that no sufficient cause has been shown why new instruments to replace them should not be issued, it may make an order requiring the Treasurer to issue and deliver or cause to be issued and delivered to the petitioner new instruments in place of the lost or destroyed instruments, upon the petitioner's giving the security required by this chapter.

Security

16705. Before the Treasurer may issue a new instrument or pay the indebtedness represented by a lost or destroyed instrument the owner shall give security in double the amount of the lost or destroyed instrument to indemnify the State against loss or damage that may be incurred on account of the lost or destroyed instrument. The security may be specified by, is subject to the approval of, and, after approval is endorsed thereon, shall be filed with, the Treasurer.

Costs and expenses

16706. The owner shall pay all costs and expenses in connection with the issuance of any new instrument.

Contents of new instrument

16707. Every new instrument and every coupon of any instrument so issued shall state upon its face the number and

denomination of the instrument for which it is issued; that it is issued in the place of the instrument claimed to have been lost or destroyed; that it is issued as a duplicate; and that if both the original and duplicate instruments are presented to and paid by the Treasurer, he shall not be held responsible for the duplicate payment but may rely on the security given.

SEC. 2.5. Part 4 is added to Division 4, Title 2 of said code, to read:

PART 4. WARRANTS

CHAPTER 1. GENERAL

Article 1. Form, Procedure

17000. Every warrant shall be drawn by the Controller upon the fund out of which it is payable, and shall specify the specific appropriation applicable to its payment. Form of warrant

17001. All warrants for claims which have been audited by the Board of Control and filed with the Controller shall be drawn in the order of the numbers placed upon them by that board. Order of drawing

17002. Before delivering a warrant to the payee, the Controller shall, upon request, permit the Treasurer to endorse upon or attach to the warrant an order designating the place where it may be paid. At the option of the Treasurer, warrants may be made payable at his office or at some bank at which money of the State is deposited. Place of payment

17003. If a person is entitled to the payment of more than twenty thousand dollars (\$20,000), and the Treasurer so requests, the Controller shall issue to him several warrants in the amounts designated by the Treasurer and aggregating the amount due. Payments of more than \$20,000

17004. Unless otherwise requested, the Controller may mail a warrant to the last known address of the claimant, and the signature of the payee on the warrant is a sufficient receipt. Mailing

17005. The Controller shall keep a record of warrants showing the fund upon which each is drawn, its number, in whose favor, and the appropriation applicable to its payment. He shall preserve all warrants delivered to him by the Treasurer. Controller's record

17006. On the tenth, twentieth, and last days of each month, and when any such day is one on which the Controller is not required to keep his office open for the transaction of business, then upon the day immediately preceding, the Controller shall furnish the Treasurer with a report of all warrants drawn by him upon the Treasurer since the date of his last report. The reports shall show the number, date, and amount of each warrant, to whom issued, and the fund out of which it is payable. From the reports so furnished by the Controller, the Treasurer shall make a register of warrants. Reports of warrants drawn

Article 2. Disbursing Officers' Warrants

Demand of State agency 17030. A State agency may present to the Controller a verified demand for the issuance of a warrant upon the Treasurer for any specified sums for the payment of salaries of officers or employees or the support of, or the payment of an obligation incurred by, the State agency.

Contents, etc 17031. The demands shall contain or be accompanied by an itemized statement showing in detail the names of the persons to whom and the purposes for which the money is to be paid and the amounts to be paid to each person and for each purpose. The demands shall bear the written approval of the head of the State agency or other person in the agency authorized by law to approve the claims, and shall specify the payee to be named in the warrant demanded. The payee shall be the head of the State agency or some person in the agency designated by him.

Issuance of warrant 17032. The Controller may issue his warrant upon the Treasurer in favor of the payee for a total of such of the amounts covered by the demand as are authorized by law.

Liability of Controller 17033. Upon the issuance of such a warrant the Controller and his bondsmen are under no further obligation for the proper disbursement of the amount of the warrant or the money represented thereby.

Disbursement of warrant 17034. To the extent that the Controller has allowed the items covered by the demand, the payee shall disburse the warrant issued therefor in accordance with the itemized statement contained in or accompanying the demand.

Article 3. Payment

Claims paid from revolving fund 17050. Whenever any claim against the State or any State agency for which a cash advance is necessary is paid from any revolving fund, the person authorized to make payments from the revolving fund may indorse any warrant of the Controller made payable to the claimant on the claim in the claimant's name, pursuant to a power of attorney signed by the claimant authorizing the indorsement. The indorsement shall indicate that the claim has previously been paid from a revolving fund.

Procedure when only part of claim is paid 17051. Whenever any warrant is drawn in favor of a payee having a claim against the State and is delivered to a State agency for delivery to a payee, and prior to delivery to the payee any facts or circumstances exist which would affect the validity or alter the amount of the claim, the person authorized to make payments out of any funds under the direct control of the State agency may indorse and deposit the warrant in the treasury to the credit of the fund or appropriation upon which it was drawn or deposit it to the credit of the appropriate account under his control. Where such a warrant is deposited to the account under the control of the State agency, it shall, when necessary, pay the portion of the claim then due and payable and return the balance to the treasury to the credit of the fund or appropriation upon which the warrant was drawn.

Acceptance of indorsements 17052. The indorsements authorized by this article may be accepted by the Treasurer and he may pay such warrants

Article 4. Cancellation

17070. Whenever any warrant issued by the Controller is unpaid for four years after it becomes payable, the Controller shall cancel it. Nonpayment for four years

17071. The Controller and Treasurer shall each keep a register of all canceled warrants. The register shall show the number, date, and amount of each warrant, the name of the person in whose favor it was drawn, the fund out of which it was payable, and the date of cancellation. Register of canceled warrants

17072. The face amount of each warrant canceled under this article shall revert and be credited by the Controller to the fund against which the warrant was drawn. Reversion of amount

17073. Warrants canceled under this article are void. Effect of cancellation

Article 5. Lost or Destroyed Warrants

17090. Whenever any warrant lawfully drawn by the Controller is lost or destroyed before it is paid by the Treasurer, the owner or custodian may procure the issuance of a duplicate warrant upon compliance with this article. Duplicate warrants

17091. Application for a duplicate warrant shall be made by filing with the Controller: Application

(a) An affidavit setting forth the fact of its loss or destruction, giving the number, date, amount, and name of the payee, together with all material facts relative to the loss or destruction.

(b) A bond of indemnity, with two good and sufficient sureties, in double the face amount of the particular warrant.

17092. The Controller shall refer the bond to the Attorney General and he and the Controller shall examine and pass upon the sufficiency of the bond and approve or reject it within 30 days after it is filed with the Controller. Approval of bond

17093. If the bond is approved, the Controller shall issue and deliver to the applicant, on demand, a duplicate warrant for the full amount of the original warrant. Issuance of duplicate warrant

17094. The Controller and Treasurer shall each make the proper entries on their books, showing the lost or destroyed warrants, and the issuance of duplicate warrants in lieu thereof. Controller's and Treasurer's record

17095. The Treasurer shall pay such a duplicate warrant as though it were the original. Payment

CHAPTER 2. REGISTERED WARRANTS

Article 1. General

17200. All provisions of this chapter referring to registered warrants are applicable to "reimbursement warrants" and "refunding warrants," unless the context otherwise requires. Application of chapter

17201. The Board of Control may make rules and regulations governing the issuance and sale of registered warrants and may facilitate and regulate the transaction of the State's fiscal business, by the creation of new funds and accounts. Power of Board of Control

- Legal investments** 17202. All registered warrants issued by the State are legal investments for all:
- (a) Trust funds.
 - (b) Funds of all insurers.
 - (c) Funds of building and loan associations.
 - (d) Funds of all banks, including any legal combination of commercial banks, savings banks and trust companies.
 - (e) Funds of all counties, municipal corporations, districts, public corporations, political subdivisions, or State agencies.
- Security for faithful performance** 17203. Such registered warrants are acceptable and may be used as security for the faithful performance of any public or private trust or obligation or for the performance of any act, including the use of such registered warrants by banks as security for deposits of funds of any county, municipal or public corporation, district, political subdivision, or State agency.
- Investment for State agencies** 17204. Any State agency that is authorized to invest funds in the treasury in securities which are legal investments for savings banks may invest the funds in registered warrants of the State.
- Negotiable instruments** 17205. All registered warrants are negotiable instruments.
- Request for cancellation by State agency** 17206. Whenever a registered warrant is issued for the purpose of making an interdepartmental payment or in error the State agency having legal ownership of the warrant may present it to the Controller for cancellation and credit to the fund on which it was drawn. The warrant shall be accompanied by a report in writing requesting the cancellation, explaining the reason for the request and specifying the proper appropriation to be credited with the amount of the warrant.
- Cancellation** 17207. After verification of the proper appropriation to be credited, the Controller shall cancel the warrant and credit the amount to the proper fund or appropriation in the same manner as other money paid into the State treasury.
- Notification of Treasurer** 17208. Whenever such a registered warrant is canceled the Controller shall so notify the Treasurer in writing, specifying the number, date, amount, to whom drawn, fund on which drawn and date of cancellation.
- Opinion re validity** 17209. Whenever the Controller deems that it will increase the salability or the price of registered warrants to obtain, prior to or after sale, a legal opinion as to the validity of the warrants from attorneys other than the Attorney General, the Controller may obtain such a legal opinion. Payment for such legal services shall be made only upon the filing of a verified demand by the attorneys who have rendered the opinion and the approval of the Board of Control.
- Payment** 17210. Registered warrants shall be paid by the Treasurer in conformity with law.

Article 2. Registration

- Definitions** 17220. As used in this chapter:
- (a) "Unapplied money" means money in the General Fund in the treasury for which outstanding warrants have not already

been drawn and which would remain in the General Fund if all outstanding warrants theretofore drawn were paid.

(b) "Committee" means the Governor, Treasurer and Controller, acting as a committee.

17221. Whenever the Controller draws his warrant upon the Treasurer payable out of the General Fund in an amount in excess of the unapplied money in the General Fund, the Controller shall upon the same day present it to the Treasurer. The Treasurer shall indorse upon its back the date of presentation by the Controller; that it is not paid for want of funds; and that it bears interest at the rate fixed pursuant to law from the date of such registration to and including the date of maturity, or the date upon which the Treasurer first advertises that it is payable upon presentation if it bears no date of maturity. Warrants so indorsed by the Treasurer are registered warrants.

17222. By a majority vote the committee shall fix the rate of interest paid on registered warrants at not more than 5 per cent per annum.

17223. The Controller shall furnish the Treasurer with a separate register for registered warrants, and the Treasurer shall stamp on the register the date on which each warrant is registered and the date on which it is first advertised as payable.

17224. After registration the Treasurer shall return the warrant to the Controller for distribution.

Article 3. Reimbursement and Refunding Warrants

17240. As used in this chapter:

(a) "Reimbursement warrants" refers to warrants drawn by the Controller on the General Fund pursuant to this article to reimburse the General Cash Revolving Fund for demands against the General Fund for which warrants were drawn against the General Cash Revolving Fund.

(b) "Refunding warrants" refers to warrants drawn by the Controller on the General Fund pursuant to this article to provide funds for the payment of reimbursement warrants bearing a fixed maturity date.

17241. To reimburse the General Cash Revolving Fund, the Controller may draw reimbursement warrants on the General Fund in the same manner as if General Cash Revolving Fund warrants had not been issued to meet the demands for which they were drawn.

17242. If a reimbursement warrant represents an amount in excess of the unapplied money in the General Fund, it shall be registered by the Treasurer pursuant to Article 2.

17243. The Controller may fix a maturity date for reimbursement warrants, and cause the Treasurer to indorse upon each such warrant, the date upon which it will be paid and redeemed.

17244. In lieu of prescribing a precise interest rate on registered reimbursement warrants, the committee may fix a maximum rate of interest for the warrants, and prescribe that the

interest rate thereon (not in excess of such maximum) shall be fixed in accordance with the best bids for the warrants. Different rates of interest for any reimbursement warrants may be so fixed by the Controller.

Sale 17245. Registered reimbursement warrants shall be sold by the Controller to the best bidders.

Notice of sale 17246. Notice of sale of registered reimbursement warrants shall be given by the Controller by publication, not less than three days prior to sale, at least once in a newspaper published in the City of Sacramento.

Contents of notice 17247. The notice of sale shall specify the amount of warrants to be sold, and the minimum amount for which the Controller will consider bids, and shall invite sealed bids for the purchase of the warrants. The notice shall state that no bid will be accepted which is less than the face value of the warrants bid for, and that the warrants will be awarded to the persons making the best bids as determined by the Controller, considering the interest rate and premium offered, if any.

Additional notice 17248. The Controller may give additional notice of any such sale in such form and manner as he may determine.

Bids 17249. At the time specified in the notice of sale, the Controller shall open the bids, and award the warrants to the persons making the best bids as determined by him. The Controller may reject any and all bids. No bid for less than the face value of any warrants shall be accepted.

Endorsement 17250. The Controller shall endorse any registered reimbursement warrant so sold or to be sold in the name of and on behalf of the payee named in the warrant. The endorsement transfers to the holder the warrant and the claims in pursuance of which it was drawn, irrespective of whether the claimants have received the amount of such claims through warrants drawn on the General Cash Revolving Fund.

Effect of registration 17251. The cancellation, invalidity or abatement, in whole or in part, of any such claim, or of any warrant drawn against the General Cash Revolving Fund, does not invalidate or otherwise affect any registered reimbursement warrant. The certificate of the Controller relative to any of the matters required to be found, determined or exist as a condition to or in connection with the issuance, registration or sale of registered reimbursement warrants, or the making or auditing of any demand, or in respect to the issuance of warrants on the General Cash Revolving Fund is conclusive in favor of any holder of any registered reimbursement warrant.

Validity of sale 17252. It is not essential to the validity of the sale of any reimbursement warrant that it be actually registered prior to sale.

Proceeds of sale 17253. The proceeds of the sale of any registered reimbursement warrant shall be deposited in the State treasury; an amount equal to its face value shall be credited to the General Cash Revolving Fund; and any premium received shall be credited to the General Fund.

Article 4. Payment

17270. All warrants are payable in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts. The Controller shall cause to be endorsed upon the face of each warrant drawn upon the Treasurer a provision that it is so payable. Payment in legal tender

17271. A registered warrant that bears a maturity date shall be paid by the Treasurer upon that date out of any unapplied money in the General Fund on the due date, available therefor. Warrants bearing maturity date

17272. Registered warrants not bearing a maturity date, and registered warrants bearing a maturity date, but for the payment of which refunding warrants have not been sold or unapplied money is not available on the due date, shall be paid, together with all interest due, at such times as the Controller determines, with the approval of the committee. Upon approval the Controller shall notify the Treasurer of the numbers of the warrants which are to be redeemed. Warrants without maturity date

17273. The Treasurer shall immediately publish notice that such registered warrants are redeemable by advertising for six consecutive days, Sundays excepted, in newspapers publishing legal notices in the cities of Sacramento, San Francisco, and Los Angeles. Publication of notice of redemption

17274. The notice of redemption shall read substantially as follows: Form of notice

“NOTICE TO HOLDERS OF STATE OF CALIFORNIA
WARRANTS

State Controller's warrants number ----- to number -----, inclusive, drawn against the General Fund in the State treasury are now payable upon presentation to the State Treasurer.

(Name of State Treasurer)
State Treasurer.”

17275. A registered warrant ceases to bear interest on the first of the following dates: Termination of interest

(a) The maturity date indorsed on its face, if any, if on that date unapplied money or the proceeds of refunding warrants are available for its payment.

(b) The date following the day it is first advertised as payable, pursuant to this article.

17276. If on the maturity date indorsed on a registered reimbursement warrant, there is no money available for its payment, either from unapplied money, or from the proceeds of refunding warrants the registered reimbursement warrant shall continue to bear interest and shall become payable in the same manner as registered warrants not bearing maturity dates. Nonpayment on maturity date

17277. If it appears to the Controller that, on the maturity date on the face of any registered reimbursement warrant, there will be insufficient unapplied money in the General Fund Issuance of refunding warrants

available for its payment he may issue a refunding warrant, with the written approval of the Treasurer. The refunding warrant shall be issued and registered not less than five nor more than 15 days before the maturity date of the registered reimbursement warrant for which there will be insufficient unapplied money available.

Form, etc 17278. Refunding warrants issued, registered, and sold for the purpose of paying and retiring registered reimbursement warrants theretofore issued shall be based upon the same claims and shall be identical in form and amount to the warrants to be paid and retired except as to serial number, date of registration, due date, and interest rate. The provisions of this chapter applicable to reimbursement warrants are applicable to refunding warrants.

Maturity, etc 17279. Refunding warrants may be issued with or without a fixed maturity date and shall be sold in the same manner as reimbursement warrants. The proceeds shall be held by the Treasurer and applied exclusively to the payment of the registered reimbursement warrants for the payment of which the refunding warrants were issued.

Priority of payments on State bonds 17280. If at any time it is necessary to register warrants for the payment of principal and interest on State bonds, warrants so registered have a prior lien in the order of their issuance on any money thereafter received into the General Fund, and shall be paid before any other warrants regardless of the prior issuance of the latter.

Repeals SEC. 3. Section 500032 is added to said code, to read :
500032. The following acts and sections are repealed :

POLITICAL CODE

Sections	Sections	Sections	Sections
435	441	444	454
436	443.1	444.2	454.5
440	443.2	444.5	661.8

GENERAL LAWS

1871-2:117:118, Secs. 5 and 6, only

1891:215:294

1899: 93:110

1913:331:675

1935: 83:434

1936:(Ex. Sess.):2:2

1937: 42:114

1937:688:1953

1937:774:2210

1937:904:2489

1937:917:2524

CHAPTER 121

An act to add Article 2 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500033 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor April 27, 1945 Filed with Secretary of State April 27, 1945] In effect
September
15, 1945

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

SECTION 1. Article 2 is added to Chapter 2, Part 2, Division 4, Title 2, of the Government Code, to read :

Article 2. Special Deposit Fund

16370. The Special Deposit Fund in the treasury is continued in existence. It consists of money which is paid into it in trust pursuant to law. The fund is appropriated to fulfill the purposes for which payments into it are made. Special De-
posit Fund

16371. Trust funds which have come into the possession of any agency of the State may be paid into the Special Deposit Fund in trust, subject to the right of recovery to fulfill the purposes of the trust. Trust funds

16372. Whenever any law provides for the payment of money into the treasury which has been collected or received for specific purposes by any State agency, and no fund has been created in the treasury to which it is to be credited, the money shall be credited to the "Special Deposit Fund," and shall be held subject to the right of the State agency to recover it, on claims properly presented, for fulfilling the purposes for which the money was collected or received. Purpose
of fund

16373. Money which has remained unclaimed in the hands of any State agency, or for which the claimant can not be found, may be deposited in the Special Deposit Fund in trust and may be withdrawn in the same manner as other trust money. Unclaimed
money

16374. Whenever any money has been deposited in trust in the treasury by any State agency because it has remained unclaimed, or the claimant can not be found, the Treasurer shall hold it for the claimant for a period of two years and if it is not paid within that period, the amount so deposited shall, at the close of the next succeeding fiscal year, revert to and become a part of the General Fund. Reversion to
General
Fund

16375. The Controller shall keep an accurate account of all money deposited in the Special Deposit Fund for each respective agency making such a deposit. Account of
deposits

SEC. 2. Section 500033 is added to said code, to read
500033. Section 453a of the Political Code is repealed.

Repeal

CHAPTER 122

An act to add Article 3 to Chapter 2, Part 2, Division 4, Title 2 of, and to add Section 500034 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal certain acts and parts of acts specified herein.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State
April 27, 1945.]

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

SECTION 1. Article 3 is added to Chapter 2, Part 2, Division 4, Title 2 of the Government Code, to read:

Article 3 General Cash Revolving Fund

- Application of article 16380. This article does not apply to the Unemployment Fund or the Unemployment Administration Fund created by the Unemployment Insurance Act.
- General Cash Revolving Fund 16381. The General Cash Revolving Fund in the treasury is continued in existence. Whenever the Governor, upon request of the Controller, determines in writing that there is insufficient cash in the General Fund to meet payments authorized by law, and until his determination is revoked in writing by the Governor, the Governor may direct the Controller to make transfers of money from any special funds and other State accounts to the General Cash Revolving Fund.
- Transfers 16382. This article does not authorize any transfer which will interfere with the carrying out of the object for which a special fund or other State account was created. Retransfers to special funds and other State accounts shall be made on order of the Governor in season so that the objects for which they were created may be carried out.
- Warrants 16383. Warrants may be drawn by the Controller against the General Cash Revolving Fund, to the extent of the amounts available, in accordance with demands audited pursuant to law and rules and regulations prescribed from time to time by the Board of Control, and also to meet other payments provided by law to be made from the General Fund. The Treasurer may pay from the General Cash Revolving Fund the warrants so drawn.
- Reimbursement 16384. The General Cash Revolving Fund shall be reimbursed as provided in Chapter 2, Part 4.
- Repeal Sec. 2. Sections 500034 is added to said code, to read:
500034. Section 443 of the Political Code is repealed.

CHAPTER 123

An act to add Division 5 to Title 2 of, and to add Section 100035 to, the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of State and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor April 27, 1945 Filed with Secretary of State April 27, 1945] In effect September 15, 1945

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

SECTION 1. Division 5 is added to Title 2 of the Government Code, to read:

DIVISION 5. PERSONNEL

PART 1. GENERAL

CHAPTER 1. SALARIES

Article 1. General

18000. The salary fixed by law for each State officer, elective or appointive, is compensation in full for all services rendered in any official capacity or employment whatsoever, during his term of office, and he shall not receive for his own use any fee or perquisite for the performance of any official duty. Compensation in full

18001. Unless otherwise provided by law, the salaries of State officers shall be paid monthly out of the General Fund. Monthly payment

18002. Before the sixteenth day of the following month, all State officers and employees shall be paid the compensation due them for all services rendered during any month. Time of payment

18003. A State officer shall not certify any pay roll to the Controller unless all services listed thereon for which compensation is claimed have been actually rendered. Certification of pay roll

18004. Unless the Legislature specifically provides that approval of the Department of Finance is not required, whenever any State agency or court fixes the salary or compensation of an employee or officer, which salary is payable in whole or in part out of State funds, the salary is subject to the approval of the Department of Finance before it becomes effective and payable. Approval of Department of Finance

18005. Upon separation from service under Part 2, without fault on his part, a person is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the State Personnel Board. Payment upon separation from service

Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service. Persons

separated from service under Part 2 through fault of their own are entitled to a lump sum payment for such compensating time off for overtime work, similarly computed, and in addition, such portion, if any, of unused vacation as the State Personnel Board may determine.

Article 2. Overtime

Normal work
week groups

18020. For the purpose of determining eligibility for overtime compensation, the State Personnel Board shall establish the normal work week for each class in the State civil service for which a monthly salary range is fixed and for each position not subject to State civil service by allocating, and reallocating as the needs of the service require, each State civil service class and each exempt position to one of the following groups:

- (1) Classes with a normal work week of 40 hours.
- (2) Classes with a normal work week of 44 hours.
- (3) Classes with a normal work week of 48 hours.
- (4) Classes which can not be included in any plan of payment for overtime because:

(a) While requiring at least 40 hours a week, the duties and responsibilities are such that they are not adapted to a maximum number of hours a week; or

(b) The performance of duties is required on a part-time or intermittent basis and does not amount to a maximum of 40 hours per week.

Overtime
compensation
See also
Stats 1945,
Ch 336

18021. Every State employee compensated on a monthly basis required and ordered to work in excess of a normal work week as established by the State Personnel Board for his class or for his position, if exempt, shall receive overtime compensation for all such overtime. The rate of overtime pay shall be based on his regular rate of pay or two hundred fifty dollars (\$250) per month, whichever is less.

Employees
not subject
to civil
service

18022. Every State agency in which there are employees not subject to State civil service shall submit to the State Personnel Board all information necessary for a determination of the normal work week for each employee.

Compensat-
ing time off
See also
Stats 1945,
Ch 1172

18023. The granting of compensating time off in lieu of overtime worked is not prohibited where compensating time off can be granted within 30 days of the date worked and without impairing the services rendered by the employing State agency.

Rules

18024. The State Personnel Board shall adopt rules governing overtime compensation.

CHAPTER 2. VACATIONS

Computation
See also
Stats 1945,
Ch 55

18050. During each year of continuous service, each State officer and employee is entitled to 15 days of vacation with pay, excluding time during which he is not regularly assigned to work. For the purpose of computing vacation time, each employee shall be considered to work not more than five and one-half days each week. The time when vacations shall be taken shall be determined by the appointing power of the officer or employee.

18051. The State Personnel Board shall provide by rule for vacations and for the regulation and accumulation of vacations for civil service employees who have been employed for a period of at least six months and less than one year.

Rules governing vacations

18052. The appointing power of any officer or employee not a member of the civil service may promulgate regulations governing vacations for such officers or employees.

Noncivil service employees

18053. When a State officer or employee is transferred from one State agency to another, his accumulated vacation privileges are a charge against the agency to which he is transferred unless such agency requires him to take his accumulated vacation before the effective date of the transfer.

Effect of transfer

CHAPTER 3. SICK LEAVE

18100. Each State officer and employee is entitled to 15 days of sick leave with pay, excluding time during which he is not regularly assigned to work, for a calendar year of service, or one day of sick leave with pay for each calendar month of service, on the submission of satisfactory proof of the necessity for sick leave as provided by rule of the State Personnel Board. For the purpose of computing sick leave, each employee shall be considered to work not more than five and one-half days each week.

Computation
See also
Stats 1945,
Ch 54

18101. The board shall provide by rule for the granting of additional sick leave, with or without pay, or with reduced pay, or for accumulation of sick leave.

Additional sick leave

18102. A State officer or employee who is entitled to compensation under Division 4 of the Labor Code may elect to take as much of his accumulated sick leave as when added to his disability indemnity will result in the payment to him of his full salary or wage.

Compensable injury
See also
Stats 1947,
Ch 1304

He is nevertheless entitled to medical, surgical, and hospital treatment as provided in Division 4 of the Labor Code. When his accumulated sick leave is exhausted, he is still eligible to receive disability indemnity.

CHAPTER 4. OATHS FOR STATE EMPLOYEES

18150. The oath required by this chapter is as follows:

Form of oath

“I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ----- (insert classification title), according to the best of my ability.”

18151. The oath required by this chapter shall be taken and subscribed by:

Time of taking

(a) Every person who is appointed to a State position not in the State civil service and not otherwise so required by law, within 30 days of the date of appointment; and

(b) Every person who has not previously taken and subscribed the oath and who is employed in a permanent position in

the State civil service where the employment continues for 30 days or more, within the first 30 days of his employment.

Manner of taking, etc 18152. The method and manner of taking, subscribing, and filing the oath by a person appointed to a State position not in the State civil service shall be as provided in Article 4, Chapter 2, Division 4, Title 1.

Administering oath, etc 18153. The oath shall be taken by a State civil service employee before his appointing power or before any person authorized in writing by his appointing power, which authorization shall be filed with the State Personnel Board, or before any person authorized by law to administer oaths.

The oath shall be filed with the State Personnel Board within 30 days of the date on which it is taken and subscribed. The board shall prepare and furnish printed forms of the oath.

Failure to take oath 18154. Any person who is appointed to a State position not in the State civil service and who fails to take the oath required by this chapter within the time provided forthwith forfeits his right to his position, and the position shall be considered vacant.

Cause for dismissal 18155. The failure of any person who is appointed to a permanent position in the State civil service to take and subscribe the oath within the time provided in this chapter, is a cause for dismissal by the State Personnel Board.

Presumption 18156. Each civil service employee who takes, subscribes and files the oath within the time prescribed by Section 18151 is conclusively presumed to have been and to be legally holding his position as far as laws requiring him to take, subscribe, or file an oath are concerned.

Notification 18157. Every appointing power shall notify every new civil service employee immediately following his appointment of the provisions of this chapter that are applicable to the employee.

Fees 18158. No fee shall be charged by any person before whom the oath is taken and subscribed.

CHAPTER 5. LOYALTY

Loyalty to U S and to State 18200. A person shall not be knowingly employed by any State agency or court who either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition, or treason against the Government of the United States or of this State.

Any person employed by any State agency or court shall be immediately discharged from his employment when it becomes known to his appointing power that he has, during the period of his employment, committed any such act.

Money appropriated from the treasury shall not be expended to compensate any person whose employment is forbidden by this section.

PART 2. STATE CIVIL SERVICE

"State Civil Service Act"

CHAPTER 1. GENERAL

Article 1. Purpose

18500. It is the purpose of this part:

Purpose

(a) To facilitate the operation of Article XXIV of the Constitution.

(b) To promote and increase economy and efficiency in the State service.

(c) To provide a comprehensive personnel system for the State civil service, wherein:

(1) Positions involving comparable duties and responsibilities are similarly classified and compensated.

(2) Appointments are based upon merit and fitness ascertained through practical and competitive examination.

(3) State civil service employment is made a career by providing for security of tenure and the advancement of employees within the service whenever practicable.

(4) The rights and interests of the State civil service employee are given consideration insofar as consistent with the best interests of the State.

(5) A high morale is developed among State civil service employees by providing adequately for leaves of absence, vacations, and other considerations for the general welfare of the employees.

(6) Tenure of civil service employment is subject to good behavior, efficiency, the necessity of the performance of the work, and the appropriation of sufficient funds.

Article 2. Definitions

18520. Unless the context requires otherwise, the definitions hereinafter set forth govern the construction of this part and the rules adopted hereunder.

Definitions

18521. "Board" means the agency created by Section 2 of Article XXIV of the Constitution and includes the "State Personnel Board" provided in Section 2 (a) and the "executive officer" provided in Section 2 (c) thereof.

"Board"

18522. "Position" means any office or employment in the "State civil service" as the phrase is defined in Section 4 of Article XXIV of the Constitution.

"Position"

18523. "Class" means a group of positions sufficiently similar in respect to duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that the same minimum qualifications may be required, and that the same salary range may be made to apply with equity.

"Class"

18524. "Appointing power" means a person or group having authority to make appointments to positions in the State civil service.

"Appointing power"

- "Appointment" 18525. "Appointment" means the offer to and acceptance by a person of a position in the State civil service in accordance with this part.
- "Employee" 18526. "Employee" means a person legally holding a position in the State civil service.
- "Probationer" 18527. "Probationer" means an employee who has probationary status. "Probationary status" means the status of an employee who has been certified and appointed from an eligible list or a promotional eligible list but who has not completed the probationary period provided in this part and by board rule.
- "Probationary status" 18528. "Permanent employee" means an employee who has permanent status. "Permanent status" means the status of an employee who is lawfully retained in his position after the completion of the probationary period provided in this part and by board rule.
- "Permanent employee" 18529. "Temporary employee" means an employee holding a position under temporary appointment. "Temporary appointment" means an appointment made in the absence of any appropriate eligible list as provided for in Section 6, Article XXIV of the Constitution.
- "Permanent status" 18530. "Limited term employee" means an employee certified and appointed from an eligible list to a position which is established for a limited period.
- "Temporary employee" 18531. "Emergency employee" means an employee holding a position under emergency appointment. "Emergency appointment" means an appointment made during an actual emergency to prevent the stoppage of public business.
- "Temporary appointment" 18532. "Eligible list" means a list of persons who have been examined in an open competitive examination and are eligible for certification for a specific class.
- "Eligible list" 18533. "Promotional eligible list" means a list of persons eligible for certification for a specific class resulting from a promotional examination.
- "Promotional eligible list" 18534. "General reemployment list" means a list established for the reemployment of persons in a particular class in any State agency, irrespective of the State agency in which the persons were previously employed.
- "General reemployment list" 18535. "Departmental reemployment list" means a list established for the reemployment of persons in a particular class in a particular State agency.
- "Departmental reemployment list" 18536. "Subdivisional reemployment list" means a list established for the reemployment of persons in a particular class in a particular subdivision of a State agency.
- "Subdivisional reemployment list" 18537. "Employment list" means eligible list, promotional eligible list, departmental reemployment list, subdivisional reemployment list and general reemployment list.
- "Employment list" 18538. "Part" means this part and those portions of Part 1 that confer powers or impose duties on the board.
- "Part" 18539. "Salary" or "wage" means the amount of money or credit received as compensation for service rendered exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses incurred in the performance of
- "Salary" and "wage"

the State's business, but including the reasonable value of board, rent, housing, lodging, or similar advantages received from the State.

18540. "Veteran" means any person who has served in the United States Army, Navy, Marine Corps, Revenue Marine Service, or as an active nurse in the service of the American Red Cross, or in the Army and Navy Nurse Corps in time o' war, or in any expedition of the armed forces of the United States, and received an honorable discharge or certificate of honorable active service. "Veteran"
See also
Stats 1945,
Ch 209

18541. "Disabled veteran" means any person who has served in the United States Army, Navy or Marine Corps in time of war or in any expedition of the armed forces of the United States, and received an honorable discharge or certificate of honorable active service and who was disabled as a result of such service. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans' Administration. "Disabled
veteran"

Article 3. General Provisions

18570. This part shall be known as the State Civil Service Act. Short title

18571. Unless the context otherwise requires, the general provisions hereinafter set forth govern the construction of this part. Construction

18572. Whenever a power is granted or a duty imposed upon an appointing power, the power may be exercised or the duty performed by a deputy of the appointing power or by a person authorized pursuant to law by him, unless it is expressly otherwise provided. Delegation
of power

18573. Each appointing power shall report promptly to the board such information as the board may require in connection with each appointment, separation from service, or other change in position or salary, or other matter affecting the status of positions or the performance of duties of employees in the State civil service, and all such reports shall be prepared in the manner and form prescribed by the board. Reports

Information given to the board by any person shall not be open to public inspection except under conditions prescribed by board rule, except that a person may inspect any record relating to his own services.

18574. All officers and employees of the State and any county, city, district, or other subdivision of the State recognized by law shall aid in all proper ways in carrying this part and the board rules into effect, and allow the reasonable use of public buildings and heat and light them for the purpose of making examinations of applicants and holding hearings and investigations under this part. Such persons shall afford to the board or its authorized representatives all reasonable facilities and permit inspection of all books and papers applying or Assistance,
facilities,
etc

in any way appertaining to all officers subject to the authority of the State, and produce such books or papers and attend and testify when required so to do.

Service of
notice, etc.

18575. Whenever any notice, paper, or other document except a subpoena, is directed to be given to or served upon any person or State agency, such notice, paper, or document may be personally served or it may be served by mail to the last known residence or business address of the addressee.

Service by mail is made by the enclosure of such notice, paper, or document in a sealed envelope, addressed to the last known address of the person or State agency to be served, registered with return receipt requested and the depositing of it in the United States mail with postage fully prepaid. Service is complete on mailing. Proof of service, either personal or by mail, shall be made by affidavit.

Judicial
notice

18576. Judicial notice shall be taken of board rules and amendments.

Rules

18577. Whenever this part refers to "board rule," "rules of the board," or makes similar reference, such reference authorizes the board to make rules concerning the subject matter concerning which such reference is made.

Article 4. Scope

Independent
contractor

18590. This part does not prohibit any State agency which is authorized by law to contract for such services from contracting with an independent contractor for the performance of work of a character for which a license is required under Chapter 9 of Division 3 of the Business and Professions Code, the performance of which work can not satisfactorily be secured by appointments under this part.

State prison
employees

18591. The "State civil service" includes State officers and employees, except the State Parole Officer, appointed or employed by or under the Adult Authority or any warden of a State prison, and who are engaged exclusively in the administration or enforcement, or the performance or discharge, of the laws, rules or regulations, or the powers or duties thereunder, governing persons paroled or on parole from a State prison.

Employees
of Attorney
General

18592. The "State civil service" includes State officers and employees directly appointed or employed by the Attorney General, including those who vacated their positions to enter the military service of the United States, and who did so enter such military service, except (and in addition to those excepted by subdivisions (5) and (6) of Section 4 (a) of Article XXIV of the Constitution) three deputies or assistants, two confidential secretaries to be designated by the Attorney General, and such special counsel as may be authorized by law to be appointed or employed by the Attorney General.

Such person so vacating his position and entering such military service is for the purposes of this section conclusively presumed to be holding such position during the time he was or is in such military service. Upon his return to such position,

within 90 days after receiving an honorable discharge or after having been released from active duty under other honorable conditions, to actually perform the duties thereof, he shall do so with probationary status for such period of not less than two nor more than eight months in the class or grade assigned as the board may fix.

18593. The "State civil service" includes any person holding the position of Associate Forestry Engineer in the Department of Natural Resources who is either an employee of the Federal Government or whose selection is subject to the rules or requirements of the Federal Government, engaged in work done by cooperation between the State and Federal Government or engaged in work financed in whole or in part with Federal funds.

Associate
Forestry
Engineer

18594. The "State civil service" includes State officers and employees directly appointed or employed by the Railroad Commission, except the phonographic reporters and transcribers of its proceedings. Persons who left the employment of the commission, or who hereafter leave to enter military service of the United States but who, had they remained in such employment, would have been entitled to permanent or probationary status are accorded the full protection of Sections 1939C and 19391.

Employees
of Railroad
Commission

CHAPTER 2. ADMINISTRATION

Article 1. The State Personnel Board

18650. The annual salary of each member of the board is three thousand six hundred dollars (\$3,600) and is compensation for such time as is required of him to perform his duties. Each member shall also receive his actual and necessary traveling expenses incurred in the course of his duties.

salary

18651. The board may appoint and fix the compensation of a secretary and such other personnel as is necessary to carry out and perform the powers, duties, purposes, functions and jurisdiction of the board.

Employees

18652. The board shall secure such suitable and convenient offices, examination rooms and accommodations throughout the State as may be required for the public convenience and furnish heat, and light them for carrying on the work of the board. The board shall acquire necessary supplies and order necessary printing to be done for its official use. The headquarters of the board is the City of Sacramento.

Offices, sup-
plies, etc

18653. The board shall meet in Sacramento as often as the needs of the public service may require and in such other places as it may designate. Board meetings shall be open to the public, and any interested person shall be given reasonable opportunity to be heard. A majority of the members of the board constitutes a quorum. The board shall keep minutes of its own proceedings and record its official actions. Such minutes and records shall be open to public inspection, subject to reasonable regulations.

Meetings

18654. The intention of the Legislature is hereby declared to be that the executive officer shall perform and discharge under

Executive
officer

the direction and control of the board the powers, duties, purposes, functions, and jurisdiction vested in the board and delegated to him by it.

Any power, duty, purpose, function, or jurisdiction which the board may lawfully delegate shall be conclusively presumed to have been delegated to the executive officer unless it is shown that the board by affirmative vote recorded in its minutes specifically has reserved the same for its own action. The executive officer may redelegate to his subordinates unless by board rule or express provision of law he is specifically required to act personally.

Assistance
by other
State
employees

18655. When any person selected to assist in examinations or to serve as an authorized representative or referee of the board is employed by the State in some other capacity, it is a part of his official duties to serve without additional compensation other than his actual and necessary traveling expenses.

Attorney
General

18656. The Attorney General shall render such opinions to and represent the board or any member in such matters as may be requested by the board or any such member. The district attorneys and other prosecuting attorneys of counties and cities shall prosecute violations of this part.

Upon request of the board, the Attorney General may appoint a special attorney to prosecute the violations specified in the request.

The board may appoint and fix the compensation of an attorney to advise and represent it in any matter in which any party thereto has been previously advised or represented by the Attorney General.

Article 2. Investigations and Hearings

Hearings and
investigations

18670. The board may hold hearings and make investigations concerning all matters relating to the enforcement and effect of this part and rules prescribed hereunder. It may inspect any State institution, office, or other place of employment affected by this part to ascertain whether this part and the board rules are obeyed.

The board shall make investigations and hold hearings at the direction of the Governor or the Legislature or upon the petition of an employee or a citizen concerning the enforcement and effect of this part and to enforce the observance of the provisions of Article XXIV of the Constitution and of this part and the rules made hereunder.

Conduct of
hearings

18671. Such hearings and investigations may be conducted by the board, any member, or any authorized representative of the board. Any authorized person conducting such hearing or investigation may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this State.

18672. A witness, other than a State officer, can not be compelled to attend an investigation or hearing unless he resides in the county, or within 100 miles of the place where the investigation or hearing is held. A subpoena shall not be issued to compel any State officer to attend outside of the county in which he resides and more than 100 miles from his residence unless it is shown to the satisfaction of a member of the board or the secretary by affidavit stating the facts, that such officer is a material witness. Such a subpoena shall be marked "state-wide" or otherwise have indicated thereon that attendance is required regardless of distance, and shall be served at least five days prior to the date of hearing. Witnesses

18673. If a witness does not reside within the county or within 100 miles of the place where the hearing or investigation is held, is out of the State, or is too infirm to attend the hearing or investigation, any party thereto at his own expense may cause his deposition to be taken. Depositions

The deposition of a State officer or employee shall not be used as evidence, but he shall be personally present at any hearing or investigation at which he is a witness. If the presence of any other witness can not be procured at the time of the hearing or investigation, his deposition may be used in evidence by either party or the board.

18674. Witnesses at a hearing or investigation are entitled to the same fees as are allowed witnesses in civil cases in courts of record. Witness fees

An officer serving a subpoena to secure the attendance of such a witness shall receive the same mileage as for the service by him of a writ or paper for the State. Such fees and mileage, except in dismissal or other punitive proceedings where the service is requested by the accused, need not be prepaid.

If a witness is subpoenaed by a State agency or its representative, the Controller shall draw his warrant for payment of fees and mileage when the amount is certified by the board or the person authorized to conduct the hearing or investigation and duly proved by affidavit or otherwise to the satisfaction of the Controller. The Controller may charge such warrant against any proper fund of that State agency. If a witness is subpoenaed by the accused or any person other than a State agency, his fees and mileage shall be paid by that person and are not proper charges against any State fund.

18675. All hearings and investigations authorized by this part shall be governed by this part and by rules of practice and procedure adopted by the board. In the conduct of any such hearing or investigation any informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision, or rule made, approved, or confirmed by the board. Proceedings

18676. When ordered to do so, a person shall not be excused from testifying or from producing any book or paper in any such investigation or hearing upon the ground that the testimony, evidence, book, or paper required of him may tend to incriminate or subject him to penalty or forfeiture. Incrimination of witness

- Immunity** 18677. A person who claims immunity prior to testimony or the production of books or papers, shall not be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence in any such hearing or investigation, except for perjury committed in so testifying.
- Disobedience of subpoena** 18678. Any person served with a subpoena to appear and testify or to produce books or papers issued in the course of any such investigation or hearing who disobeys or neglects to obey such subpoena is guilty of a misdemeanor.
- Head of department** 18679. The board and any person authorized by it to conduct a hearing or investigation is the head of a department within the meaning of Article 2, Chapter 2, Part 1, Division 3, Title 2.
- Cumulative remedy** 18680. The remedy provided in Sections 11186 to 11188 inclusive is cumulative, and does not impair or interfere with the power of the board or the person authorized to conduct the hearing or investigation to enforce the attendance of witnesses and the production of books or papers.

Article 3. General Powers and Duties

- Employee training programs** 18700. The board by rule shall devise plans for and cooperate with appointing powers and other supervising officials in the conduct of employee training programs so that the quality of service rendered by persons in the State civil service may be continually improved.
- Rules** 18701. The board shall prescribe, amend, and repeal rules in accordance with law for the administration and enforcement of this part. Due notice of the contents of the rules shall be given to appointing powers and employees. Within a reasonable time after adoption, such rules and amendments shall be published in such manner as the board determines, and distributed free or at a reasonable cost.
- Classes of positions** 18702. The board shall create and adjust classes of positions in the State civil service in accordance with Article XXIV of the Constitution and this part.
- Punitive action** 18703. The board shall provide for dismissals, demotions, suspensions, and other punitive action for or in the State civil service in accordance with Article XXIV of the Constitution and this part.
- Roster of employees** 18704. The board shall establish and maintain in suitable form an official roster of all persons holding positions under this part and enter thereupon their names, complete record of State employment, and other facts prescribed by board rule.
- Conditions of work** 18705. In order to secure substantial justice and equality among employees in the State civil service, the board may provide by rule for days, hours and conditions of work, taking into consideration the varying needs and requirements of the different State agencies.

18706. The board may make agreements with personnel agencies in other jurisdictions, political subdivisions, and State agencies excepted from the State civil service. Agreements with personnel agencies

18707. The board may enter into agreements to make available its services and facilities upon request, to any county, city, district or other subdivision of the State recognized by law and to State agencies excepted from the State civil service, and they may enter into agreements for the exchange of personnel services or the utilization of the services and facilities of the board. Such agreements shall be approved by the Director of Finance. Any money paid to the State pursuant to such agreements shall be deposited in the treasury and credited to the support appropriation for the board. Service to other agencies

18708. The board shall cooperate with the Director of Finance, State Board of Control, the Controller, and other State agencies, in matters not covered by this part, and not inconsistent herewith, to promote the efficient and economical administration of the State's business. Cooperation

18709. The board may enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees. Exchange of services

18710. All orders and decisions of the board made pursuant to Article XXIV of the State Constitution or this part shall be obeyed by and are binding upon appointing powers and employees. Obedience to orders and decisions

If any appointing power refuses or neglects to comply with any such order or decision, the board may issue an order to show cause, directed to such appointing power, why the board should not file a petition for a writ of mandate to compel such appointing power to comply with such order or decision.

If the board finds that no good cause exists for the refusal or neglect of the appointing power to comply with such order or decision, the board shall file a petition for a writ of mandate in the manner and in the court provided for by law to compel such appointing power to comply with such order or decision.

This procedure for the enforcement of the orders and decisions of the board is in addition to any other means or procedure which may be provided by law.

18711. The board may join associations of public personnel agencies having as their purpose the interchanging or supplying of information relating to the technique of personnel administration. Interchange of information
See also Stats 1945, Ch 1150

18712. The board shall make a biennial report to the Governor for transmission to the Legislature. Biennial report

Article 4. The Clerical Pool

18730. The board may establish a clerical pool in any locality where the demand for temporary clerical help warrants it. Such pool shall be established by the employment of sufficient clerical employees by the board to fill the needs of various appointing powers for temporary help from time to time. The board may Establishment

employ such persons on a permanent or permanent intermittent basis.

Assignment of personnel 18731. Upon a request from any appointing power for temporary help which can be filled from those employed by the board in the clerical pool, the board shall assign such persons as are needed.

Upon such assignment such persons may be temporarily transferred for pay roll purposes only to the appointing power to which they are assigned or they may be retained as employees of the board and the appointing power charged pursuant to Section 11253 or Article 4, Chapter 3, Part 1, Division 3, Title 2 with the cost of the services, including the salary and provisions for retirement, vacation, and sick leave. The cost in addition to the salary shall not exceed 15 per cent.

Status of employees, etc. 18732. For all purposes of this part such persons are employees of the board and not of the appointing power to which they are assigned. The board shall make all necessary rules to carry out the purposes of this article. The procedure authorized by this article for procuring temporary clerical help is an alternative to other procedures for that purpose authorized by this part or board rule and nothing in this article, nor in the rules made hereunder, prevents an appointing power from following such other procedures.

Article 5. Support

Payment by special fund agencies 18750. Every State agency which is supported in whole or in part otherwise than by appropriations from the General Fund shall pay monthly to the board that proportion of the cost of administering this part which the sum of the salaries paid to its civil service employees out of appropriations from a fund other than the General Fund bears to the sum of the salaries paid to all State civil service employees.

Determination of amount 18751. The Department of Finance shall determine monthly the amounts due from State agencies under this article and certify such amounts to the board. The board shall submit to each State agency a statement of the amount certified by the Department of Finance.

Payment 18752. The pro rata share so certified is due monthly and is a charge against any appropriation made for the support of such State agency. If a State agency refuses to pay such pro rata share, the board may file a claim against any appropriation made for its support, and the Controller shall draw his warrant in accordance with law upon the claim in favor of the board.

Disposition of payments 18753. All money received by the board pursuant to this article shall be paid into the treasury and credited to the General Fund.

CHAPTER 3. CLASSIFICATION

Personnel Classification Plan 18800. The board shall create and adjust classes of positions in the State civil service. The classes adopted by the board, shall be known as the Personnel Classification Plan of the State

of California. The classification plan shall include a descriptive title and a definition outlining the scope of the duties and responsibilities for each class of positions.

18801. Every position in the State civil service shall be allocated to the appropriate class in the classification plan. The allocation of a position to a class shall derive from and be determined by the ascertainment of the duties and responsibilities of the position and shall be based on the principle that all positions shall be included in the same class if:

(a) Sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used.

(b) Substantially the same requirements as to education, experience, knowledge and ability are demanded of incumbents.

(c) Substantially the same tests of fitness may be used in choosing qualified appointees.

(d) The same schedule of compensation can be made to apply with equity.

18802. From time to time as it deems necessary, the board may establish additional classes and divide, combine, alter, or abolish existing classes.

18803. Whenever a position is allocated or reallocated to its proper class, each employee shall assume the classification title of his position. Reasonable opportunity to be heard shall be provided by board rule to any employee affected by the allocation or reallocation of his position.

18804. Upon the reclassification or reallocation of a position the status and salary of the person holding the position is not affected, unless his salary before the reclassification or reallocation was higher than the maximum salary prescribed for the class to which his position is reclassified or reallocated. In such event his salary shall be reduced to not less than the maximum prescribed for the class to which his position is reclassified or reallocated. In addition he is eligible for transfer to a vacant position in the class to which his position formerly was allocated, if this class is retained or in a comparable class if it is not retained. If no such position is vacant his name shall be placed on the appropriate reemployment lists for the class to which his position formerly was allocated, if this class is retained or for a comparable class if it is not retained.

18805. Each appointing power shall promptly report to the board his intention to establish new positions in order that such positions may be classified and allocated, and shall so report material changes in the duties of any position in his jurisdictions.

18806. The classification title approved by the board shall be used in all communications relating to personnel and in all budget and financial records.

CHAPTER 4. COMPENSATION

18850. The board shall establish and adjust salary ranges for each class of position in the State civil service. The salary ranges shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities. In establish-

ing or changing such ranges consideration shall be given to the prevailing rates for comparable service in other public employment and in private business, improvement of living standards, the current costs of living, and the State's financial condition.

Board,

18851. Reasonable opportunity to be heard shall be provided by the board to any employee affected by a change in the salary range for the class of his position.

Limits and intermediate steps

18852. Salary ranges shall consist of minimum and maximum salary limits, and employees in a particular class shall receive a salary within the limits provided for that class. The board shall provide for intermediate steps within such limits to govern the extent of the salary adjustment which an employee may receive at any one time.

Per diem basis

18853. The minimum and maximum salary limits for laborers, workmen, and mechanics employed on an hourly or per diem basis need not be uniform throughout the State, but the appointing power shall ascertain and report to the board, as to each such position, the general prevailing rate of such wages in the various localities of the State.

In fixing such minimum and maximum salary limits within the various localities of the State, the board shall take into account the prevailing rates of wages in the localities in which the employee is to work and other relevant factors, and shall not fix the minimum salary limits below the general prevailing rate so ascertained and reported for the various localities.

Automatic salary adjustment

18854. After completion of the first year in a position, each employee shall receive an automatic salary adjustment equivalent to one of such intermediate steps during each year when his service rating, as shown by the current or last performance report is equal to or higher than a reasonable percentage to be fixed by board rule.

Per unit of work basis

18855. When the compensation of an employee is established at a fixed amount per unit of work with a maximum limit for his total annual or monthly compensation as an alternative method of compensation for the salary fixed for the class, the board shall provide for annual increases in the maximum limit equal in amount and payable under the same conditions as for other employees.

Insufficiency of funds

18856. Automatic salary adjustments shall be made for employees in the State civil service in accordance with this chapter and board rule adopted pursuant hereto, notwithstanding the power now or hereafter conferred on any officer to fix or approve the fixing of salaries, unless there is not sufficient money available for the purpose in the appropriation from which such salary shall be paid and the Director of Finance shall so certify.

Cumulative right

18857. The right of an employee to automatic salary adjustments is cumulative for a period not to exceed two years and he shall not, in the event of such an insufficiency of appropriation, lose his right to such adjustments for the intermediate steps to which he may be entitled for such period.

18858. In submitting budgetary requirements to the Director of Finance, each appointing power shall carefully estimate and call attention to the need for money sufficient to provide for appropriate salary adjustments for the employees under his jurisdiction. Inclusion in budget

18859. Other salary adjustments within the salary range for the class may be made upon the application of the appointing power and with the approval of the Director of Finance. Other adjustments

CHAPTER 5. EMPLOYMENT LISTS

Article 1. General

18900. Eligible lists shall be established as a result of free competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held and who meet the minimum qualifications requisite to the performance of the duties of such position as prescribed by the specifications for the class or by board rule. Establishment of eligible lists

18901. Eligible and promotional lists shall remain in force for at least one year from the date of establishment and hereafter until exhausted, or replaced by a more recently prepared list. The board may supplement any eligible or promotional list by adding in the order of their relative percentages, the names of persons who successfully pass an appropriate examination for the class for which the list is established. Duration of lists
See also
Stats 1945,
Ch 1297

18902. The board may divide the State into districts and establish district eligible lists therefor. No person eligible by reason of earned rating in the examining process may be denied inclusion in any district list on which he indicates a desire to be placed. District eligible lists

18903. For each class there shall be maintained a general reemployment list consisting of the names of all persons who have occupied positions with probationary or permanent status in the class and who have been legally laid off, or who have resigned in good standing and who, within one year from the date of their resignation, with the consent of the appointing power and the board, have withdrawn their resignations. General reemployment lists

18904. For each class there shall be maintained a separate departmental reemployment list within a given State agency, which shall consist of the names of persons on the general reemployment list but employed in such State agency at the time of separation. There shall also be maintained a separate subdivisional reemployment list within a given State agency which shall consist of the names of persons employed in a subdivision of a State agency at the time of separation if subdivisions for such State agency have been set up with the approval of the board for lay-off purposes. Departmental reemployment lists

18905. The order in which names appear on reemployment lists shall be determined by the relative order of the combined scores of efficiency and seniority determined as for lay-off. Order of names

18906. Any name, after a period of five consecutive years and after notice to the person affected, shall be removed from Removal of names

the reemployment lists for the class unless the period is extended by action of the board.

Article 2. Examinations

Nature of examinations 18930. Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the class of position for which they seek appointment.

Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skill, or any combination of these; and any investigation of character, personality, education and experience and any tests of intelligence, capacity, technical knowledge, manual skill, or physical fitness which the board deems are appropriate, may be employed.

Minimum qualifications, etc 18931. The board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position; for temporary appointments, and for applicants for examinations, and for such purposes may require such certificates of citizens, physicians, public officers, or others having knowledge of the applicant, as the good of the service may require. It may require necessary documentary evidence of citizenship, honorable discharge from the armed forces of the United States, possession of valid licenses for various purposes, or other evidence of identification, fitness, and qualification.

Age limits
See also
Stats 1945,
Ch 62 18932. The board shall not establish any minimum or maximum age limits for any civil service examination. Age is not a minimum qualification for any State employment.

Any person possessing all the minimum qualifications for any State position is eligible, regardless of his age, to take any civil service examination given for that position.

Announcement of examinations 18933. Within a reasonable time before the scheduled date, the board shall announce or advertise examinations for the establishment of eligible lists. Such announcement shall contain such information as the board deems proper and information concerning:

- (a) The date and place of examination.
- (b) The nature of the minimum qualifications.
- (c) The general scope of the examination.
- (d) The relative weight of its several parts if more than one type of test is to be utilized.

Applications 18934. Every applicant for examination shall file a formal signed application in the office of the board within a reasonable length of time before the date of examination. Blank application forms shall be furnished without charge to all persons requesting them. Such applications when filed and all other examination materials, including examination questions and booklets, are the property of the board and are confidential records open to inspection only if and as provided by board rule.

18935. The board may refuse to examine or, after examination, to declare or certify as eligible anyone who : Ineligibility

(a) Lacks any of the minimum qualifications established by the board for the examination or position for which he applies.

(b) At the time of examination has permanent status in a position of equal or higher class than the examination or position for which he applies.

(c) Is physically so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment.

(d) Is addicted to the use of intoxicating beverages to excess.

(e) Is addicted to the use of narcotics or habit-forming drugs.

(f) Has been convicted of a felony or misdemeanor involving moral turpitude.

(g) Has been guilty of infamous or notoriously disgraceful conduct.

(h) Has been dismissed from the public service for delinquency or misconduct.

(i) Has resigned from the public service not in good standing or in order to avoid dismissal.

(j) Has intentionally attempted to practice any deceit or fraud in his application, in his examination or in securing his eligibility.

18936. The final and earned rating of each person competing in any examination shall be determined by the weighted average of the earned ratings on all phases of the examination, according to weights for each phase established by the board in advance of the giving of the examination and published as a part of the announcement of the examination. The board may limit to suit the needs of the service the number of candidates passing any examination and the number of names to be placed on the eligible list. Determination of rating

18937. In establishing any eligible list or promotional list following an examination, the names of persons successful in such examination shall be placed on the list in order of earned ratings, except as such order is modified by application of veterans' preferences. Order of names

18938. The board may issue certificates of competence to candidates who are successful in certain phases of examinations involving a particular skill. For the period named in such a certificate the board may accept it as evidence of the candidate's skill in lieu of participation in that phase of an examination. Certificates of competence

Article 3. Promotion

18950. Vacancies in positions shall be filled insofar as possible and consistent with the best interests of the State, by promotion from among persons holding positions in lower classes, and appropriate promotional eligible lists shall be established to facilitate this purpose. Promotional eligible lists

18951. The board and each State agency and employee shall encourage economy and efficiency in and devotion to State service by encouraging promotional advancement of employees Policy

showing willingness and ability to perform efficiently services assigned them, and every person in State service shall be permitted to advance according to merit and ability.

Rights of
aggrieved
employee

18952. Any employee who feels aggrieved at any action taken by any superior or fellow employee in discouraging or in any manner hindering or preventing him from taking any examination or any other action which he deems beneficial to himself may appeal to the board in writing. Any such appeal or communication in connection therewith is confidential and shall not be disclosed without the consent of the employee taking such appeal. Immediately after receiving such appeal the board shall investigate and shall take such action as it deems necessary.

Limitation of
competition

18953. By board rule, competition in promotional examinations may be limited to employees with permanent status who have superior qualifications as shown by their performance reports and who are serving in the class or classes designated by the board as appropriate for promotional purposes.

Article 4. Veterans' Preference

Military
service
See also
Stats 1945,
Ch 46

18970. It is the purpose of this article to give preference, as specified herein, to all persons who have served in the Army, Navy, Marine Corps, Revenue Marine Service, or as active nurses in the American Red Cross or the Army and Navy Nurse Corps, and particularly to persons who have rendered such service during the Ally-Germanic War, the Spanish-American War, the Philippine insurrection, the Boxer uprising, the Indian wars, or the Civil War.

Policemen
and
watchmen

18971. In the case of entrance examinations to establish eligible lists for policemen and watchmen, veterans who become eligible for appointment by attaining the passing mark established for the examination and whose service as veterans exceeds three months shall be classified on such eligible lists in the relative order of the individual ratings attained and ahead of all nonveterans passing such examinations, and are eligible for appointment on the basis of such order of standing on such eligible lists.

Preference
for per-
manent
disability
See also
Stats 1945,
Ch 201

18972. For specific State services or employments as determined by the board, it may in examination allow general or individual preference in ratings to veterans who have suffered permanent disability in line of duty, if such disability will not prevent the proper performance of the duties required under such service or employment, and if such disability was of record in the files of the War Department as of July 1, 1920.

Credits
allowed

18973. In the case of all other entrance examinations, a veteran with 30 days or more of service and widows of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:

(a) Disabled veterans, 10 points.

(b) All other veterans and widows of veterans, five points.

(c) In promotional examinations, three points, irrespective of physical condition.

18974. Such credit shall be added to the percentage attained in the examination by the veteran or widow. The name of each shall be placed on the eligible list and he is eligible for appointment in the order and on the basis of the percentage attained in examination after the appropriate credit has been added. All ties shall be decided in favor of veterans and widows of veterans.

Manner of giving credits

18975. For examinations to establish eligible lists for artisans and in which credits are allowed for experience as a journeyman, periods of service in the armed forces of the United States in time of war, whether as artisan or otherwise, shall be counted by the board as journeyman experience.

Artisans
See also
Stats 1945,
Ch 78

18976. Proof of eligibility for veterans' preferences shall be submitted not later than the date of the examination by filing in the form prescribed by the State Personnel Board in the office of the Veterans' Welfare Board. Proof of eligibility for preference in a given examination shall not be delivered by the Veterans' Welfare Board to the State Personnel Board until the latter certifies that all parts of that examination have been completed and the relative standings of candidates are ready to be computed.

Proof of eligibility
See also
Stats 1945,
Ch 57

CHAPTER 3. APPOINTMENTS

Article 1. General

19050. The appointing power in all cases not excepted or exempted by virtue of the provisions of Article XXIV of the Constitution shall fill positions by appointment, including cases of transfers, reinstatements, promotions and demotions, in strict accordance with this part and the rules prescribed from time to time hereunder, and not otherwise. Except as provided in this part, appointments to vacant positions shall be made from employment lists.

Filling positions

19051. No person shall be appointed under a class not appropriate to the duties to be performed.

Limitation

19052. Whenever a vacancy in any position is to be filled and not by transfer, demotion, or reinstatement, the appointing power shall submit to the board, in accordance with board rules, a statement of the duties of the position, the necessary and desired qualifications of the person to be appointed, and a request that the names of persons eligible for appointment to the position be certified.

Request for certification

19053. When the position to be filled involves fiduciary responsibilities and a bond or other security may legally be required the appointing power shall notify the board of the amount and necessary details thereof.

Fiduciary responsibility

19054. The order of preference in certifying eligibles shall be: Subdivisional reemployment list, departmental reemployment list, promotional eligible list, general reemployment list, eligible list. Any such list shall be completely exhausted before certification may be made from the list next in order.

Order of lists

Comparable
lists

19055. If an employment list is not available for the class to which a position belongs, the board shall certify names and the appointment shall be made from an employment list for a class comparable in character and having substantially similar duties, responsibilities, and qualifications and substantially the same salary range considered by the board to be appropriate, if there is such a list.

Reemploy-
ment lists

19056. If the appointment is to be made from a departmental reemployment list or subdivisional reemployment list, the person standing highest shall be certified and appointed.

Number of
names
certified

19057. Except as provided in Section 19056, there shall be certified to the appointing power the names and addresses of the three persons standing highest on the employment list for the class in which the position belongs and who have indicated their willingness to accept appointment under the conditions of employment specified. If there are fewer than three names on such list, there shall be certified the number thereon. In such case the appointing power may demand certification of three names and examinations shall be conducted until three names may be certified. The appointing power shall fill the position by the appointment of one of the persons certified.

Temporary
appointments

19058. When there is no employment list from which a position may be filled, the appointing power with the consent of the board may fill such position by temporary appointment. Such temporary appointment shall continue only until the establishment of an appropriate employment list and not to exceed the period prescribed by Section 6 of Article XXIV of the Constitution. An appropriate eligible list shall be established for each class to which temporary appointment is made before the expiration of such appointment.

Limitations
on temporary
appointments

19059. A person who does not possess the minimum qualifications for the class to which the position belongs shall not be appointed under a temporary appointment. A temporary appointee, as such, shall not acquire any probationary or permanent status or rights, and time spent under temporary appointment shall not contribute to the probationary period if the appointee is subsequently successful in an examination and is certified and appointed to the position.

Article 2. Limited Term

Duration of
position

19080. Whenever an appointing power requires the appointment of a person to a position the duration of which is not to exceed the probationary period for the class to which the position belongs, the request for certification shall state the duration of the position.

Order of
certification

19081. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as "limited term employees."

Article 3. Intermittent

19100. Whenever the appointing power requires the appointment of a person to a position requiring the performance of work on an intermittent or irregular time basis, the request for certification shall state the probable amount of working time to be required in the position. Work on Intermittent basis

19101. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as "intermittent employees." Order of certification

Article 4. Emergency

19120. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on employment lists are not immediately available, make emergency appointments for a period not to exceed 15 working days, in accordance with board rule. Emergency appointments

Article 5. Reinstatement

19140. On the request of an appointing power the board may approve the reinstatement within three years of any person having probationary or permanent status who is separated from his position through resignation without fault or delinquency on his part, if within that time there is need for his service; in a position in the class from which the employee was separated or in a position in another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range. Reinstatement within three years

The board on the request of an appointing power may also approve the reinstatement of any person having probationary or permanent status who is separated from his position through resignation without fault or delinquency on his part, who has applied therefor within three years subsequent to the adoption of Article XXIV of the Constitution of this State, if such person makes reapplication therefor and if at the time of reinstatement there is need for his services in a position in the class from which the employee was separated or in a position in another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range.

19141. A permanent employee who has vacated a position to accept another position in a higher class under temporary appointment or appointment to an exempt position shall, if he so desires at the termination of the appointment, be reinstated in his former position. A permanent employee who has vacated a position to accept another position in another class and who is rejected during the probationary period shall be reinstated in his former position. Return from position in higher class
See also Stats 1945, Ch 463

19142. Every person accepts and holds a position in the State civil service subject to reinstatement of another person thereto in accordance with Section 19141, from leave of absence, Acceptance of position subject to reinstatement rights

by the board or by order of a court of competent jurisdiction. The status of the person displaced shall be determined by the board, but he shall not be deprived of his earned position on the eligible list from which he was certified.

Article 6. Probationary Period

Length of probationary period 19170. An appointment from an eligible list or promotional eligible list is not permanent until after the expiration of a probationary period to be prescribed by board rule. The probationary period shall be not less than six months nor more than one year. Within these limits, the board rule may provide probationary periods of different lengths for different classes of positions.

Appointments from reemployment lists 19171. Appointments from a subdivisional, departmental, or general reemployment list of persons who have previously satisfied the probationary period in the class to which the appointment is made do not require an additional probationary period. Any employee certified to a position from any reemployment list for a class different from that held by him when laid off shall serve a probationary period before attaining permanent status in such position.

Reports of efficiency 19172. During the probationary period the appointing power or his officially delegated representative shall report to the board concerning the work and efficiency of a probationer as frequently and at such periods as the board rules may require.

Rejection during probationary period 19173. Any probationer may be rejected by the appointing power during the probationary period for reasons relating to the probationer's qualifications, the good of the service, or failure to demonstrate merit, efficiency, fitness, and moral responsibility.

Notice of rejection accompanied by a statement of the specific reasons therefor, truthful within the knowledge of the appointing power or other officer or person in charge of the employee, shall be filed by the appointing power with the board and a copy served upon the probationer to give effect to the rejection.

Final report 19174. Within a reasonable time not less than 10 working days before the expiration of each probationer's probationary period, the board shall send to his appointing power a form on which the appointing power shall state that he thoroughly investigated the record of the probationer and either that:

(a) The probationer is satisfactory and the appointing power wishes his retention in the position, or

(b) The probationer is not satisfactory and that the appointing power does not wish his retention in the position for reasons specified by and truthful within the knowledge of the appointing power or other officer or person in charge of the employee, relating to the probationer's qualifications, or the good of the service, or failure to demonstrate merit, efficiency, fitness, and moral responsibility.

Before the expiration of the probationary period, the appointing power shall file one copy of this form with the board and serve the probationer with another copy.

19175. After investigation of the reasons for rejection of a probationer, the board may : Action of board

(a) Restore him to the eligible list for certification to any position within the class other than the position from which he was rejected ; or

(b) If it is determined that Section 19173 has not been complied with, restore him to the position from which he was rejected.

Article 7. Duration Appointments

19200. Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense, the board may provide by rule for the making of appointments from employment lists for the duration of such war or emergency in those classes in which the best interests of the service would be served by such appointments. Such appointments shall be known as duration appointments and shall automatically terminate 90 days after the termination of the war or after the Governor finds and proclaims that the emergency no longer exists. Duration appointees are subject to such conditions affecting status and tenure during and after employment as the board, in accordance with the best interests of the State service, may by rule determine. Duration appointments
See also
Stats 1945,
Ch. 59

CHAPTER 7. SERVICE

Article 1. General

19250. Every State employee shall fulfill to the best of his ability the duties of the office or position conferred upon him and shall prove himself in his behavior inside and outside the service worthy of the esteem which his office or position requires. In his official activities the State employee shall pursue the common good, and, not only be impartial, but so act as neither to endanger his impartiality nor to give occasion for distrust of his impartiality. Conduct of employees

19251. A State officer or employee shall not engage in any other activity or enterprise inconsistent, incompatible, or in conflict with his duties as a State officer or employee. Incompatible activity

19252. Upon giving two days' notice to his immediate superior, any State employee otherwise qualified shall be permitted to take any State civil service examination during working hours, if the examination is scheduled during such period, or to attend a meeting of the board at which is scheduled for consideration a matter specifically affecting his position concerning which he has requested to be heard, without deduction of pay or other penalty. State civil service examinations, etc

19253. Any employee or any appointing power with the concurrence of such employee may request the voluntary demotion of such employee to a vacant position. Such demotion may be permitted by the board after investigation. Voluntary demotion

Limited term and intermittent employees

19254. Limited term and intermittent employees shall be subject to such conditions affecting status and tenure during and after employment as the board may by rule determine.

Duties of class

19255. A person shall not be assigned to perform the duties of any class other than that to which his position is allocated.

Transfer of functions of State agency

19256. Whenever a State agency succeeds to and is vested with the powers, duties and functions of another State agency, the civil service standing of each of the officers and employees taken over and reemployed by the agency shall be observed under such reclassifications as may be made by the board for the purpose of preserving such standing. A State agency is not required to retain in the public service any unnecessary officers or employees.

Unauthorized employment

19257. Any person acting in good faith in accepting an appointment or employment contrary to this part or the rules prescribed hereunder, shall be paid by the appointing power the compensation promised by or on behalf of the appointing power or, in case no compensation is so promised, then, the actual value of any service rendered and the expense incurred in good faith under such attempted appointment or employment, and has a cause of action against the appointing power therefor.

Article 2. Performance Reports

Establishment of standards of performance

19300. After consultation with appointing powers and other supervising officials the board shall establish standards of performance for each class of position and a system of performance ratings based upon such standards. Such standards shall insofar as practicable be established on the basis of the quantity and quality of work which the average person thoroughly trained and industriously engaged can turn out in a day.

Performance ratings

19301. The system of performance ratings shall be designed to permit as accurately and fairly as is reasonably possible, the evaluation by his appointing power of each employee's performance of his duties. The ratings shall be set forth in a performance report, the form for which shall be provided by the board. The board shall administer the system and may investigate all performance reports and make its own reports. In case of disagreement, or upon appeal of an employee, the decision of the board is final.

Performance reports

19302. Performance reports shall be filed by appointing powers at such intervals as may be provided by board rule. The rules shall provide that employees be shown the performance report covering their own service and are privileged to discuss it with the appointing power before it is filed. The extent to which such ratings or performance reports shall be open to inspection by the public shall be prescribed by board rule.

Purposes of reports

19303. Performance reports shall be considered, in the manner prescribed by board rule, in determining salary increases and decreases, the order of lay-offs, the advisability of transfers, demotions, and dismissals, and in promotional examinations.

19304. The board may establish rules under which records of unsatisfactory service may lead to reduction in class and compensation, and providing for the manner in which persons falling below the standards of efficiency fixed by its rules may be removed from their positions by the board, substantially as in the case of removals for cause. The board shall report such unsatisfactory records to the appointing power. Unsatisfactory service

Article 3. Absences

19330. Subject to board rule an appointing power may grant a leave of absence without pay, to any employee under his jurisdiction for a period not exceeding one year. A leave so granted assures to the employee the right to return to his position upon expiration of the leave. Leave of absence

19331. Leaves of absence granted for jury duty or to fulfill a military obligation under the Military and Veterans' Code or laws of the United States may be with or without pay. Jury duty and military service

19332. Any period of time during which an employee is required to be absent from his position by reason of an injury or disease for which he is entitled to receive compensation under the provisions of Division 4 of the Labor Code is not a break in his continuous service for the purpose of his right to salary adjustments, sick leave, vacation, or seniority. Compensable injury

Article 4. Transfers

19360. An appointing power may at any time transfer any employee under his jurisdiction from one position to another in the same class or in another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range. In every such case the appointing power shall give written notice of his action to the board, according to board rule. Transfer by appointing power

19361. If a transfer is protested to the board by an employee as made for the purpose of harassing or disciplining him, the transfer shall not be made, or if theretofore made shall be revoked, unless approved by the board. Protest of employee

19362. At the time it is filed with the board a copy of the protest shall be filed with the appointing power. Such a protest shall be made within 30 days of the time the employee is notified of the transfer. Filing

19363. Transfer of an employee from a position under one appointing power to a position under another appointing power may be made, subject to board rule. Transfer to different appointing power

19364. Transfers involving persons with permanent status do not require a probationary period. In those involving a probationer, the previous term shall be counted. Probationary period

19365. A permanent employee may attain eligibility for transfer from a position in one class to a position in another involving substantially the same level of responsibility and qualifications and salary but requiring additional or different special requirements, by demonstrating in an examination con- Transfer examinations

ducted by the board that he possesses such additional or other special requirements of the class to which the transfer is proposed. Such a transfer is an appointment of the employee and he may be rejected during the probationary period.

Request for
transfer

19366. An employee desiring to be transferred to any particular State agency may file with the board, upon forms provided by it, a request that whenever a vacancy in his class occurs in such agency its appointing power be so notified.

Promotion
or demotion

19367. Any transfer of an employee from a position in a lower class to a position in a higher class is a promotion and any transfer of an employee from a position in a higher class to a position in a lower class is a demotion and may be accomplished only in the manner provided for making promotional or demotional appointments.

New
machinery

19368. Whenever any machine used by any State agency for the purpose of printing, off-set printing, manufacture, maintenance, construction or office work is replaced, supplemented, or partially replaced or partially supplemented by new, different or additional machines and the purpose or product of any such displacing or supplementing machine is of the same, a similar or an analogous nature or a similar or an analogous result is accomplished by such machine, any permanent civil service employee operating such displaced or supplemented machine and who has operated it for a period of four years shall be given the position of operating the displacing or supplementing machine if he is then able to operate it without prior instruction.

If such employee is not able to operate the displacing or supplementing machine without prior instruction, he shall be given the continuous opportunity for a period of three months to learn to operate it. During the three months he shall be paid wages or salary at the same rate as he received for the operation of the displaced or supplemented machine during the year immediately prior to displacement or supplement.

If, upon the expiration of the three months, or sooner, such employee believes he can operate the machine, he shall continue to operate it, retaining the same position and seniority as he had in the operation of the displaced or supplemented machine, and can only be removed for cause.

At all times the position of such employee shall permit him to operate either the displaced or supplemented machine or the displacing or supplementing machine.

Article 5. Military and Defense Service

Military
leave of
absence
See also
Stats 1945,
Chs 164,
454, and
1306

19390. Whenever the United States is engaged in war or during the existence of an emergency in preparing for the National defense found and proclaimed by the Governor, any permanent or probationary State civil service employee in good standing who enters the military service of the United States, whether voluntarily or otherwise, has an absolute right to be restored to his former position and civil service status upon application by

him to the board within 90 days after the termination of such military service or any rehabilitation afforded by the United States Government following such military service.

19391. If, upon the reinstatement of an employee after military service, it is necessary because of lack of work or lack of funds or in the interests of economy to reduce the staff of the State agency, the appointing power shall lay off employees in accordance with the procedure for layoff, except that:

Layoffs
upon rein-
statement
See also
Stats 1945,
Ch 164

(a) Only those employees in the class who have been appointed to their positions since September 1, 1940, shall be subject to layoff.

(b) Employees reinstated after military service shall be excluded from the resulting layoff unless there is no position in the class in the agency or the number of positions to be retained in the class is less than the number of employees so reinstated.

19392. During the war and emergency period specified in Section 19390 and subject to board rule, an appointing power may grant a leave of absence without pay to any employee under his jurisdiction to:

Nonmilitary
leave of
absence

(a) Engage in civilian war work pursuant to mandatory order of the War Manpower Commission or its successor.

(b) Assume active duty in the United States Merchant Marine.

(c) Assume active full time duty for the American Red Cross.

Such a leave assures to the employee the right to return to his position upon its expiration.

Every leave of absence to allow a State civil service employee to participate in civilian war work granted prior to May 24, 1943, is conclusively presumed to have been extended until August 23, 1943.

19393. Any person having State civil service status who in time of war leaves his position to serve as a seaman on board any vessel of the United States retains all civil service rights and shall be reinstated to his position upon application. Such application shall be filed within 90 days after the termination of such service or the termination of the war, as proclaimed by the President of the United States, whichever is the earlier, or, if his service is terminated in a foreign country 90 days after return to the United States if within 90 days after such termination he leaves such foreign country to return to the United States.

Service as
seaman

As used in this section:

(a) "Seaman" means any person, including the master and officers, employed on board any vessel of the United States in the care, preservation, operation, management, or navigation of such vessel, but does not include any person who is a member of the land or naval forces of the United States.

"Seaman"

(b) "Vessel of the United States" means any vessel registered, enrolled, or licensed under the laws of the United States, any vessel acquired by the United States under the provisions of the act entitled "An act to authorize the acquisition by the United States of title to or the use of domestic or foreign mer-

"Vessel of
the U. S."

chant vessels for urgent needs of commerce and National defense, and for other purposes," approved June 6, 1941, as amended, or any other merchant or cargo vessel not of foreign registry owned or operated by or on behalf of the United States, excluding any fishing or whaling vessel or yacht.

Persons on employment lists
See also Stats 1945, Ch 79

19394. Any person whose name appears on any employment list who enters the armed forces of the United States before it is abolished shall retain his place on it until the expiration of three years from the termination of his service with the armed forces.

Promotional lists upon which the names of such persons appear may not be abolished, unless they are replaced by more recently prepared lists and the names of such persons are placed thereon in the order and at the same place they appeared on the former list.

This section does not apply to any person who refuses to accept appointment to a position after certification thereto subsequent to his discharge from the armed forces, or who has not been certified during his service with the armed forces of the United States.

Appointment while on military leave

19395. Any person away from State service under Section 19390, whose name appears on a promotional list and is retained on such list subject to Section 19394, shall have his name certified to fill any vacancy which may occur during the period his name is so retained on such list. The appointing power may appoint him to fill the position to take effect upon his return to State service within the time provided in Section 19390.

Seniority rights and automatic salary adjustments
See also Stats 1945, Ch 454

19397. The board may provide by rule that time spent in the military service during the emergency period specified in Section 19390 by any person who has an absolute right to be restored to his former position in the State civil service may be considered as time spent in State service for the purpose of computing seniority rights for layoff purposes and rights to automatic salary adjustments at the time of return to State service.

CHAPTER 8. SEPARATIONS FROM SERVICE

Article 1. General

Temporary and permanent separation

19500. The tenure of every permanent employee holding a position is during good behavior. Any such employee may be temporarily separated from the State civil service through layoff, leave of absence, or suspension, permanently separated through resignation or removal for cause, or permanently or temporarily separated through retirement.

Suspension

19501. An appointing power or any officer or employee authorized by the appointing power may, for disciplinary purposes, immediately suspend an employee without pay for not exceeding 30 days in any calendar year by notifying the employee thereof. Such suspension without pay is valid only if written reasons are filed with the board and served on the employee within five working days of the date of suspension,

setting out clearly the delinquency for which the suspension was made.

The suspended employee may file with the board and the appointing power a written answer or explanation of such reasons. He may appeal to the board within 30 days after service of the written reasons for the suspension on the grounds that the reasons were untrue or that the suspension was not made in good faith. Within 30 days after receiving such an appeal the board shall hold such hearing or investigation as it deems necessary. It shall render a decision in which it may affirm or disaffirm the suspension.

19502. Resignations from the State civil service are subject to board rules. A resignation does not jeopardize any rights and privileges of the employee except those pertaining to the position from which he resigns. Resignation
See also
Stats 1945,
Ch 56

19503. Absence without leave, whether voluntary or involuntary, for 10 consecutive working days is an automatic resignation from State service, and the separation shall be entered in the official roster. Absence
without
leave

Within 30 days of the date of his separation by reason of automatic resignation, an employee may apply to the board for reinstatement. Reinstatement may be granted only if the employee makes a satisfactory explanation to the board as to the cause of his absence and his failure to obtain leave therefor, and the board finds that he is ready, able, and willing to resume the discharge of the duties of his position or, if not, that he has obtained the consent of his appointing power to a leave of absence to commence upon reinstatement. Reinstatement

An employee so reinstated shall not be paid salary for the period of his absence or separation or for any portion thereof.

Article 2. Layoff and Demotion

19530. Whenever it is necessary because of lack of work or funds or whenever it is advisable in the interests of economy to reduce the staff of any State agency, the appointing power may lay off employees pursuant to this article and board rule. Reduction
of staff

19531. The duties performed by any employee laid off may be assigned to any other employee or employees in the State agency holding positions in appropriate classes. Assignment
of duties

19532. With the approval of the board, only the employees of a designated geographical, organizational or functional subdivision of a State agency need be considered for layoff, and reemployment lists shall be established for such subdivision. Such lists take priority over the departmental and other reemployment or employment lists. Subdivi-
sional lists

19533. Layoff shall be made in accordance with the relative efficiency and seniority of the employees of the class in which the layoff is to be made as determined by seniority and by performance reports on file with the board. In determining seniority, two points shall be allowed for each complete year of State service performing work which would fall in the series of classes related to the employee's present class. Efficiency
and seniority
See also
Stats 1945,
Ch 1047

Order of
layoffs

19534. The employees in the class under consideration having the lowest combined scores for efficiency and seniority, up to the number of positions to be abolished or discontinued, shall be laid off. As between two or more such employees who have the same score, their respective performance ratings shall be considered, and the employee having the lowest performance rating shall be the first laid off.

Demotion in
lieu of lay off

19535. When an employee has previously served the State with permanent status in any class below that of the class under consideration or its equivalent in any previous classification, in lieu of being laid off he has the option of being demoted to that lower class to replace the employee having the lowest score for efficiency and seniority in that class if such score is lower than that of the employee being demoted.

Employees
replaced by
demotion
See also
Stats 1947,
Ch 109

19536. Any employee replaced by such demotion who has previously served the State with permanent status in a class or its equivalent in any previous classification below that in which he was serving at the time of replacement has the same option of demotion afforded by Section 19535 as if his position had been abolished or discontinued.

Any employee demoted pursuant to this article shall receive the maximum of the salary range of the class to which he is demoted.

Re-employ-
ment lists

19537. The names of employees thus laid off or demoted shall be placed upon the reemployment list for the subdivision from which they were laid off, if such a subdivision was created upon the departmental reemployment list for the class from which the employees were laid off or demoted, and upon the general reemployment list for such class, and for such other appropriate classes as the board determines.

Salary of
recertified
employee

19538. An employee who is recertified to a position in a class after layoff, or demotion in lieu of layoff, shall receive the same salary as he received in the position in that class prior to such layoff or demotion.

Performance
rating

19539. Whenever an employee accepts a voluntary demotion or is demoted to a lower class by reason of a layoff or replacement, his performance rating in the lower class shall be the same as his last previous rating in such class, if any, until the first regular date for making and submitting performance ratings after his demotion.

Notice of
layoff

19540. An employee compensated on a monthly basis shall be notified that he is to be laid off 15 days prior to the effective date of layoff.

Appeal

19541. An employee may appeal to the board within 30 days after receiving notice of layoff on the ground that the required procedure has not been complied with or that the layoff has not been made in good faith or was otherwise improper. Within 30 days after such an appeal, the board shall hold such hearing or investigation as it deems necessary.

On its own motion the board may also conduct such a hearing or investigation within 30 days after receiving a notice of layoff.

In rendering a decision on a layoff, the board may order the reinstatement of the employee with or without pay if it appears that the required procedure was not followed or that the ayoff was not made in good faith or was otherwise improper.

Article 3. Disciplinary Proceedings

19570. As used in this article:

Definitions

(a) "Complainant" means the person or State agency filing with the board charges against any respondent. "Complainant"

(b) "Respondent" means any employee or person whose name appears on any employment list and against whom charges are filed pursuant to this article. "Respondent"

(c) "Punitive action" means dismissal, demotion, suspension, reprimand, or other disciplinary action, including the removal of a person's name from any employment list. "Punitive action"

19571. In conformity with this article and board rule, punitive action may be taken against any employee or person whose name appears on any employment list for any cause for discipline specified in this article. Procedure

19572. Each of the following constitutes cause for discipline of an employee or person whose name appears on any employment list: Causes for discipline

- (a) Fraud in securing appointment.
- (b) Incompetency.
- (c) Inefficiency.
- (d) Inexcusable neglect of duty.
- (e) Physical or mental disability.
- (f) Insubordination.
- (g) Dishonesty.
- (h) Drunkenness on duty.
- (i) Intemperance.
- (j) Addiction to the use of narcotics or habit-forming drugs.
- (k) Inexcusable absence without leave.
- (l) Conviction of a felony or misdemeanor involving moral turpitude.
- (m) Immorality.
- (n) Discourteous treatment of the public or other employees.
- (o) Improper political activity.
- (p) Wilful disobedience.
- (q) Violation of this part or board rule.
- (r) Any other failure of good behavior or acts which are incompatible with or inimical to the public service.
- (s) Failure to take and subscribe the oath as prescribed by Chapter 4, Part 1.

19573. Any employee who is or claims to be a citizen of any foreign country or is or claims to be a dual citizen of the United States and of any foreign country with which the United States is at war or who has renounced his citizenship or allegiance to the United States or has taken an oath of allegiance or otherwise pledged allegiance to any foreign country with which the United States is at war or who has committed or commits any act of disloyalty to or disrespect towards the United States or its Noncitizen or dual citizen

Flag or who does any act or thing when the United States is engaged in war to obstruct the war effort or the defense preparations of the United States, in addition to any other penalties provided by law therefor, is subject to discipline under this article.

Charges 19574. The appointing power, the board, or any person with the consent of the board, the appointing power or the Attorney General, may file charges against any employee or any person on any employment list for punitive action for one or more causes for discipline defined in this article.

Contents, etc. 19575. Such charges shall be filed with the board in writing and clearly state the facts constituting such cause, in such detail as is reasonably necessary to enable the respondent to prepare his defense thereto. A copy shall be served upon the respondent either personally or by mail.

Suspension 19576. The appointing power or any person authorized by the appointing power so to do may immediately suspend any employee from service without pay pending the filing of charges or the hearing thereon by notifying him of the suspension. Such suspension is valid only if charges are filed with the board and served on the employee within 15 days of the date of the suspension. Such suspension is effective until a hearing has been held on the charges and a decision rendered by the board.

Answer, etc. 19577. The charges filed against a respondent shall inform him of the time and manner in which, under board rules, he is required to answer to such charges and ask for a hearing. Within 10 days after service, respondent may file with the board a written answer to or explanation of the charges, and request a hearing. A copy of such answer, or explanation, and request shall at once be mailed by the board to the complainant. Amended or supplemental charges may be filed, and served, with like opportunity to the respondent to file an answer or explanation and a request for hearing.

Hearing 19578. Within a reasonable time after the filing of an answer, and upon written notice to both parties of the time and place of the hearing, the board or its duly authorized representative shall hold a hearing, at which both parties may submit all proper and competent evidence against or in support of the charges.

Admission of truth 19579. Failure of a respondent to request a hearing, and file written answer or explanation with the board within 10 days after service upon him of the charges, or to appear at the hearing, unless additional time is granted by the board, is an admission of the truth of such charges without further hearing by the board.

Examination of respondent and witnesses 19580. Either by deposition or at the hearing the respondent may be examined and may examine or cause any person to be examined under Section 2055 of the Code of Civil Procedure.

Subpenas 19581. The board shall issue subpenas for witnesses for the respondent upon his written request and at his cost. The board may require such costs to be prepaid.

19582. The board shall consider carefully the evidence submitted in the hearing and render a decision which in its judgment is just and proper. Consideration by board

In arriving at its decision, the board may consider any prior suspension of respondent by authority of any appointing power, or any prior proceeding under this article.

19583. The decision shall be rendered within a reasonable time after the completion of the hearing. If adverse to the respondent, the decision may provide that the punitive action taken shall date from the date of the service of charges upon the respondent or the date of suspension, if any. The decision shall be entered upon the minutes of the board and the official roster. Effect of decision

19584. (a) If the board finds that the charges made were untrue or that the respondent was justified in the course of conduct upon which the charges were based, in rendering its decision it shall authorize the payment of salary for the period of suspension, but salary shall not be authorized or paid for any portion of a period of suspension that the employee was not ready, able, and willing to perform the duties of his position, whether such suspension is valid or not or the charges on which it is based state facts sufficient to constitute cause for disciplinary action. Salary during suspension

(b) There shall be deducted from any amount accrued under subdivision (a) :

(1) Any compensation respondent earned or might reasonably have earned in private or public employment during the period of suspension ; and

(2) Any money and the reasonable value of any maintenance that may have been furnished or granted to respondent during such suspension as a part of or in connection with any program of the United States formulated in the interests of National security for the removal of persons or classes of persons from designated areas and their relocation, maintenance, and supervision.

19585. Copies of the decision shall be furnished to the appointing power, the complainant, and the respondent. Hearings may be held by the board, or any member or any authorized representative or referee but the decision shall be rendered by the board after careful consideration of the evidence submitted in the hearing. Hearing and decision

19586. Within 30 days after receipt of a copy of the decision rendered by the board in a proceeding under this article, the respondent or the appointing power may apply for a rehearing by filing with the board a written petition therefor. Within 30 days after such filing, the board shall cause notice thereof to be served upon the other parties to the proceedings by mailing to each a copy of the petition for rehearing, in the same manner as prescribed for notice of hearing. Petition for rehearing

Within 60 days after service of notice of filing of a petition for rehearing, the board shall either grant or deny the petition in whole or part. Failure to act upon a petition for rehearing within this 60-day period is a denial of the petition.

Rehearing 19587. If the petition for rehearing is granted, the matter shall be set down for hearing by the board or its authorized representative. The hearing shall be conducted as to the matters on which granted in substantially the same manner and under like rules of procedure as an original hearing upon charges under this article.

CHAPTER 9. ACTIONS

Statute of limitation 19630. No action or proceeding shall be brought by any person having or claiming to have a cause of action or complaint or ground for issuance of any complaint or legal remedy for wrongs or grievances based on or related to any civil service law in this State or the administration thereof unless such action or proceeding is commenced and served within one year after such cause of action or complaint or ground for issuance of any writ or legal remedy first arose. Such a person shall not be compensated for the time subsequent to the date when such cause or ground arose unless such action or proceeding is filed and served within 90 days after such cause or ground arose.

This section is not applicable to any complaint, legal remedy, wrongs, or grievances arising prior to August 27, 1937.

Time excluded 19631. The time for filing or commencing any such action or proceeding does not run during any time that the matter involved, including layoff appeals, is before the board pursuant to petition of the person involved, and final action has not been taken thereon by the board.

Service of process 19632. Process directed to any officer or employee, or the board or its members, in any action or proceeding arising under this part may be served upon any member of the board, its secretary, or its assistant secretary, and also upon the Attorney General, or one of his deputies.

CHAPTER 10. PROHIBITIONS AND OFFENSES

Article 1. General

Offenses 19680. It is unlawful for any person:

(a) Wilfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this part or board rule.

(b) Wilfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this part or board rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

(c) Wilfully to furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person examined, certified or to be examined or certified under this part or board rule.

19681. It is unlawful for any person :

Same

(a) To impersonate another person or to permit or aid in any manner any other person to impersonate him in connection with any examination, application, or request to be examined.

(b) To obtain examination questions or other examination material either before or after an examination and use or purport to use any such examination questions or material for the purpose of instructing or coaching or preparing candidates for examinations.

(c) To use any unfair means to cause or attempt to cause any eligible to waive any rights obtained under this part.

19682. Every person who violates any provision of this part is guilty of a misdemeanor. Penalty

Article 2. Discrimination

19700. The board, its executive officer, or any appointing power shall not adopt any rule, either written or unwritten, prohibiting the employment of any person in any State position who is otherwise qualified therefor, solely because of his age. Age
See also
Stats 1945,
Ch. 62

This section does not authorize the employment of any person in any State position who has reached the retirement age for that position.

19701. A person shall not be discriminated against under this part because of total or partial blindness unless normal eyesight is absolutely indispensable to do the physical acts to be performed. Blindness

19702. A person shall not be discriminated against under this part because of sex, race, or marital status except that positions which in the opinion of the appointing power and the board require the services of a specific sex may be reserved to that sex. Sex, race,
and marital
status

19703. A recommendation, question, or inquiry under this part shall not relate to the political or religious opinions or affiliations of any person, and an appointment to, change in, or removal from any position under this part or board rule shall not be in any manner affected or influenced by such opinions or affiliations. Politics, re-
ligion, etc

19704. It is unlawful to require, permit or suffer any notation or entry to be made upon or in any application, examination paper or other paper, book, document, or record used under this part indicating or in any wise suggesting or pertaining to the race, color, or religion of any person. Race, color,
and religion

Article 3. Political Activity

19730. A State officer or employee shall not, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any one on the employment lists or holding any position under this part or board rule. Soliciting
contribu-
tions, etc

Use of State premises for collection, etc. 19731. Every State officer or employee shall prohibit the entry into any place under his control occupied for any purpose of the Government of the State, of any person for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscription, or contribution.

Notices or demands for contributions, etc. 19732. A person shall not enter or remain in any such place or send or direct any letter or other notice thereto for the purpose of giving notice of, demanding, or collecting a political assessment, subscription, or contribution. A person in such a place shall not give notice of, demand, collect, or receive, any such assessment, subscription, or contribution.

Political influence, etc. 19733. One who holds, or is a nominee for or seeking the nomination for or an appointment to, any public office shall not directly or indirectly use or promise to use any official authority or influence (whether then possessed or merely anticipated) to confer upon, secure, or aid any person in securing any position, nomination, confirmation, promotion, increase in salary, or change of position, under this part or board rule upon consideration or condition that the vote or political influence or action of the latter or another shall be given or used in behalf of any candidate, officer, or party, or upon any other corrupt condition or consideration.

Threats, etc. 19734. One who holds, or is a nominee for or seeking the nomination for or an appointment to, any public office, or who has or claims to have any authority or influence (whether then possessed or merely anticipated), to secure, retain, or affect, any position under this part or board rule, shall not directly or indirectly use, or promise or threaten to use, any such authority or influence in order to coerce or persuade the vote or political action of any person on the employment lists for or holding any such position.

Article 4. Unlawful Employment

Payment of salary 19760. It is unlawful for any State officer or employee to draw, sign, issue, or authorize the drawing, signing, or issuing of any warrant or check payable out of State funds, to pay any salary or compensation to any one holding a position in the State civil service, if such person does not lawfully hold such position.

Pay roll certificate 19761. Before any pay roll claim to pay salary or compensation to anyone holding a position in the State civil service is presented to the Controller for payment, it shall bear the certificate of the board that the persons named in such pay roll are holding positions as provided by law. This section does not prevent payments of salaries or compensation by revolving fund check in advance of such presentation.

Liability 19762. No salary, compensation, or other emolument shall be paid to any person appointed to or retained in any position in violation of this part. Any person who wilfully or knowingly approves or makes such a payment is liable for the sum on his official bond.

19763. If the board notifies an officer or employee that any position has been filled in violation of this part or board rule, demands for the salary or compensation or other emolument of the position shall not be approved or paid by such officer or employee except upon the order of a court of competent jurisdiction.

Notice of improper employment

19764. Every person who makes a payment of salary, compensation or other emolument to any person holding a position in the State civil service in violation of this part or board rule and any officer or employee who signs, countersigns, or authorizes the signing or countersigning of any warrant for such a payment and the sureties on their official bonds are liable to the State of California therefor. An action to recover such a payment may be maintained in any court of competent jurisdiction of this State, in the name of the people of the State by the Attorney General or by a resident citizen, who is assessed for and is liable to pay, or, within one year before the commencement of such action, has paid a tax in this State.

Improper payment

19765. All money recovered in such an action, when collected, shall be paid into the State treasury except that the prevailing party in such an action is entitled to receive for his own use a reasonable sum for attorney fees and the taxable costs of the action.

Disposition of money recovered

PART 3. STATE RETIREMENT SYSTEM

"State Employees' Retirement Law"

CHAPTER 1. GENERAL PROVISIONS

Article 1. General

20000. This part may be cited as the State Employees' Retirement Law.

Short title

20001. The purpose of this part is to effect economy and efficiency in the public service by providing a means whereby employees who become superannuated or otherwise incapacitated may, without hardship or prejudice, be replaced by more capable employees, and to that end provide a retirement system consisting of retirement compensation and death benefits.

Purpose

20002. The State Employees' Retirement System created by Chapter 700 of the Statutes of 1931, as amended, is continued in existence under this part.

State Employees' Retirement System

20003. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

Definitions

20004. "Retirement system" or "this system" means the State Employees' Retirement System created by Chapter 700 of the Statutes of 1931, as amended, and continued in existence by this part.

"Retirement system" and "this system"

20005. "Board" means the Board of Administration.

"Board"

20006. "Actuary" means the actuary regularly employed on a full or part time basis by the board.

"Actuary"

20007. "Retirement fund" means the State employees' retirement fund continued in existence by this part.

"Retirement fund"

- "Universit." 20008. "University" means the University of California and includes The Regents of the University of California as defined and authorized by Section 9, Article IX, of the State Constitution.
- "Public agency" 20009. "Public agency" means any city, county, district, other local authority or public body of or within this State.
- "Contracting agency" 20010. "Contracting agency" means any public agency which has elected to have all or any part of its employees become members of the retirement system and which has contracted with the board for that purpose.
- "Employer" 20011. "Employer" means the State, the university, and any contracting agency employing an employee.
- "Employee" 20012. "Employee" means:
 See also Stats. 1945, Ch. 1224
 (a) Any person in the employ of the State or the university whose compensation, or at least that portion of his compensation which is provided by the State or the university, is paid out of funds directly controlled by the State or the university, excluding all other political subdivisions, municipal, public and quasi public corporations. "Funds directly controlled by the State" includes funds deposited in and disbursed from the State treasury in payment of compensation, regardless of their source.
 (b) Any person in the employ of any contracting agency who is included by contract under the retirement system.
- "Member" 20013. (a) "Member" means any person included in the membership of this system, and includes State members and local members.
 See also Stats. 1945, Ch. 1421
 (b) "State member" includes:
 (1) State miscellaneous members.
 (2) University members.
 (3) Prison members.
 (4) Patrol members.
 (c) "Local member" includes:
 (1) Local miscellaneous members.
 (2) Local safety members.
- "State miscellaneous member" 20014. "State miscellaneous member" includes all members employed by the State and university, except patrol members.
 See also Stats. 1945, Ch. 1421
- "University member" 20015. "University member" includes all members who are employees of the university.
- "Prison member" 20016. "Prison member" includes all members appointed by the wardens of the State prisons or by the Director of Corrections and employed in the State prisons.
- "Patrol member" 20017. "Patrol member" includes all members employed in the Department of Motor Vehicles or by a county in connection with its highway patrol function, respectively, whose principal duties consist of active law enforcement service, except those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise clearly do not fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service.

20018. "Local miscellaneous member" includes all employees of a contracting agency who have by contract been included within this system, except local safety members. "Local miscellaneous member"

20019. "Local safety member" includes all local policemen and firemen employed by a contracting agency who have by contract been included within this system. "Local safety member"
"Local policeman"

20020. "Local policeman" means any officer or employee of a police department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service but not excepting male employees assigned to identification or communication duties, or persons employed and qualifying as patrolmen or equal or higher rank irrespective of the duties to which they are assigned. See also Stats 1945, Ch 1224

20021. "Local fireman" means any officer or employee of a fire department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active fire fighting and prevention service, but not excepting persons employed and qualifying as firemen, hosemen or equal or higher rank, irrespective of the duties to which they are assigned. "Local fireman"
See also Stats 1945, Ch 1224

20022. "Compensation" means the remuneration paid in cash out of funds controlled by the State, the university or contracting agency, plus the monetary value, as determined by the board of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished a member by his employer in payment for his services. "Compensation"

20023. "Compensation earnable" by a member means the average monthly compensation as determined by the board upon the basis of the average time put in by members in the same group or class of employment and at the same rate of pay. The computation for any absence of a member shall be based on the compensation of the position held by him at the beginning of the absence and that for time prior to entering State service shall be based on the compensation of the position first held by him in such service. "Compensation earnable"

20024. "Final compensation" means the average annual compensation earnable by a member during the five years immediately preceding his retirement. "Final compensation"

20025. When the compensation of a member is a factor in any computation to be made under this part there shall be excluded from such computation any compensation in excess of four hundred sixteen dollars and sixty-six cents (\$416.66) per month. Maximum compensation

20026. "Regular interest" means interest at the annual rate fixed by the board, compounded annually, plus such additional interest as the board may credit from year to year. "Regular interest"

20027. "Normal contributions" means contributions made by a member at the normal rates of contribution fixed by the board, but does not include additional contributions by members. "Normal contributions"

20028. "Additional contributions" means contributions made by members in addition to their normal contributions under Article 2, Chapter 5.
20029. "Accumulated normal contributions" means the sum of all normal contributions standing to the credit of a member's individual account, and interest thereon.
20030. "Accumulated additional contributions" means the sum of all additional contributions standing to the credit of a member's individual account, and interest thereon.
20031. "Accumulated contributions" means accumulated normal contributions plus any accumulated additional contributions standing to the credit of a member's account.
20032. "Pension" means payments for life derived from contributions made from employer controlled funds.
20033. "Annuity" means payments for life derived from contributions made by a member.
20034. "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the mortality tables adopted and the interest rate fixed by the board.
20035. "Retirement" means withdrawal from active service with a retirement allowance granted under this part.
20036. "Benefit" means the retirement allowance, basic death benefit, special death benefit or refund of accumulated contributions.
20037. "Beneficiary" means any person having an insurable interest in the life of a member who is designated by him to receive a benefit payable under this part.
20038. "Industrial" in reference to the death or disability of a patrol or local safety member or a member of the California Highway Patrol or a local fireman or policeman of a class included by contract within this system, means disability or death as a result of injury or disease arising out of and in the course of his employment as such a member or as a member of such a class.
20039. "Retirement allowance" means the service retirement allowance or the disability retirement allowance.
20040. "Fiscal year" is any year commencing on July 1st and ending with June 30th next following.

Article 2. Prohibitions

20060. Except as provided in Section 21300 a person who receives a retirement allowance under this system shall not be paid for any service rendered by him to the State or a contracting agency after the date of his retirement.
20061. A board member or employee of the board shall not, directly or indirectly:
- (a) Have any interest in the making of any investment, or in the gains or profits accruing therefrom.
 - (b) For himself or as an agent or partner of others, borrow any funds or deposits of this system, nor use such funds or

deposits in any manner except to make such current and necessary payments as are authorized by the board.

(e) Become an indorser, surety or obligor on investments by the board.

CHAPTER 2. ADMINISTRATION

Article 1. The Board

20100. The board of administration of this system is continued in existence. Board of administration

It consists of:

(a) One member of the State Personnel Board, selected by and serving at the pleasure of the State Personnel Board.

(b) The Director of Finance.

(c) The comptroller of the university or such other official as the university may designate.

(d) Three members elected under the supervision of the board from the active members of this system.

(e) An official of a life insurer and an officer of a bank, appointed by the Governor.

20101. The term of office of the five members specified in subdivisions (d) and (e) of Section 20100 is four years, expiring on January 15th, in the order heretofore fixed by law. The Governor shall fill a vacancy by the appointment of a person having the requisite qualifications for the vacant membership. Such an appointment shall be for the unexpired term or, if the vacancy is of an active member of the system, until the election of an active member prior to expiration of the term, to fill the vacancy. Terms of members

20102. In the elections from the active members of the system, the ballots cast shall be delivered to and canvassed by the Secretary of State. Canvass of ballots

20103. The management and control of this system is vested in the board. Management of system

20104. The board shall maintain its office in the City of Sacramento. A quorum of the board is four members. The board shall elect a president from its membership. Office, quorum, etc

20105. It shall appoint and fix the compensation of a secretary and other necessary employees. The secretary may administer oaths. Employees

20106. The members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred through service on the board. Compensation

20107. The board may appoint a committee of one or more of its members to perform routine acts, such as retirement of members and fixing of retirement allowances, approval of death claims and correction of records necessary in the administration of this system in accordance with this part and board rules. Appointment of committees

Article 2. Powers and Duties

20120. The board may make such rules as it deems proper. Rules

- Application 20121. Each member and each person retired is subject to this part and the rules adopted by the board.
- Purchase of U S obligation 20122. In addition to the accounts maintained for employees' retirement contributions, the board shall establish special accounts for any State officer or employee requesting salary or wage deductions in order that sufficient funds may be accumulated to his credit for the purchase of United States savings bonds or similar United States obligations. Funds so accumulated are trust funds and may be withdrawn from the treasury upon claims filed by the board for the purchase of such obligations, or for refunds.
- Modification of benefits 20123. Subject to this part and its rules, the board shall determine and may modify benefits for service and disability.
- Determination of eligibility 20124. The board shall determine who are employees and is the sole judge of the conditions under which persons may be admitted to and continue to receive benefits under this system.
- Medical service See also Stats 1945, Ch 1224 20125. The board shall secure and pay reasonable compensation for such medical service and advice as is necessary to discharge its duties respecting disability matters.
- Representation before Industrial Accident Commission 20126. The board may enter into an agreement with the State Compensation Insurance Fund under which the latter shall represent the retirement system, as its agent, in such proceedings instituted or to be instituted before the Industrial Accident Commission as may be referred to it by the board to determine whether the death or disability of a member is industrial. The agreed cost of such service and the expenses incidental thereto shall be paid from the State fund out of which the compensation of the employee involved is paid, or by the contracting agency by which he is employed.
- Actuarial investigations, etc. See also Stats 1945, Ch 1221 20127. The board shall keep in convenient form such data as is necessary for the actuarial valuation of this system. At the end of every four-year period after July 1, 1932, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of members and persons receiving benefits and an actuarial valuation of the assets and liabilities of this system. From time to time it shall determine the rate of interest being earned on the Retirement Fund.
- Selection of consulting actuary 20128. The board may require such investigation and valuation as to local members to be made through a consulting actuary selected by the board in the same manner as is provided for making the valuations for determining approximate contributions.
- Postponement 20129. The board may postpone the investigation and valuation, except as it applies to the mortality among retired persons, which would otherwise have been made in 1944, but not beyond the second July 1st following the end of the war in which the United States was engaged on August 4, 1943.
- Adoption of tables, etc. 20130. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt such mortality, service and other tables and interest rate as it deems necessary, and make such revision in rates of contribution of members as it deems necessary to provide the benefits for which

the rates for normal contributions are required to be calculated. No adjustment shall be included in the new rates for time prior to the effective date of such revision.

20131. The board shall credit all contributions of members, ^{Interest} retired members, the State, and contracting agencies in the Retirement Fund with interest at the current rate, compounded at each June 30th.

20132. At the end of each fiscal year the board may credit ^{Additional interest} to all contributions held in the Retirement Fund at June 30th of the then current fiscal year, such interest in excess of the current rate as it deems proper in the light of the earnings on the Retirement Fund during that fiscal year, but not more than the difference between such earnings and the interest credited at the current rate to contributions during that year. In the calculation of benefits under any mortality table adopted by the board, only the current rate of interest shall be used regardless of any additional interest allowed on contributions under this section.

Article 3. Procedure

20160. Each State agency shall give the board immediate ^{Notices by State agencies} written notice of the change in status of any member in that State agency resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal or death, and shall furnish such other information concerning any member as the board may require.

20161. The comptroller of the university, or such other ^{Reports by university} official as the university may designate, shall furnish monthly reports to the board showing changes in the status of all members employed by the university during the preceding month, and shall furnish such additional information concerning any members as the board may require in the administration of this system.

20162. The chief administrative officer of a contracting ^{Reports, etc. by contracting agencies} agency, or such other person as its governing body may designate, shall furnish:

(a) Monthly reports to the board showing changes in the status during the preceding month of all members employed by the contracting agency.

(b) Such additional information concerning any such member as the board may require in the administration of this system.

(c) Such services of its offices and departments as the board may request in connection with claims by such members against this system.

20163. Each employee shall file with the board such ^{Information by members} information affecting his status as a member as the board may require.

20164. If it is impracticable for the board to determine from the records the length of service, compensation, or age of any member, or if any member refuses or fails to give the board a statement of his State service, compensation, or age, the board ^{Estimates by board} may estimate such length of service, compensation, or age.

Adjustment
of contri-
butions

20165. If more or less than the correct amount of contribution required of members, the State, or any contracting agency, is paid, proper adjustment shall be made in connection with subsequent payments, or such adjustments may be made by direct cash payments between the member, State, or contracting agency concerned and the board. Adjustments to correct any other errors in payments to or by the board may be made in the same manner.

Article 4. The Retirement Fund

State
Employees'
Retirement
Fund
Control

20200. The "State Employees' Retirement Fund" in the State treasury is continued in existence.

20201. The board has the exclusive control of the administration and investment of the Retirement Fund.

Custodian,
etc.

20202. The State Treasurer is the custodian of the Retirement Fund, subject to the exclusive control of the board as to administration and investment. All payments from the fund shall be made upon warrants drawn by the Controller upon demands made by the board.

Interest on
deposits

20203. Interest earned on any cash deposit in a bank by the Treasurer and income on other assets constituting a part of the fund shall be credited to the fund as received. Income, of whatever nature, earned on the Retirement Fund during any fiscal year, in excess of the interest credited to contributions during that year shall be retained in the fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

Deposit in
State
treasury

20204. The board shall deposit monthly in the State treasury to the credit of the Retirement Fund all amounts received by it under this part.

Legal in-
vestments

20205. Investments of the Retirement Fund are subject to the terms, conditions, limitations, and restrictions imposed by the laws of the State upon savings banks in the making of investments.

Such investments may be made only upon the affirmative vote of the Director of Finance and at least three other members of the board.

Investment

20206. The board may itself make such investment or by such an affirmative vote from time to time may adopt a list of acceptable securities and specify either (a) the sum to be invested or (b) the cash reserve to be retained in the fund and not invested. While such a list is in effect, securities may be purchased from such list up to the amount so specified for investment by an officer or employee of the board designated by it for such purpose, and an officer or employee of the Department of Finance, designated by the Director of Finance for such purpose.

Joint action
of board and
Department
of Finance

20207. The representatives of the Department of Finance and the board shall act jointly and mutually agree to consummate any such purchase and receive delivery of and pay for such securities from the fund. Any action with respect thereto by

one without the concurrence of the other is not valid. Purchases of securities from the lists shall be reported to the board at its next regular meeting.

Article 5. Records and Reports

20230. In addition to other records and accounts, the board shall keep such records and accounts as may be necessary to show at any time: Records of contributions

(a) The total accumulated contributions of members.

(b) The total accumulated contributions of retired members less the annuity payments made to such members.

(c) The accumulated contributions of the State and of contracting agencies held for the benefit of members on account of current service.

(d) All other accumulated contributions of the State and of contracting agencies, which shall include the amounts available to meet the obligation of the State and of the contracting agencies, respectively, on account of benefits that have been granted to retired employees and on account of prior service of members.

20231. The board shall cause to be published annually a financial statement showing an actuarial valuation of the assets and liabilities of this system and a statement as to the accumulated cash and securities in the Retirement Fund as certified by the Controller. Until all prior service is verified, the board may omit from the published statement assets and liabilities resulting from such prior service, and shall include assets and liabilities on account of current service in amounts equal only to accumulated contributions held on account of such service. Annual financial statement
See also
Stats. 1945,
Ch 1224

20232. As soon as practicable after the close of each fiscal year the board shall file with the Governor a report of its work for such fiscal year. Annual report to Governor

CHAPTER 3. MEMBERSHIP

Article 1. Compulsory

20300. This article does not apply to persons expressly excluded from membership in this system by Articles 2 and 3. Exclusions

20301. All members of the retirement system immediately prior to the time this part becomes operative continue to be members of this system. Continuance of membership

20302. An employee who enters State service as the result of the assumption by the State of a governmental function previously exercised by a political subdivision and who was employed in the exercise of that function for at least six months, uninterrupted by a break of more than one month, immediately preceding such assumption, becomes a member upon entry into State service. Assumption by State of government function

20303. Every other employee becomes a member after the completion of six months of State service, uninterrupted by a break of more than one month. State service
See also
Stats 1945,
Ch 1224

Reentry into State service 20304. Every employee who reenters State service and has completed six months of State service prior to reentry, uninterrupted by a break of more than one month, becomes a member of this system upon reentry.

Vacation period 20305. Time during which an employee of a school district is absent from State service during official vacations, shall be counted as service in determining eligibility for membership.

Local members and California Highway Patrol 20306. Local firemen, local policemen, and members of the California Highway Patrol become and remain members of this system in the same manner as other eligible State officers or employees, except that when any such person sustains an industrial disability or death he is deemed, in respect to such industrial disability or death, to be a member while in State service, to the same extent as if the six months of service required of other eligibles prior to membership were completed prior to such disability or death.

Article 2. Exclusions

Exclusions from membership 20330. The following persons are excluded from membership in this system:

(a) Inmates of State institutions who are allowed compensation for such service as they are able to perform.

(b) Persons in State institutions principally for the purpose of training, but who receive compensation.

(c) Independent contractors who are not employees.

Beneficiaries of university annuity systems 20331. Any employee who is or becomes a participant in, or receives retirement benefits from, the pension or the retiring annuities systems of the university, and each employee or appointee of the university having such academic rank that he would participate in the retiring annuities system of the university except for special conditions of their employment or appointment which prevent such participation is excluded from this system, unless he is a member of this system at the time he enters the retiring annuities system of the university.

Members of other systems 20332. Persons who are members of any other retirement or pension system supported wholly or in part by funds of the United States Government, any State Government or political subdivision thereof and who are receiving credit in such other system for service are, as to such service, excluded from this system.

For the purpose of this section, persons who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to an employer other than the State and while they were not in State service, are not, because of such receipt, members of any other retirement or pension system.

Public school teachers 20333. All public school teachers who are eligible for membership in any teachers' retirement system, are excluded from this system except any teacher in any school entirely or partially supported by State controlled funds, if his entire compensation for teaching is paid directly to him by the State and

at least 50 per cent of that compensation comes from State appropriations.

20334. An employee serving on a part-time basis is excluded from this system unless:

Part-time employees

(a) He became a member prior to the time this part becomes effective and continues to be a member by reason of Section 20301;

See also Stats 1945, Ch 1224

(b) His employment is regular and continuous and in the opinion of his employing power will extend for more than one year, and requires service for at least one-half the time required of employees in the same group or class, serving on a full-time basis; or

(c) Unless he is a member at the time he commences to serve on a part-time basis.

20335. A person who, if this system did not exist, would be subject to Chapter 14, Division 7 of the Education Code and who filed request for exclusion with the board before March 1, 1939, or who so files request for exclusion from this system within six months after becoming employed in a status in which he would otherwise be eligible for membership in this system, is excluded from such membership.

Teachers requesting exclusion

Article 3. Optional

20360. A person directly appointed by the Governor, without the nomination of any officer or board, is excluded from membership in this system unless he files with the board an election in writing to become a member.

Appointees of Governor
See also Stats 1945, Ch 1224

20361. An elective officer is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded. If he affirmatively exercises the option:

Elective officers
See also Stats 1945, Ch 1224

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or agency because of his membership, shall be the same as they would have been had he not been excluded.

20362. Persons in State service on or prior to June 30, 1933, whose compensation equals or exceeds four hundred sixteen dollars and sixty-six cents (\$416.66) per month who file with the board an election not to become members are excluded from membership in this system. Any person so excluded may at any subsequent time file with the board an election to become a member, and becomes a member of this system on the date of filing such election.

Other persons

Such a person shall receive credit for prior service regardless of the effective date of membership, and may pay to this system all or part of the amount which he would have contributed had he not been excluded, plus interest which would have accumulated. Upon his retirement for service, his current and prior

service pensions shall be the same as if he had paid to this system all of that amount with accumulated interest.

Article 4. Termination

- Generally 20390. A person ceases to be a member:
- (a) Upon retirement.
 - (b) If he is credited with less than 20 years of State service and renders less than five years of service in any period of 10 consecutive years.
 - (c) If he is paid more than one-fourth of his normal contributions.
- Part-time employees 20391. An employee who was a member at July 1, 1941, and who is serving on a part-time basis not requiring at least one-half the time required of employees in the same group or class serving on a full-time basis, may elect to terminate his membership in this system.
- Persons in military service 20392. Until his return to State service any member absent on military service may resign from the system.

CHAPTER 4. CONTRACT MEMBERS

Article 1. General

- Participation by public agency 20450. Any public agency may participate in and make all or part of its employees members of this system by contract entered into between its governing body and the board pursuant to this part.
- Request for quotation 20451. When the governing body of a public agency desires to consider the participation of the agency in this system, it shall ask the board for a quotation of the approximate contribution to this system which would be required of the agency for such participation.
- Furnishing of information 20452. On request of the board, the public agency shall furnish such data concerning its employees as the board requires to make the necessary valuations and investigation into the experience among such employees.
- Actuarial valuations 20453. The approximate contribution quoted by the board and the actual contribution to be made if a contract results shall be determined by actuarial valuations of the prior and future service liability under this system, on account of the employees involved in the computation, in the same manner as the contribution required of the State on account of its employees was originally determined, except that in consideration of the number of employees of the agency or other circumstances, a different manner of determining such contribution may be adopted by the board, upon recommendation of the actuary.
- Consulting actuary 20454. At the option of the board the public agency shall have such valuations and investigation made through a consulting actuary selected by the board, under contract between the consulting actuary and the public agency. Such a contract is subject to the approval of the board, and the valuations shall be made under the direction of the actuary of this system. Serv-

ices under such a contract are rendered to the public agency and not to the State.

20455. Whether the valuations are made by the consulting actuary or by the system actuary, all data in connection therewith, including work sheets, final results, and reports are the property of the board and shall be delivered to it at the conclusion of the valuations.

Delivery of work sheets, etc

20456. The approximate and actual contributions are similar to premiums under insurance policies. The approximate contribution quoted by the board to the public agency is subject to the contingency that the actual contribution certified by the board after the approval of a contract may differ from the approximate contribution because of:

Differences between approximate and actual contributions

(a) Change in number or salaries of employees included.

(b) Change in prior service benefits.

(c) Time elapsed between the quotation and effective date of the contract.

(d) Change in effective date of membership.

(e) Change in manner of determining contributions.

(f) Any changes in the facts or assumptions upon which the quotation was based.

20457. If after receiving the approximate contribution quotation the governing body intends to approve the proposed contract, it shall adopt a resolution giving notice of such intention. The resolution shall contain a summary of the major provisions of the proposed retirement plan. The contract shall not be approved unless an election has been held to permit the employees proposed to be included in this system to express by secret ballot their approval or disapproval of the retirement proposal. The ballot at such election shall include the summary of the retirement plan as set forth in the resolution. The election shall be conducted in the manner prescribed by the governing body which shall be such as to permit the firemen, the policemen, and the other employees proposed to be included in this system to express separately their approval or disapproval.

Resolution of intention and election of employees

20458. The governing body shall not include in this system any of the three groups, a majority of whose members voted to disapprove the proposed plan.

Noninclusion See also Stats 1945, Ch 1224

20459. If the public agency has an existing local retirement, pension or annuity fund or system, and the proposed contract is to make all or part of the members of the local system members of this system, the employees voting shall be limited to active members of the local system voting as a unit, and a two-thirds vote of approval by such employees is necessary.

Approval of members of local system

20460. Approval of the contract shall be by ordinance adopted by the affirmative vote of two-thirds of the members of the governing body, not less than 20 days after the adoption of the resolution of intention, or by ordinance adopted by a majority vote of the electorate of the public agency voting thereon.

Ordinance

- Modification of contracts
See also
Stats 1945,
Ch 1224
20461. Errors in any contract may be corrected through amendments approved by the adoption of suitable resolutions by the contracting parties. Excluded employees may be included by groups through amendments approved in the manner prescribed for the approval of the contracts. Additional benefits for prior service provided in this part but not included in a contract, may be included through amendments so approved except that an election among employees is not required.
- Resolution
20462. If a governing body is permitted by law to act by resolution, any action required by this part to be taken by ordinance may also be taken by adoption of a resolution.

Article 2. Contract Provisions

- Provisions
See also
Stats 1945,
Ch 1201
School
districts
20490. The contract may include any provisions consistent with this part and necessary in the administration of this system as it affects the public agency and its employees.
20491. Contracts with school districts may include school district employees in this system only with respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System.
- Exclusions
20492. The contract shall include in this system all firemen, policemen, and other employees of the contracting agency, except as exclusions in addition to the exclusions applicable to State employees may be agreed to by the agency and the board. Such exclusions shall be based on groups of employees such as by departments, duties or age, and not on individual employees. The board may disapprove the exclusion of any group, if in its opinion the exclusion adversely affects the interests of this system. Membership in this system is compulsory for all employees included under a contract.
- Minimum age
20493. The contract may specify a minimum age for voluntary service retirement of local safety members which shall be not less than 55 nor more than 60 years.

Article 3. Operation and Expense

- Inclusion of local members
20520. All members of a local system included by contract in this system thereupon become subject to this part and cease to be members of the local system. Payments being made to pensioners or annuitants of the local system on the date of approval of the contract shall be continued and paid at their existing rates by this system. The liability for such payments shall be included in the computation of the prior service liability of the contracting agency.
- Continuation of local system
20521. Subject to the approval of the board as in the case of all other employees, the contracting agency may elect to continue the local system and to place under this system only a portion of the members of the local system.
- Transfer of securities, etc
See also
Stats 1945,
Ch 1224
20522. Any cash and securities to the credit of the local system and held on account of persons who become members of this system shall be transferred to this system, as of the date of approval of the contract. The value at which the securities

shall be credited to the contracting agency shall be determined by the board. As of the date of such approval, the governing body or head of the local system shall certify the proportion, if any, of its funds that represents the accumulated contributions of the members, and the relative shares of the members.

20523. Such shares shall be credited to the respective individual accounts of the members included in this system, and administered as if made during membership in this system, except that the annuity provided by such contributions with accumulated interest shall be deducted from the pension which otherwise would be payable on account of prior service. The total of the funds transferred to this system shall be offset against the prior service liability before determining the contribution to be paid by the contracting agency. Crediting accounts

20524. If all members of the local system become members of this system, the operation of the local system shall be discontinued as of such date as is provided for in the contract. Discontinuance of local system

20525. The contracting agency shall make such contribution for its employees in this system, as is recommended by the actuary and approved by the board and certified by it to the contracting agency. Contribution of contracting agency

20526. The contribution may consist of fixed sums, percentages of compensation of contract members, or both, and shall be paid to this system as provided in the contract. Payment of contributions

20527. This actual contribution is subject to such adjustment by the board as may be necessary on account of any additional prior service credits which the contracting agency may desire to provide for its employees in this system or on account of experience under this system as determined by periodical investigation, valuation and determination required to be made by the board. Adjustment

20528. Contributions required because of prior service to two or more school districts having governing boards composed of the same persons shall be paid by the districts by which the member is employed at the time he becomes a member of this system, and in proportion to the compensation paid by the respective districts to the member at that time. Contributions of certain school districts

Contributions required because of current service shall be paid by the respective districts, according to the compensation paid to the member by the districts.

20529. The board may make arrangements with any contracting agency for the payment of the prior service liability on such terms as its financial condition will permit. Payment of prior service liability

20530. The expense of determining initially the approximate and actual contributions, with respect to its employees, shall be assessed against and paid by the public agency on whose account it is incurred. Payment shall be made directly to the consulting actuary, if any, and directly to the board for services rendered by its employees. Expenses

20531. The board may include each year in the contribution required of the contracting agency a reasonable amount, which may differ from agency to agency, to cover the costs of administration. Costs of administration

istering this system as it affects the active and retired employees of that agency. Such payments shall be credited to the current appropriation for support of the board and available for expenditure by the board.

Special tax
See also
Stats 1975,
Ch 1224

20532. The governing body of a contracting agency having taxing power shall levy and collect annually a special tax upon the assessable property within the agency in the number of cents per one hundred dollars (\$100) of assessable property as will be sufficient to raise the amount estimated by the governing body to be required to provide sufficient revenue to meet the obligations of the agency for contributions to this system under and after termination of the contract. This rate of taxation may be in addition to the annual rate of taxation allowed by law to be levied in that agency. Any member of, or recipient of a benefit from, this system by reason of such a contract may maintain any appropriate action or proceeding to require performance of the duty herein and by Section 20564 imposed on a governing body.

Article 4. Termination

Action of
governing
body

20560. If the contract was approved by an ordinance adopted by the governing body of the contracting agency, the governing body may terminate it by the adoption of a resolution giving notice of intention to terminate, and by the adoption, not less than one year thereafter by the affirmative vote of two-thirds of the members of the governing body, of an ordinance terminating the contract.

Vote of
electorate

20561. If the contract was approved by an ordinance adopted by a majority vote of the electorate termination by the contracting agency may be effected only under authority granted by ordinance adopted by a majority vote of the electorate of the contracting agency voting thereon.

Nonpayment
of contri-
butions

20562. If a contracting agency fails for one year to pay any installment of contributions required by its contract, the board shall terminate that contract by resolution adopted by a majority vote of its members effective 60 days after notice of its adoption has been mailed by registered mail to the governing body of the contracting agency.

Refunds
See also
Stats 1945,
Ch 1224
and 1366

20563. Upon the termination of a contract, the board shall refund to the contracting agency such portion of the accumulated contributions then held by this system and credited to or as having been made by it as is in excess of an amount actuarially equivalent, as determined by the actuary and approved by the board, to all benefits the system is obligated to pay after the effective date of termination to or on account of persons who are or have been employed by and on account of service rendered by them, to the agency.

Deficiency
contributions

20564. If the accumulated contributions credited to, or as being made by the contracting agency at the date of termination, are not at least equal to the actuarial equivalent, the agency shall contribute to this system under terms fixed by the board, an amount equal to the difference between the accumulated con-

tributions and the actuarial equivalent. If the agency fails to pay to the board the amount of the difference, all benefits under the contract, payable after the board declares the agency in default therefor, shall be reduced by the percentage that the accumulated contributions credited to, or as having been made by the agency are less than the actuarial equivalent as of the date the board declared the default.

The right of an employee of a contracting agency, or his beneficiary, to a benefit under the system, whether before or after retirement or death, is subject to such reduction.

20565. Upon the termination of a contract, all memberships in this system existing because of that contract, are terminated. Termination of memberships

20566. Any event occurring on or after the date on which termination of a contract becomes effective shall not be considered in determining the right of any member to retire for service or disability or the rights of his beneficiaries. See also Stats. 1945, Ch. 1366
Rights of members

20567. The right to a retirement allowance, of a person who has retired prior to the effective date of the termination of a contract, or who has qualified and applied for retirement by written document received at the board's office in Sacramento, California, prior to the effective date, even though the board does not approve the application until a later date, and the right of any person to a benefit on account of a death which occurred prior to the effective date, is not affected by termination of the contract, unless the contracting agency fails to make the contributions required of it because of the participation of its employees in this system. Rights of retired persons

20568. The board may postpone the payment of any amount due a contracting agency on termination of a contract if payment would require the sale of securities, which, in the opinion of the board, would affect adversely the interests of this system. Postponement of payment

If the board delays such a payment longer than the period reasonably necessary for the determination of the amount due and for the necessary action by the board, interest shall be allowed on the amount remaining due and unpaid from time to time at the rate then in use under this system, and paid to the contracting agency at the same time and in the manner as the original amount due.

CHAPTER 5. MEMBER CONTRIBUTIONS

Article 1. Normal Contributions

20600. The normal rates of contribution of all members, except patrol and local safety members, shall be based on sex and age at the nearest birthday at the time of entrance into this system. One schedule of rates for males and one for females may be adopted. Schedules of normal rates
See also Stats. 1945, Ch. 1421

20601. For each State miscellaneous member, the normal rate of contribution shall be such as will provide on the average an annuity at age 65 equal to one one hundred-fortieth of his final compensation for each year of current service, according to the tables adopted by the board. State miscellaneous members
See also Stats. 1945, Ch. 1265

Patrol
members
See also
Stats 1945,
Ch 1345

20602. The normal rate of contribution of each patrol member shall be based on his age at entrance into this system, and, if he is entitled to credit for prior service, his age when he entered highway patrol service, both ages being taken to the preceding completed quarter year. The age at entrance into the highway patrol service prior to July 1, 1935 shall be determined by deducting the total of such service credited to the member at July 1, 1935, from his age at that date.

The age at entrance into the retirement system prior to July 1, 1935, shall be his age at the date of such entrance if the member made the contributions required to entitle him to have his age at entrance taken as his age at that date; if he did not, his age at entrance into the retirement system shall be taken as his age at July 1, 1935.

Same

20603. For each patrol member who became a member of this system, or, if entitled to credit for prior service, who entered highway patrol service, at or below age 45, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 60, or upon completion of 20 years of highway patrol service at an age higher than 60 years, equal to one-fourth of his final compensation less one-half of his prior service pension.

Patrol
members
See also
Stats 1945,
Ch 1421

20604. For each patrol member who entered highway patrol service at an age greater than 45 years, the normal rate of contribution shall be such as will provide on the average an annuity at age 65 equal to one-eightieth of his final compensation for each year of highway patrol service after the date as of which his age at entrance into the retirement system is taken under Section 20602.

Local mis-
cellaneous
members
See also
Stats 1945,
Ch 1265

20605. For each local miscellaneous member, the normal rate of contribution shall be such as on the average will provide an annuity at age 65 equal to one one hundred-fortieth of his final compensation, for each year of current service according to the tables adopted by the board.

Local safety
members

20606. For each local safety member, the normal rates of contribution shall be based on his age at his entrance into the retirement system and, if he is entitled to credit for prior service, his age when he entered fire or police service, both ages being taken to the preceding completed quarter year. The age at entrance into fire or police service shall be determined by deducting the amount of such service for which credit for prior service is granted from his age at his entrance into the retirement system.

Same

20607. For each local safety member who became a member of this system, or, if entitled to credit for prior service, who entered fire or police service at or below age 45, as computed under Section 20606, the normal rate of contribution shall be such as, on the average will provide a service retirement annuity at the minimum age at which retirement for service is permitted or upon completion of 20 years of service at an age higher than the minimum which, with one-half of his prior service pension, if any, will equal one-fourth of his final compensation.

20608. For each local safety member who entered fire or police service at an age greater than 45 years, as computed under Section 20606, the normal rate of contribution shall be such as on the average will provide an annuity at age 65 equal to one-eighthieth of his final compensation for each year of current fire or police service. Same

20609. When the employment status of a member changes so that he comes within another class of members in this system his normal rate of contribution thereafter shall be that applicable to such class at his then attained age. Change in employment status

His accumulated contributions remain in or if redeposited shall be credited to his individual account.

20610. The normal rate of contribution established for age 64 is the rate for any member who has attained a greater age before entrance into this system, and that established for age 16 is the rate for any member who enters this system at a lesser age. Maximum and minimum age rates
See also Stats 1945, Ch 1265

20611. The actual amount of annuity receivable by member upon retirement shall be the actuarial equivalent of his accumulated contributions. Annuity receivable

Article 2. Additional Contributions

20630. Subject to rules prescribed by the board any member may elect to make contributions at rates in excess of his normal contributions, for the purpose of providing additional benefits. The exercise of this privilege by a member does not require his employer to make any additional contributions. Upon application, the board shall furnish information concerning the nature and amount of additional benefits to be obtained from additional contributions. Additional contributions

Article 3. Return of Contributions

20650. A member who, because of his employment by the State, is required to become a member of any other retirement system supported in whole or in part by public funds, shall, with respect to his right to withdraw his accumulated contributions, be considered as permanently separated from State service. Member of other retirement system

20651. If a member becomes a member of the retiring annuities system of the university he shall be considered as temporarily separated from State service, with respect to his right to withdraw contributions, during his continued membership in the university system, and shall not contribute to this system on account of service rendered as a member of the university system. Member of university retiring annuities system

20652. If the State service of a member is discontinued except by death or retirement, or his membership is terminated or he elects to terminate his membership or resign from this system pursuant to this part, he shall, six months after date of discontinuance, termination, or resignation, be paid such part of his accumulated contributions as he demands, except that if he is credited with less than 20 years of State service and, in the opinion of the board, is permanently separated from Discontinuance of State service

State service by reason of such discontinuance, he shall be paid forthwith all of his accumulated contributions.

Withholding
by board

20653. The board may withhold for not more than one year after a member last rendered State service all or part of his accumulated normal contributions if after a previous discontinuance of State service he withdrew all or a part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the retirement fund.

Redeposit
See also
Stats 1945,
Ch 1224

20654. A member may redeposit in the retirement fund, in one sum or in not to exceed 12 monthly or 24 semimonthly payments, an amount equal to the accumulated contributions that he withdrew at the last termination of his membership, subject to minimum payments fixed by the board.

Rate of con-
tribution,
etc

20655. If he redeposits his accumulated normal contributions, his normal rate of contribution for future years is the same as it was prior to the last termination of his membership, and his membership is the same as if it were unbroken by such last termination.

Same

20656. Upon reentering this system after a termination of his membership, if a member does not elect to make or, having so elected, subsequently does not make such redeposit, he reenters as a new member without credit for any service except the prior service credited to him before termination, and his normal rate of contribution for future years is that for his age at reentrance.

Article 4. Procedure

Certification
of rates
by board

20680. The board shall certify to the head of each State agency and court and to the comptroller of the university the normal and additional rates of contribution for each member employed therein. Such head and the comptroller shall apply such rates of contribution to the compensation of each such member.

Certification
on pay roll

20681. Each such head shall certify to the Controller on each pay roll the amount to be contributed, furnish immediately to the board a copy of each pay roll, and deduct and remit such amount to the board.

Deduction by
university

20682. The comptroller of the university shall deduct from the compensation of each university member and remit to the board the contributions so determined, and furnish to the board a copy of each pay roll upon which such contributions have been deducted.

Certification
to contract-
ing agencies

20683. The board shall certify to the clerk or other officer designated by the governing body, of each contracting agency the normal and additional rates of contribution for each local member. Such officer shall apply such rates of contribution to the compensation of each local member and deduct from such compensation and remit to the board the contributions so determined, and furnish to the board a copy of each pay roll upon which such contributions have been deducted.

20684. Each member's contribution deducted and remitted to the board shall be credited by the board to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution is in full discharge of all claims and demands whatsoever for the service rendered by the members during the period covered by such payment, except the benefits afforded by this part.

Deductions
See also
Stats 1945,
Ch 852

CHAPTER 6. STATE CONTRIBUTIONS

20750. The State's contribution to the Retirement Fund is a sum equal to:

(a) 3 75/100 per cent of the compensation paid State miscellaneous members.

Amount
See also
Stats 1945,
Ch 1201,
1345, and
1421

(b) 13 40/100 per cent of the compensation paid State Patrol members.

As used in subdivisions (a) and (b) "compensation paid" includes the compensation a member absent on military service would have received were it not for his absence in such service, if he makes the normal contributions for the period of absence. The rate of his compensation shall be his compensation at the commencement of his absence.

20751. From the General Fund in the State treasury there is appropriated monthly to the Retirement Fund the State's contribution for:

Appropriation from
General Fund

(a) All State miscellaneous members whose compensation is paid from the General Fund.

(b) All university members whose compensation is paid from funds of the university.

(c) All State miscellaneous members who are employed by the Department of Education and whose compensation is paid from the Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the State under restrictions preventing its use for State contributions to the retirement system.

20752. From each other fund in the State treasury there is appropriated monthly to the Retirement Fund the State's contribution for all members whose compensation is paid from that fund and in respect to which compensation the State's contribution is not required to be made from the General Fund.

Appropriation from
special funds

20754. The board shall certify to the Controller at the end of each month the total amount of compensation in respect to which State contributions are payable from the general and each other fund in the treasury, and the Controller shall thereupon transfer the State's contribution from each such fund, respectively, to the Retirement Fund.

Certification
to Controller

20755. The State's contributions shall be applied by the board during each fiscal year to meet the State's obligations under this system as follows:

Application
of State's
contributions
See also
Stats 1945,
Ch. 1224

(a) First, in an amount equal to the liabilities accruing because of State service of State members for which normal contributions have been made and on account of current service pensions and disability retirement pensions. Such amount

shall be determined by the most recent actuarial valuation as interpreted by the actuary.

(b) Second, in an amount equal to the payments of death benefits made from State contributions during such year.

(c) Third, the balance of such contributions, on the liabilities accrued on account of prior service pensions.

Reimburse
ment

20756. Any State fund out of which payments are made under this article may be reimbursed to the extent of such payments by transfer of a sufficient sum from other funds under the control of the same disbursing officer. The disbursing officer shall certify to the Controller the amounts to be thus transferred, the funds from and to which the transfer is to be made, and the Controller shall make the transfer as directed in the certificate.

Continuing
obligations

20757. All payments required by this article to be made by the State to the Retirement Fund, are continuing obligations of the State.

CHAPTER 7. SERVICE

Article 1. General

Definitions

20800. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this part.

"State
service"

20801. "State service" means service rendered as an employee or officer (employed, appointed or elected) of the State, the university or a contracting agency, for compensation, and only while he is receiving compensation from the State, the university or the contracting agency therefor, except as provided in Article 4.

"Highway
patrol
service"

20802. "Highway patrol service" means service rendered as a member of the California Highway Patrol or, after August 31, 1923, the highway patrol of any county, only while he is receiving compensation from the State or county for such service, except as provided in Article 4.

"Fire serv-
ice" and
"police
service"

20803. "Fire service" and "police service" mean service rendered as a local fireman or policeman, respectively, only while receiving compensation from a public agency for such service, except as provided in Article 4.

"Current
service"

20804. "Current service" means all State service rendered by a member on and after the date upon which he first became a member, except as provided in Section 20656.

"Prior
service"

20805. (a) "Prior service" as applied to a State member who while employed on a part-time basis became a member because of amendments of the laws governing this system or because of a change in his employment status to at least a half-time basis, means all State service rendered by him prior to the time he became a member.

(b) As applied to other members, "prior service" means all State service rendered by:

(1) A university member prior to August 27, 1937.

(2) A State member other than a university member, prior to January 1, 1932.

(3) A local member prior to the effective date of the contract under which he became a member.

20806. "Continuous service" as applied to "prior service" means all prior service, regardless of interruptions and, as applied to current service, means employment in State service uninterrupted by a continuous absence of more than three years. The period for which a member receives credit for service under Article 4 shall be excluded in calculating such continuous absence.

20807. Service by a member in two or more school districts having governing boards composed of the same persons, shall be considered as though the service were rendered in one school district.

20808. If a person is employed concurrently by more than one contracting agency or the State and one or more contracting agencies, his status under this system is the same as if he were employed in more than one State agency.

20809. A person shall not receive credit for the same service in two retirement systems supported wholly or in part by public funds under any circumstance.

Article 2. Prior Service

20830. Credit for prior service shall be granted to each member who was employed by the university at the time of becoming a member and who became a member on August 27, 1937 or within three years after last rendering prior service.

20831. Credit for prior service shall be granted to each member who was employed by the State, but not by the university, at the time of becoming a member and who became a member on January 1, 1932 or within three years after last rendering prior service.

20832. Credit for prior service shall also be granted to each State member who became a member while employed on a part-time basis, as a result of amendments of the laws governing this system, or who became a member prior to such amendments, because of a change in status to a full-time basis.

20833. The prior service credited under Sections 20830, 20831 and 20832 shall be one-half year less than the total prior service rendered.

20834. Credit for prior service shall be granted to each person who was employed by a contracting agency at the time of becoming a member, and who became a member within three years after last rendering prior service.

20835. The credit for prior service to be granted local members shall be established by contract between the board and the governing body of such agency. It shall be in the form of a percentage for each year of prior service of:

(a) The final compensation of local safety members.

(b) The average compensation earnable during the three years immediately preceding the date upon which the group or class in which a local miscellaneous member was employed was included in this system.

Limitation
See also
Stats 1947,
Ch 1224

20836. Such percentages shall not exceed the analogous percentage applicable to members employed by the State, and shall be uniform for all local safety members, according to age at entry into the service of the contracting agency, and uniform for all local miscellaneous members regardless of age at entry.

Unbroken
membership

20837. Prior service credited to a local member shall be the basis for a retirement allowance or benefit only if his membership continues unbroken until retirement on retirement allowance or until the granting of such other benefit, except where his membership was terminated by withdrawal of accumulated contributions and such contributions were redeposited upon reentrance into State service pursuant to Section 20655.

Article 3. Computation

Absence from
service

20860. Except as provided in Article 4, time during which a member is absent from State service without compensation shall not be allowed in computing service.

Amount of
credit

20861. Credit for more than one year of service shall not be allowed for service rendered in any fiscal year.

Year of
service

20862. The board shall prescribe how much service rendered in any fiscal year is the equivalent of all or part of a year of service, but shall credit one year for 250 or more days of service rendered by employees on a per diem basis and one year for 10 months or more of service rendered by employees on a monthly basis.

Part-time
service

20863. For the purpose of calculating retirement allowances, credit for service rendered on a part-time basis in each fiscal year shall be based on the ratio that the service rendered bears to 250 days if rendered on a per diem basis or 10 months if rendered on a monthly basis.

Compensa-
tion earnable

20864. For the purpose of calculating retirement benefits based on part-time service, except under Section 21258, compensation earnable shall be taken as the compensation which would have been earnable if the employment had been on a full-time basis and the member had worked full time.

Credit

20865. In determining qualification for retirement and calculating benefits payable upon death before retirement, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

Temporary
separation

20866. A member who is considered temporarily separated from State service because he becomes a member of the retiring annuities system of the university shall receive credit under this system for service rendered to the university while so separated solely for qualification for death benefit and for

retirement, and not in the calculation of death benefits or retirement allowances.

20867. If a member has been employed by the State or one or more contracting agencies in any relative order, a break of one year or less between such employments does not affect his right to receive credit nor the liability of such employers for all State service rendered in their respective employments. Employment by State and contracting agency

If the break is more than one year no liability exists, and he shall not receive credit, for State service rendered prior to such break except for prior service as a State member.

Article 4. Absences

20890. A member is absent on military service when he is absent from State service by reason of service with the armed forces or the Merchant Marine of the United States, or on ships operated by or for the United States Government, either during a war involving the United States as a belligerent or in any other National emergency, and for 90 days thereafter. Military service See also Stats 1945, Ch 1048

20891. Any member so absent may contribute to this system, either during his absence on military service or upon his return to State service, at times and in the manner prescribed by the board, amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence if he had remained in State service. When made, such contributions are normal contributions. Contributions

20892. If he does so contribute, he shall receive credit for the absence as State service in the same manner as if he had not been absent from State service. If he does not contribute he shall receive credit for the absence as State service solely for the purpose of qualification for retirement and death benefits. Credit

20893. Any member absent on military service or absent from State service by reason of having been ordered by an authorized official of this State or the United States to duties outside State service shall be paid his accumulated contributions upon his request. Such payment terminates any election by such member to contribute. Payment of accumulated contributions

20894. Whenever a member elects to continue and continues such contributions, the same contributions shall be made by the State or contracting agency in respect to such absence that would have been made if the member had not been absent on military service. Payment of contributions

20895. Time during which a member is absent from State service by reason of injury or illness determined within one year after the end of such absence to have arisen out of and in the course of his employment shall be considered as spent in State service for the purpose of qualification for retirement and death benefits, but not for calculation of retirement benefits, except as he receives compensation as distinguished from disability indemnity under the Labor Code, during the absence, and then only to the extent of compensation received. Compensable injury, etc

CHAPTER 8. RETIREMENT

Article 1. Voluntary Retirement for Service

Patrol
member
See also
Stats 1945,
Ch 1421

20950. A patrol member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of continuous State service.

State mis-
cellaneous
member
See also
Stats 1945,
Ch 1265

20951. A State miscellaneous member shall be retired for service upon his written application to the board if:

(a) He has attained age 50 and is entitled to be credited with 20 years of continuous State service; or

(b) The following conditions exist:

(1) He is separated from State service because of a curtailment of or a change in the manner of performing such service, and not because of resignation or dismissal under charges.

(2) He has attained age 50 and is entitled to be credited with 15 or more years of State service.

(3) The board determines that his separation is of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or on a seasonal or intermittent basis

Local safety
member
See also
Stat 1945,
Ch 813

20952. A local safety member shall be retired for service upon his written application to the board if he has attained the minimum age for voluntary retirement for service specified in the contract between his employer and the board, and is entitled to be credited with 20 years of continuous State service.

Local mis-
cellaneous
member
See also
Stats 1945,
Ch 1265

20953. A local miscellaneous member shall be retired for service upon his written application to the board if he has attained age 60 and is entitled to be credited with 20 years of continuous State service.

Article 2. Compulsory Retirement for Service

Patrol
member

20980. Every patrol member shall be retired on the first day of the calendar month succeeding that in which he attains age 65.

State mis-
cellaneous
member

20981. Every State miscellaneous member shall be retired on the first day of the calendar month next succeeding that in which he attains age 70.

Local safety
member

20982. Every local safety member shall be retired on the first day of the calendar month succeeding that in which he attains age 65.

Local mis-
cellaneous
member

20983. Every local miscellaneous member shall be retired for service on the first day of the calendar month succeeding that in which he attains age 70.

Person
over age

20984. Every person who at the time he becomes a member has attained the age at which retirement is required for members of his class shall be retired forthwith.

Article 2.5. Temporary Provisions

21000. Until October 1, 1945, or the termination of the war in which the United States was engaged on February 9, 1943, whichever is earlier, any member who would otherwise be retired because he has attained age 70 may be retained in State service, upon (a) the recommendation of the head of the agency in which he is employed, and (b) the determination of the board upon medical examination, that he is not incapacitated for the performance of the duties to be assigned to him.

Retention of person over age
See also Stats 1945, Ch 47

On October 1, 1945, or the termination of the war, whichever is earlier, any person who has attained age 70 and who has been retained in State service pursuant to this section shall be retired forthwith.

21001. Until October 1, 1945, or the termination of the war in which the United States was engaged on June 7, 1943, whichever is earlier, any person (other than a person who retired for service while a patrol member) who has been retired for service (as distinguished from disability) may be employed in State service in accordance with the laws governing such service, in the same manner as a person who has not been so retired, upon the determination of the board, based on medical examination, that he is not incapacitated for the duties to be assigned to him.

Reinstatement
See also Stats 1945, Chs 47 and 1224

Any person so employed is reinstated from retirement and his retirement allowance shall be canceled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of reinstatement, and his rate of contribution for future years shall be the same as if he had continued in State service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

21002. This article shall, for the periods specified, supersede any existing provisions of law which are in conflict with this article, but such provisions are not repealed by this article and at the expiration of such periods shall have the same force as though this article had not been enacted.

Effect of article

Article 3. Retirement for Disability

21020. As used in this part, "disability" and "incapacity for performance of duty" as a basis of retirement, mean disability of permanent or extended and uncertain duration, as determined by the board on the basis of competent medical opinion.

"Disability" and "incapacity for performance of duty"

21021. Any member incapacitated for the performance of duty shall be retired for disability pursuant to this chapter if he is entitled to be credited with 10 years of State service, regardless of age.

10 years of service

21022. Any patrol or local safety member incapacitated for the performance of duty as the result of an industrial disability shall be retired for disability, pursuant to this chapter, regardless of age or amount of service.

Patrol and local safety member

Application
for retire-
ment

21023. Application to the board for retirement of a member for disability may be made by:

(a) The head of the office or department in which the member is or was last employed.

(b) The university if the member is an employee of the university.

(c) The member or any person in his behalf.

Time of
application

21024. The application shall be made only while the member is in State service, within four months after his discontinuance of State service, or while he is physically or mentally incapacitated to perform his duties from the date of discontinuance of State service to the time of application or motion. On receipt of an application the board shall, or of its own motion it may, order a medical examination of a member who is otherwise eligible to retire for disability to determine whether he is incapacitated for the performance of duty.

Determina-
tion of board

21025. If the medical examination and other available information show to the satisfaction of the board, that the member is incapacitated physically or mentally for the performance of his duties in the State service and is eligible to retire for disability, the board shall forthwith retire him for disability.

Determina-
tion of
industrial
disability

See also
Stats 1945,
Ch 1224

Effect of de-
termination

See also
Stats 1945,
Ch 1224

21026. The Industrial Accident Commission shall determine, in the same manner as for all other State employees, whether the incapacity for performance of duty of a patrol or local safety member is the result of an industrial disability.

21027. In the absence of an application to the Industrial Accident Commission, filed by a proper party, the board shall proceed with retirement and with the payment of benefits payable when disability is not industrial. If the Industrial Accident Commission determines on the basis of such an application subsequently filed, that disability is industrial, an amount equal to the benefits paid shall be deducted from the benefits payable under this system because of such determination.

Medical
examination

See also
Stats 1945,
Chs 1224
and 1265

21028. The board may require any recipient of a disability retirement allowance under the age of 60 to undergo medical examination. Such examination shall be made by a physician or surgeon, appointed by the board, at the place of residence of the recipient or other place mutually agreed upon. Upon the basis of such examination the board shall determine whether he is still incapacitated, physically or mentally, for service in the State agency, the university, or contracting agency, where he was employed and in the position held by him when retired for disability, or for duties proposed to be assigned to him.

Termination
of disability

21029. If the board determines that such recipient is not so incapacitated, his disability retirement allowance shall be canceled forthwith. If he was an employee of the State or of the university he shall be reinstated to the position held by him when retired for disability or to a position in the same classification with duties within his capacity. If he was an employee of a contracting agency, the board shall notify it that his disability has terminated and that he is eligible for reinstatement

to duty. The fact that he was retired for disability does not prejudice any right to reinstatement to duty which he may claim.

21030. If the disability retirement allowance of an employee of a contracting agency is so canceled, and, for any reason, he is not so reinstated or is not reemployed in a position subject to this system, he shall be paid an amount which is the actuarial equivalent of his annuity at cancellation, as based on a disabled life, but not exceeding the amount of his accumulated contributions at the time of his retirement for disability.

Failure to
reinstated

21031. If any recipient of a disability retirement allowance under age 60 refuses to submit to medical examination the pension portions of his allowance may be discontinued until his withdrawal of such refusal. If such refusal continues for one year his disability retirement allowance may be canceled.

Refusal to
submit to
medical
examination
See also
Stats 1945,
Ch 1265

21032. If a recipient of a disability retirement allowance reenters State service and is eligible for membership in this system, his allowance shall be canceled and he shall immediately become a member of this system. His rate of contribution for future years is that established for his age at the time of such reentry. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at that time, as based on a disabled life, but not exceeding the amount of his accumulated contributions at the time of his retirement for disability. He shall receive credit for prior service in the same manner as though he had never been retired for disability.

Effect of re-
instatement

21033. If the retirement allowance of any person retired for disability is canceled for any cause other than reentrance into State service he shall be paid an amount which is the actuarial equivalent of his annuity at cancellation, based on a disabled life, but not exceeding the amount of his accumulated contributions at the time of his retirement for disability.

Cancellation
of allowance

CHAPTER 9. BENEFITS

Article 1. General

21200. A pension, an annuity, special death benefit or retirement allowance granted by this part is payable in equal monthly installments but a smaller pro rata amount may be paid for part of a month when the period of payment begins after the first or ends before the last day of the month.

Payments

21201. The right of a person to any benefit or other right under this part and the money in the Retirement Fund is not subject to execution, garnishment, attachment, or any other process whatsoever, and are unassignable except as specifically provided in this part.

Exemption
from execu-
tion, etc

21202. The benefits payable after August 4, 1943 under this system shall not be modified on account of any amounts paid to a retired member or beneficiary (as defined in this part), under Division 4 of the Labor Code.

Benefits not
subject to
modification

Right to
allowance

21203. Subject to compliance with this part, after a member has qualified as to service and disability for retirement for disability, or as to age and service for retirement for service, nothing shall deprive him of the right to a retirement allowance as determined under this part.

Designation
of beneficiary

21204. A member may at any time designate a beneficiary to receive such benefits as may be payable to his beneficiary or estate under this part, by a writing filed with the board. To be eligible to be so designated a person shall have an insurable interest in the life of the member.

Revocation
of design-
ation

21205. The designation of a beneficiary under this system, other than designations under optional settlements two, three and four, may be revoked at the pleasure of the person who made it and a different beneficiary designated by a writing filed with the board.

Effect of
termination
of service

21206. The designation of a beneficiary by a member is not affected by termination of nor a break in his membership.

Payment
to minor

21207. If any person entitled to a benefit of not more than five hundred dollars (\$500) from this system is a minor who has no guardian of his estate, the board may pay it to the person entitled to the custody of the minor to hold for the minor, if the person files with the board his acknowledged and verified statement that the total estate of the minor does not exceed one thousand dollars (\$1,000) in value. Payment so made is a full discharge of the board and this system. The person shall account to the minor for the money when the minor reaches the age of majority.

Article 2. Service Retirement

Service
retirement
allowance

21250. Upon retirement for service, a member is entitled to receive a service retirement allowance which shall consist of:

- (a) His service retirement annuity.
- (b) His current service pension.
- (c) His prior service pension.

Service-
retirement
annuity

21251. The service retirement annuity is an annuity which is the actuarial equivalent of the accumulated contributions of a member at the time of his retirement.

Current serv-
ice pension
See also
Stats 1945,
Ch 1345

21252. The current service pension is a pension derived from the contributions of the State, or the contracting agency equal to the portion of the service retirement annuity that is derived from the accumulated normal contributions of the member.

Prior service
pension
See also
Stats 1945,
Ch 1265

21253. The prior service pension for a State miscellaneous member retiring at or over age 65 is an annual pension equal to the sum of the following:

(a) One-seventieth of the average annual compensation earnable by him during the three years ending December 31, 1931, in other than Highway Patrol service, multiplied by the number of years of prior service, other than Highway Patrol service, credited to him.

(b) In respect to prior service consisting of Highway Patrol service, the pension computed pursuant to subdivision (b) of Section 21256.

21254. If a State miscellaneous member was employed by the university at the time of becoming a member, and did not render State service before January 1, 1932, his prior service pension shall be based upon one-seventieth of the average annual compensation earnable by him during the first year of State service or such portion thereof as he may have served before August 27, 1937, multiplied by the number of years of prior service credited to him.

Employee of university
See also
Stats 1945,
Ch 1265

21255. If a State miscellaneous member retires for service before attaining age 65, his prior service pension shall be reduced to that amount which the value of the pension as deferred to age 65, will purchase at the actual age of retirement.

State miscellaneous member
See also
Stats 1945,
Ch 1265

21256. The prior service pension for a patrol member is a pension equal to the sum of the following:

Prior service pension of patrol member
See also
Stats 1945,
Ch 1345

(a) In respect to prior service other than patrol service, a prior service pension computed pursuant to subdivision (a) of Section 21253.

(b) In respect to prior service consisting of patrol service, the same percentage of his final compensation, regardless of his age at retirement, for each year of such service as the contributions of the member and the State are calculated to provide upon retirement for service at age 60 or upon completion of 20 years of service at an age higher than 60 or upon retirement with less than 20 years of service at age 65, for each year of patrol service after January 1, 1932, or after July 1, 1935 as to members who did not exercise the option to contribute at the higher rate from January 1, 1932.

21257. If a patrol member retires for service before attaining age 60, his prior service pension shall be reduced to that amount which the value of the pension as deferred to age 60 will purchase at the actual age of retirement.

Reduction of pension
See also
Stats 1945,
Ch 1345

21258. The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions. If a member enters this system with credit for prior service, and retires after attaining age 70, and his retirement allowance is less than one-half of his final compensation and less than four hundred eighty dollars (\$480) per year, his prior service pension shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one-half of such final compensation or four hundred eighty dollars (\$480) per year, whichever is less.

Retirement allowance
See also
Stats 1945,
Ch 1265

This section applies to local members if the contract between the board and the employing contracting agency so provides, but if a local member is employed by more than one contracting agency, his aggregate retirement allowances shall be taken into account and this section shall apply as if he were employed by one or more State agencies.

Prior service
pensions of
State
member

21259. The prior service pensions for State members are derived from contributions of the State.

Prior service
pensions of
local member

21260. The prior service pension for local members is a pension derived from the contributions of the employing contracting agency if and as provided for in the contract between the board and the contracting agency.

Article 3. Disability Retirement

State mis-
cellaneous
member

21290. Upon retirement for disability a State miscellaneous member who has attained age 60 shall receive his service retirement allowance.

See also
Stats 1945,
Ch 1265

21291. Upon retirement for disability, a local miscellaneous member who has attained age 60 shall receive his service retirement allowance.

Local mis-
cellaneous
member

See also
Stats 1945,
Ch 1265

Patrol mem-
ber with
industrial
disability

21292. Upon retirement of a patrol member for industrial disability he shall receive a disability retirement allowance of 50 per cent of his final compensation plus an annuity purchased with his accumulated additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting such annuity, is greater.

Same

21293. The disability retirement allowance for a patrol or local safety member retired because of industrial disability shall be derived from his accumulated normal contributions and the contributions of his employer.

Local safety
member

21294. The disability retirement allowance for industrial disability of a local safety member is the same as that which he would receive if he were a patrol member.

Disability
retirement
allowance

21295. Every other State member retired for disability and every patrol and local safety member retired for nonindustrial disability shall receive a disability retirement allowance which shall consist of:

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

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

Disability
retirement
pension
See also
Stats 1945,
Ch 1265

21296. The disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) 90 per cent of one-seventieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 per cent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-fourth of such final compensation.

This subdivision is not applicable to members who have become members of the retiring annuities system of the university.

21297. In no event shall the disability retirement pension under Sections 21295 and 21296 be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member should he retire at the lowest age at which he would be eligible for service retirement.

Limitation
See also
Stats 1945,
Ch. 1265

21298. The disability retirement allowance of a local member retired for disability and the requirements for obtaining it are the same as those for State members so retired. The disability retirement pension shall be derived from the contributions of his employer.

Local
members
See also
Stats 1945,
Ch 1265

21299. If, in the opinion of the board, the disability is due to intemperance, wilful misconduct or violation of law, on the part of the member, and his annuity is less than two hundred forty dollars (\$240) per year, the board may pay the member his accumulated contributions in one lump sum in lieu of his annuity.

Disability
due to in-
temperance,
etc.

21300. If, prior to attaining age 60, a recipient of a disability retirement allowance engages in a gainful occupation not in the State service or reenters State service in a capacity in which he is ineligible for membership in this system, the board shall reduce his monthly disability retirement pension to an amount which, when added to the compensation earned monthly by him, shall not exceed the amount of his monthly compensation at the time of his retirement.

Subsequent
employment
See also
Stats 1945,
Ch 1265

If his earnings are further altered, the board may further alter his disability retirement pension to the lower of the following amounts:

(a) The amount of the disability retirement pension upon which he was originally retired.

(b) An amount which, when added to the compensation earned by him, shall equal the amount of his compensation at the time of his retirement.

When he reaches age 60, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause.

Article 4. Optional Settlements

21330. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article.

Election

Time of election
See also
Stats 1945,
Ch 837

21331. Such election, revocation or change of election shall be made prior to the making of the first payment on account of any retirement allowance. If the member dies after retirement and within 30 days from the date upon which his election or changed election is received at the office of this system in Sacramento, his election is of no effect, and his death shall be considered as that of a member before retirement.

Option one

21332. Optional settlement one consists of the right to have a retirement allowance paid him until his death and if he dies before he receives in annuity payments the amount of his accumulated contributions at retirement, to have the balance at death paid to his beneficiary or estate.

Option two

21333. Optional settlement two consists of the right to have a retirement allowance paid him until his death and thereafter to his beneficiary for life.

Option three

21334. Optional settlement three consists of the right to have a retirement allowance paid him until his death, and thereafter to have one-half of his retirement allowance paid to his beneficiary for life.

Option four

21335. Optional settlement four consists of such other benefits as are the actuarial equivalent of his retirement allowance, that he may select subject to the approval of the board.

Article 5. Death

Death benefits

21360. Upon the death before retirement of a member while in the State service, or within four months after discontinuance of State service, or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of State service, this system is liable for either the basic or special death benefit.

Basic death benefit

21361. The basic death benefit is payable in all cases where the special death benefit is not payable.

The basic death benefit shall consist of:

(a) His accumulated contributions.

(b) An amount, provided from contributions by the State, or contracting agency, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed one-half of such compensation.

Payment

21362. A member or his beneficiary, after death of the member, may elect by a writing filed with the board to have the basic death benefit paid in monthly installments, fixed in number or amount, subject to such rules as the board may adopt. Regular interest shall be credited on the unpaid balance of such benefit.

Special death benefit

21363. The special death benefit is payable if the deceased was a patrol, prison, or local safety member, if his death was industrial, as determined by the Industrial Accident Commission in the same manner as for all other State or city employees,

and if there is a wife or child who qualifies under subdivision (b), Section 21364.

21364. The special death benefit consists of :

Same

(a) The basic death benefit; and

(b) An amount sufficient, when added to the basic death benefit, to provide, when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of the average compensation earnable by the deceased during the five years immediately preceding his death, payable to the surviving wife to whom he was married prior to sustaining the injury or disease resulting in death, as long as she lives or until her remarriage; or if there is no widow, or if the widow dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child dies or attains 18.

21365. The special death benefit shall be paid in monthly installments to the surviving wife and children as prescribed in Section 21364.

Payment

21366. If payment of the special death benefit is stopped because of remarriage of the widow or attainment of the age of 18 years by a child, before the sum of the monthly payment made equals the basic death benefit, a lump sum equal to the difference shall be paid the remarried widow, or if there is no widow, to the surviving children of the deceased member, share and share alike.

Termination of installment payments

21367. In the absence of an application to the Industrial Accident Commission, filed by a proper party, the board shall proceed with the payment of the basic death benefit. If the Industrial Accident Commission determines on the basis of such an application subsequently filed, that death was industrial, an amount equal to the portion of the basic death benefit that was provided by contributions of the State or the contracting agency, shall be deducted from the special death benefit.

Determination of industrial death
See also Stats 1945, Ch 1224

21368. If a beneficiary is not designated, or if the estate is the beneficiary and the estate would not be probated if no amount were due from this system, all of the amount due by reason of the death of a member or retired member, including retirement allowances accrued but not received prior to death, shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of such survivors' estates, share and share alike.

Payment to next of kin

Such payment shall be made in the same order in which the following groups are listed :

1. Husband or wife,
2. Children,
3. Father and mother,
4. Grandchildren,
5. Brothers and sisters,
6. Nieces and nephews.

21369. No payment shall be made to persons included in any group if at the date of payment there are living persons in any of the groups preceding it, as listed. Payment to the persons in any group, upon receipt from them of an affidavit upon a form supplied by the board, that there are no living individuals

Same

in the groups preceding it and that the estate of the deceased will not be probated, is in full discharge of the board and system on account of the death.

Payment
to funeral
director

21370. If the estate of the deceased member is his beneficiary, or if no beneficiary has been designated by him, or if the designated beneficiary can not be found by the board, it may in its discretion pay to the funeral director who conducted the funeral, or to any person or organization that has paid the funeral director from his or the organization's funds, all or a portion of any amount payable under this system, but not more than the expenses of the funeral or the portion of such expenses paid by the person or organization, as evidenced by the sworn itemized statement of the funeral director and by such other documents as the board may require. Payment so made is a full discharge of the board and system for the amount so paid.

CHAPTER 10. SUBROGATION

"State
Fund"

21450. As used in this chapter, "State Fund" means the State Compensation Insurance Fund.

Act of third
person

21451. If benefits are payable under this part because of an injury to or the death of a member and such injury or death is the proximate consequence of the act of a person other than his employer (the State or the employing contracting agency), the board may on behalf of this system recover from such person an amount which is the actuarial equivalent of the benefits which are provided by contributions of the State or contracting agency and for which this system is liable because of such injury or death.

Contracts for
recovery

21452. The board may contract with the State Fund for the recovery by the State Fund on behalf of this system of any amounts which the board might recover from third persons under this chapter, or Chapter 5, Part 1, Division 4 of the Labor Code, or which an insurer might recover under Section 11662 of the Insurance Code, or otherwise.

Actions, etc.
See also
Stats 194b,
Ch 1224

21453. Under such contract, the State Fund, in its own name or in the name of the board, may, to recover such amounts, commence and prosecute actions, file liens, or intervene in court proceedings. The State Fund may compromise claims before or after commencement of suit for such amount as may be approved by a person duly authorized by the board for such purpose. The agreed cost of such service and the expense incidental thereto is a proper charge against the fund out of which the compensation of the injured or deceased person was paid or the contracting agency by which a local member was employed.

Disposition
of amounts
recovered

21454. Any amount recovered by way of subrogation by the employer, workmen's compensation insurer or this system shall be applied first to the amounts which the employer or its insurer has paid or become obligated to pay, and second to the amounts which this system has paid or become obligated to pay.

Same

21455. Net amounts recovered from third persons under

this chapter shall be paid by this system to the fund out of which the compensation of the injured or deceased member was paid, or to the contracting agency by which the member was employed.

SEC. 2. Section 500035 is added to said code, to read:
500035. The following acts, parts of acts and sections are repealed:

LABOR CODE

Article 3, of Chapter 2, Part 7, Division 2

POLITICAL CODE

Sections	Sections	Sections
359a	359e	1029
359c	664a	1033
359d	675.1	

GENERAL LAWS

1931:700:1442
1937:753:2085
1941:236:1302

CHAPTER 124

An act to amend Section 395.2 of the Military and Veterans Code, and to amend Sections 12009.1, 12894.1, and 13204.1 of the Education Code, all relating to employees of school districts entering, or in, military service, United States Merchant Marine, or the American Red Cross during time of war or National emergency.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.] In effect
September
15, 1945

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

SECTION 1 Section 395.2 of the Military and Veterans Code is amended to read:

395.2. Any employee of a board of school trustees or board of education in a position not requiring certification qualifications who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full time paid service of the American Red Cross, during any period of National emergency declared by the President of the United States of America or during any war in which the United States of America is

Return to
employment
of noncertifi-
cated school
employees

engaged, shall regain all rights to his position and shall be reinstated thereto upon his application at any time within 90 days of the termination of that service, but in any event within one year from the date of a treaty of peace terminating the hostilities in which the United States is now engaged. The provisions of this act shall apply to service in the Merchant Marine as that phrase is now defined in any Federal statute relating to reemployment rights of persons in service in the Merchant Marine.

See also
Stats 1945,
Ch 1205

Credentials
expiring dur-
ing military
service

SEC. 2. Section 12009.1 of the Education Code is amended to read:

12009.1. Whenever the date of expiration of any credential occurs while the person holding the credential is in the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the service of the United States Merchant Marine, or in the full time paid service of the American Red Cross, during any National emergency declared by the President of the United States of America, or during a war in which the United States of America is engaged, such credential is hereby continued in force until six months after such person honorably leaves such service or has been placed on inactive duty.

The holder of a credential so extended shall be entitled to a renewal of the credential prior to its date of expiration as herein fixed, subject to the provisions of this code relating to the renewal of credentials.

See also
Stats 1945,
Ch 1205

Certificates
expiring dur-
ing military
service

SEC. 3. Section 12894.1 of the Education Code is amended to read:

12894.1. Whenever the date of expiration of any certificate occurs while the person holding the certificate is in the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the service of the United States Merchant Marine, or in the full time paid service of the American Red Cross, during any National emergency declared by the President of the United States of America, or during a war in which the United States of America is engaged, such certificate is hereby continued in force until six months after such person honorably leaves such service or has been placed on inactive duty.

The holder of a certificate so extended shall be entitled to a renewal of the certificate prior to its date of expiration as herein fixed, subject to the provisions of this code relating to the renewal of certificates.

SEC. 4. Section 13204.1 of the Education Code is amended to read:

13204.1 Every person employed by a school district as a ^{Employees in active military service, etc} probationary or permanent employee in a position requiring certification qualifications who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the service of the United States Merchant Marine, during any period of National emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be entitled to absent himself from his duties as an employee of the district.

Such absence shall not affect, in any way, the classification of such employee. In the case of a probationary employee the period of such absence shall not count as part of the service required as a condition precedent to the classification of such employee as a permanent employee of the district, but such absence shall not be construed as a break in the continuity of the service of such employee for any purpose.

Within 90 days after such employee honorably leaves such service or has been placed on inactive duty he shall, subject to the provisions of this section, be entitled to return to the position held by him at the time of his entrance into such military service, at the salary to which he would have been entitled had he not absented himself from the service of the school district under this section.

If such employee was employed under a lawful contract for a period in excess of one year in a position in which he had not become a permanent employee of the district, he shall be entitled to return to such position for the period his contract of employment had to run at the time he entered such military service. Notwithstanding any provision of this code to the contrary, a person employed to take the place of any such employee shall not have any right to such position following the return of such employee to the position.

CHAPTER 125

An act to amend Section 18059 of the Education Code, relating to the letting of contracts, extending the period within which the section is to remain in effect.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945]

In effect
September
17, 1945

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

SECTION 1. Section 18059 of the Education Code is amended to read:

18059. In each district governed by a city board of education or in each district having an average daily attendance of ^{Estimated of costs}

850 or more the governing board may secure from responsible bidders at least three estimates of the cost of materials or supplies to be furnished. The estimates shall be secured from bona fide dealers engaged in handling the goods specified.

Estimates shall be submitted in writing and shall be filed with the clerk or secretary of the board or other officer designated by the board.

If after a bona fide effort the board secures less than three such estimates it may let a contract to the lowest responsible dealer submitting an estimate. If after such effort no estimates are received the board may let a contract for the furnishing of the materials or supplies without the necessity of notice for bids.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 126

An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

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

See also
Stats 1945,
Ch 790

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

Execution by
sheriff, etc

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, and a statement as to whether or not the real property is registered under the Land Title Law, an initiative act adopted by election November 3, 1914, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows:

Real prop-
erty in
defendant's
name

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if

there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence with any person of suitable age and discretion, found upon the property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting, need be made as to each such continuous, unbroken tract.

1a. Growing crops (which, until severed, shall be deemed personal property not capable of manual delivery), growing upon real property standing upon the records of the county in the name of the defendant, must be attached by filing with the recorder of the county a copy of the writ, together with a description of the growing crops to be attached, and of the real property upon which the same are growing, and a notice that such growing crops are attached in pursuance of the writ, and by serving an occupant of the real property, if there is one upon the real property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the real property, then, by posting the same in a conspicuous place on the real property. Service upon the occupant may be made by leaving said copy of the writ, description and notice with occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the real property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the real property described in the notice consists of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Growing
crops on real
property in
defendant's
name

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff, constable or marshal to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff, constable or marshal to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The

court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

Defendant's
real prop-
erty in name
of another

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon the records of the county in the name of the defendant by the provisions of Subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when filed, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

Growing
crops on real
property of
person other
than
defendant

2a. Growing crops (which, until severance, shall be deemed personal property not capable of manual delivery), or any interest therein, belonging to the defendant, and growing upon real property held by any other person or standing upon the records of the county in the name of any other person, must be attached in the same manner as growing crops growing upon real property standing upon the records of the county in the name of the defendant are attached by the provisions of Subdivision 1a of this section, and the notice of attachment shall state that the crops therein described or any interest of the defendant therein, held by, or standing upon the records of the county in the name of, such other person (naming him), are attached in pursuance of the writ. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if known and within the county. The recorder must index such attachment when filed, in the names of both the defendant and of the person by whom the real property is held, or in whose name it stands on the record.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and with or without notice as the court directs to the owner of said property, may direct the sheriff, constable or marshal to take possession of said property and to cultivate, care for and preserve the same and, when necessary harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold under execution and the proceeds must be retained by the sheriff, constable or marshal to be applied to

the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody. Personal property

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, vice president or other head of the same, or the secretary, assistant secretary, cashier, assistant cashier, or any managing agent, thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ. Stocks and shares

5. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to exceed five days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid the sheriff, constable, or marshal shall release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with. Personal property capable of manual delivery
Deposit

Further deposits

6. Debts and credits and other personal property, not capable of manual delivery must be attached by leaving with the persons owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent or in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ; provided, however, that debts owing to the defendant by a banking corporation or association, build- Personal property not capable of manual delivery

ing and loan association or title insurance company, maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such banking corporation or association, building and loan association or title insurance company, must be attached by leaving a copy of the writ and the notice with the manager or other officer of such banking corporation, or association, building and loan association or title insurance company at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such banking corporation or association, building and loan association or title insurance company has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such banking corporation or association, building and loan association or title insurance company if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served.

Torrens title
property

7. If real property sought to be attached is registered under said land title law, an additional copy of the writ, together with a description of the Torrens title certificate, a description of the property and a notice that it is attached shall be filed with the registrar of titles of the county.

CHAPTER 127

An act to add Section 1039.3 to the Military and Veterans Code, relating to gifts to the Veterans' Home of California.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945.]

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

SECTION 1. Section 1039.3 is added to the Military and Veterans Code, to read:

Gifts to
Veterans'
Home

1039.3. The board may accept cash donations or other gifts to be used for the welfare of the veterans. Cash shall be paid into the post fund and shall be expended by the board for promoting the welfare of the veterans.

CHAPTER 128

An act to add Sections 1030.1 and 1030.2 to the Military and Veterans Code, relating to the Veterans' Home of California.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.] In effect September 15, 1945

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

SECTION 1. Section 1030.1 is added to the Military and Veterans Code, to read:

1030.1. The board may enter into contracts with the United States or any agency thereof, any governmental agency, any person, or any corporation for the performance of services or manufacture of articles by disabled members of the home. The proceeds of any such contract, less the actual operating expenses, shall be paid to the individual disabled veterans who perform the services or labor. Contracts for services by disabled veterans

SEC. 2. Section 1030.2 is added to said code, to read:

1030.2. The board may enter into contracts with the United States or any agency thereof and any other governmental agency for the purpose of providing courses of vocational training for disabled veterans who have been bona fide residents of this State for 10 years. Contracts for vocational training for disabled veterans

CHAPTER 129

An act to amend Section 5515 of the Welfare and Institutions Code, to repeal Section 5516 thereof, and to add Section 5516 thereto, relating to the property and support of sexual psychopaths.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.] In effect September 15, 1945

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

SECTION 1. Section 5515 of the Welfare and Institutions Code is amended to read:

5515. At the hearing the judge shall inquire into the financial condition of the person committed or of any other person charged with his support. If the judge finds such person able to do so in whole or in part, the judge shall make a further order requiring him to pay, to the extent the judge considers him able to pay, the expenses of the proceedings in connection with the commitment and to pay to the Department of Institutions at stated periods the cost of the care, support, and maintenance of the person at the hospital, at the monthly rate lawfully fixed by the Director of Institutions. The court may from time to time modify any such order. Payment of expenses

Transportation expenses If the court finds the person committed or the person charged with his support able to do so in whole or in part, the court shall make a further order requiring the person committed or the person charged with his support to pay to the Department of Institutions the expense of delivery of the person to the State hospital, which shall be paid to and collected by the department and credited to the appropriation for transportation of patients.

Execution for payment When any such order has been made, upon affidavit of the Director of Institutions that any payment is due and has not been made, execution may issue for such payment upon the order and at the direction of the court.

Contempt of court Disobedience to any such order for payment by a person able to pay shall constitute a contempt of court; but nothing in this section shall interfere with any other legal remedy for recovery of such costs for transportation or care of such patients.

Repeal SEC. 2. Section 5516 of said code is repealed.

Applicable provisions re property and support SEC. 3. Section 5516 is added to said code, to read:
5516. The provisions of Article 5 of Chapter 1 of Part 4 of Division 6 relative to the property and support of insane persons and inebriates in State hospitals, the liability for such support, and the powers and duties of the Department of Institutions and all officers and employees thereof in connection therewith shall apply to persons committed to State hospitals pursuant to this chapter the same as if such persons were expressly referred to in said Article 5

CHAPTER 130

An act to add Section 5709 to the Welfare and Institutions Code, relating to private institutions for the care, custody or treatment of the insane.

In effect
September
15 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945]

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

SECTION 1. Section 5709 is added to the Welfare and Institutions Code, to read:

Local stand-
ards of sani-
tation, etc

5709. The provisions of this part shall not prevent local authorities of any city or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for private institutions for the care, custody or treatment of the insane, alleged insane, or other incompetent persons, not in conflict with the provisions of this part, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting any such institution within such city or city and county.

Local
certificate

CHAPTER 131

An act to add Section 2311 to the Welfare and Institutions Code, relating to institutions providing housing for aged persons.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2311 is added to the Welfare and Institutions Code, to read:

2311. The provisions of this chapter shall not prevent local authorities of any city or city and county, within the reasonable exercise of the police power from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for institutions, boarding homes and other places for the reception or care of aged persons, not in conflict with the provisions of this chapter, and requiring a local health permit to maintain or conduct any such boarding home or institution within such city or city and county.

Local standards of sanitation, etc

Local health permit

CHAPTER 132

An act to add Section 1631 to the Welfare and Institutions Code, relating to institutions for child care.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1631 is added to the Welfare and Institutions Code, to read:

1631. The provisions of this chapter shall not prevent local authorities of any city or city and county within the reasonable exercise of the police power from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for institutions, boarding homes, day nurseries or other places for the reception or care of children under 16 years of age, not in conflict with the provisions of this chapter, and requiring a local health permit to maintain or conduct any such institution, boarding home or day nursery within such city or city and county.

Local standards of sanitation, etc

Local health permit

CHAPTER 133

An act to amend Section 2727.5 of the Business and Professions Code, relating to the existence of an emergency within the meaning of subdivision (d) of Section 2727 of said Business and Professions Code.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State
April 28, 1945.]

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

SECTION 1. Section 2727.5 of the Business and Professions Code is amended to read:

Duration of
emergency

2727.5. Until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, an emergency shall be deemed to exist within the meaning of subdivision (d) of Section 2727.

CHAPTER 134

An act to add Section 18706 to the Education Code, relating to the sale of personal property by school districts to pupils.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State
April 28, 1945.]

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

SECTION 1. Section 18706 is added to the Education Code, to read:

Property
made by
pupils

18706. The governing board of a school district may authorize any officer or employee of the district to sell to any pupil personal property of the district which has been fabricated by such pupil, at the cost to the district of the materials furnished by the district and used therein.

CHAPTER 135

An act to amend Section 120.5 of the Welfare and Institutions Code, relating to the functions of the State Department of Social Welfare.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State
April 28, 1945.]

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

SECTION 1. Section 120.5 of the Welfare and Institutions Code is amended to read:

Service as
Federal
agency

120.5. In aid of the Federal war powers, the functions of the department may include the administration and the super-

vision of the administration of public assistance as an agent of the Federal Government and acting as a service agency for the Federal Government in the field of social service and welfare.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. Duration

CHAPTER 136

An act to add Section 6725.5 to and amend Sections 6729, 6730 and 6733 of the Welfare and Institutions Code, and to repeal Section 6739 thereof, relating to the release of patients from State hospitals, and providing for the various forms of leave of absence or discharge.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 6725.5 is added to the Welfare and Institutions Code, to read:

6725.5. Wherever in any provision of this code hereofore or hereafter enacted the term "parole" is used in relation to the release of a patient from a State hospital, it shall be construed to refer to and mean "leave of absence." Any patient granted a leave of absence may at any time during the period of the leave of absence be recalled and returned to the hospital. "Parole"

Upon the release of a patient as granted by the medical superintendent of a State hospital, on leave of absence or discharge upon any of the grounds provided in this article, in accordance with the rules and regulations prescribed by the department, the superintendent shall issue to or on behalf of the patient a document stating the general terms or limitations of the leave of absence, or a certificate stating the general condition of or the reason for the discharge of the patient. Document concerning leave of discharge

SEC. 2. Section 6729 of said code is amended to read.

6729. When any person is discharged from a State hospital, a copy of the certificate of discharge, duly certified by any officer of the Department of Institutions, may be filed with the clerk of the superior court of the county from which the person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fee shall be charged by the clerk for performing such duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original. If no guardian has been appointed for such person as provided by the Probate Code, and when the person has been discharged as recovered, a certificate of discharge as recovered or the certificate of recovery, and duly certified copies Filing and recording certificate of discharge

thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provision of Sections 1470, 1471, and 1472 of the Probate Code.

SEC. 3. Section 6730 of said code is amended to read:

Discharge of
person not
recovered

6730. The superintendent of a State hospital, on filing his written certificate with the Director of Institutions, may discharge as improved, or may discharge as unimproved, as the case may be, any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient.

SEC. 4. Section 6733 of said code is amended to read:

Other persons who
may be
discharged

6733. The medical superintendent of a State hospital, on filing his written certificate with the Director of Institutions, may on his own motion, and shall on the order of the Department of Institutions, discharge any patient who comes within any of the following descriptions:

(a) Who is not insane.

(b) Who is not a proper case for treatment therein.

(c) Who is mentally deficient or is affected with chronic harmless mental illness.

Return to
county of
commitment;
Care of
indigents

Such person, when discharged, shall be returned to the county from which he was committed at the expense of such county. When such person is a poor and indigent person, he shall be delivered to the sheriff of the county who shall take the necessary steps for his care. Any such poor and indigent person shall be cared for by such county as are other indigent poor.

Recommitment

No person who has been discharged from any State hospital under the provisions of subdivision (c) above shall be again committed to any State hospital for the insane unless permission for such recommitment is first obtained from the medical superintendent thereof. Such medical superintendent shall refuse to receive such person on such recommitment unless such permission is obtained.

Repeal

SEC. 5. Section 6739 of said code is repealed.

CHAPTER 137

An act to amend Sections 5250 and 7000 of the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, designating such persons as mentally deficient persons and such homes as homes for the mentally deficient, and defining mentally deficient persons.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

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

SECTION 1. Section 5250 of the Welfare and Institutions Code is amended to read:

"Mentally
deficient
persons"

5250. As used in this code, "mentally deficient persons" means those persons, not psychotic, who are so mentally retarded

from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, for their own welfare, or for the welfare of others, or for the welfare of the community.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feeble-minded" and "feeble-mindedness" are used, they shall be construed to refer to and mean "mentally deficient" and "mental deficiency," respectively, as defined in this section. All persons heretofore committed or admitted as feeble-minded to any State home for the feeble-minded, or committed to the Department of Institutions for placement therein, shall be deemed to have been committed or admitted thereto as mentally deficient persons.

"Feeble-minded" and "feeble-mindedness"

SEC. 2. Section 7000 of said code is amended to read:

7000. There are established in the State the following homes for the mentally deficient:

Homes for mentally deficient

- (a) Sonoma State Home, in Sonoma County.
- (b) Pacific Colony, in Los Angeles County.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the term "home for the feeble-minded" is used, it shall be construed to refer to and mean "home for the mentally deficient."

CHAPTER 138

An act to amend Sections 5500, 5502, 5502.5, 5512, and 5514 of the Welfare and Institutions Code, relating to sexual psychopaths, revising the definition thereof, and providing for their commitment, care, support, parole, and disposition.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 5500 of the Welfare and Institutions Code is amended to read:

5500. As used in this chapter "sexual psychopath" means any person who is affected, in a form predisposing to the commission of sexual offenses, and in a degree constituting him a menace to the health or safety of others, with any of the following conditions:

"Sexual psychopath"

- (a) Mental disease or disorder.
- (b) Psychopathic personality.
- (c) Marked departures from normal mentality.

SEC. 2. Section 5502 of said code is amended to read:

5502. If, upon the hearing on the allegation of sexual psychopathy, the person before the court upon trial or under conviction, is found not to be a sexual psychopath, the court may proceed with the trial or impose sentence, as the case may be. If upon the hearing on the allegation of sexual psychopa-

Finding re sexual psychopathy

thy, the person is found to be a sexual psychopath, the court may suspend the proceedings and commitment to the Department of Institutions for placement in a State hospital shall proceed, according to the provisions of this chapter.

SEC 3. Section 5502.5 of said code is amended to read:
 Recovery 5502.5. Whenever a person who is committed to the Department of Institutions and confined in a State hospital as a sexual psychopath recovers from his sexual psychopathy to such an extent that in the opinion of the superintendent of the hospital he is no longer a menace to the health and safety of others, the superintendent may certify said opinion to the committing court. Unless, within 30 days after the receipt of the certification the court shall order the return of the person to await the further action of the court with reference to the criminal charge against him, the superintendent of the hospital in which he is confined may parole the person under such terms and conditions as shall be specified by the superintendent, for a period of not less than five years. If at the end of the five-year period the person has not shown any tendency to revert to his sexual psychopathy, he may be discharged as recovered. The parole shall be on the same general terms and conditions as parole of the insane. When, in the opinion of the superintendent of the hospital the sexual psychopath has not recovered from his sexual psychopathy and will not benefit by further care and treatment in the hospital, the superintendent may return him to the court for further disposition of his case.

SEC 4. Section 5512 of said code is amended to read:
 Order of commitment 5512. If, after examination and hearing, the judge believes that the person is a sexual psychopath, he shall make and sign an order that the person be committed to the Department of Institutions for placement in a State hospital for the care and treatment of the insane.

SEC 5. Section 5514 of said code is amended to read:
 Delivery of papers in proceeding 5514. Certified copies of the affidavit, warrant of apprehension, order for hearing and examination, report of the psychiatrists and the order of commitment shall be delivered to the person transporting the sexual psychopath to the State hospital, and shall be delivered by that person to the officer in charge of the hospital.

CHAPTER 139

An act to add Section 3606 to the Public Resources Code, relating to oil and gas, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 23, 1945.] In effect immediately

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

SECTION 1. Section 3606 is added to the Public Resources Code, to read:

3606. Notwithstanding any other provisions of this chapter, where a parcel of land contains one acre or more and where all or substantially all of the surface of such parcel of land is unavailable for the surface location of oil or gas wells, here may be drilled or produced not more than one well into each acre of such parcel of land, and the surface location of such well may be located upon property which may or may not contain one acre or more of surface area, and the property upon the surface of which the surface location of such well may be located may or may not be contiguous to such parcel of land, provided:

1. No operator shall construct or maintain any derrick within 150 feet of any other derrick, then standing, of such operator. Conditions

2. The surface location of such well, as measured from the center of the hole, shall be not less than 25 feet from an outer boundary of the surface of the property upon which such well is located, and shall be not less than 25 feet from any dedicated public street, road or highway which is so dedicated and in such public use at the time of the commencement of drilling of such well.

3. The producing interval of such well shall be not less than 75 feet from an outer boundary of the parcel of land into which such producing interval is drilled, and the producing interval of such well shall be not less than 150 feet, as measured horizontally in the same zone, from the producing interval of any other well which is producing or capable of producing oil or gas.

To enforce the provisions of this section, the supervisor may require, at the time supervisor gives approval of notice of intention to drill, redrill or deepen, that a subsurface directional survey be made for such well, and that a plat of said directional survey be filed with the supervisor within fifteen (15) days of completion, and such plat shall be open to inspection by any other operator in the field in which the well is located. Subsurface directional survey and plat

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. Urgency

A statement of the facts constituting such necessity is as follows: The great need for petroleum products for the successful prosecution of the war requires the utilization to the fullest extent of all oil and gas fields in the State. If this act takes effect immediately it will permit operations to commence without unnecessary delay and will correspondingly increase in a substantial manner the production of oil and gas in this State.

CHAPTER 140

Stats 1925,
p 1226,
amended *An act to add Section 7.2 to the Unemployment Insurance Act,
relating to unemployment insurance.*

In effect
September
15, 1945 [Approved by Governor April 27, 1945. Filed with Secretary of State
April 28, 1945.]

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

New section SECTION 1. Section 7.2 is added to the Unemployment Insurance Act, to read:

Services not
included in
'employ-
ment'' Sec. 7.2. Notwithstanding the provisions otherwise contained in this act, the term employment does not include:

a. Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

b. Service performed by an individual under the age of 18 in the delivery or distribution of magazines, not including delivery or distribution to any point for subsequent delivery or distribution.

Exception c. Notwithstanding the provisions of Section 7.2a and 7.2b, service performed by an individual under the age of 18 whose principal occupation is regular full-time work and whose attendance at school is incidental to full-time employment shall not be exempt from the provisions of this act.

CHAPTER 141

An act to add Section 3607 to the Public Resources Code, relating to the spacing of oil wells.

In effect
September
15, 1945 [Approved by Governor April 27, 1945. Filed with Secretary of State
April 28, 1945.]

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

SECTION 1. Section 3607 is added to Chapter 2 of Division 3 of the Public Resources Code, to read:

When drill-
ing prohibi-
tion not
applicable 3607. The prohibition set forth in Section 3600 against drilling within 100 feet of any public street or highway shall

not apply in the case of any street or highway which is opened through a field in which drilling was commenced prior to the opening of the street or highway.

CHAPTER 142

An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions.

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945]

In effect
September
15, 1945

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

SECTION 1. There is hereby granted to the City of San Diego, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all tidelands and submerged lands whether filled or unfilled in or adjacent to Mission Bay or its entrance, and also all the right, title and interest of the State of California in the following described parcels of land previously granted to the State of California by the Mission Beach Company on January 15, 1936, and recorded in Book 580, Page 10, on file in the office of the County Recorder of San Diego County, California:

City of San
Diego Grant
of tidelands
etc

Parcel A: A parcel of land lying along the shore line on the east line of Mission Beach; beginning at the intersection of the northerly boundary line of San Fernando Place produced easterly and the easterly boundary line of Bayside Walk, as shown on the official map of Mission Beach and filed in the county recorder's office as Map 1809; thence in a southerly direction along the easterly side of Bayside Walk to the northerly line of San Diego Place; thence northeasterly along the northerly line of San Diego Place produced to the intersection of the mean high tide line as shown on the official map approved by the State Board of Harbor Commissioners for the Bay of San Diego, March 4, 1926, and filed in the county recorder's office as Misc. Map 72; thence in a northerly direction along the mean high tide line to a point at the intersection of the mean high tide line with the northerly line of San Fernando Place produced easterly; thence southwesterly along the said northerly line of San Fernando Place produced to the point of beginning.

Parcel B: A parcel of land lying along the shore line on the east side of Mission Beach; beginning at the intersection of the southerly boundary line of Ventura Place produced easterly and the easterly line of Bayside Walk, as shown on the official map of Mission Beach, filed in the county recorder's office as Map 1809; thence in a northerly direction along the easterly boundary line of Bayside Walk to the center line of Verona Court produced easterly; thence in a northeasterly direction along the center line of Verona Court produced easterly to the

intersection of the mean high tide line, as shown on the official map approved by the State Board of Harbor Commissioners for the Bay of San Diego, March 4, 1926, and filed in the county recorder's office as Misc. Map 72; thence in a southerly direction along the said mean high tide line to the intersection of the mean high tide line with the southerly boundary line of Ventura Place produced easterly; thence in a southwesterly direction along the southerly boundary line of Ventura Place produced to the point of beginning.

Conditions
of trust

To be forever held by said city, and by its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and by its successors solely for the purpose of establishing, improving and conducting a harbor for small boats and for the construction, maintenance and operation thereon of wharves, structures and appliances necessary or convenient for the protection or accommodation of commerce, navigation and fisheries and for the establishment and maintenance of parks, playgrounds, bath-houses, recreation piers and facilities necessary or convenient for the inhabitants of said city; for educational, commercial, and recreational purposes, including the necessary streets, highways and other facilities convenient thereto; and said city or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation for any purpose whatsoever; provided, that said city or its successors may grant franchises thereon for limited periods, but in no event exceeding 50 years, for wharves and other public uses and purposes and may lease said lands or any part thereof for limited periods, but in no event exceeding 50 years, for purposes consistent with the trust upon which said lands are held by the State of California and with the requirements of commerce, navigation or fisheries.

(b) That said harbors and tidelands shall be improved by said city without expense to the State and shall always remain public harbors and public tidelands for all purposes of commerce, navigation and fisheries; and the State of California shall have at all times the right to use without charge all wharves, docks, piers and other improvements constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbors and tidelands or of any of the utilities, structures or appliances mentioned in paragraphs preceding, no discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is also reserved to the people of the State of California the absolute right to fish in the waters of Mission Bay with the right of convenient access to such waters under the real property hereby granted for the purpose of fishing. There is also reserved to the State of California all the deposits of min-

eral, including oil and gas in the real property hereby granted, and there is reserved to the State of California or persons authorized by the State of California the right to prospect, mine and remove such deposit from the real property granted and to occupy and use so much of the surface as may be required therefor.

(e) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway right-of-way purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

CHAPTER 143

An act to repeal Chapter 1127 of the Statutes of 1943; to repeal Section 13842.1 of the Education Code and to amend Section 13842 of said code, all relating to the salaries of persons employed by school districts in positions requiring certification qualifications.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Chapter 1127 of the Statutes of 1943 is repealed. Repeal

SEC. 2. Section 13842.1 of the Education Code is repealed. Same

SEC. 3. Section 13842 of the Education Code is amended to read:

13842. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications an annual salary of not less than one thousand eight hundred dollars (\$1,800). Minimum teachers salaries

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications an annual salary of not less than an amount which bears the same ratio to one thousand eight hundred dollars (\$1,800) as the time required of the person bears to the time required of a person employed full time.

“Full time” means not less than the minimum school day each day the schools of the district are maintained during the school year. “Full time”

If any elementary school district receives as income during any school year from all available sources less than two thousand seventy-five dollars (\$2,075), the county superintendent of schools having jurisdiction over the district may apportion Additional apportionment to elementary school district

to the district from the unapportioned county elementary school fund not to exceed one hundred dollars (\$100) for the purpose of enabling the governing board of the district to comply with the provisions of this section.

Substitute
employees

The provisions of this section shall not be construed as applying to substitute employees of a school district.

CHAPTER 144

An act to add Title 10a to Part 4 of Division 3 of the Civil Code, relating to unincorporated nonprofit associations and the members thereof.

In effect
September
15 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

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

SECTION 1. Title 10a is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 10a. UNINCORPORATED NONPROFIT ASSOCIATIONS AND THEIR MEMBERS

Nonprofit
association

2523. A nonprofit association is an unincorporated association of natural persons for religious, scientific, social, literary, educational, recreational, benevolent, or other purpose not that of pecuniary profit.

Liability of
members

2524. Members of a nonprofit association are not individually or personally liable for debts or liabilities contracted or incurred by the association in the acquisition of lands or leases or the purchase, leasing, designing, planning, architectural supervision, erection, construction, repair or furnishing of buildings or other structures, to be used for the purposes of such association. Any contract by which a member of such an association assumes any such debt or liability is invalid unless the same or some note or memorandum thereof, specifically identifying the contract which is assumed, is in writing and subscribed by the party to be charged or by his agent.

Presumption,
etc. of
liability

2525. No presumption or inference has heretofore existed or shall hereafter exist, that a member of a nonprofit association has consented or agreed to the incurring of any obligation by the association, from the fact of joining or being a member of the association, or signing its by-laws.

Constitu-
tionality

SEC. 2. Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to persons and circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 145

An act to add Section 37.2 to the Fish and Game Code, relating to bounties on mountain lions.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 37.2 is added to the Fish and Game Code, to read:

37.2. The commission shall pay a bounty of fifty dollars (\$50) on each male mountain lion and sixty dollars (\$60) on each female mountain lion, taken in this State. The commission shall make such rules and regulations as it deems necessary to assure that the animals for which such bounties are paid have been taken within this State. Payment of such bounties shall be made from the Fish and Game Preservation Fund.

Bounty on
mountain
lions

CHAPTER 146

An act to amend Sections 6014 and 6017 of the Insurance Code, relating to county mutual insurers.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 6014 of the Insurance Code is amended to read:

6014. All county mutual fire insurance policies on subject matter in this State shall be on the county mutual standard form and, except as provided by this article, shall not contain additions thereto. Except as provided in Section 6017, no part of the standard form shall be omitted from the policy.

Standard
form
requirement

SEC. 2. Section 6017 of said code is amended to read:

6017. Insurers authorized to limit or eliminate their assessment liability in accordance with the terms of this chapter may make such changes in the standard form as will properly accomplish that purpose.

Changes re
assessment
liability

CHAPTER 147

An act to amend Section 986.5 of the Military and Veterans Code, relating to farm and home aid for veterans.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945.]

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

See also
Stats 1945,
Ch 1362

SECTION 1. Section 986.5 of the Military and Veterans' Code is amended to read:

Maximum
cost to board
and veteran

986.5. The cost of a home to the board shall not exceed the sum of five thousand dollars (\$5,000), and a veteran purchasing the home may advance not to exceed five thousand dollars (\$5,000) on the purchase price of the home so that the total purchase price thereof does not exceed ten thousand dollars (\$10,000). The cost of a farm to the board shall not exceed twelve thousand five hundred dollars (\$12,500), and a veteran purchasing the farm may advance not to exceed two thousand five hundred dollars (\$2,500) on the purchase price of the farm so that the total price thereof does not exceed fifteen thousand dollars (\$15,000).

CHAPTER 148

An act to amend Section 106 of the Agricultural Code, relating to plant quarantine regulations.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945.]

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

SECTION 1. Section 106 of the Agricultural Code is hereby amended to read:

Quarantine
regulations.

106. The director may establish, maintain and enforce such quarantine regulations as he deems necessary to protect the agricultural industry of this State from pests, by establishing quarantine at the boundaries of this State or elsewhere within the State. He may make and enforce such rules and regulations as he deems necessary to prevent any plant or thing which is or is liable to be infested or infected by or which might act as a carrier of any pest, from passing over any quarantine line established and proclaimed pursuant to this chapter. All such plants and things shall, during the maintenance of such quarantine, be inspected by the director or commissioners. The person conducting the inspection shall not permit any such plant or thing to pass over the quarantine line during quarantine, except upon a certificate of inspection and release signed by him.

It shall be unlawful for any person to refuse to comply with any quarantine regulation established or made by the director under the provisions of this chapter.

CHAPTER 149

An act to amend Section 281.5 of the Agricultural Code, relating to wax salvage plants.

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 281.5 of the Agricultural Code is hereby amended to read:

281.5. Until the ninety-first day after final adjournment of the Fifty-Seventh Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, it shall be lawful, at the option and expense of the owner, notwithstanding any other provisions of this article, for the inspector or for any person having a permit from the inspector, to transport hives in which disease has been found, together with their contents, to a wax-salvage plant, licensed under the provisions of this section, after first having killed the bees in such hives and sealed the hives to prevent the entrance of live bees.

Temporary
provisions re
transportation
of diseased
hives

It is unlawful to remove any honey or wax or to salvage or attempt to salvage any hives or appliances from any colony infected with American foulbrood, except in a wax-salvage plant licensed and operated under the provisions of this section.

Wax-salvage
plants

The director shall prepare and furnish to interested parties upon request uniform specifications for the construction of wax-salvage plants, and rules and regulations for the operation of such plants in such manner as to prevent the spread of disease therefrom.

Any person desiring to maintain and operate a plant for the salvaging of wax, hives and appliances from diseased apiaries shall apply for a license therefor to the commissioner of the county in which such wax-salvage plant is located. The commissioner shall make such investigation as he may deem necessary and shall issue the license without fee if he is satisfied that the plant is constructed in accordance with the provisions of this section and the specifications of the director, and that the plant will be operated in accordance with the rules and regulations of the director.

License

All salvage operations with respect to wax, hives and appliances from diseased colonies shall be performed under the direction and supervision of the inspector in an enclosure tightly double-screened to prevent the entrance of bees, with screens not less than three inches apart. Entrance to the enclosure shall be through a vestibule not less than six feet in length, double-screened in the same manner as the enclosure, with tight-fitting doors at each end. No such wax, hives or appliances shall be removed from such enclosure except under permit from the inspector after treatment in the manner herein provided. The frames, together with their contents, shall be

Salvage
operations

held not less than 30 minutes in boiling water in a vat drained by direct connection into a sewage disposal system or into a cesspool constructed in accordance with specifications of the director. The frames, after removal from the vat, shall be boiled not less than 20 minutes in a solution of lye water. The hives, bodies, bottom boards, covers, and supers shall either be scorched or shall be boiled not less than 20 minutes in a solution of lye water. Honey shall not be salvaged, but shall be drained off with the refuse water. All solid matter, other than wax, remaining after draining the vat shall be burned in an incinerator constructed in accordance with specifications of the director.

Revocation
or suspension
of license

Any license issued under the provisions of this section may be revoked or suspended by the commissioner, after hearing, whenever he finds that a license has not complied with all of the provisions of this section and the rules, regulations and specifications issued hereunder.

CHAPTER 150

An act to amend Section 661½ of the Political Code, and Section 13923 of the Government Code, relating to revolving funds.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

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

SECTION 1. Section 661½ of the Political Code is amended to read:

Revolving
funds Au-
thorization
by Board of
Control

661½. The State Board of Control may authorize any State officer, board, commission or department for whom any appropriation is made by law, to make withdrawals, without at the time furnishing vouchers or itemized statements, from the appropriation available to such officer, board, commission or department. Any sums withdrawn under the provisions of this section shall be used as a revolving fund where payment of compensation earned, traveling expense advances, or other cash payments are necessary, and at the close of each biennium or at any other time, upon the demand of the Department of Finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

SEC. 2. Section 13923 of the Government Code is amended to read:

Revolving
funds Au-
thorization
by Board of
Control

13923. The board may authorize any State agency for which any appropriation is made by law to make withdrawals, without at the time furnishing vouchers or itemized statements, from such appropriation. Any sums so withdrawn shall be used as a revolving fund where payment of compensation earned, traveling expense advances, or other cash payments are necessary; and at the close of each biennium, or at any other time

upon the demand of the Department of Finance, shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

Sec. 3. Section 2 of this act becomes operative only if Division 3 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and, in such case, at the same time as said Division 3 of Title 2 of the Government Code takes effect, at which time Section 661½ of the Political Code amended by this act is repealed.

Effect
Stats 1945,
Ch 112

CHAPTER 151

An act to provide for the reversion to the General Fund of any unexpended balance in the appropriation made by Chapter 556, Statutes of 1919

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Any unexpended balance remaining in the appropriation made by Chapter 556, Statutes of 1919, on June 30, 1946, shall on that date revert to and become a part of the General Fund in the State treasury.

Reversion to
General Fund

CHAPTER 152

An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the California Institution for Women to apply to the Governor for requisitions for the return of persons committed thereto.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1554.2 of the Penal Code is amended to read:

1554.2. (a) When the return to this State of a person charged with crime in this State is required, the district attorney shall present to the Governor his written application for a requisition for the return of the person charged. In such application there shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, and the State in which he is believed to be, including the location of the accused therein at the time the application is made. Such application

Application
for return of
fugitive

shall certify that, in the opinion of the district attorney, the ends of justice require the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

(b) When the return to this State is required of a person who has been convicted of a crime in this State and who has escaped from confinement or has violated the terms of his bail, probation or parole the district attorney of the county in which the offense was committed, the Adult Authority, the Director of Corrections, the California Institution for Women, the Youth Authority, or the sheriff of the county from which escape from confinement was made, shall present to the Governor a written application for a requisition for the return of such person. In such application there shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape or of the violation of the terms of his bail, probation or parole, and the State in which he is believed to be, including the location of such person therein at the time application is made.

Execution of application, accompanying documents, etc

(c) The application shall be verified, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment, the information, or the verified complaint made to the magistrate stating the offense with which the accused is charged, or the judgment of conviction or the sentence. The officer or board requesting the requisition may also attach such affidavits and other documents in duplicate as are deemed proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, verified complaint, information, or judgment of conviction or sentence shall be filed in the office of the Secretary of State. The other copies of all papers shall be forwarded with the Governor's requisition.

CHAPTER 153

An act to amend Section 817 of the Penal Code, relating to peace officers.

In effect
September
15, 1945

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945]

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

SECTION 1. Section 817 of the Penal Code is amended to read:

Who are
peace officers

817. A peace officer is a sheriff of a county, marshal of a municipal court, constable of a township, marshal, policeman of a city or town, inspectors of the California State Board of Pharmacy not exceeding 10 in number, special agents and assistant special agents of the Board of Medical Examiners of

the State of California, an inspector of the Board of Osteopathic Examiners of the State of California, an inspector of the Board of Chiropractic Examiners of the State of California, the superintendent and the special criminal investigators of the Bureau of Criminal Identification and Investigation, the chief and inspectors of the Division of Narcotic Enforcement, a supervisor or guard employed by the Department of Corrections, while acting in the transportation of prisoners and in the apprehension of prisoners who have escaped, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

CHAPTER 154

An act to add to the Penal Code Section 5005, relating to canteens at State prisons and other institutions under the jurisdiction of the Department of Corrections.

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5005 is added to the Penal Code, to read:

5005. The department may maintain a canteen at any prison or institution under its jurisdiction for the sale to persons confined therein of toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise therefor. The director shall specify what commodities shall be sold therein. The sale prices of the articles offered for sale shall be fixed by the director at such amounts as will, as far as possible, render each such canteen self-supporting.

Canteens in
prisons, etc

CHAPTER 155

An act to amend Section 2781 of the Penal Code, relating to the employment of prisoners in camps.

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2781 of the Penal Code is amended to read:

2781. The Adult Authority shall determine which prisoners shall be eligible for employment under Section 2780, and shall establish and modify lists of prisoners eligible for such employment. Upon the requisition of an agency mentioned in Section 2780, the Director of Corrections may send to the place and at

Eligibility
for employ-
ment in
camps

the time designated the number of convicts requisitioned or such number thereof as have been determined by the Adult Authority to be eligible for such employment and are available. No prisoner shall be eligible or be released for such employment until his eligibility therefor has been determined by the Adult Authority.

The director may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp, and the director shall do so upon order of the Adult Authority.

CHAPTER 156

An act to amend Section 2761 of the Penal Code, relating to the employment of prisoners upon work in the construction, improvement and maintenance of State highways.

In effect
September
15, 1945

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945.]

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

SECTION 1. Section 2761 of the Penal Code is amended to read:

Eligibility
for employ-
ment on
highways

2761. The Adult Authority shall determine which prisoners shall be eligible for employment by the Department of Public Works in the construction, improvement and maintenance of State highways, and shall establish and modify lists of prisoners eligible for such employment. Upon the requisition of said department, the Director of Corrections shall send to the place and at the time designated the number of prisoners requisitioned or such number thereof as have been determined by the Adult Authority to be eligible for such employment and are available. No prisoner shall be eligible or be released for such employment until his eligibility therefor has been determined by the Adult Authority.

The Director may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp, and the director shall do so upon order of the Adult Authority.

CHAPTER 157

An act to add Article 5a to Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code, relating to the establishment of joint detention homes by counties.

[Approved by Governor April 27, 1945. Filed with Secretary of State April 28, 1945]

In effect September 15, 1945

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

SECTION 1. Article 5a is added to Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code, to read:

Article 5a. Joint Detention Homes

673. Any county may join with one or more other counties to establish and maintain a suitable house or place for the detention of wards of the juvenile court of such counties, to be known as the "joint detention home" of such counties. Any county maintaining such a home jointly with one or more other counties need not maintain a separate detention home.

"Joint detention home" for wards of juvenile court

674. (a) The judge of the superior court or of the juvenile court of each county desiring to establish and maintain a joint detention home shall designate two members of the probation committee of such county to serve as members of a "joint probation committee." Members of said joint probation committee may be removed by the judge of the superior court or of the juvenile court for their county in the same manner and under same conditions as provided in Section 601 of this code.

"Joint probation committee"

(b) The joint probation committee may, if it so desires, designate the probation officer of the county in which the joint detention home is located to administer, subject to the supervision and direction of said joint probation committee, the management and control of the internal affairs of such joint detention home in the same manner and under the same conditions as provided in Section 641 of this code.

Administration of home

(c) The board of supervisors of each county desiring to establish and maintain a joint detention home shall designate one of its members as its delegate to serve on a joint committee to be known as the joint committee of supervisors.

Joint committee of supervisors

(d) The judge of the superior court or of the juvenile courts of each county desiring to establish and maintain a joint detention home shall constitute a joint committee of judges. They shall select a chairman from among them.

Joint committee of judges

675. Joint detention homes shall be organized and managed in the same manner and under the same conditions as detention homes established under Article 5 of this chapter.

Organization and management

The powers and duties of the probation committee, the board of supervisors and the judge of the juvenile court under Article 5 shall be vested in and discharged by the joint probation committee, the joint committee of supervisors and the chairman of the joint committee of judges.

Compensation of committee member.

676. Members of the joint probation committee, the joint committee of supervisors and the joint committee of judges shall serve without compensation, provided, however, that such members shall receive their necessary travel expenses. Such expense shall be a charge to their respective counties.

Delegates to joint committee of supervisors

677. Each group of counties maintaining a joint detention home under this article may, by unanimous agreement, provide for a different number of delegates to the joint committee of supervisors and may provide for a method of deciding a tie vote of such joint committee.

Business headquarters of home

678. The joint committee of supervisors shall designate a county within the group maintaining the joint detention home as the place where the business of said home is to be transacted and where funds of said home are to be kept and deposited.

Agreements between delegates

679. The delegates from each county to the joint committee of supervisors may enter into an agreement with delegates from the other counties on behalf of the county appointing them, binding the county to the joint enterprise and apportioning the cost of constructing, establishing, and maintaining the joint detention home. Money due from any county under the agreement may be collected by the joint committee of supervisors, or on its behalf, by the board of supervisors of any county in the group, by action in the county in which the detention home is situated.

Building committee

680. The joint committee of supervisors may appoint a committee to supervise the construction of the joint detention home, approve the bills, and do the usual things required of a building committee.

Acquisition of land

681. Any land required may be acquired or disposed of by the joint committee of supervisors in such manner as may be determined by a three-fourths vote of its members, if all counties comprising a group shall have had notice of the intention to acquire or dispose of the land. Title to land may be held in the name of the entire group or in the name of any county composing the group, as trustee for the use and benefit of all, as may be determined by the joint board.

Cash revolving fund

682. Each county in the group shall pay its proportionate share to the joint committee of supervisors of an amount designated by said committee to constitute a cash revolving fund to carry on the usual work and expense of the joint detention home. Each month a statement of the expenses of the home shall be sent to the board of supervisors of each county, together with a claim for its proportionate share of the expenses. The amounts when collected shall be paid into the cash revolving fund.

CHAPTER 158

An act to add Section 18060 to the Education Code, relating to the purchase by the governing boards of school districts of materials, supplies or equipment from the Federal Government or its agencies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1945. Filed with Secretary of State April 30, 1945.]

In effect immediately

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

SECTION 1. Section 18060 is added to the Education Code, to read:

18060. Notwithstanding any other provisions of law to the contrary, the governing board of any school district may purchase from the Federal Government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

Purchases without estimates or bids

58 Fed Stats (Ch 479)

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

The progress of the war may soon, it is hoped, make available, for use by school districts, materials, supplies or equipment now required by the Army and Navy in the prosecution of the war. If this is the case, it is necessary that the school districts of this State be enabled to purchase these supplies as soon as they are available. For this reason, it is necessary that this act take effect immediately.

CHAPTER 159

An act adding Chapter 10, comprising Sections 13000 to 13001, inclusive, to Division 5 of the Business and Professions Code, relating to flour and meal containers.

[Approved by Governor April 30, 1945. Filed with Secretary of State April 30, 1945.]

In effect September 15, 1945

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

SECTION 1. Chapter 10, comprising Sections 13000 to 13001, inclusive, is added to Division 5 of the Business and Professions Code, to read:

CHAPTER 10. FLOUR AND MEAL CONTAINERS

13000. It shall be unlawful for any person, partnership, corporation, company, cooperative society, or organization to pack

Lawful containers

Contents	for sale, sell, offer or expose for sale any of the following commodities except in containers of net avoirdupois weights of five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) pounds, and multiples of one hundred (100) pounds: Wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meals, hominy and hominy grits.
Exception	The provisions of this chapter shall not apply to (a) the retailing of flours, meals, hominy and hominy grits direct to the consumer from bulk stock, or (b) the sale of flours and meals to commercial bakers or blenders in containers of more than one hundred (100) pounds, or for export, or (c) flours, meals, hominy, and hominy grits packed in containers the net contents of which are less than four (4) pounds, or (d) the exchange of wheat for flour by mills grinding for toll.
Penalty	13001. The violation of this chapter is a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for each offense.

CHAPTER 160

An act to add Section 6500.3 to the Welfare and Institutions Code, relating to State institutions.

In effect
September
15, 1945

[Approved by Governor April 30, 1945 Filed with Secretary of State
April 30, 1945.]

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

SECTION 1. Section 6500.3 is added to the Welfare and Institutions Code, to read:

Use of State
institution
for epileptics

6500.3. The State institution for epileptics the site for which was provided for by an appropriation made by Chapter 28 of the Fifty-fifth (Fourth Extraordinary Session) Session of the Legislature, shall be used for epileptics and for mentally defective physically handicapped persons.

CHAPTER 161

An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads.

In effect
September
15, 1945

[Approved by Governor April 30, 1945 Filed with Secretary of State
April 30, 1945.]

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

SECTION 1. Section 6902 of the Labor Code is amended to read:

Freight,
mixed, or
work train
crews

6902. No common carrier operating more than four trains each way per day of 24 hours on any main track or branch line of railroad within this State, or on any part of such main track

or branch line, shall run or permit to be run, on any part of such main track or branch line, any freight, mixed, or work train on which there is not employed at least one conductor and the following:

(a) One engineer and one fireman for each steam locomotive where the train is propelled or drawn by steam.

(b) One motorman for each train propelled or run by electricity.

(c) One motor or power control man for each train propelled by motive power other than steam or electricity.

(d) Two brakemen.

(e) Three brakemen for 50 cars, four brakemen for 76 cars and an additional brakeman for every additional 25 cars on any such train running on a track which attains a grade of less than 1 per cent for more than one-half mile.

(f) Three brakemen for 50 cars and an additional brakeman for every 25 cars or fraction of 25 greater than 12 cars on any such train running on a track which attains a grade of more than 1 per cent and less than $1\frac{1}{2}$ per cent for more than one-half mile.

(g) Three brakemen for 50 cars and an additional brakeman for every 15 cars or fraction of 15 greater than seven cars on any such train running on a track which attains a grade of more than $1\frac{1}{2}$ per cent for more than one-half mile.

Until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, the Railroad Commission may, upon the application of a carrier after hearing held upon notice thereof, issue a permit granting and allowing variations from the requirements of subdivisions (e), (f) or (g), specifying therein the scope and extent of such allowable variations, and the conditions under which allowable, if the commission finds that the requirements of subdivisions (e), (f) and (g), or certain of those requirements, operate in impairment of the war effort and if it further finds that the variations from such requirements specified in the permit will be helpful in furthering the war effort without unreasonably increasing the risk of impairing the health or safety of the employees or of the traveling public, in view of the emergency; and the Railroad Commission may at any time revoke, suspend or modify any such permit upon proof being made that the terms and conditions thereof have been violated or that the variations specified in the permit are no longer necessary.

Temporary
variations
in crews

CHAPTER 162

An act to amend Section 123 of the Agricultural Code, relating to nursery stock shipments.

In effect
September
15, 1945

[Approved by Governor April 30, 1945. Filed with Secretary of State April 30, 1945.]

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

SECTION 1. Section 123 of the Agricultural Code is hereby amended to read:

Making of
nursery stock
shipments

123. It is unlawful to ship or cause to be shipped any nursery stock from one county or locality of the State to another county or locality within the State without having marked thereon in a conspicuous manner and place the name and address of the shipper, owner, or person forwarding the same, and also the name of the person, or his agent, to whom the same is forwarded.

Intercounty
shipping
permit

It is unlawful to sell, deliver, or transport any nursery stock from one county to another county within the State without having affixed thereto in a conspicuous place a shipping permit issued by the commissioner having jurisdiction in the county of origin, warning that inspection at destination is required, or in lieu of such shipping permit a valid intercounty nursery stock certificate issued by the commissioner of the county of origin.

Intracounty
shipping
permit, etc

It is unlawful to sell, deliver, or transport any nursery stock from one locality to another locality within the same county without having affixed thereto in a conspicuous place a shipping permit or in lieu thereof a certificate of inspection and release or an intercounty nursery stock certificate issued by the commissioner of that county, giving notice that inspection at destination is not required. A shipping permit or certificate of inspection and release need not be affixed to nursery stock when sold at retail for planting within said same county and delivered to the purchaser on premises where a certificate of inspection and release of a size suitable for display is exhibited in a manner and in such location or locations as may be prescribed by the commissioner.

Exception

Manifest

It is unlawful to sell, deliver, or transport any nursery stock, except nursery stock accompanied by a certificate of inspection and release, without forwarding, at or prior to the time of shipment, to the commissioner having jurisdiction at destination, a manifest stating by name the complete contents of each such shipment, the name of the locality where the contents were grown, and the means whereby such shipment is being transported, whether by freight, express, mail, truck, boat, airplane or otherwise.

CHAPTER 163

An act to amend Section 172 of the State Civil Service Act, and to add Section 19536.5 to the Government Code, relating to layoffs. Stats 1937, p 2087, amended

[Approved by Governor April 30, 1945. Filed with Secretary of State April 30, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 172 of the State Civil Service Act is amended to read: Stats 1945, Ch 109

Sec. 172. (a) Whenever it is necessary because of lack of work or lack of funds or whenever it is advisable in the interests of economy to reduce the staff of any State agency, the appointing power may lay off employees according to the procedure set forth in this act and the rules of the board. Layoff

(b) The duties performed by the employee or employees so laid off may be assigned to any other employee or employees in the State agency holding positions in appropriate classes.

(c) With the approval of the board, only the employees of a designated geographical, organizational or functional subdivision of a State agency need be considered for layoff, and in such event reemployment lists shall be established for such subdivision, which lists shall take priority over the departmental and other reemployment or employment lists.

(d) Layoff shall be made in accordance with the relative efficiency and seniority of the employee or employees of the class in which the layoff is to be made as determined by seniority and by performance reports on file with the board. In determining seniority two points shall be allowed for each complete year of State service performing work which would fall in the series of classes related to the employee's present class.

(e) The employee or employees in the class under consideration having the lowest combined score or scores for efficiency and seniority, up to the number of positions to be abolished or discontinued, shall be laid off, but as between two or more such employees who have the same score, their respective performance rating or ratings shall be considered, and such employee or employees having the lowest performance rating or ratings shall be the first laid off.

(f) When an employee has previously served the State with permanent status in any class below that of the class under consideration or its equivalent in any previous classification, the employee shall be afforded the option of being demoted to the lower class in lieu of being laid off to replace the employee in said lower class having the lowest score for efficiency and seniority; provided, such score is lower than that of the employee being demoted. Demotion in lieu of

(g) Any employee replaced by such demotion who has previously served the State with permanent status in the class

or is equivalent in any previous classification below that in which he was serving at the time of replacement shall have the same option of demotion as though his position were abolished or discontinued, and under the conditions provided in this act may replace the employee in said lower class.

Any employee demoted pursuant to the provisions of subdivisions (f) or (g) shall receive the maximum of the salary range of the class to which such employee is demoted.

Any officer or employee, directly or indirectly, entitled to or having permanent status under the provisions of Article XXIV of the Constitution or the State Civil Service Act, who is displaced by one having a right to return shall be accorded the same rights to elect demotion in lieu of layoff granted by this section as though he had had permanent status at all times in any previous position.

(h) The names of employees thus laid off or demoted shall be placed upon the reemployment list for the subdivision from which they were laid off, if such a subdivision was created pursuant to paragraph (c) of this section, upon the departmental reemployment list for the class from which they were laid off or demoted and also upon the general reemployment list for such class, and for such other appropriate classes as the board may determine. Any employee certified to a position from any reemployment list for a class different than that held by him when laid off shall serve a probationary period before attaining permanent status in such position. Any employee who is recertified to a position in a class after layoff, or demotion in lieu of layoff, from a position in said class shall receive the same salary as such employee previously received in said position prior to such layoff or demotion.

(i) Whenever any employee accepts a voluntary demotion under the provisions of Section 147, or is demoted to a lower class by reason of a layoff or replacement in accordance with subdivision (f) or (g), his performance rating in such lower class shall be the same as his last previous rating in such class, if any, and shall continue to be for all purposes until the first regular date, next following such demotion, for making and submitting performance ratings.

(j) All employees compensated on a monthly basis who are to be laid off under the provisions of this act shall be given 15 days' notice of such layoff prior to the effective date thereof.

(k) Any employee may appeal to the board within 30 days of receiving notice of layoff on the grounds that the procedure herein prescribed has not been complied with or that the layoff has not been made in good faith or was otherwise improper. The board shall within 30 days of such appeal hold such hearing or investigation as it may deem necessary. The board may also conduct any such hearing or investigation within 30 days of receiving a notice of layoff on its own motion. In rendering a decision as a result of any

hearing or investigation held pursuant to this subdivision the board may order the reinstatement of the employee with or without pay if it appears that the proper procedure has not been followed or that the layoff was not made in good faith or was otherwise improper.

SEC. 2. Section 19536.5 is added to the Government Code, to read:

19536.5. Any officer or employee, directly or indirectly, entitled to or having permanent status under the provisions of Article XXIV of the Constitution or the State Civil Service Act, who is displaced by one having a right to return shall be accorded the same rights to elect demotion in lieu of layoff as though he had had permanent status at all times in any previous position.

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 172 of the State Civil Service Act is hereby repealed.

CHAPTER 164

An act to amend Section 152.5 of the State Civil Service Act, and to amend Section 19390 of, to repeal Section 19391 of, and to add a new Section 19391 to, the Government Code, relating to the reinstatement of employees returning from military leave.

[Approved by Governor April 30, 1945. Filed with Secretary of State April 30, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 152.5 of the State Civil Service Act is hereby amended to read as follows:

Sec. 152.5. (a) Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense, any permanent or probationary civil service employee of the State, in good standing who enters the military service of the United States, whether voluntarily or otherwise, shall have the absolute right to be restored to his former position or a position in his former class, such reinstatement to be made to the same office, board, commission, agency, or institution, and in the same locality with the same civil service status formerly had by him. If no position exists in the same locality, the employee may request reinstatement to a position in the same class in the same office, board, commission, agency, or institution, in some other locality.

The employee shall apply to the board for reinstatement within six months after the termination of such military service, or any rehabilitation afforded by the United States Government

Stats 1943,
p 2494
See also
Stats 1945,
Ch 454
Restoration
to position
after mili-
tary service

Application

following such military service, and his application shall designate the date within said six months upon which he desires his reinstatement to become effective. The provisions of this section shall apply to all such civil service employees who enter the military service during any such war or until the Governor finds and proclaims that the emergency no longer exists.

Reinstatement right;

Any permanent or probationary civil service employee who resigned from State service to enter military service shall have full reinstatement rights under this section; provided, however, that entry into the military service was made within 90 days from the date of resignation. The date of entry into military service shall be conclusive proof of the intention of the employee. If entry into military service is made later than 90 days, the burden of proof shall be on the employee to establish that resignation was for the purpose of entering the military service.

Date of entering military service

See also Stats 1947, Ch 454 and 1306

Restoration to position after military service

SEC. 2. Section 19390 of the Government Code is amended to read:

19390. Whenever the United States is engaged in war or during the existence of an emergency in preparing for the National defense found and proclaimed by the Governor, any permanent or probationary State civil service employee in good standing who enters the military service of the United States, whether voluntarily or otherwise, has an absolute right to be restored to his former position or a position in his former class, such reinstatement to be made to the same office, board, commission, agency, or institution, and in the same locality with the same civil service status formerly had by him, upon application by him to the board within six months after the termination of such military service or any rehabilitation afforded by the United States Government following such military service.

Repeal

SEC. 3. Section 19391 of the Government Code is repealed

SEC. 4. Section 19391 is added to the Government Code, to read:

Reinstatement rights

19391. Any permanent or probationary civil service employee who resigned from State service to enter military service shall have full reinstatement rights, if that entry into the military service was made within 90 days from the date of resignation. The date of entry into military service shall be conclusive proof of the intention of the employee. If entry into military service is made later than 90 days, the burden of proof shall be on the employee to establish that resignation was for the purpose of entering the military service.

Date of entering military service

Effect Stats 1945, Ch 123

SEC. 5. Sections 2, 3 and 4 of this act become operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 152.5 of the State Civil Service Act is hereby repealed.

CHAPTER 165

An act to add Section 4041n to the Political Code, relating to the installation and maintenance of watering troughs by county boards of supervisors.

[Approved by Governor May 1, 1945. Filed with Secretary of State May 1, 1945]

In effect September 15, 1945

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

SECTION 1. Section 4041n is added to the Political Code, to read:

4041n. The board of supervisors of any county may install and maintain watering troughs along any State highway subject to agreement as to location with the Department of Public Works, and along any county road, or stock trail in the county.

Watering troughs

CHAPTER 166

An act to amend Section 1066.5 of the Agricultural Code, relating to economic poisons.

[Approved by Governor May 1, 1945. Filed with Secretary of State May 1, 1945]

In effect September 15, 1945

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

SECTION 1. Section 1066.5 of the Agricultural Code is hereby amended to read:

1066.5. As used in this section "thallium" includes any preparation of thallium or of the salts thereof.

"Thalium".

It is unlawful for any person to sell or to possess thallium except that:

Sale or possession prohibited

(a) Federal, State, county, or municipal officers or employees, in their official capacities, or persons under the immediate supervision of such officers or employees, may possess thallium for use for pest control purposes.

Exceptions

(b) Licensed physicians, surgeons, pharmacists, or veterinarians may possess thallium for use in their respective professions.

(c) Metallurgists and manufacturers of alloys of which thallium is a component part may possess thallium for laboratory use or manufacture of alloys.

(d) Persons operating research or chemical laboratories may possess thallium for use for the purposes of such laboratories.

(e) Registered manufacturers of ant poison may manufacture and sell, and dealers in ant poison may possess for sale and sell, ant poison containing not more than 1 per cent of thallium, expressed as metallic, prepared, packaged, and sold in accordance with such rules and regulations as the director may deem necessary to protect the public health.

(f) Wholesalers or jobbers of economic poison may possess for sale or sell thallium to any person included within the above classifications, or for export.

CHAPTER 167

Stats 1933, p. 2981, amended

3. *An act to amend Section 2 of an act entitled "An act to add Article 3, comprising Sections 985 to 988.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the Veterans' Welfare Board in respect thereto, and making an appropriation therefor," approved June 7, 1943, relating to veterans' farm and home purchase funds.*

In effect
September
15, 1945

[Approved by Governor May 1, 1945 Filed with Secretary of State
May 1, 1945]

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

Stats 1943,
p. 2981

SECTION 1. Section 2 of the act cited in the title hereof is amended to read:

Appropriation

Sec. 2. For the purposes of carrying out the provisions of this act the sum of two million dollars (\$2,000,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated. Of this amount the sum of one million nine

Veterans' Farm and Home Building Fund of 1943

hundred fifty thousand dollars (\$1,950,000) shall constitute a revolving fund to be known as the Veterans' Farm and Home Building Fund of 1943 which is calculated to be returned to the State within a period of 50 years from the effective date of this act with interest at the rate of 4 per cent per annum on so much thereof as shall be withdrawn from said Veterans' Farm and Home Building Fund of 1943 from the date of withdrawal until returned into said fund, or until returned into the General Fund in the State treasury, as the case may be; provided,

Return to General Fund

that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the said sum of one million nine hundred fifty thousand dollars (\$1,950,000) hereby appropriated shall be returned without interest into the General Fund in the State treasury out of the proceeds from the sale of such bonds. The remaining

Administrative expense fund

fifty thousand dollars (\$50,000) shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of real estate as provided for in this act. The State Controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board and the State Treasurer is hereby authorized and directed to pay such warrants.

CHAPTER 168

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

[Approved by Governor May 1, 1945 Filed with Secretary of State
May 1, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5710 of the Labor Code is amended to read:

See also
Stats. 1945,
Ch. 1431

5710. The commission, a commissioner, a referee, or any party to the action or proceeding, may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this State. To that end the attendance of witnesses and the production of records may be required by the commission. Depositions may be taken outside the State before any officer authorized to administer oaths. The commission, a commissioner, or a referee in any proceeding before the commission may cause evidence to be taken in other jurisdictions before the agency authorized to hear workmen's compensation matters in such other jurisdictions.

Depositions

Taking
evidence
in other
jurisdictions

CHAPTER 169

An act to amend Section 4460 of the Labor Code, relating to workmen's compensation, declaring the urgency hereof, to take effect immediately.

[Approved by Governor May 1, 1945 Filed with Secretary of State
May 1, 1945.]

In effect
immediately

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

SECTION 1. Section 4460 of the Labor Code is amended to read:

4460. For the purpose of computing the temporary disability indemnity payable to any employee, including "volunteer firemen" as defined in Section 3361, who sustains an original injury causing temporary disability during the time that this section is in force and effect, the maximum average weekly earnings shall be taken at forty-six dollars and sixteen cents (\$46.16).

Computation
of temporary
disability
indemnity

Every computation made pursuant to this section shall be made only with reference to such temporary disability as is sustained and exists during the time that this section is in force and effect.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section ; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Fire fighting is an essential public service directly connected with the safety of citizens. Those individuals who patriotically and at serious personal risk enter upon fire-fighting service should be adequately protected. Serious hardship may result by any delay in effectiveness of this act. With the approach of a dry summer season many persons are apt to become injured in the course of their work as members of volunteer fire departments and to suffer injuries.

CHAPTER 170

An act to add Section 352a to the Political Code, relating to necessary expenses incurred by municipal and county officers and employees in connection with special training schools.

In effect
September
15, 1945

[Approved by Governor May 1, 1945. Filed with Secretary of State
May 1, 1945.]

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

SECTION 1. Section 352a is added to the Political Code, to read:

Expenses
while at-
tending spe-
cial training
schools

352a. All officers and employees of a city or county when attending special training schools to which they have been ordered by the legislative body of the city or county, may be paid from the respective city or county treasury their traveling and other actual and necessary expenses incident to attendance at such schools.

CHAPTER 171

An act to amend Section 4248 of the Political Code, relating to compensation of public officers in counties of the nineteenth class.

[Approved by Governor May 1, 1945 Filed with Secretary of State In effect September 15, 1945
May 1, 1945]

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

SECTION 1. Section 4248 of the Political Code is amended to read: See also Stats 1945, Ch. 417

4248. In counties of the nineteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices, the following sums: Vernon A Salaries

1. The auditor, four thousand eight hundred dollars (\$4,800) per annum. Auditor

2. The district attorney, seven thousand two hundred dollars (\$7,200) per annum and actual traveling expenses while away from his office on county business, and when traveling in his own car, the district attorney shall receive six cents (\$0.06) per mile for each mile actually traveled. The district attorney shall not personally engage in the private practice of law. District attorney

3. Each supervisor, three thousand dollars (\$3,000) per annum and his necessary expenses when attending to the business of the county. When traveling in his own car on county business, he shall receive six cents (\$0.06) per mile for each mile actually traveled. Supervisors

4. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, the sum of five dollars (\$5) per day. For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings or when properly appointed by the foreman of the grand jury to make individual investigations, six cents (\$0.06) per mile for each mile actually traveled. Grand jurors

CHAPTER 172

An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

[Approved by Governor May 1, 1945 Filed with Secretary of State In effect immediately
May 1, 1945]

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

SECTION 1. Out of any money in the State treasury not otherwise appropriated, the sum of two hundred thousand Appropriation Contingent expenses of Assembly

dollars (\$200,000) or so much thereof as may be necessary is hereby appropriated for the contingent expenses of the Assembly, including expenses of committees created at any session of the Fifty-sixth Legislature.

Current
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the Constitution take effect immediately.

CHAPTER 173

An act to amend Section 4279 of the Political Code, relating to compensation for public services in counties of the fiftieth class.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State May 2, 1945.]

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

See also
Stats 1945,
Ch 417

SECTION 1. Section 4279 of the Political Code is amended to read as follows:

Calaveras
Salaries

4279. In counties of the fiftieth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

Auditor

1. The auditor, one thousand three hundred dollars (\$1,300) per annum.

District
attorney

2. The district attorney, two thousand three hundred dollars (\$2,300) per annum and necessary traveling expenses to be allowed by the board of supervisors.

Supervisors

3. Each supervisor, one thousand eight hundred dollars (\$1,800) per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents (\$.20) per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county by order of the board on business connected with his office; said traveling expenses not to exceed five hundred dollars (\$500) per year in the aggregate for all members of the board of supervisors.

Jurors

4. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars (\$3); for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents (\$.25). The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Incumbent
officers

SEC. 2. The compensation provided by Section 4279 of the Political Code shall be paid to incumbent officers.

CHAPTER 174

An act to amend Section 4282 of the Political Code, relating to compensation for public service in counties of the fifty-third class.

[Approved by Governor May 2, 1945 Filed with Secretary of State
May 2, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 4282 of the Political Code is amended to read:

See also
Stats 1945,
Ch 417

4282. In counties of the fifty-third class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Mariposa
Salaries

1. The auditor, eight hundred seventy dollars (\$870) per annum.

Auditor

2. The district attorney, one thousand nine hundred dollars (\$1,900) per annum.

District
attorney

3. Each supervisor, one thousand eight hundred dollars (\$1,800) per annum, for all services required of him by law in any capacity. Supervisors may use automobiles provided and maintained by the county in the performance of the duties required of them by law.

Supervisors

4. Grand jurors, shall be paid four dollars (\$4) per day and jurors of the superior court in civil and criminal cases shall be paid three dollars (\$3) per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, thirty cents (\$0.30) per mile. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

Jurors

SEC. 2. The compensation provided by Section 4282 of the Political Code shall be paid to incumbent officers.

Incumbent
officers

CHAPTER 175

An act to amend Section 131 of the Civil Code, relating to actions for divorce.

[Approved by Governor May 2, 1945 Filed with Secretary of State
May 2, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 131 of the Civil Code is amended to read:

See also
Stats 1945,
Ch 721

131. In actions for divorce, the court must file its decision and conclusions of law as in other cases, and if it determines that no divorce shall be granted, final judgment must thereupon be entered accordingly. If it determines that the divorce ought to be granted, an interlocutory judgment must be entered, declaring that the party in whose favor the court decides is entitled to a divorce; and if there is no living issue of such

Final or
interlocutory
judgment

marriage, the court may, in its discretion, if requested, restore to the wife, her maiden name or the name under which she was married. After the entry of the interlocutory judgment, neither party shall have the right to dismiss the action without the consent of the other.

CHAPTER 176

An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

In effect
September
15, 1945

[Approved by Governor May 2, 1945 Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 6062 of the Business and Professions Code is amended to read:

Attorneys
from other
States' Qual-
ifications for
admission

6062. To be certified to the Supreme Court for admission, and a license to practice law, a person, who has been admitted to practice law outside of this State, shall:

- a. Be a citizen of the United States.
- b. Be of the age of at least 21 years.
- c. Be of good moral character.

d. Have been a bona fide resident of this State for at least three months immediately prior to the date of his examination and continuing to and including the date of his admission.

e. Have been admitted to practice before the highest court of a sister State or of any jurisdiction where the common law of England constitutes the basis of jurisprudence and have been actively and substantially engaged in the practice of law in any such jurisdiction or jurisdictions for at least four years out of the six years immediately preceding the filing of his application for admission to practice in this State. Teaching in a law school accredited by the committee and services as a judge of a court of law shall be considered practice within the meaning of this section. In determining what constitutes practice for at least four years out of the next six years immediately preceding the filing of the application, time spent, subsequent to September 16, 1940, and prior to two years after termination of hostilities between the United States and the Nations with which the United States is now at war as determined by Act of Congress or Proclamation of the President, in active duty as a member of the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or any of their respective components, or on active sea duty as an officer or member of the crew on or in connection with vessels documented under the laws of the United States, or vessels owned by, chartered to, or operated by or for the account or use of, the War Shipping Administrator, when the applicant is not engaged in the practice of law within the meaning of this requirement shall be excluded.

Examination:

f. Have passed such examination as in the discretion of the examining committee may be required.

CHAPTER 177

An act to amend Section 6031 of the Business and Professions Code, relating to attorneys.

[Approved by Governor May 2, 1945. Filed with Secretary of State May 2, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 6031 of the Business and Professions Code is amended to read:

6031. The board may aid in all matters pertaining to the advancement of the science of jurisprudence or to the improvement of the administration of justice, including, but not by way of limitation, all matters that may advance the professional interests of the members of the State Bar and such matters as concern the relations of the bar with the public.

Functions of board of governors

CHAPTER 178

An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said Code.

[Approved by Governor May 2, 1945. Filed with Secretary of State May 2, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 48 of Chapter 4 of Division 1 of the Fish and Game Code is amended to read as follows:

See also Stats 1945, Ch 1111

48. Unless otherwise provided all fines and forfeitures imposed or collected in any of the courts of this State for violations of any of the provisions of this code enforced by the commission or any other law providing for the protection or preservation of birds, mammals, fish, mollusks, or crustaceans, shall be paid by the court imposing or collecting the same as follows: One-half to the county in which the offense was committed, which may be placed in a county fish and game propagation fund and expended for propagation and conservation of fish or game, or both, within the county under the direction of the board of supervisors; and one-half to the commission or someone designated by it for that purpose and all moneys so collected by the commission shall be paid into the State treasury to the credit of the Fish and Game Preservation Fund.

Disposition of fines and forfeitures

CHAPTER 179

An act to repeal Sections 3800 and 3801 of, and to add Sections 3800 and 3801 to, the Harbors and Navigation Code, relating to the administration of the Port of Eureka, creating a Board of Harbor Commissioners for Humboldt Bay and transferring the powers and duties of the Department of Public Works over such port and bay to said Harbor Commission.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

Repeals

SECTION 1. Sections 3800 and 3801 of the Harbors and Navigation Code are repealed.

SEC. 2. Section 3800 is added to said code, to read:

Board of
Harbor Com-
missioners
for Hum-
boldt Bay

3800. The Board of Harbor Commissioners for Humboldt Bay hereby created consists of three members who shall be appointed by the Governor, by and with the consent and advice of the Senate, State of California. The term of office of each member is four years. Appointments to fill vacancies shall be for the unexpired term. In making his appointments the Governor shall designate one of the appointees to act as ex officio surveyor of the port and secretary of the board. The annual salary of the member of the board who is ex officio surveyor of the port and secretary of the board is one thousand four hundred dollars (\$1,400). The annual salary of each of the other members is four hundred dollars (\$400).

Control over
Port of
Eureka

The board is hereby vested with the power, duty and responsibility of controlling the Port of Eureka. The port shall be in charge of the surveyor of the port.

SEC. 2. Section 3801 is added to said code, to read:

Transfer of
powers, etc

3801. All of the powers, duties, purposes and responsibilities of the Department of Public Works with respect to the Port of Eureka, Humboldt Bay, and Eureka Harbor are hereby transferred to the Board of Harbor Commissioners for Humboldt Bay.

"Depart-
ment"

As used in this part, "department" means the Board of Harbor Commissioners for Humboldt Bay.

Operative
date of
transfer

SEC. 3. Section 2 of this act shall become operative on the first day of October, 1945.

CHAPTER 180

An act to amend Section 103.7 of the Fish and Game Code, relating to District 103.7.

[Approved by Governor May 2, 1945 Filed with Secretary of State
May 2, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 103.7 of the Fish and Game Code is amended to read:

103.7. District 103.7. The following shall constitute Fish and Game District 103.7: The Carmel River from its mouth to the Robles Bridge at Robles del Rio excluding all tributaries. Except as otherwise provided all provisions relating to District 3 shall apply to District 103.7.

Fish and
Game Dis-
trict 103 7

CHAPTER 181

An act to amend Sections 427, 428, and 990 of the Fish and Game Code, relating to hunting and fishing, and the issuance of licenses therefor.

[Approved by Governor May 2, 1945 Filed with Secretary of State
May 2, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 427 of the Fish and Game Code is amended to read:

427. Class A. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

Class A
Hunting
license

(a) To any citizen of the United States, over the age of 18 years, who is a resident of this State, upon the payment of two dollars (\$2).

(b) To any citizen of the United States, under the age of 18 years, who is a resident of this State, upon the payment of one dollar (\$1).

(c) To any citizen of the United States, not a resident of this State, upon the payment of ten dollars (\$10).

(d) To any person, not a citizen of the United States, who shall have declared his intention to become such citizen according to the law made and provided for such purposes, who is a resident of this State, upon the payment of ten dollars (\$10). After such applicant has declared his intention to become a citizen he must complete his naturalization at the earliest period allowed by law. Such applicant shall make and subscribe an oath that he has not claimed his citizenship in a foreign country as a basis for avoiding service in the armed forces of the United States, and the person issuing such license is hereby empowered to administer such oath.

(e) To any person, not a citizen of the United States, upon the payment of twenty-five dollars (\$25), except as provided in subdivision (d) of this class; provided, however, that no such license shall be issued to a person ineligible to citizenship.

SEC. 2. Section 428 of said code is amended to read:

Class B
Sporting
fishing
license

428. Class B. A sport ng fishing license, granting the privilege to take fish for purposes other than profit shall be issued:

(a) To any citizen of the United States, over the age of 18 years, who is a resident of this State, upon the payment of two dollars (\$2).

(b) To any citizen of the United States, over the age of 18 years, not a resident of this State, upon the payment of three dollars (\$3).

(c) To any person, not a citizen of the United States, and over the age of 18 years, upon the payment of five dollars (\$5); provided, however, that no such license shall be issued to a person ineligible to citizenship.

SEC. 3. Section 990 of the Fish and Game Code is amended to read:

Commercial
fishing
license

990. Every person who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take fish, mollusks or crustaceans for profit, or who brings or causes fish, mollusks or crustaceans to be brought ashore at any point in the State for the purpose of selling the same in a fresh state, shall procure a commercial fishing license.

Citizenship

Issuance to
corporation

A commercial fishing license may be issued to any person other than a person ineligible to citizenship. A commercial fishing license may be issued to a corporation only if said corporation is authorized to do business in this State, if none of the officers or directors thereof are persons ineligible to citizenship, and if less than the majority of each class of stockholders thereof are persons ineligible to citizenship.

CHAPTER 182

An act to amend Sections 615.6, 615.7, and 615.8 of the Fish and Game Code, relating to trout.

In effect
September
15, 1945

[Approved by Governor May 2, 1945 Filed with Secretary of State
May 2, 1945]

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

SECTION 1. Section 615.6 of the Fish and Game Code is amended to read:

Trout season
in District
103 7

615.6. In District 103.7, and in the Big Sur River from its mouth upstream to the north boundary of Pfeiffer Redwood State Park, trout may be taken from December 1st to the last day of February and only on the Saturdays, Sundays, Wednesdays, and any legal holiday within such period, including the opening and closing days of the season. The bag limit on trout in said waters is two per day, and not more than one

Bag limit

daily bag limit may be possessed by any one person during one day.

SEC. 2. Section 615.7 of said code is amended to read:

615.7. It is unlawful to use or possess within 100 yards of the Carmel River or its tributaries, or within 100 yards of the Big Sur River or its tributaries any spears, gaffs, or nets, other than landing nets.

Nets and spears Use or possession on Carmel and Big Sur Rivers

SEC. 3. Section 615.8 of said code is amended to read:

615.8. It is unlawful to use or possess within 100 yards of District 103.7, or within 100 yards of the Big Sur River from its mouth upstream to the north boundary of Pfeiffer Redwood State Park any treble hooks.

Treble hooks Use or possession in District 103.7 or Big Sur River

CHAPTER 183

An act to amend Section 101 of the Fish and Game Code, relating to District 101.

[Approved by Governor May 2, 1945 Filed with Secretary of State May 2, 1945]

In effect September 15, 1945

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

SECTION 1. Section 101 of the Fish and Game Code is amended to read:

101. The following shall constitute Fish and Game District 101: All that portion of Kings County lying southerly of the highway easterly from Stratford to the right of way of The Atchison, Topeka and Santa Fe Railway at Guernsey, and southerly of said railway right of way to the easterly line of Kings County; and lying easterly of State Highway Number 41 from Stratford to its intersection with State Highway Number 33 and easterly of State Highway Number 33 from said intersection to the southerly line of said county; and that portion of Kern County lying easterly of State Highway Number 33 from the northerly line of said county southerly to the City of Taft, and easterly of U. S. Highway Number 399 from City of Taft southerly to the City of Maricopa, and lying northerly of State Highway Number 166 between the City of Maricopa and Pentland, and lying westerly and northerly of the old right of way of the Sunset Railway, the East Levee, Enos Avenue, Beach Avenue, and The Atchison, Topeka and Santa Fe Railway to the northerly line of said county in Section two (2), T. 25 S., R. 24 E.; and that portion of Tulare County lying westerly of The Atchison, Topeka and Santa Fe Railway from the southerly line of said county in Section thirty-six (36), T. 24 S., R. 24 E., northerly to the westerly line of said county in Section thirty (30), T. 21 S., R. 23 E., M. D. B. & M.

District 101

Except as provided in Section 480.5, all provisions relating to District 1 shall apply to District 101.

CHAPTER 184

An act to amend Sections 709, 711 and 712 of the Fish and Game Code, relating to fish.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 709 of the Fish and Game Code is amended to read:

Crappie: Bag
limits

709. The bag limit on crappie is 25 per day except in Clear Lake where it is 10 per day and in District 4 $\frac{3}{4}$ where it is 15 per day. No crappie may be sold or purchased, and not more than one daily bag limit may be possessed by any person during one day.

Sale or
purchase:
Possession
limit

SEC. 2. Section 711 of said code is amended to read:

Sunfish
seasons

711. Sunfish may be taken by angling between May 29th and October 31st, except in Clear Lake and in District 4 $\frac{3}{4}$ where sunfish may be so taken at any time.

SEC. 3. Section 712 of said code is amended to read:

Sunfish:
Bag limits

712. The bag limit on sunfish is 25 per day, except in Clear Lake where it is 10 per day and in District 4 $\frac{3}{4}$ where it is 15 per day. No sunfish may be sold or purchased and not more than one daily bag limit of sunfish may be possessed by any person during one day.

Sale or
purchase:
Possession
limit

CHAPTER 185

An act to amend Section 65.5 of the Fish and Game Code, relating to districts.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 65.5 of the Fish and Game Code is amended to read:

District 2 $\frac{1}{4}$

65.5. District 2 $\frac{1}{4}$. The following shall constitute Fish and Game District 2 $\frac{1}{4}$: Lake County and the waters of Clear Lake. Any reference in this code to Clear Lake refers to District 2 $\frac{1}{4}$. Except as otherwise provided, all of the provisions of this code relating to District 2 apply to District 2 $\frac{1}{4}$.

CHAPTER 186

An act to amend Section 66.5 of the Fish and Game Code, relating to Lake County.

[Approved by Governor May 2, 1945. Filed with Secretary of State May 2, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 66.5 of the Fish and Game Code is amended to read:

66.5. District 2 $\frac{3}{4}$. The following shall constitute fish and game district 2 $\frac{3}{4}$: Those portions of the following counties not included in other districts: Glenn County; that portion of Colusa County lying north of the Ukiah-Lake Tahoe highway; those portions of Mendocino County lying north of the Ukiah-Lake Tahoe Highway and east of the Redwood highway. Except as otherwise provided, all of the provisions of this code, relating to District 2 apply to District 2 $\frac{3}{4}$. District 2 $\frac{3}{4}$

CHAPTER 187

An act to amend Section 656.5 of the Fish and Game Code, relating to salmon.

[Approved by Governor May 2, 1945. Filed with Secretary of State May 2, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 656.5 of the Fish and Game Code is amended to read: See also
Stats 1945,
Ch 1128

656.5. In Districts 6 and 7, salmon may be taken with hook and line, between April 1st and October 15th with no bag limit, and between October 16th and December 31st with a bag limit of two per day. The size limit in either case is as provided in Section 661 of this code. Districts 6
and 7. Salmon
on season
Bag and
size limits

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Duration

CHAPTER 188

An act to amend Section 63 of the Fish and Game Code, relating to District 1½.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 63 of the Fish and Game Code is amended to read:

District 1½

63. District 1½. The following shall constitute Fish and Game District 1½: These portions of the Counties of Del Norte, Siskiyou, Trinity, and Humboldt not included in other districts.

CHAPTER 189

An act to add Section 8772 to the Water Code, relating to assessments of the Sacramento and San Joaquin Drainage District now outstanding on lands in public ownership.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 8772 is hereby added to the Water Code, to read as follows:

Release of
lien, etc

8772. The Reclamation Board shall, by resolution entered in its minutes, order the release of the lien and abandonment of the charges against tracts assessed and owned by the United States, State, counties, cities, school districts, reclamation districts, or similar other public agency, but not against any tracts deeded to the State, counties, cities, or districts for delinquent taxes or assessments. A copy of the resolution, certified by the secretary of the board and attested by its seal, shall be filed in the office of the county treasurer of each county wherein such land is situated as evidence of the release and abandonment of said charges against said lands.

Exception

CHAPTER 190

An act to amend Section 62 of the Fish and Game Code, relating to District 1.

[Approved by Governor May 2, 1945. Filed with Secretary of State May 2, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 62 of the Fish and Game Code is amended to read:

62. District 1. The following shall constitute Fish and Game District 1: Those portions of the following counties not included in other districts: Shasta, Tehama, Plumas, Butte, Sierra, Sutter, Yuba, Nevada, Placer, Sacramento, Madera, Tulare; those portions of San Joaquin County lying east and north of the east bank of the San Joaquin River and not included in Districts 3 and 12B; those portions of Stanislaus and Merced counties lying east of the west bank of the San Joaquin River; those portions of Fresno County lying east of the west bank of Fresno Slough, Fish Slough and Summit Lake; those portions of Kings County lying east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings County in Section 4, T. 18 S., R. 19 E., southerly to its crossing of State Highway Number 41 between Secs. 21 and 22, T. 21 S., R. 19 E., and east of State Highway Number 41 southerly to its intersection with State Highway Number 33, and easterly of State Highway Number 33 from said intersection to the south line of said county in Section 36, T. 24 S., R. 18 E.; those portions of Kern County lying east of State Highway Number 33 between the northerly line of said County in Section one (1), T. 25 S., R. 18 E., M. D. B. & M., and the City of Taft and U. S. Highway Number 399 between the City of Taft and the City of Maricopa, and lying north of State Highway Number 166 from the City of Maricopa easterly to the intersection of said highway with U. S. Highway Number 99 in Section twelve (12), T. 11 N., R. 20 W., S. B. B. & M., and lying east of U. S. Highway Number 99 from the above mentioned point of intersection to where the said U. S. highway crosses the northern boundary line of Los Angeles County, not included in other districts.

CHAPTER 191

An act to add Section 1042.1 to the Military and Veterans Code, relating to uncashed checks drawn on trust funds at the Veterans' Home of California.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945]

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

SECTION 1. Section 1042.1 is added to the Military and Veterans Code, to read:

Cancellation
of unclaimed
or uncashed
checks

1042.1. If any check is drawn upon any trust fund of the home and remains unclaimed, or is not cashed, for a period of one year, it shall be canceled and the amount thereof shall be turned over to the executive officer and be deposited to the credit of the post fund and used for the common benefit of the members of the home.

CHAPTER 192

An act to amend Section 4234 of the Political Code, relating to compensation for public service in counties of the fifth class.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 4234 of the Political Code is amended to read:

See also
Stats. 1945,
Ch. 417

Fresno
Salaries

Auditor

District
attorney

Supervisors

4234. In counties of the fifth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, six thousand dollars (\$6,000) per annum.
2. The district attorney, eight thousand dollars (\$8,000) per annum. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work during office hours.
3. Each supervisor, four thousand dollars (\$4,000) per annum for all services, either as supervisor or road overseer; in addition thereto, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor or as ex officio road commissioner, shall be paid the following sums:

(a) In supervisorial districts containing five hundred (500) miles of road or less, the amount of fifty dollars (\$50) per month shall be paid as and for the use of such privately owned automobile.

(b) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars (\$75) per month shall be paid as and for the use of such privately owned automobile.

(c) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars (\$100) per month shall be paid as and for the use of such privately owned automobile in the discharge of necessary official business.

(d) In addition to any sums herein mentioned, the chairman of the board of supervisors shall receive the sum of twenty-five dollars (\$25) per month for the use of his privately owned automobile in the discharge of necessary official business.

4. Grand jurors and trial jurors in the superior courts, three ^{Jurors} dollars (\$3) per day while engaged in the performance of the duties required of them by law, and in addition shall receive the mileage now allowed by law; trial jurors in the justices' courts shall receive three dollars (\$3) per day and no mileage.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses herein set forth, except that the members of the board of supervisors, auditor and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties under the law. The expenses and the salaries designated in this section for such officers except as in this section otherwise specifically provided, shall be as full and complete compensation for giving their entire time and attention to the duties required of them by law, or which are, for any reason imposed upon or performed by them under the laws of or on behalf of the United States or this State or any political subdivision thereof, or any public corporation.

All other fees, statutory mileage or other remuneration or ^{Fees, etc.} compensation of any kind or character received by such officers or their deputies from the United States or this State or any political subdivision thereof or any public corporation shall be by such officers named in this section paid into the county treasury, except that the requirements of this paragraph shall not apply to that portion of any such fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

CHAPTER 193

An act to amend Section 1290.5 of the Fish and Game Code, relating to sale or gift of deer hides.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 1290.5 of the Fish and Game Code is amended to read:

Possession,
etc., of deer
skins

1290.5. It shall be lawful for any person to have in possession the skin or hide, tanned or untanned, of any deer lawfully taken, and such skins or hides may be lawfully donated, or sold, for the purpose of tanning and/or manufacturing into articles, suitable for and needed by the armed forces of the United States; except that these provisions shall not be construed to permit any person or agency other than the commission to sell the skins or hides of deer killed under special permits as protection to crops. The commission shall prescribe, from time to time, such rules and regulations as may be necessary for the proper handling of skins and hides of deer and enforcement of this section. Violation of this section shall constitute a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500).

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 194

An act to amend Section 20800 of, the Business and Professions Code, relating to petroleum.

In effect
September
15, 1945

[Approved by Governor May 2, 1945. Filed with Secretary of State
May 2, 1945.]

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

SECTION 1. Section 20800 of the Business and Professions Code is amended to read:

Specifica-
tions for
motor or
lubricating
oils

20800. Crankcase drainings, lube-distillate, or any other petroleum product shall not be sold, offered for sale, delivered, offered for delivery or stored as a motor oil or lubricating oil

for use in an internal combustion engine unless such product conforms to the following specifications:

(a) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the American Society for Testing Materials, Standards Designation D96-40, as published in "American Society for Testing Materials Standards," 1940.

(b) The flash points for the various S. A. E. (Society of Automotive Engineers) classifications shall not be less than the following when tested in accordance with the American Society for Testing Materials, Pensky-Martens Closed Tester Standards Designation D93-40, as published in "American Society for Testing Materials Standards," 1940.

S. A. E. Number	Minimum Flash Degrees Fahrenheit
10	290
20	320
30	340
40	350
50	360
60	375
70	400

The minimum flash point for a 10W grade motor oil or lubricating oil shall not be less than 290 degrees Fahrenheit when tested in accordance with the American Society for Testing Materials, Pensky-Martens Closed Tester, Standard Designation D93-40, as published in "American Society for Testing Materials Standards," 1940.

The minimum flash point for a 20W grade motor oil or lubricating oil shall not be less than 320 degrees Fahrenheit when tested in accordance with the American Society for Testing Materials, Pensky-Martens Closed Tester, Standards Designation D93-40, as published in "American Society for Testing Materials Standards," 1940.

CHAPTER 195

An act to add Section 5016 to the Public Resources Code, relating to the exchange by the State Park Commission of lands patented to the State by the Federal Government for privately owned lands situated within the boundaries of the Anza Desert State Park Project.

[Approved by Governor May 2, 1945. Filed with Secretary of State May 2, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5016 is added to the Public Resources Code, to read:

5016. In order to eliminate or acquire privately owned lands situated within the present exterior boundaries of the Anza

Acquisition
of property
in Anza
Desert State
Park Project

Desert State Park Project, the State Park Commission is authorized to exchange for such lands other lands of approximately equal value which have been or may hereafter be patented to the State for park purposes by the Federal Government. In making the exchanges the commission may comply with all rules prescribed by the Secretary of the Interior relating thereto.

CHAPTER 196

An act to amend Section 9141 of the Education Code, relating to vocational rehabilitation.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 9141 of the Education Code is amended to read:

Acceptance
of grant
U S C, Tit.
29, Ch 4

9141. The people of the State accept the provisions and benefits of the act of Congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and as the same has been amended.

CHAPTER 197

An act to add Section 4231.1 to the Education Code and to amend Section 4232 of said code, relating to junior college districts.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 4231.1 is added to the Education Code, to read:

Inclusions
in junior
college
district

4231.1. A junior college district may also include all the territory in one or more high school districts and one or more unified school districts if all such districts are contiguous.

SEC. 2. Section 4232 of said code is amended to read:

Procedure
for forma-
tion

4232. Junior college districts shall be formed pursuant to this article. For the purposes of the formation of a junior college district to include one or more high school districts and one or more unified school districts "high school district" as used herein means high school district or unified school district.

"High
school
district"

CHAPTER 198

An act to add Section 6060.7 to the Business and Professions Code, relating to admission to the practice of law.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 6060.7 is added to the Business and Professions Code, to read:

6060.7. Any student who shall have been eligible for and entitled to receive education or training as provided in Section 400 of the Servicemen's Readjustment Act of 1944 (Public Law 346, Seventy-eighth Congress), or who shall have been released from active duty with the armed forces of the United States under conditions other than dishonorable after not less than the period of service therein provided, and who shall have graduated from a law school accredited by the examining committee which requires substantially the full time of its students for 24 months, or a part only of its students' time for 36 months, shall be deemed to have satisfied the requirements of Subsection (1) or (2) of subdivision (g) of Section 6060; provided, however, that the course of study in such law school shall consist of a minimum of 1,080 hours of classroom instruction, and 90 weeks of full-time work or 144 weeks of part-time work.

Members of
armed
forces
Satisfaction
of study re-
quirements
58 Fed
Stats., Ch
268

CHAPTER 199

An act to add Section 16482.1 to the Education Code, relating to the authorization of persons to test the hearing of public school pupils.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 16482.1 is added to said code, to read:

16482.1. A person employed by a school district in a position requiring certification qualifications who holds a valid special credential for teaching lip reading may, subject to Section 16483, test the hearing of pupils of the district through the use of an audiometer for the purpose of detecting pupils with impaired hearing.

Use of
audiometer

CHAPTER 200

An act to amend Sections 1018, 1033, 1034, and 1042, and to repeal Sections 1022 and 1046 of the Military and Veterans Code, relating to the Veterans' Home of California.

In effect
September
15 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 1018 of the Military and Veterans Code is amended to read:

Officers of
Veterans'
Home

1018. The commandant, executive officer, surgeon, quartermaster, adjutant, chaplain, assistant surgeons, dental officers, medical administrative officer, and the engineer who shall be designated as utilities officer in office at the time this amendment takes effect shall remain in office as provided in the State Civil Service Act. Thereafter the board shall appoint, subject to civil service, qualified persons to fill such offices, none of whom shall be members of the board.

SEC. 2. Section 1033 of said code is amended to read:

Bills, etc

1033. All bills and charges against the board for supplies, salaries, or other expenses shall be prepared and audited in the manner provided by law and warrants therefor shall be paid out of any money available for such purposes according to the directions of the board approved by the Department of Finance.

SEC. 3. Section 1034 of said code is amended to read:

Disposition
of money
received

1034. Except money received from this State for disbursement, all moneys received by the board or by any officer of the home, including pension and other moneys belonging to veterans and other trust moneys, shall be immediately paid to the executive officer of the home. On or before the tenth day of each month the executive officer of the home shall forward to the State Treasurer all moneys in his possession, except pension and other moneys belonging to veterans, trust moneys, the post funds, and the emergency fund, hereinafter mentioned, together with a statement of the sources from which the same have been received. The moneys shall be deposited by the State Treasurer to the credit of the General Fund of the State; provided, however, that abatements of support expenditures shall be credited to the support appropriation current at the time of collection.

SEC. 4. Section 1042 of said code is amended to read:

Accrued
interest

1042. All accrued interest on money turned over to the executive officer and retained by him under this chapter shall be accounted for by him and deposited to the credit of the post fund and used for the common benefit of the veterans.

Repeals

SEC. 5. Sections 1022 and 1046 of said code are repealed.

CHAPTER 201

An act to amend Section 222 of the State Civil Service Act and Section 18972 of the Government Code, relating to veterans' preference. Stats. 1937,
p. 2085,
amended

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 222 of the State Civil Service Act is amended to read: Stats. 1937,
p. 2085

Sec. 222. The board, for specific State services or employments as determined by the board, may in examination allow general or individual preference in ratings to veterans who have suffered permanent disability in line of duty, provided that such disability will not prevent the proper performance of the duties required under such service or employment, and provided that such disability is on record in the files of the United States Veterans' Administration. Preference
rating
Disabled
veterans

SEC. 2. Section 18972 of the Government Code is amended to read:

18972. For specific State services or employments as determined by the board, it may in examination allow general or individual preference in ratings to veterans who have suffered permanent disability in line of duty, if such disability will not prevent the proper performance of the duties required under such service or employment, and if such disability is of record in the files of the United States Veterans' Administration. Preference
rating
Disabled
veterans

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 222 of the State Civil Service Act is hereby repealed. Effect
Stats. 1945,
Ch. 123

CHAPTER 202

An act to amend Section 1035 of the Military and Veterans Code, relating to disposition of funds of deceased members of Veterans Home of California.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 1035 of the Military and Veterans Code is amended to read:

1035. Any balance of moneys of any veteran held by the board, or by its authority, shall, upon the death of the veteran, Disposition
of funds of
deceased
veterans

where undisposed of by will, be held as a trust fund to be paid by the board upon proof deemed to be proper to the board, directly and without probate, to the heirs of the veteran; provided, that said board is hereby empowered to disburse funds of any deceased veteran for payment of such funeral expenses.

If no heirs are discovered within five years after the death of the veteran, or if the heirs discovered within such time are not entitled to the whole thereof, the moneys not paid to the heirs, and undisposed of by will, shall be paid to the post fund of the home which fund shall be used for the common benefit of the veterans under the direction of the board.

CHAPTER 203

An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 630 of the Probate Code is amended to read:

Summary
probate
proceedings

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this State, and the total value of the decedent's property in this State, over and above any amounts due to the decedent for services in the armed forces of the United States, does not exceed one thousand dollars (\$1,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property or to have such evidences transferred.

CHAPTER 204

An act to amend Sections 13651 and 13652 and to repeal Section 13653 of the Education Code, relating to decrease in number of permanent employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.] In effect immediately

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

SECTION 1. Section 13651 of the Education Code is amended to read:

13651. No permanent employee shall be deprived of his position for causes other than those specified in Article 2, Chapter 11, of this division except in accordance with the provisions of this article. Decrease in number of permanent employees

Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of said district it shall have become necessary by reason of either of such conditions to decrease the number of permanent employees in said district, the said governing board may terminate the services of not more than a corresponding percentage of the certificated employees of said district, permanent as well as probationary, at the close of the school year; provided, that the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Notice of such termination of services for reduction in attendance shall be given before the fifteenth of May in the manner prescribed in Section 13582 of this code, and services of said employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 13004.1 and 13004.2 of this code. Notice of termination

The board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.

SEC. 2. Section 13652 of the Education Code is amended to read:

13652. Any permanent employee whose services have been terminated as provided in Section 13651 shall have the following rights: Rights of employees

1. For the period of three years from the date of such termination, any employee who in the meantime has not attained Reappointment

the age of 65 years shall have the preferred right to reappointment, in the order of original employment as determined by the board in accordance with the provisions of Sections 13004.1 and 13004.2 of this code, if the number of employees is increased or the discontinued service is reestablished, with no requirements that were not imposed upon other employees who continued in service; provided, that no probationary or other employee with less seniority shall be employed to render a service which said employee is certificated and competent to render.

Waiver

2. The aforesaid right to reappointment may be waived by the employee, without prejudice, for not more than one school year, unless the board extends this right, but such waiver shall not deprive the employee of his right to subsequent offers of reappointment.

Considered
leave of
absence

3. As to any such employee who is reappointed, the period of his absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his service he shall retain the classification and order of employment he had when his services were terminated, and credit for prior service under any State or district retirement system shall not be affected by such termination, but the period of his absence shall not count as a part of the service required for retirement.

Substitute
service

4. During the period of his preferred right to reappointment any such employee shall, in the order of original employment, be offered prior opportunity for substitute service during the absence of any other employee who has been granted a leave of absence or who is temporarily absent from duty; provided, that his services may be terminated upon the return to duty of said other employee, that the compensation he receives shall not be less than that which he was receiving at the time his services were terminated, and that said substitute service shall not affect the retention of his previous classification and rights.

Contribu-
tions to
retirement
system

5. At any time prior to the completion of one year after his return to service, he may continue or make up, with interest, his own contributions to any State or district retirement system for the period of his absence, but it shall not be obligatory on State or district to match such contributions.

Disability,
etc

6. Should he become disabled or reach retirement age at any time before his return to service, he shall receive, in any State or district retirement system of which he was a member, all benefits to which he would have been entitled had such event occurred at the time of his termination of service, plus any benefits he may have qualified for thereafter, as though still employed.

Repeal

SEC. 3. Section 13653 of the Education Code is repealed.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Because of the effects of the war on the attendance of pupils in many school districts of the State the governing boards of such districts have dismissed many permanent employees thereof, and, so long as such conditions continue, will be required to dismiss many additional permanent employees. The statutory provisions governing the relative priorities of such employees, both as to the sequence in which they shall suffer dismissal and the order in which they may be reinstated, and governing their rights when reinstated, are ambiguous and of uncertain meaning and application, resulting in confusion and inefficiency in the administration of the public schools. This bill is designed to resolve such ambiguities and it is necessary that same become effective prior to the close of the present school year.

CHAPTER 205

An act to amend Section 13654 of the Education Code, relating to the rights of permanent certificated employees whose services have been terminated because of the effect of wars upon the attendance of pupils.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 13654 of the Education Code is amended to read:

13654. As to any permanent certificated employee whose services have been terminated because of the effect of wars in which the United States is engaged upon the attendance of pupils or upon the maintenance of a particular kind of service, the effective period covered by all rights enumerated in Section 13652 is extended until two years after the cessation of hostilities, and in addition thereto for a like period the said employees shall have the following rights:

Rights of
permanent
certificated
employee
upon termi-
nation of
service

1. He may voluntarily accept termination of service in other than the order of original employment and retain all of the other rights herein provided.

2. If he is engaged in any form of civilian or military war service, any credential or certificate he holds is continued in full force and effect until 90 days after the termination of his employment therein.

3. If, either before or after such termination, he engages in any form of war service for which provision is made in Section 13204.1 of this code or elsewhere in the laws of this State, he shall retain all rights granted by such war service legislation as though still employed; provided, that the right to reappointment shall be in the order of original employment, as determined in accordance with the provisions of Sections 13004.1 and 13004.2 of this code.

Application
of section

The services of all permanent certificated employees dismissed since December 7, 1941 because of the effect of the wars upon attendance of pupils or the maintenance of service shall be deemed to have been terminated in accordance with the provisions of Section 13651, as amended, and said employees shall have all of the rights in this section provided.

CHAPTER 206

An act to add Section 13655 to the Education Code, relating to the rights of permanent certificated employees of school districts whose services have been terminated because of the effect of wars upon the attendance of pupils or continuance of particular services.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 13655 is added to the Education Code, to read:

Termination
of substitute
service

13655. The services of any permanent certificated employee referred to in Section 13654 who has been appointed to substitute service in place of another employee who is on leave of absence for civilian or military war service may be terminated upon the return of said other employee from such leave of absence, but only at the end of the current semester or quarter and not less than 30 days after written notice that his services will no longer be required.

CHAPTER 207

An act to add Sections 13004.1 and 13004.2 to the Education Code, relating to order of employment of certificated employees, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 13004.1 is added to the Education Code, to read:

Order of em-
ployment of
certificated
employees

13004.1. The governing board of every school district shall establish the order of employment of all present and future certificated employees of the district in the manner prescribed by this section and shall keep a roster of same as a public record.

Unless otherwise specified in this code, any probationary or permanent employee shall be deemed to have been employed on

the date upon which he first accepted employment in a probationary position.

In case two or more employees accepted employment at the same time, the board shall determine the order of employment by lots drawn by the employees concerned; provided, that any such employee may be represented at said drawing by proxy of his own choosing.

In the absence of records as to the time of acceptance, the board, in accordance with evidence presented, shall determine the order of employment after giving employees concerned a reasonable opportunity to present such evidence.

SEC. 2. Section 13004.2 is added to said code, to read:

13004.2. In areas in which two or more districts have governing boards composed of the same personnel, when any school or part thereof shall have been transferred from one district to another within the jurisdiction of the said board, employment shall date from the original acceptance of employment in the school or part thereof so transferred.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Because of the effects of the war on the attendance of pupils in many school districts of the State, the governing boards of such districts have dismissed many permanent employees thereof, and, so long as such conditions continue, will be required to dismiss many additional permanent employees. The statutory provisions governing the relative priorities of such employees are ambiguous and of uncertain meaning and application, resulting in confusion and inefficiency in the administration of the public schools. This bill is designed to resolve such ambiguities and uncertainties and it is necessary that it take effect prior to the close of the present school year.

CHAPTER 208

An act to add Section 7439 to and to amend Section 7461 of the Education Code, relating to the issuance of school bonds, bond maturities and the redemption of school bonds before maturity.

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 7439 of the Education Code is hereby added, to read as follows:

7439. Any unsold bonds of the elementary, high school or junior college districts comprising a unified school district and voted at any election held either prior or subsequent to the date upon which the action necessary to the formation of the unified

Effect of
unification
upon un-
issued bonds

district was completed, may be issued by the board of supervisors in the name of the unified district and the proceeds derived from the sale thereof shall be the funds of the unified district and shall be used only for the purpose or purposes for which said bonds were voted.

Sec. 2. Section 7461 of the Education Code is hereby amended to read as follows:

Bonds
Payment

7461. The board of supervisors by an order entered upon its minutes shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds.

Subject to
call and
redemption

Any bonds authorized at an election held after the effective date of this act may be issued subject to call and redemption before maturity at the option of the governing board of the district. Said governing board, at any time following a bond election and prior to the issuance and sale of the bonds authorized thereat, may by resolution determine that all or any part of such bonds shall be issued subject to call and redemption before maturity and the price or prices at which said bonds shall be redeemed. A certified copy of such resolution shall be filed with the board of supervisors. Thereafter said board of supervisors, in its order fixing the form of the bonds and the maturities thereof, shall provide that the bonds be redeemable at the option of said governing board and at the price or prices fixed in said resolution. Bonds issued subject to call and redemption prior to maturity shall contain a recital to that effect, and no bond shall be subject to call or redemption prior to maturity unless it contains such a recital. The board of supervisors in its order shall fix the method of giving notice of redemption to holders of bonds to be redeemed.

CHAPTER 209

Stats. 1937, p. 2085, amended. *An act to amend Section 22 of the State Civil Service Act and Section 18540 of the Government Code, relating to veterans.*

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

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

Stats. 1937,
p. 2085

"Veteran"

SECTION 1. Section 22 of the State Civil Service Act is hereby amended to read as follows:

Sec. 22. "Veteran" means any person who has served in the United States Army, Navy, Marine Corps, Revenue Marine Service, or as an active nurse in the service in the American Red Cross, or in the Army and Navy Nurse Corps in time of war, or in any expedition of the armed forces of the United States, or who served in one of said services during the period September 16, 1940 to December 7, 1941, and received a discharge under conditions other than dishonorable, proof of which shall be submitted to the board at the time of the examination.

SEC. 2. Section 18540 of the Government Code is amended to read:

18540. "Veteran" means any person who has served in the United States Army, Navy, Marine Corps, Revenue Marine Service, or as an active nurse in the service of the American Red Cross, or in the Army and Navy Nurse Corps in time of war, or in any expedition of the armed forces of the United States, or who served in one of said services during the period September 16, 1940 to December 7, 1941, and received a discharge under conditions other than dishonorable. "Veteran"

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 22 of the State Civil Service Act is hereby repealed. Effect
Stats. 1945,
Ch. 123

CHAPTER 210

An act to amend Section 4275 of the Political Code, relating to compensation for public services in counties of the forty-sixth class.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.] In effect
September
15, 1945

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

SECTION 1. Section 4275 of the Political Code is amended to read as follows: See also
Stats 1945,
Ch 417

4275. In counties of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums: Volume.
Salaries

1. The auditor, two thousand two hundred twenty dollars (\$2,220) per annum. Auditor

2. The district attorney, two thousand eight hundred dollars (\$2,800) per annum. District
attorney

3. Supervisors, each the sum of one thousand eight hundred dollars (\$1,800) per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners. Supervisors

In lieu of mileage, supervisors shall be entitled to the use of automobiles provided and maintained by any county of this class in connection with the performance of their official duties.

4. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations and for coroners' inquests, and for transcribing notes in justices' courts preliminary examinations, a monthly salary of one hundred thirty-five dollars (\$135), payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and Court
reporter

shall receive as compensation for taking notes, when required, in civil cases, a per diem as is now or may be hereafter provided by law, to be paid by the litigants as the court may direct; and for transcription of said notes, in civil cases, and in criminal cases on appeal from the superior court, such fees as are now or may be hereafter provided by law; said compensation for transcriptions in criminal cases on appeal from the superior court to be audited and allowed upon a written order of the court, and paid out of the county treasury and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Jurors

5. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars (\$3) per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents (\$.25); and in criminal cases, the county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same.

Witnesses

6. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, and upon the juvenile court in juvenile court matters, shall be paid two dollars (\$2) per day for each day's actual attendance, and twenty-five cents (\$.25) per mile for each mile actually traveled, in going only; and in criminal cases and in juvenile court matters the county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same.

Incumbent officers

SEC. 2. The compensation provided by Section 4275 of the Political Code shall be paid to incumbent officers.

CHAPTER 211

An act to add Section 18679.5 to the Business and Professions Code, relating to the regulation of boxing and wrestling.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 18679.5 is added to the Business and Professions Code, to read:

Period of
club license

18679.5. The license provided for in Section 18679 shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended by the commission.

CHAPTER 212

An act to amend Section 4237.1 of the Political Code, relating to court phonographic reporters in counties of the eighth class.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 4237.1 of the Political Code is amended to read:

4237.1. In counties of the eighth class there shall be three phonographic reporters, whose salary for each of such reporters shall be three thousand six hundred dollars (\$3,600) per year. The salary of each reporter herein provided for shall be paid by the County of San Bernardino in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid; said salary shall be in lieu of fees received for reporting any court or grand jury proceedings and for reporting for any department of the county government. The per diem fee now paid or hereafter provided by law to be paid by parties litigant to such reporters, shall be paid by such parties litigant to the clerk of the court, who shall transmit the same to the county treasurer to be paid into the general fund of the county.

San Bernar-
dino County
Phonographic
reporters

In addition to the salary the reporter shall be allowed the fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters.

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant to the reporters, and in criminal cases shall be paid by the county, when ordered by the court, as other claims are paid.

Transcribing
fees

In addition to said phonographic court reporters, the judges of the superior court in counties of the eighth class may by majority vote thereof appoint one reporter secretary, whose duties shall be to render such service as such judges may require. The salary of such reporter secretary shall be fixed by the board of supervisors of such counties, in the manner now or hereafter provided by law, to be audited, allowed and paid out of the general fund of such counties.

Reporter
secretary

CHAPTER 213

An act to amend Section 55 of the Civil Code, relating to marriages.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

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

SECTION 1. Section 55 of the Civil Code is amended to read:

Marriage:
Require-
ments

55. Marriage is a personal relation arising out of a civil contract, to which the consent of the parties capable of making that contract is necessary. Consent alone will not constitute marriage; it must be followed by the issuance of a license and solemnization as authorized by this code, except as provided by Section 79 of this code.

CHAPTER 214

An act to add a new section to the Civil Code, relating to marriages performed under Section 79 of the Civil Code.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 79.1 is hereby added to the Civil Code, to read as follows:

Validation
of certain
marriages

79.1. All marriages that have heretofore been, or that may hereafter be consummated under the provisions of Section 79 of the Civil Code are hereby declared to be valid.

CHAPTER 215

An act to amend Section 860 of the Fish and Game Code, relating to the taking of salmon.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 860 of the Fish and Game Code is amended to read:

Salmon Dis-
trict 12B

860. In District 12B, salmon may be taken with nets allowed to be used in said district, as follows:

- (a) Between November 15th and June 15th.
- (b) Between August 10th and sunrise on September 26th.

CHAPTER 216

An act to add Section 12.16 to the County Water District Act, relating to the powers of county water districts as to recreational facilities. Stats 1913, p 1049, amended

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 12.16 is added to the County Water District Act, to read as follows: New section

Sec. 12.16. Whenever the Government of the United States of America has, in conjunction with a district organized under this act, contributed to the cost of building a dam and the creation of a lake thereby, the waters of which were designed to be used for domestic, irrigation and recreational purposes, the board of directors of any such district may establish, maintain and operate recreational facilities and appliances upon the waters of such lake and the lands adjacent thereto, or it may lease such waters and lands to others for such purpose; provided, that the maintenance and operation of any and all such facilities and appliances shall ever be in accordance with rules and regulations applicable thereto and as adopted by the board of directors of the district, subject to the provisions of Section 531, of the Fish and Game Code. Recreational use of artificial lakes

CHAPTER 217

An act to amend Section 1029 of the Code of Civil Procedure, relating to award of costs against counties, cities, districts and other public agencies or entities.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1029 of the Code of Civil Procedure is amended to read:

1029. When any county, city, district, or other public agency or entity, or any officer thereof in his official capacity, is a party, costs shall be awarded against it on the same basis as against any other party and, when awarded, must be paid out of the treasury thereof. Award of costs against public agency, etc.

CHAPTER 218

An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

City of
Oakland
Easement to
tidelands,
etc

SECTION 1. There is hereby transferred to the City of Oakland, a municipal corporation, and to its successors forever, a surface easement over all lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, included within that portion of the City of Oakland described as follows:

Bounded on the north by the line of ordinary low tide as said line may have come to rest under natural conditions; on the south by the southerly boundary line of said City of Oakland lying in the Estuary of San Antonio; on the west by a line drawn parallel with and distant 250 feet eastwardly from the southerly production of the easterly line of Webster Street, a public street in said city; on the east by the southerly production of the westerly line of Harrison Street, a public street of said city.

Purposes

Said transfer is made for the following uses and purposes and subject to the following conditions:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for terms not in excess of 25 years for uses specified in this paragraph.

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all time, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, or airplane or seaplane owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances herein mentioned, no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) That there is hereby reserved to the State of California the right and power to prospect for, mine, extract, and remove from said lands any minerals, oil, gas, and other hydrocarbons, and all other things of value which may be contained in the subsurface of said lands; but any such prospecting, mining, extraction, and removal shall not be conducted by the State, or those who hold under the State, in such manner as to unreasonably interfere with the administration herein transferred to the city.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

CHAPTER 219

An act to amend Section 203 of the Welfare and Institutions Code, relating to county hospitals.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 203 of the Welfare and Institutions Code is amended to read:

203. The board of supervisors in each county may establish and maintain a county hospital, prescribe rules for the government and management thereof, appoint a county physician and other necessary officers and employees thereof, who shall hold office during the pleasure of the board and authorize said hospital to be a member of and maintain membership in any local, State or National group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration and in connection therewith to use tax funds for the payment of dues and fees not to exceed in the aggregate, however, the sum of seven hundred and fifty dollars (\$750) in any one year.

County
hospital

CHAPTER 220

An act to amend Section 5438 of the Public Resources Code, relating to the governing body of a county recreation district, and to validate the organization, boundaries, trustees, acts, proceedings and bonds of recreation districts.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 5438 of the Public Resources Code is amended to read:

Recreation
districts'
Trustees

5438. Public recreation districts shall be managed by seven trustees, appointed by the board of supervisors from the voters of the district. Two of said trustees shall hold office for a period of two years, three of said trustees shall hold office for a period of three years, two of said trustees shall hold office for a period of four years and their successors shall be appointed in the same manner as other appointments are made by the board. The word "voters" as used in this section means persons entitled to vote at a district election under the provisions of Section 5437.

"Voters"

Validation
of existing
districts

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

(b) The boundaries of every county recreation district as heretofore established, defined, or recorded are hereby confirmed, validated, and declared legally established.

(c) The trustees of every recreation district heretofore appointed and acting as such, are hereby declared the legally appointed trustees of such district.

(d) All acts or proceedings of any nature heretofore taken or performed by any such trustees are hereby confirmed, validated, and declared legally effective.

(e) All acts and proceedings heretofore taken by any county recreation district under any law, or under color of any law, for the issuance, sale, or exchange of bonds of any such district for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the trustees heretofore done or taken in connection, with any election upon the question of the issuance, sale, or exchange of such bonds.

All such bonds heretofore issued, or heretofore authorized to be issued when hereafter issued in substantially the form contemplated in such authorization, shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the district.

(f) Nothing contained in this act shall be construed to render the creation of any county recreation district, or any change in the boundaries of any county recreation district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by that section.

CHAPTER 221

An act to add Section 2559.5 to the Health and Safety Code, relating to functions of health officers.

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 2559.5 is added to the Health and Safety Code, to read:

2559.5. Upon receiving information of the existence of tuberculosis, each health officer shall:

(a) Quarantine or isolate each case, whenever such a step is necessary for the preservation and protection of the public.

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the State department in carrying out such quarantine or isolation.

CHAPTER 222

An act declaring portions of the lands conveyed to the City of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and authorizing the use of said portions of said lands by the State of California for the erection thereon of a State building.

Stats 1911, p 1357

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945]

In effect September 15, 1945

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

SECTION 1. That a portion of the land heretofore granted to the City of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable

Land heretofore granted to City of San Diego

waters situate in the bay of San Diego to the City of San Diego, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, has heretofore been improved by adapting the same to use for navigation, and that in so adapting such portion of said land to said use, the said City of San Diego filled in such portion of said land as lies between the line of mean high tide and the seawall erected along the bulkhead line established by the United States Government, and the following area shown on the map of the Municipal Tidelands Subdivision Tract No. 1, filed in the office of the city clerk of the City of San Diego, the eighteenth day of May, 1916, and particularly bounded and described as follows:

Description All that portion of Block 11, Municipal Tidelands, Subdivision Tract No. 1, bounded on the north by the prolongation of the south line of Ash Street; on the east by Pacific Highway; on the south by A Street; and on the west by Belt Street.

Declared free from public use Construction SEC. 2. That the said lands comprising the said above described area are hereby declared to be free from the public use for navigation, commerce and the fisheries. This declaration shall not be construed or interpreted as a modification or repeal of the Act of June 3, 1929, Chapter 642 at Page 1053 of the Statutes of California for the year 1929, except that nothing contained in said act or in the act of May 1, 1911 as amended shall be held to prevent the conveyance by the City of San Diego of said portion of Block 11, Municipal Tidelands, Subdivision Tract No. 1 to the State of California for the purpose of erecting thereon a State building or held to prohibit the City of San Diego from entering into a contract with the State of California for the use of said parcel of land by the State of California by the erection and maintenance thereon of a State building.

CHAPTER 223

An act to add Section 705.5 to the Vehicle Code, relating to transportation of saw logs, declaring the urgency of this act, to take effect immediately.

In effect immediately

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

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

SECTION 1. Section 705 5 is added to the Vehicle Code, to read:

Hauling of saw logs

705.5. Hauling of Saw Logs. The limitations imposed in Section 705, subdivision (b), California Vehicle Code, shall not apply to the transportation of a single saw log, which does not exceed 96 inches in diameter or 20 feet six inches in length,

regardless of weight, if such log is hauled on a combination of vehicles consisting of a three-axle tractor and a two-axle semi-trailer. When so transported said vehicle shall not be operated over any bridge or causeway at a speed of more than 15 miles per hour or on the highway at more than 35 miles per hour.

This section shall remain in effect until the ninety-first day ^{Duration} after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede Section 705, subdivision (b), of this code; but Section 705, subdivision (b), is not repealed by this section and after this section is no longer effective, Section 705, subdivision (b), shall have the same force as though this section had not been enacted.

SEC. 2. This act is hereby declared to be an urgency measure ^{Urgency} necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and therefore shall take effect immediately. The following is a statement of the facts constituting such necessity:

The present limitations on the weights carried on vehicles using the highways prohibits the hauling of certain large logs and consequently prevents the United States from obtaining the lumber from such logs for use for war purposes and also restricts the supply of lumber available for essential civilian uses. The need for a greater supply of lumber is urgent and in order that it may be provided it is necessary that this act take immediate effect.

CHAPTER 224

An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 737jj of the Political Code is hereby amended to read as follows: <sup>See also
Stats 1945,
Ch 850</sup>

737jj. The annual salary of each of the judges of the Superior Court in and for the County of San Bernardino is nine thousand dollars (\$9,000). <sup>Superior
judges San
Bernardino</sup>

CHAPTER 225

An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Eureka, including the management, use, and control thereof.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

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

City of
Eureka.
Grant of
tidelands

SECTION 1. There is hereby granted to the City of Eureka, a municipal corporation of the State of California, and to its successors, all the right, title and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamps and overflowed lands lying on the southerly, easterly and southeasterly side of the thread of the Main Channel and the Arcata Channel as the same now exists in Humboldt Bay, and situated within the following described sections, to wit: All of Secs. 14, 15, 22, 23, 24 and 33; the SW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Sec. 13; the SE. $\frac{1}{4}$ of Sec. 16; the E. $\frac{1}{2}$ and the SE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Sec. 21; the NW. $\frac{1}{4}$ of Sec. 27; the E. $\frac{1}{2}$ of the NW. $\frac{1}{4}$, the E. $\frac{1}{2}$ of the SW. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Sec. 28; the E. $\frac{1}{2}$ of the NE. $\frac{1}{4}$ and the SE. $\frac{1}{4}$ of Sec. 32; all in T. 5 N., R. 1 W., H. B. & M.; the N. $\frac{1}{2}$ of Sec. 4; the NE. $\frac{1}{4}$ of Sec. 5; all in T. 4 N., R. 1 W., H. B. & M.

Purposes

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement, and conduct of a harbor, and for the construction, maintenance, and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures, facilities, and appliances necessary or convenient for the promotion and accommodation of commerce and navigation; and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any

part thereof, for any vessel or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Constitutionality

CHAPTER 226

An act to amend Section 2957 of the Civil Code, relating to chattel mortgages.

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2957 of the Civil Code is amended to read:

See also
Stats 1945
Ch 93 and
1158

2957. A mortgage of personal property or crops is void as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property in good faith and for value, unless:

Chattel
mortgages
Requirements
to validity

1. It is acknowledged, or proved and certified, in like manner as grants of real property;

2. The mortgage, if of animate personal property other than crops growing or to be grown, is recorded in the office of the recorder of the county where the mortgager resides at the time the mortgage is executed, or in case the mortgager is a non-resident of this State, in the office of the recorder of the county where the property mortgaged is located at the time the mortgage is executed;

3. The mortgage, if of crops growing or to be grown, is recorded in the office of the recorder of the county where the land is located upon which such crops are growing or to be grown;

4. The mortgage, if of personal property other than crops growing or to be grown or animate personal property, is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, and also in the county where the property mortgaged is located, at the time the mortgage is executed, and to which such property is thereafter removed;

5. Each such mortgage is clearly entitled on the face thereof, apart from and preceding all other terms of the mortgage, to be a mortgage of crops and chattels, or either;

6. Within four years from the last recording or rerecording thereof, it be recorded in its entirety or in lieu thereof there be recorded a certificate executed by the mortgagor or mortgagee, or the successor in interest of either thereof, and recorded in the office of the recorder of each county in which the mortgage has been recorded, which said certificate shall be in substantially the following form:

Certificate
of Rerecorda
tion

Form

CERTIFICATE OF RERECORDATION

By this Certificate of Recordation that certain mortgage made by _____, mortgagor, to _____, mortgagee, and dated the _____ day of _____, in the year _____, and recorded in the office of the recorder of the county of _____ on the _____ day of _____, in the year _____, in Book _____ of _____ at page _____ (set forth if available the date and place of each recordation), be and the same hereby is rerecorded.

(signed) A. B.

Said certificate shall be acknowledged, or proved and certified, in like manner as grants of real property. No certificate shall be deemed defective because it does not refer to all of the recordations of the original mortgage. The provisions of subdivision 6 of this section shall not apply to any mortgage heretofore or hereafter made pursuant to an order, judgment, or decree of court of record, or heretofore or hereafter made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or heretofore or hereafter made by a public utility subject to the provisions of the Public Utilities Act, but such a mortgage when once recorded as provided by law, shall remain valid and effective as against creditors of the mortgagor

Exceptions

and subsequent purchasers and encumbrancers of the property mortgaged without rerecording, anything in this section to the contrary notwithstanding. The term "rerecording" as used in this section shall include the recording of a certificate of rerecording, and the provisions of this section, as amended in 1941, shall apply to all mortgages of personal property or crops whether recorded or rerecorded prior or subsequent to the enactment of this section or any amendment thereto; and

"Rerecord-
ing"

7. No crop mortgage covering crops which are to be harvested later than the 12 months after the date of the mortgage shall be valid, except as between the parties and as against any person having actual notice thereof, if executed by a tenant of the land unless the tenant is the holder of a leasehold by an instrument in writing and of record or a memorandum of which is of record in the office of the county recorder of the county in which the land is situated; and unless said mortgage refers to said lease or memorandum of lease by date of recordation and book and page of the records of said recorder in which said lease or memorandum of lease is recorded; and no crop mortgage executed by such tenant as mortgagor therein shall be effective for any purpose whatsoever after and beyond the termination date of such lease except for right to emblements in annual, but not perennial crops, and the provisions of Section 1945 shall not apply to extend the lien of any crop mortgage referred to in this section.

Invalid crop
mortgages

Exceptions

CHAPTER 227

An act to amend Sections 20082 and 20083 of, and to add Sections 20084, 20085, 20086 and 20087 to, the Water Code, relating to supervision of districts.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 20082 of the Water Code is amended to read:

20082. No expenditures from the proceeds of certified bonds shall be made by the treasurer, or any other person in custody of the proceeds, of a district for any purpose not specified in the approved schedule or for any approved purpose in excess of the amount allowed therefor in the approved schedule without the consent of the commission or the State Engineer on behalf of the commission. A certified copy of such approved schedule shall be filed with the treasurer, or person in custody of the proceeds, of the district before any expenditures from the proceeds of certified bonds may be made.

Expenditure
of bond
proceeds in
excess of
approved
schedule,
etc

SEC. 1.5. Section 20083 of said code is amended to read:

20083. During the progress of any work to be paid from the proceeds of any certified bond issue, the State Engineer on

Inspection
by State
Engineer

behalf of the commission shall make from time to time an inspection of the work and report thereon to the commission in order that the commission may be advised as to the progress of the work.

SEC. 2. Section 20084 is added to said code, to read:

Deviation from plans

20084. The State Engineer on behalf of the commission is empowered to approve any deviation from the plans or expenditure schedules previously approved by the commission, if in his judgment such deviations are reasonable and proper.

SEC. 3. Section 20085 is added to said code, to read:

Report of completion of work

20085. Upon completion of the work to his satisfaction, the State Engineer shall make a written report to the commission to that effect submitting therein a schedule of the expenditures as actually made from the proceeds of the certified bond issue.

SEC. 4. Section 20086 is added to said code, to read:

Approval of expenditures

20086. Upon receipt of the report from the State Engineer upon the completed project advising that the work performed from the proceeds of certified bonds has been completed to his satisfaction, commission shall forthwith make a report to the district approving the expenditures made from the proceeds of the certified bonds.

SEC. 5. Section 20087 is added to said code, to read:

Surplus funds

20087. If any moneys remain from the proceeds of any certified bond issue after all work contemplated under the issue has been completed and all payments therefor have been made, the amount of moneys remaining shall be immediately reported to the commission and these remaining moneys shall not be expended without commission approval.

CHAPTER 228

An act to add new Sections 20051, 20052 and 20053 to Article 3 of Chapter 1 of Division 10 of the Water Code, relating to revocation of bond approval.

In effect September 15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945]

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

SECTION 1. Section 20051 is hereby added to Article 3 of Chapter 1 of Division 10 of the Water Code, to read:

Revocation of bond approval

20051. The commission is authorized, on not less than five days' notice to the district, to revoke any report validating bonds for certification by the State Controller prior to actual certification of the bonds described therein by the State Controller, whenever in the opinion of the commission such revocation is desirable

SEC. 2. Section 20052 is added to said code, to read:

Grounds for revocation

20052 The revocation of any certification report of the commission may be based upon any change in the economic or

financial condition of the district which has occurred subsequent to the date of the original report, or upon any other ground deemed by the commission to warrant the exercise of the power of revocation.

SEC. 3. Section 20053 is added to said code, to read:

20053. A copy of the order of revocation shall be forthwith filed with the State Controller and thereafter the State Controller shall not certify the bonds described therein unless and until a new report, based upon a new application by the district, shall be made by the commission.

Filing order of revocation

CHAPTER 229

An act to add Section 560.5 to the Vehicle Code, relating to the punishment for violations of pedestrians' rights of way at crosswalks.

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 560.5 is added to the Vehicle Code, to read:

560.5. Penalty for Violation of Pedestrians' Right of Way at Crosswalk. Every person convicted of a violation of Section 560 of this code shall be punished by a fine of not exceeding fifty dollars (\$50) or by imprisonment in the county jail for not exceeding five days; provided that when a violation of this section proximately causes death or bodily injury to the pedestrian, the person convicted of the violation shall be punished by a fine of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment; provided, however, that this section shall not be construed as repealing, amending or modifying Sections 192 or 193 of the Penal Code.

Penalty for violation of pedestrians' right of way at crosswalk

CHAPTER 230

An act to amend Section 1192 of the Insurance Code, relating to excess funds investments of incorporated insurers.

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 1192 of the Insurance Code is hereby amended to read as follows:

1192. Excess funds investments may be made in:

Excess funds investments of incorporated insurers

(a) Interest-bearing obligations issued by a corporation organized under the laws of any State, or of the United States or of the District of Columbia, or

(b) Equipment trust obligations or certificates, or other adequately secured instruments, evidencing an interest in or lien upon transportation equipment used or to be used by a common carrier or common carriers and a right to receive determined portions of fixed obligatory payments for the use or purchase of such equipment, when such obligations, certificates or instruments are issued by a corporation specified in paragraph (a) or are unconditionally guaranteed or assumed by such a corporation as to principal and as to interest or dividends and as to the payment of such fixed obligatory payments or the payment of such determined portions thereof.

CHAPTER 231

An act to amend Section 11526 of the Insurance Code, relating to voluntary mutualization of incorporated life and life and disability insurers.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 11526 of the Insurance Code is hereby amended to read as follows:

Voluntary
mutualiza-
tion of in-
corporated
insurers

11526. Such plan shall include appropriate proceedings for amending the insurer's articles of incorporation to give effect to the acquisition, by said insurer, for the benefit of its policyholders or any class or classes thereof, of the outstanding shares of its capital stock and the conversion of the insurer from a stock corporation into a nonstock corporation for the benefit of its members. The members of such nonstock corporation shall be the policyholders from time to time of the class or classes for whose benefit the stock of the insurer was acquired, and no other persons. Such plan shall be:

(a) Adopted by a vote of a majority of the directors.
(b) Approved by the vote of the holders of at least a majority of the outstanding shares at a special meeting of shareholders called for that purpose, or by the written consent of such shareholders.

(c) Submitted to the commissioner and approved by him in writing.

(d) Approved by a majority vote of all the policyholders of the class or classes for whose benefit the stock is to be acquired voting at an election by the policyholders called for that purpose, subject to the provisions of Section 11528. The terms "policyholder" and "policyholders" as used in this chapter shall be deemed to mean the person or persons insured under an individual policy of life insurance, or of disability insurance, or of any combination of life and disability insurance. They shall also include the person or persons to whom any annuity

or pure endowment is presently or prospectively payable by the terms of an individual annuity or pure endowment contract, except where the policy or contract declares some other person to be the owner or holder thereof, in which case such other person shall be deemed the policyholder. In any case where such policy or contract names two or more persons as joint insureds, payees, owners or holders thereof, the persons so named shall be deemed collectively to be but one policyholder for the purpose of this chapter. In any case where a policy or contract shall have been assigned by assignment absolute on its face to an assignee other than the insurer, and such assignment shall have been filed at the principal office of the insurer at least 30 days prior to the date of any election or meeting referred to in this chapter, then such assignee shall be deemed at such election or meeting to be the policyholder. For the purpose of this chapter the terms "policyholder" and "policyholders" include the employer to whom, or a president, secretary or other executive officer of any corporation or association to which a master group policy has been issued, but exclude the holders of certificates or policies issued under or in connection with a master group policy. Beneficiaries under unmaturing contracts shall not as such be deemed to be policyholders.

(e) Filed in the office of the Insurance Commissioner after having been approved as provided in subdivisions (b), (c) and (d) of this section.

CHAPTER 232

An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect immediately

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

SECTION 1. As used in this act, the term "municipality" shall mean any county, city and county, city, municipal corporation or public district.

SEC. 2. Any municipality may acquire in any manner whatsoever from the United States of America or any department, board or agency thereof, or from the State or any department or agency thereof any Federal surplus property, real or personal, without regard to provisions of law which require posting of notices or advertising for bids, inviting or receiving of bids, delivery of purchases before payment, or provisions of law which prevent such municipality from entering a bid or bids in its behalf at any sale of Federal surplus property, real or personal, by the United States of America or any

"Municipality"
See also Stats 1945, Ch 796
Acquisition of property from Federal Government
See also Stats 1945, Ch 796

department, board or agency thereof, or by the State or any department or agency thereof. The legislative body of any such municipality may authorize any municipal officer to make a down payment or payment in full required in connection with such bidding or sale.

Existing law
See also
Stats 1945,
Ch 796

SEC. 3. Any provisions of any statute, charter, ordinance, or resolution which are inconsistent with the provisions of this act are suspended to the extent that such provisions are inconsistent herewith.

Constructio
See also
Stats 1945,
Ch 796

SEC. 4. The provisions of this act shall not be construed to require posting of notices or advertising for bids, the inviting or receiving of bids, the delivery of purchases before payment, or other similar acts not now required by law. Nor shall the provisions of this act be construed to prevent any municipality from entering bids on its behalf at any sale or from making any down payment in connection therewith where such authority now exists by provision of any law.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

58 Fed.
Stats,
Ch 479

The Congress of the United States enacted and the President of the United States approved, October 3, 1944, the "Surplus Property Act of 1944." The Federal act provides for the distribution of Government surplus property and makes special provision for disposal of such property to local governments. The Surplus Property Board, created by the Federal act, must provide priority to States and their political subdivisions in the disposal of such property.

The Surplus Property Board has been appointed and Federal surplus property is being disposed of at the rate of several million dollars per month. Some municipalities can not take advantage of the Federal law in the acquisition of such property because they must either advertise for or invite bids, or such municipalities are unable to pay cash without first auditing claims, approving warrants, etc. Other municipalities are in doubt as to their power. In order to enable all municipalities to take advantage of the provisions of the Surplus Property Act of 1944, or regulations adopted by the Surplus Property Board pursuant to such law, it is necessary that this act go into immediate effect.

CHAPTER 233

An act to amend Section 8710 of the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to definition thereof.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 8710 of the Water Code is amended to read:

8710. Every plan of reclamation, flood control, drainage, improvement, dredging or work, that includes or contemplates the construction, enlargement, revetment or alteration of any levee, embankment, canal or other excavation in the bed of or along or near the banks of the Sacramento or San Joaquin Rivers or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom, shall be approved by the board before construction is commenced.

Approval
of plans

CHAPTER 234

An act to add Section 8723 to the Water Code, relating to approval by the Reclamation Board of plans of reclamation and other works along or near the Sacramento and San Joaquin Rivers, pertaining to refusal of approval of such plans.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 8723 is hereby added to the Water Code, to read as follows:

8723. The board may refuse to approve any such plan if in the judgment of the board the plan will or may

Disapproval
of plans

1. Be injurious to or damage any works necessary to any plan of flood control adopted by the board or the Legislature, or

2. Interfere with the successful execution, functioning or operation of any plan of flood control adopted by the board or the Legislature.

CHAPTER 235

An act to add Sections 8773 and 8774 to the Water Code, relating to Assessments Numbered 7 and 8 of the Sacramento and San Joaquin Drainage District.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

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

SECTION 1. Section 8773 is hereby added to the Water Code, to read as follows:

Readjust-
ment of
Feather
River Assess-
ment No 7

8773. In pursuance to Section 8765, the Reclamation Board, after June 30, 1946, shall take no action except in accordance with a judgment of a court of competent jurisdiction to cause warrants to be issued for such readjustment of Feather River Assessment No. 7 and any action or proceeding brought by any party to cause payment of such adjustment must be commenced before January 1, 1947, and after June 30, 1948, all moneys remaining in Feather River Assessment No. 7 Fund shall revert to the General Fund of the State.

SEC. 2. Section 8774 is hereby added to the Water Code, to read as follows:

Readjust-
ment of
Hood Levee
Assessment
No 8

8774. In pursuance to Section 8765, the Reclamation Board, after June 30, 1946, shall take no action except in accordance with a judgment of a court of competent jurisdiction to cause warrants to be issued for such readjustment of Hood Levee Assessment No. 8 and any action or proceeding brought by any party to cause payment of such adjustment must be commenced before January 1, 1947, and after June 30, 1948, all moneys remaining in Hood Levee Assessment No. 8 Fund shall revert to the General Fund of the State.

CHAPTER 236

An act to amend Section 6061 of the Business and Professions Code, relating to exceptions to qualifications for admission to the bar.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

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

SECTION 1. Section 6061 of the Business and Professions Code is hereby amended to read:

Applicants
for bar
examination
Exceptions

6061. The provisions of subdivisions (e), (f) and (i) of Section 6060 do not apply to applicants who apply to take the final bar examination prior to July 1, 1947, and who started the study of law in good faith prior to the first day of July, 1937,

and, subject to the approval of the board, the examining committee may adopt such reasonable rules and regulations as may be necessary or advisable for the purpose of exempting such applicants from these provisions.

CHAPTER 237

An act to amend Section 8.8 of the California Toll Bridge Authority Act, relating to the use of toll bridges or other toll highway crossings on a credit basis. Stats 1929, p 1489, amended

[Approved by Governor May 3, 1945 Filed with Secretary of State: In effect September 15, 1945
 May 3, 1945]

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

SECTION 1. Section 8.8 of the California Toll Bridge Authority Act is amended to read: Stats 1941, p 1260

Sec. 8.8. The Department of Public Works is authorized to issue permits for the use of any toll bridge, or other toll highway crossing acquired or constructed under the terms of this act, on a credit basis; provided, that, except in the case of municipal or other public corporations, governmental agencies, or common carriers having contracts directly with the California Toll Bridge Authority for operation of the transportation facilities of such bridge or crossing, a cash deposit or a corporate surety bond, in an amount equal to twice the department's estimate of the toll charges to be incurred under such permit during one month, is furnished to and maintained in force with the department; provided further, that the department may, when necessary to facilitate movement of traffic, limit the use of any toll bridge, or other toll highway crossing, on a credit basis to particular classes of vehicles. Issuance of permits on credit Security

The department may require the holder of any such permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the same, as the amount of charges incurred and regularity of payment may warrant, or may revoke any permit granted under this section for failure of the holder thereof to comply with its terms. The department may also require the holder of any such permit to pay a fee of not to exceed five dollars (\$5) per month to cover printing and other overhead expense, the proceeds thereof to be deposited in the fund from which such expenses are paid. Increase in bond Fee

If the department is unable to collect any tolls due to insolvency of the obligor, or if the cost of collection of any tolls would be excessive by reason of the smallness of the amount thereof, the department may apply to the State Board of Control for discharge from accountability for the collection thereof in the manner provided in Section 663b of the Political Code. Uncollectable tolls

CHAPTER 238

An act to add Section 195a to the Code of Civil Procedure, relating to traveling expenses of a substitute justice or city judge.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945]

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

SECTION 1. Section 105a is added to the Code of Civil Procedure, to read:

Substitute
judge
Expenses

105a. Any justice or judge acting as substitute for another, as provided in Section 105 of this code, shall receive from the county in which the court is situated the amount of actual and necessary traveling expenses incurred by him while traveling between his home and the courtroom.

CHAPTER 239

An act to amend Section 963 and Section 983 of the Code of Civil Procedure, relating to cases in which an appeal may be taken.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945]

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

SECTION 1. Section 963 of the Code of Civil Procedure is amended to read:

When appeal
from superior
court
permitted

963. An appeal may be taken from a superior court in the following cases:

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, or brought into a superior court from another court;

2. From an order granting a new trial or denying a motion for judgment notwithstanding the verdict, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, from any special order made after final judgment, from any interlocutory judgment, order, or decree, hereafter made or entered in actions to redeem real or personal property from a mortgage thereof, or a lien thereon, determining such right to redeem and directing an accounting; and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties and directs partition to be made, and interlocutory decrees of divorce;

3. From such probate orders and decrees as are made appealable by the provisions of the Probate Code.

SEC. 2. Section 983 of the Code of Civil Procedure is amended to read:

983. An appeal may be taken from a municipal court on questions of law alone, in the following cases: When appeal from municipal court permitted

1. From a final judgment entered in an action or special proceeding commenced therein or transferred thereto from another court;
2. From an order granting a new trial or denying a motion for judgment notwithstanding the verdict;
3. From an order discharging or refusing to discharge an attachment;
4. From an order changing or refusing to change the place of trial;
5. From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction;
6. From an order appointing a receiver;
7. From any special order made after final judgment.

CHAPTER 240

An act to amend Section 4314 of the Political Code and Section 1181 of the Civil Code, relating to the powers of clerks of justices' courts of class A.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 4314 of the Political Code is amended to read:

4314. Every officer mentioned in Section 4013, and his deputies, and every justice of the peace, and every clerk of a justice's court of class A, may administer and certify oaths.

SEC. 2. Section 1181 of the Civil Code is amended to read:

1181. The proof or acknowledgment of an instrument may be made in this State, within the city, county, city and county, township or district for which the officer was elected, or appointed, before either: Acknowledgments

1. A clerk of a court of record;
2. A county recorder;
3. A county clerk;
4. A court commissioner;
5. A notary public;
6. A justice of the peace;
7. A clerk of a justice's court of class A.

CHAPTER 241

An act to amend Sections 251 and 251 of, and to add Sections 214, 215 and 259.5 to, the Revenue and Taxation Code, relating to exemptions from taxation. .

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 214 is added to the Revenue and Taxation Code, to read:

Tax exemp-
tions
Religious,
hospital,
etc.,
purposes

214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if:

(1) The owner is not organized or operated for profit;

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

(3) The property is not used or operated by the owner or by any other person for profit regardless of the purposes to which the profit is devoted;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes.

"Welfare
exemption"

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption or to extend an exemption to property held by or used as an educational institution of less than collegiate grade.

SEC. 2. Section 215 is added to the Revenue and Taxation Code, to read as follows:

Chartered
veteran or-
ganization

215. All personal property and all buildings, and so much of the real property on which the buildings are situated as may be required for the convenient use and occupation of said build-

ings, owned by a veteran organization which has been chartered by the Congress of the United States, when the same are used solely and exclusively for the purposes of such organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation.

This exemption shall also be known as a "welfare exemption."

SEC. 3. Section 251 of said code is amended to read :

251. The board shall prescribe all procedure and forms required to carry into effect the veterans', church, orphanage, college, exhibition, or welfare exemption.

SEC. 4. Section 254 of said code is amended to read :

254. Any person claiming the church, orphanage, college, exhibition, or welfare exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board.

SEC. 5. Section 259.5 is added to said code, to read :

259.5. The affidavit for the welfare exemption shall show that both the property and the owner meet all the requirements entitling the property to the exemption.

CHAPTER 242

An act to amend Section 10 of the Annexation of Uninhabited Territory Act of 1939, relating to the liability of annexed territory for indebtedness and contracts.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945]

Stats 1939, p 1567, amended
In effect September 15, 1945

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

SECTION 1. Section 10 of the act cited in the title is hereby amended to read :

Sec. 10. From and after the date of the filing of said document in the office of the Secretary of State, the annexation of such territory so proposed to be annexed and described therein, shall be deemed to be and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation; provided, however, that such annexed territory may be so taxed in the event the owner or all of the owners thereof shall consent in writing thereto and said written consent shall have been filed with the clerk of the legislative body conducting the proceedings prior to the adoption of the ordinance approving such annexation.

CHAPTER 243

An act to add Section 1401 to the Fish and Game Code, relating to diamond-back terrapin.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 1401 is added to the Fish and Game Code, to read:

Diamond-
back terrapin

1401. It is unlawful to take diamond-back terrapin (maⁿa-clemys) at any time.

CHAPTER 244

An act to amend Section 6726.1 of the Welfare and Institutions Code, relating to payments for care of patients paroled from State institutions.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 6726.1 of the Welfare and Institutions Code is amended to read:

Payments
to private
homes.

6726.1. The department may pay any private home, licensed by the department for the care of patients paroled from State hospitals, for the care of any patient paroled to its custody at a rate to be approved by the Department of Finance but not exceeding thirty-five dollars (\$35) per month during the time such patient shall remain on parole to such private home.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede the provisions of Section 6726 which are in conflict with this section, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 245

An act to repeal Section 6654.5 of the Welfare and Institutions Code, and to add Section 1461.3 to the Probate Code, relating to proceedings for the appointment of guardians for insane or incompetent persons, and requiring notice thereof to the Director of Institutions.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 6654.5 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 1461.3 is added to the Probate Code, to read:

1461.3. If the alleged insane or incompetent person is a patient at a State hospital or other State institution in this State, the petitioner shall name the institution in the petition, and shall give notice of the filing of the petition for appointment of a guardian and of the time and place of the hearing by mailing such notice to the Director of Institutions at his office in Sacramento at least five days before the hearing.

Petition for guardianship of insane person in State hospital, etc

CHAPTER 246

An act to amend Section 165 of the Welfare and Institutions Code, relating to institution inmates' funds, and providing for the deposit and investment thereof.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945]

In effect September 15, 1945

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

SECTION 1. Section 165 of the Welfare and Institutions Code is amended to read:

165. The superintendent of any State institution under the jurisdiction of the Department of Institutions may deposit any funds of inmates in his possession in any bank in the State, or, subject to the approval of the Department of Finance, may invest and reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged, and for the purposes of deposit or investment only, may mingle the funds of any inmate with the funds of other inmates. The superintendent may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. He may expend the moneys in any such fund for the education or entertainment of the inmates of the institution.

Deposit of inmates' money

"Benefit fund"

CHAPTER 247

An act to amend Sections 6650 and 6663 of the Welfare and Institutions Code, relating to payments for the care and treatment of patients in State institutions.

In effect
September
15, 1945

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

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

SECTION 1. Section 6650 of the Welfare and Institutions Code is amended to read:

Liability for
care, etc., of
inmates

6650. The husband, wife, father, mother, or children of an insane person or inebriate, the estates of such persons, and the guardian and administrator of the estate of such insane person or inebriate, shall cause him to be properly and suitably cared for and maintained, and shall pay the costs and charges of his transportation to a State institution for the insane or inebriates. The husband, wife, father, mother, or children of an insane person or inebriate, and the administrators of their estates, and the guardian and/or administrator of the estate of such insane person or inebriate, shall be liable for his care, support, and maintenance in a State institution of which he is an inmate. The liability of such persons and estates shall be a joint and several liability, and such liability shall exist whether the insane person or inebriate has become an inmate of a State institution pursuant to the provisions of this code or pursuant to the provisions of Sections 1026, 1368, 1369, 1370, and 1372 of the Penal Code.

SEC. 2. Section 6663 of the Welfare and Institutions Code is amended to read:

Agreements
for care of
inmates

6663. The Department of Institutions may enter into a special agreement, secured by a properly executed bond, with the relatives, guardian, or friend of any patient therein, for his care, support, maintenance, or other expenses at the institution. Such agreement and bond shall be to the people of the State of California and action to enforce the same may be brought thereon by the department. All charges due under the provisions of this section, including the monthly rate for the patient's care and treatment as established by or pursuant to law, shall be collected monthly. No patient, however, shall be permitted to occupy more than one room in any State institution.

CHAPTER 248

An act to amend Section 6662 of the Welfare and Institutions Code, relating to the position of Secretary of the Department of Institutions.

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 6662 of the Welfare and Institutions Code is amended to read:

6662. As used in this code and in every other statute heretofore or hereafter enacted, "Secretary of the Department of Institutions" means the employee of the department designated by the Director of Institutions to perform the duties and exercise the powers imposed upon and vested in the Secretary of the Department of Institutions by any statutory provision.

"Secretary
of the De-
partment of
Institutions"

CHAPTER 249

An act to amend the title of and to add Section 7 to an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water-mains, and other conduits therein, also to construct and maintain sewers, water-mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes, approved March 22, 1909," extending the act to sanitary and sanitation districts and relating to the construction and ownership of sewage treatment and disposal works for the use of two or more municipal corporations, sanitary or sanitation districts; the making of contracts for such construction, ownership or use and the issuance of bonds by municipal corporations, sanitary and sanitation districts to pay the cost of construction or for any property or rights acquired under such contracts; and declaring the urgency of this act, to take effect immediately.

Stats 1909,
p 677,
amended

[Approved by Governor May 3, 1945. Filed with Secretary of State
May 3, 1945.]

In effect
immediately

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

SECTION 1. The title of the act cited in the title hereof is amended to read as follows:

Stats 1909,
p 677

An act authorizing municipal corporations, sanitary and sanitation districts to permit other municipal corporations, sanitary and sanitation districts to construct and maintain sewers, water mains, and other conduits therein; authorizing municipal corporations, sanitary and sanitation districts to construct, own and maintain sewage treatment plants, sewage

Title
amended

disposal works, sewers, water mains, and other conduits for the use of two or more municipal corporations, sanitary or sanitation districts, as joint owners or otherwise, and to make and enter into contracts for said purposes and to issue bonds to pay the cost of construction or for any property or rights acquired under such contracts.

New sect on
 SEC. 2. Section 7 is added to the act cited in the title hereof, to read :

Agreement
 for joint
 sanitary
 facilities

Sec. 7. Any municipal corporation, sanitary or sanitation district, upon such terms and conditions as may be prescribed by the legislative body thereof, is authorized and empowered to enter an agreement with any municipal corporation or corporations, sanitary or sanitation district or districts providing for the joint construction, joint ownership, or joint use of sewage treatment plants and other sewage disposal works, or an agreement with any municipal corporation or corporations, sanitary or sanitation district or districts providing for the purchase or sale of any percentage of or portion of the capacity in any sewage treatment plant or plants or sewage disposal works. Said contracts also may provide for the maintenance and operation of said plant or plants or sewage disposal works and the amounts, percentages or proportions thereof to be paid by the municipal corporations, sanitary or sanitation districts entering such agreement or agreements.

Issuance
 of bonds

Any municipal corporation, sanitary or sanitation district may issue bonds for the purpose of paying all or any part of the cost of construction of or ownership in any such sewage treatment plant or sewage disposal works or of purchasing capacity therein or a right to the use thereof, as provided in any such contract. Bonds issued by a municipal corporation under the authority of this section shall be issued substantially in the manner provided in an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," Statutes 1901, page 27, as amended, except that in charter cities such bonds shall be issued in the manner provided in the city charter. Bonds issued by a sanitary or sanitation district shall be issued substantially in the manner provided in the act under which such district is incorporated.

Existing law

SEC. 3. This act shall not restrict or limit any authority granted for the same or similar purposes by any other act or acts now existing, but is intended to provide additional authority for the subject to which it relates.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into effect immediately. The following is a statement of facts constituting such necessity: Insufficient sewage treatment and disposal facilities have created conditions which seriously menace the public health in some areas in the State of California and have

resulted in the closing of some bathing beaches to public use. The public health requires that these conditions be remedied as quickly as possible. Some attorneys doubt if existing law sufficiently authorizes cities and districts to construct or own sewage treatment plants and disposal facilities for the use of two or more cities and districts. The enactment of this statute will remove any doubt as to such authority, and its adoption as an urgency measure will expedite the financing of sewage treatment plants and disposal facilities which are to be used by more than one city and district, thereby making it possible to remedy existing conditions which menace public health at a much earlier date than otherwise. It is therefore necessary that this act take effect immediately.

CHAPTER 250

An act to amend Section 271 of the Penal Code, relating to desertion or abandonment of a child.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 271 of the Penal Code is amended to read:

271. Every parent of any child under the age of 14 years, and every person to whom any such child has been confided for nurture, or education, who deserts such child in any place whatever with intent to abandon it, is punishable by imprisonment in the State prison or in the county jail not exceeding one year or by fine not exceeding five hundred dollars (\$500) or by both.

Desertion of
child
Penalty

CHAPTER 251

An act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 1238 of the Code of Civil Procedure is amended to read:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Exercise of
eminent
domain

1. Fortifications, magazines, arsenals, Navy yards, Navy and Army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the Government of the United States.

Fortifica-
tions, etc

Public
buildings

2. Public buildings and grounds for use of a State, or any State institution, or any institution within the State of California which is exempt from taxation under the provisions of Section 1a, of Article XIII of the Constitution of the State of California, and all other public uses authorized by the Legislature of the State of California.

Public
utility, e. c.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town, school district, or irrigation district, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any State institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

Wharves, etc

4. Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and water, water rights, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation of lands furnished with water by corporations supplying water to the lands of the stockholders thereof only, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

Roads, etc

5. Roads, tunnels, ditches, flumes, pipes, aerial and surface tramways and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place

for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. Byroads leadings from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph, telephone, radio and wireless lines, systems and plants. Telegraph, etc

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than 10 families, or of any buildings belonging to the State, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village. Sewerage

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipe lines. Pipe lines

11. Railroads, roads and flumes for quarrying, logging or lumbering purposes. Railroads, etc.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages, towns, or irrigation districts; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations; together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth. Canals, etc

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or irrigation district, or the inhabitants thereof, or necessary for the property development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof. Power lines, etc

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof. Cemeteries

15. The plants, or any part thereof, or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or Preservation of public records

memoranda taken from, public records, which are owned by, or in the possession of, such persons, firms or corporations or which are used by them in their respective businesses; provided, however, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purposes of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; and provided further, that such right shall be exercised only by the city, city and county, county or municipality whose records, or part of whose records, have been, or may be, so lost or destroyed.

Fairs, etc 16. Expositions or fairs in aid of which the granting of public moneys or other things of value has been authorized by the Constitution.

Heating plants, etc. 17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or irrigation district, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

Standing trees, etc 18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway, within a maximum distance of three hundred feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway, within the maximum distance of three hundred feet on each side of the center thereof.

Conservation of fish 19. Propagation, rearing, planting, distribution, protection or conservation of fish.

Airports 20. Airports for the landing and taking off of aircraft, and for the construction and maintenance of hangars, mooring masts, flying fields, signal lights and radio equipment.

Slum clearance 21. Any work or undertaking of a city, county, or city and county, housing authority or commission, or other political subdivision or public body of the State: (a) to demolish, clear or remove buildings from any area which is detrimental to the safety, health and morals of the people by reason of the dilapidation, overcrowding, faulty arrangement or design, lack of ventilation or sanitary facilities of the dwellings predominating in such areas; or (b) to provide dwellings, apartments or other living accommodations for persons or families who lack the amount of income which is necessary (as deter-

mined by the body engaging in said work or undertaking) to enable them to live in decent, safe and sanitary dwellings without overcrowding.

22. Terminal facilities, lands, or structures for the receipt, transfer or delivery of passengers or property by any common carrier operating upon any public highway in this State between fixed termini or over a regular route, or for other terminal facilities of any such carrier.

Terminal facilities for common carriers

CHAPTER 252

An act relating to transient minors and providing for their housing and their return to their home communities.

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

In effect September 15, 1945

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

SECTION 1. The California State War Council shall enter into cooperative agreements with cities, counties, and cities and counties for the housing and return to their home communities of transient minors. One-half the cost of such housing and return may be paid by the council out of any appropriation made for support of the council. The council may make such rules as are necessary to carry out the provisions of this act.

Transient minors

CHAPTER 253

An act to amend Section 751a of the Code of Civil Procedure, relating to the adjudication of the identity of persons executing instruments to real property by a name other than that by which they acquired title.

[Approved by Governor May 3, 1945. Filed with Secretary of State May 3, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 751a of the Code of Civil Procedure is amended to read:

751a. Whenever any person who by any conveyance, judgment or decree has received or taken, or who hereafter receives or takes, the title to, or any interest in, or lien upon real property in a certain name and thereafter has conveyed, or conveys, or has reconveyed, or reconveys, the same or any part thereof, or has satisfied, or satisfies, such lien in a name other than, or different from, the name under which title was received, or any interest or lien thereon was taken or where the estate of a decedent has been probated under a name different from

Petition to establish proper name of person owning real property

the name in which real property of such decedent stands of record, and the decree of distribution has been entered in such estate, the identity of such person, or persons or the identity of such decedent and the person in whose name the property stands of record, may be adjudicated and determined on petition of any subsequent owner or any distributee of the estate of such decedent or the successor in interest, of said property, or any part thereof, or of any interest therein. As many such persons as appear of record in the chain of title to the land described in the petition may be joined in one petition or proceeding.

Filing The petition must be filed in the superior court of the county in which the land or some part thereof is situated and shall be verified as provided in this code for verification of a complaint. The petition may be substantially entitled "In the matter of the determination of the identity of _____" (naming all the persons sought to be identified), and may set forth:

Contents 1. A statement of petitioner's interest in the property as owner, part owner or distributee or successor in interest or otherwise.

2. A particular description of the petitioner's property.

3. The name or names of the person or persons sought to be identified, setting out the name and a reference to the record of the conveyance, judgment or decree under which title was received, and the name and a reference to the record of the conveyance whereby the title was conveyed or where an estate has been distributed, setting out the name under which the estate of a decedent has been probated and the name in which real property of such decedent stands of record, and that such names were and are the names of the same person, and that such conveyances or such decrees of distribution affect the title to petitioner's property.

4. A prayer that the identity of such persons be established. The clerk must thereupon set the petition for hearing by the court and the petitioner must give notice thereof by causing notices of the time and place of hearing to be posted at the courthouse of the county where the proceeding is pending and in a conspicuous place on the property described, at least 10 days before the hearing. The special notice shall be substantially in the following form:

Form (Title of court and cause)

Notice is hereby given that_____has filed a petition herein claiming to be the owner (or distributee) of the following described lands_____

(Description)

and praying that the identity of the following-named persons, in former conveyances (or judgments or decrees) to said lands or in decrees of distribution of said lands in probate be determined, to wit:_____ (names as J. Doe and John Doe); and that the time and place of hearing said petition has been set for _____the_____day of_____, 19_____, at the hour of_____,

-----m. of said day at the court room of said court in the city of-----, county of-----, State of California.

Clerk

At any time before the date fixed for such hearing, any person interested in said property may answer said petition and deny any of the matters contained therein. At the time fixed for the hearing, or such time thereafter, as may be fixed by the court, the court must hear the proofs offered by the petitioner, and by any persons answering the same, and must make and enter a decree determining the identity of the person, or persons, set out in the petition in accordance with the proofs

Answer to petition

Hearing

An appeal may be taken by any party aggrieved to the Supreme Court of California as set forth in this code.

Appeal

After the said decree has become final it shall constitute prima facie evidence of the matters thereby determined and it shall be presumed that the identity of the person or persons described in the decree is such as is stated in the decree. A certified copy of said decree shall be recorded in the office of the county recorder of every county in which any part of the land is situated.

Decree
Prima facie evidence

CHAPTER 254

An act to provide for the receiving as evidence in any court, office or other place in this State, official findings, records, reports, or certified copies thereof, of death, presumed death, missing or other status, issued by the Secretaries of War and Navy and other Federal officers and employees, declaring the urgency hereof, to take effect immediately.

[Approved by Governor May 3, 1945 Filed with Secretary of State May 3, 1945.]

In effect immediately

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

SECTION 1. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2d Sess. 78th Cong.; 50 U. S. C. App. Supp. 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this State as evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

Official findings as proof of death

SEC. 2. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in Section 1 or by any other law of the United States to make same, shall be received in any court, office or other place in this State as evidence that such person is missing, missing in action,

Official report as proof of facts

interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.

Prima facie
evidence of
authority

SEC. 3. For the purposes of Section 1 and Section 2 of this act any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

Constitutionality

SEC. 4. If any provision of this act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

In order to conserve and administer estates of persons missing and presumed dead by reason of service in or with the armed forces of the United States, and to protect the rights and interests of their heirs or beneficiaries, it is urgently necessary that this act shall take effect immediately.

CHAPTER 255

An act to amend Sections 820 and 987 of the Military and Veterans Code, relating to the rate of interest on veteran farm and home loans, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Without signature by Governor Filed with Secretary of State
May 6, 1945]

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

Veterans'
farm and
home pur-
chase Initial
payment

SEC. 1. Section 820 of said code is amended to read:

820. The purchaser shall make an initial payment of at least 10 per cent of the selling price of the property, in case of a farm, and 5 per cent in the case of a home. The balance of the selling price may be amortized over a period fixed by the board, not exceeding 40 years, together with interest thereon at the rate of 4 per cent per annum compounded at periods fixed by the board or at such rate as may hereafter be fixed by the Legislature of the State of California, not exceeding 5 per cent per

annum, providing said rate of 4 per cent or such rate as may hereafter be established shall apply uniformly to, and is hereby fixed for, any and all amounts remaining unpaid on contracts with veterans whether said contracts shall have been entered into before the effective date of this act or shall hereafter be executed. Contracts executed prior to July 1, 1945, shall bear interest up until said date at the rate now fixed by law; from and after said date they shall bear interest as herein provided. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the board may for good cause postpone from time to time, upon terms as the board deems proper, the payment of the whole or any part of any installment of the selling price or interest thereon.

SEC. 2. Section 987 of said code is amended to read :

987. The purchaser shall make an initial payment of at least 10 per cent of the selling price of the property, in case of a farm, and 5 per cent in the case of a home. The balance of the selling price may be amortized over a period fixed by the board, not exceeding 40 years, together with interest thereon at the rate of 4 per cent per annum compounded at periods fixed by the board or at such rate as may hereafter be fixed by the Legislature of the State of California, not exceeding 5 per cent per annum, providing said rate of 4 per cent or such rate as may hereafter be established shall apply uniformly to, and is hereby fixed for, any and all amounts remaining unpaid on contracts with veterans whether said contracts shall have been entered into before the effective date of this act or shall hereafter be executed. Contracts executed prior to July 1, 1945, shall bear interest up until said date at the rate now fixed by law; from and after said date they shall bear interest as herein provided. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the board may for good cause postpone from time to time, upon terms as the board deems proper, the payment of the whole or any part of any installment of the selling price or interest thereon.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows :

More than 1,000,000 veterans have now been discharged from the armed services and additional disabled veterans are being discharged daily. These veterans are returning to civilian life and endeavoring to establish homes and families. They are greatly handicapped by the shortage of suitable housing facilities. In order to enable these veterans to become farm and home owners and take advantage of the Veterans' Farm and Home Purchase Acts without unnecessary expense, it is necessary that this act take effect immediately.

See also
Stats 1945,
Chs 105 and
1233

Veterans of
World War
II farm and
home pur-
chase Initial
payment

Installments

Urgency

CHAPTER 256

Stats. 1909, p. 87, amended. *An act to amend Section 65 of the Bank Act, relating to the amount of loans which may be made by savings banks to any one person.*

In effect September 15, 1945. [Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945.]

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

Stats. 1913, p. 186. SECTION 1. Section 66 of the Bank Act is hereby amended to read as follows:

Limitations on savings bank loans. Sec. 66 No savings bank shall hereafter make any loans to any person, firm, copartnership or corporation to an amount exceeding 50 per centum of the actual paid-up capital stock and surplus of such bank, or in the case of a bank organized without capital stock, to an amount exceeding 50 per centum of the reserve fund of such bank; provided, however, that any savings bank having a paid-up capital and surplus of less than fifty thousand dollars (\$50,000), but not less than twenty-five thousand dollars (\$25,000), may make any such loan on real estate security to an amount not exceeding twenty-five thousand dollars (\$25,000); and provided, further, that any savings bank having a paid-up capital and surplus of less than twenty-five thousand dollars (\$25,000) may make any such loan on real estate security to an amount not exceeding its paid-up capital and surplus, if each such loan in all other respects conforms to the provisions of this act. The renewal or extension of any loan heretofore legally made by any savings bank shall not be construed to be a "loan hereafter made" within the meaning of the provisions of this section. The legality of investments heretofore lawfully made pursuant to the provisions of this act as it existed on and subsequent to July 1, 1909, shall not be affected by the provisions of this section. For the purposes of this section an endorser or guarantor shall be deemed to be a borrower.

Limitations inapplicable. None of the limitations contained in this section shall apply to loans secured by bonds or other securities issued by the United States or which are fully and unconditionally guaranteed by the United States, if the market value of such bonds or securities exceeds by 10 per centum the amount of any such loan.

CHAPTER 257

An act to amend Section 307 of the Agricultural Code, relating to meat.

[Approved by Governor May 7, 1945 Filed with Secretary of State May 7, 1945]

In effect September 15, 1945

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

SECTION 1. Section 307 of the Agricultural Code is amended to read:

307. Nothing in this article restricts or prohibits:

Exemptions from meat inspection

(a) A livestock producer from slaughtering animals on his own premises that are a part of his own herd for his own consumption or from disposing of the carcasses and products of those animals thus slaughtered; provided, they can be identified as such, and are sound, healthful, wholesome, and fit for human food, and are disposed of in his locality; when cattle, sheep, swine or goats are sold by said producer in the vicinity where produced and slaughtered there shall be attached to said meat or meat products a statement giving substantially the following:

I hereby certify that the uninspected meat (or meat products as the case may be) to which this certificate is attached is from animals slaughtered by the undersigned, a farmer, on his farm and that at this date it is sound, healthful, wholesome, and fit for human food.

Certificate

(b) A livestock producer or dairyman from slaughtering upon his own premises calves under the age of eight months which are the actual increase of his own herd, if the calves are accompanied by a certificate of ownership, offered for inspection at any point where inspection is maintained in accordance with regulations issued by the director, and are marketed by whole carcass with hide on.

Calves under age of eight months

(c) The slaughter of animals of the bovine species under the age of eight months in establishments located in counties where meat inspection is not mandatory and which meet the sanitary requirements of the department and shipment thereof to counties where State inspection or approved municipal or county inspection is maintained, and said animals so slaughtered shall there be inspected and the carcasses stamped.

Same

(d) Any butcher located in a remote section of a county in which the inspection provisions of this article are mandatory, when in the opinion of the director it is impractical or impossible to assign an inspector, may, upon written application, be granted an exemption certificate to be used in accordance with the regulations of the director; provided, that the meat of animals slaughtered in accordance with such exemption shall be offered for sale only in the immediate locality where the animals were slaughtered. The certificate must be renewed the first day of January of each year. Should facilities for

In remote areas inspection required

inspection become available at any time, the director is empowered to withdraw such exemption certificate. The director is also empowered to withdraw such exemption certificate when, in his opinion, the person to whom the same is issued has not complied with the rules and regulations pertaining to the use thereof.

Meats not
for sale

(e) The producer or owner of meats from curing or smoking or having cured or smoked in his behalf such meats or portions thereof when same are for use for purposes other than sale; provided, however, that any meats or portions thereof referred to in this paragraph which have originated from any carcass which has not been officially inspected shall not be cured or smoked in an establishment wherein Federal, State or municipal meat inspection is maintained. The operator of an establishment who cures or smokes meat for a producer or owner of such meat shall keep accurate and sufficient records of the amount and kind of meat cured or smoked for each producer or owner, and such records shall be available for inspection at all times by the director or his authorized representative. Such records shall give the name and address of each person for whom meat is cured or smoked.

CHAPTER 258

An act to add Section 301 to the Military and Veterans Code, relating to the granting of honorable discharges to members of the military forces of the State.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 301 is added to the Military and Veterans Code, to read:

Honorable
discharge
from State
military
forces

301. Any member of the State Guard or Naval Militia, who at any time after December 7, 1941, has completed or shall hereafter and prior to the end of hostilities during World War II complete a minimum period of, 90 days' service, and shall have continuously served under honorable conditions up to the time of his separation from such organization, is entitled to receive an honorable discharge from the State Guard or Naval Militia. The Adjutant General shall issue such honorable discharge upon the application of person entitled to such discharge. In the absence of official records as to applicant's service, applicant shall have the burden of proving his service and the decision of The Adjutant General, in case of dispute, shall be final.

CHAPTER 259

An act to amend Section 23 of the Agricultural Code, relating to organization of the Department of Agriculture.

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 23 of the Agricultural Code is hereby amended to read:

23. The director with the approval of the Governor, may arrange and classify the work of the department and consolidate, abolish or create divisions thereof. The director may appoint such assistants, deputies, agents, experts, and other employees as are necessary for the administration of the department, prescribe their duties, and fix their salaries in accordance with classifications made by the State Personnel Board. All assistants, deputies, agents, experts and other employees shall be subject to the provisions of the State Civil Service Act.

Organization
of the De-
partment of
Agriculture

CHAPTER 260

An act to add Section 1½ to an act entitled "An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads constructed hereunder and repealing all other acts and parts of acts in conflict therewith," approved June 10, 1929, as amended, relating to franchises, licenses and privileges for toll bridges, toll roads and toll

Stats 1929,
p 1502,
amended

ferries and making administration of said act a charge against the State Highway Fund.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945]

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

New section SECTION 1. Section 1 $\frac{1}{2}$ is added to the act cited in the title, to read as follows:

License tax 1 $\frac{1}{2}$. One of the terms upon which said Department of Public Works may grant such franchises, privileges or licenses shall be the payment by the grantee of a license tax or fee, the amount of which shall be fixed in the franchise, of not less than ten dollars (\$10) or more than one hundred dollars (\$100) per month.

State High-
way Fund

All moneys received from such franchises, heretofore or hereafter granted by said department, under the provisions of this act, shall be deposited in the State Highway Fund. The enforcement and administration of this act is declared to be a part of the highway program of the State, and all necessary expenditures of said department therefor are payable out of the State Highway Fund and chargeable to general administration, as said term is used in Section 186 of the Streets and Highways Code.

CHAPTER 261

An act to amend Section 356 and 356a of the Political Code, and Sections 11253, 11310 and 11314 of the Government Code, relating to State departments.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945]

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

SECTION 1 Section 356 of the Political Code is amended to read:

Interdepart-
mental
assistance

356. Each department shall furnish to each other department upon written request therefor, approved by the Department of Finance, such assistance as it may render without detriment to the administration of such department, including the deputizing of agents and inspectors, when consistent with law, and the temporary reassignment of employees. Any traveling or other expense incurred by an employee or deputy in the performance of his duties while he is reassigned or loaned to a department other than that in which he is regularly employed, may be paid in accordance with law by the department to which he is reassigned from the funds made available for support of that department.

SEC. 2. Section 356a of said code is amended to read:

365a. Any State department, office, board, commission or bureau may, subject to the approval of the Department of Finance, contract with another such agency for the furnishing to it of necessary special or technical services or the performance of certain of its work or functions. State departments, officers, boards, commissions or bureaus which are requested to furnish such special or technical services, or to perform such work, are authorized to comply with such requests, and to employ the services of such employees, and to furnish such materials, supplies or equipment as may be necessary to efficiently carry on the work or services provided for in the contract. Said contract shall specify the amount to be paid for the furnishing of such services or the performance of such work or functions and such amount shall include a sum which will reimburse the loaning agency for contributions to the State Employees' Retirement System on compensation paid the employees, the proportionate share of vacation, sick leave and overtime together with the proportion of compensation insurance cost actually chargeable against the agency whose officer or employee is a claimant for compensation benefits. In all such cases the amount shall be based upon the ratio of the elapsed time worked for the agency for which the services were performed to the total number of days in the month, and where a full work week is covered by such employment, the seven-day period from Monday to Sunday, inclusive, including any holidays in said period shall be considered as part of the time employed. Such amount shall be paid to the agency entitled thereto under such contract in accordance with law from out of the funds, moneys, or appropriations made available by law for the support of the agency to whom said services are furnished or for whom such work or functions are performed. All moneys received by any agency, other than The Regents of the University of California, under the provisions of this section shall be deposited in the State treasury and shall be used in augmentation of the appropriation made for such agency, if it is supported by appropriation, otherwise in augmentation of the funds of the agency. If received by The Regents of the University of California, such moneys shall be added to the other funds provided for or accruing to the use of the University of California, to be used in the same manner and for the same purposes as other funds made available to the university.

Inter-departmental contracts for services, etc

Agreed compensation

Disposition of moneys received

SEC. 3. Section 11253 of the Government Code is amended to read:

11253. Upon written request approved by the Department of Finance, a department shall furnish to another department such assistance as it is able to render without detriment to its administration, including the deputizing of agents and inspectors, when consistent with law, and the temporary reassignment of employees.

Request for assistance

Any traveling or other expense incurred by an employee in the performance of his duties while he is reassigned or loaned

Expenses

to another department may be paid in accordance with law by the department to which he is reassigned or loaned from funds available for support of that department.

SEC. 4. Section 11310 of the Government Code is amended to read:

Approval by
Department
of Finance

11310. With the approval of the Department of Finance, any State agency may contract with another State agency for the furnishing to it of necessary special or technical services or the performance of certain of its work or functions. State agencies may contract with other State agencies to furnish such special or technical services or perform such work and may employ such employees and furnish such materials, supplies or equipment as are necessary to carry on efficiently the work or services provided for in the contract.

SEC. 5. Section 11314 of the Government Code is amended to read:

Disposition
of moneys
received

11314. All moneys received by The Regents of the University of California under this article shall be added to other funds provided for the use of the University of California and used in the same manner.

All money received by any other State agency shall be deposited in the treasury and used in augmentation of the appropriations for such agency if it is supported by appropriations, otherwise in augmentation of the funds of the agency.

Effect
Stats 1945,
Ch 111

SEC. 6. Sections 3, 4 and 5 of this act become operative only if Division 3 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and in such case, at the same time as said Division 3 of Title 2 of the Government Code takes effect, at which time Sections 356 and 356a of the Political Code amended by this act are repealed.

CHAPTER 262

An act to abolish the Joint Navigation and Flood Control Project Fund and to repeal Article 1 of Chapter 7 of Part 4 of Division 5, comprising Sections 8900 to 8913, of the Water Code, relating to said fund.

In effect
June 30,
1946

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945]

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

Abolition of
Joint Navigation
and
Flood
Control
Project Fund

SECTION 1. The Joint Navigation and Flood Control Project Fund in the State treasury is abolished and any money remaining in said fund at the time this act takes effect shall be transferred to the General Fund.

Repeal

SEC. 2. Article 1 of Chapter 7 of Part 4 of Division 5, comprising Sections 8900 to 8913, inclusive, of the Water Code is repealed.

Effective
date

SEC. 3. The provisions of this act shall take effect on June 30, 1946.

CHAPTER 263

An act to amend Sections 721, 722, 724, and to repeal Section 724.3 of the Fish and Game Code, and to add Section 724.7 to the Fish and Game Code, relating to catfish, declaring the urgency of this act, to take effect immediately.

[Approved by Governor May 7, 1945 Filed with Secretary of State In effect
May 7, 1945.] immediately

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

SECTION 1. Section 721 of the Fish and Game Code is amended to read:

721. Catfish may be taken at any time, except in Districts ^{Catfish Seasons} 3½, 4, 4½, 4¾, and 4A catfish may be taken only during the open season in said districts for black bass and spotted bass.

SEC. 2. Section 722 of said code is amended to read:

722. Between May 1st and August 31st, the daily bag limit ^{Limit} on catfish is 50 pounds live, or 25 pounds dressed.

SEC. 3. Section 724 of said code is amended to read:

724. Catfish may not be sold between May 1st and August ^{Sale} 31st, except that tagged catfish imported from without the State may be sold at any time. Catfish imported from without the State, to be held or sold between May 1st and August 31st shall be tagged with metallic tags inscribed "C. F. & G. C." The applicant for such tags shall pay the commission one cent (\$0.01) for each tag. One of said tags shall be affixed to each catfish, and said tags shall remain so affixed until the fish has been prepared for consumption. No tag shall be used more than once.

SEC. 4. Section 724.3 of said code is repealed. ^{Repeal}

SEC. 5. Section 724.7 is added to said code, to read:

724.7. In District 2½ it is unlawful to take catfish in any ^{Taking and sale} manner other than by angling or to take catfish for any commercial purposes.

SEC. 6. This act is hereby declared to be an urgency measure ^{Urgency} necessary for the immediate preservation of the public peace, health, and safety, within the meaning of Section 1 of Article IV of the Constitution and shall therefore take effect immediately. The following constitutes a statement of the facts constituting such necessity:

The influx of a large number of war workers into this State, especially those from the Southern States, together with a shortage of other foodstuff, has increased the demand for catfish. This act provides for and regulates the sale and importation of catfish and consequently will increase the availability of a desirable food fish and thereby augment the food supply of the people of the State.

CHAPTER 264

An act to add Section 2176 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery in the Veterans' Home of California.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 2176 is added to the Business and Professions Code, to read:

Veterans'
Home of
California
Medical staff

2176. Subject to the provisions of the State Civil Service Act, any person, who is licensed to practice medicine and surgery in any other State, and who is a graduate of a medical school approved by the Board of Medical Examiners in this State, and who has applied for a physician's and surgeon's certificate in this State, may be appointed to the medical staff of the Veterans' Home of California for a period of one year at the end of which period, he must have secured a physician's and surgeon's certificate in order to continue as a member of the staff. Until he has secured his physician's and surgeon's certificate he shall not engage in the practice of medicine in this State, except that he may treat only the members of the home.

Duration

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

CHAPTER 265

An act to amend Section 4274 of the Political Code, relating to compensation for public service in counties of the forty-fifth class.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 4274 of said code is amended to read:

San Benito
Salaries

4274. In counties of the forty-fifth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor
District
attorney

1. The auditor, eight hundred dollars (\$800) per annum.
2. The district attorney, two thousand four hundred dollars (\$2,400) per annum.

Supervisors

3. Each supervisor, one thousand two hundred dollars (\$1,200) per annum and twenty cents (\$0.20) per mile for traveling expenses from his residence to the county seat, and

also necessary expenses when on official business outside the county.

4. Grand and trial jurors in the superior court, three dollars (Jurors \$3) per day for each day's attendance while engaged in the performance of the duties required of them, and in addition thereto, for each mile actually traveled, in going only, while acting as such juror, fifteen cents (\$0.15). The judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same.

SEC. 2. The compensation herein provided shall be paid to Incumbent officers incumbent officers.

CHAPTER 266

An act to amend Section 142 of the Vehicle Code, relating to types of vehicles exempt from registration.

[Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945] In effect September 15, 1945

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

SECTION 1. Section 142 of the Vehicle Code is amended to read: See also Stats 1945, Ch 654

142. Exemptions from Registration. The registration provisions of this chapter shall not apply to any of the following Exemptions from registration vehicles:

(a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.

(b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.

(c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. A lift-carrier designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway, shall be deemed to be an implement of husbandry.

(d) Special mobile equipment.

(e) Any self-propelled wheel chair or invalid tricycle.

CHAPTER 267

An act to amend Section 2609 of the Elections Code, relating to sponsor certificates.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945]

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

SECTION 1. Section 2609 of the Elections Code is amended to read:

Sponsor
certificates
Filing

2609. All sponsor certificates which by Section 2670 are required to be filed in the office of the Secretary of State shall be delivered to the county clerk at least 65 days prior to the August primary election. The county clerk shall not accept sponsor certificates after 5 o'clock p. m. on the sixty-fifth day, providing that if such day is a Saturday the sponsor certificates shall not be accepted after 12 o'clock noon.

CHAPTER 268

An act to amend Section 3044 of the Welfare and Institutions Code, relating to aid to the needy blind, and revising the provisions for payments to persons in institutions.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945]

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

SECTION 1. Section 3044 of the Welfare and Institutions Code is amended to read:

Aid to blind
Persons
excluded

3044. No applicant shall receive aid under the provisions of this chapter while he is an inmate of any institution supported in whole or in part by the State or any of its political subdivisions, but recipients of aid under the provisions of this chapter who are patients in a public hospital for a period not exceeding two calendar months, and blind persons employed in a shop maintained by the State when such shop does not provide board and room to the employees, shall not be considered inmates of public institutions. No applicant shall be denied the aid provided for in this chapter, however, because he is attending or intends to attend any public high school in this State, the University of California, or any other institution of higher learning in this State.

Application
for aid

Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is

made that he is eligible, but in no event shall the aid commence prior to the date of application. The applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate.

If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the order of the board of supervisors suspending his aid may provide that the aid shall be restored when the recipient ceases to be an inmate, without further order from the board of supervisors.

Suspension
of aid

CHAPTER 269

An act to amend Section 3044.5 of the Welfare and Institutions Code, relating to aid to the needy blind.

[Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3044.5 of the Welfare and Institutions Code is amended to read:

3044.5. Aid shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of said inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance.

Aid to blind
inmate of
other than
State
institution

CHAPTER 270

An act to amend Section 2d of the California Water District Act, providing for the term of office of the board of directors.

Stats 1913,
p 815,
amended

[Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2d of the California Water District Act is amended to read:

Sec. 2d. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively for four years next succeeding their election and until their successors are

Officers

Stats 1931,
p 784

elected and qualified. In each water district formed under this act there shall be an election every two years held at such time and place in the district as shall be provided in the by-laws of the district, and at the first election following the enactment of this section an assessor, a tax collector, a treasurer, and five directors shall be elected, the assessor, tax collector and treasurer and three directors to hold office for four years and until their successors are elected and qualified, and two of such directors to hold office for two years and until their successors are elected and qualified. The three directors receiving the highest vote shall hold office for four years and the two directors receiving the next highest vote shall hold office for two years, and in each instance until their successors are elected and qualified. Thereafter an election shall be held every two years. At the following election two directors shall be elected for the full term of four years, and thereafter elections held every two years upon the expiration of the respective terms. The board of directors may, in its discretion, consolidate any two or more of the offices of assessor, tax collector, and treasurer. The order of consolidation must be made at least 30 days prior to such election; provided, that the board of directors may, at least 30 days before any succeeding election of the district, where the offices have been consolidated, segregate the same.

Consolidation of offices

CHAPTER 271

An act to amend Section 2808 of the Streets and Highways Code, relating to assessment proceedings for sanitary sewers which have been recommended by the health officer, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945.]

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

SECTION 1. Section 2808 of the Streets and Highways Code is amended to read:

Necessary health measures

2808. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction of sanitary sewers and sewage disposal works when such proceedings have been recommended by the health officer of the city or county in which such proceedings are instituted as necessary as a health measure, if such recommendation is given in writing and spread upon the minutes of the legislative body conducting said proceedings, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the legislative body pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The increase in population and industrial activities due to war production makes it imperative that sewers and sewage disposal works be constructed with as little delay as possible in order not to endanger the health of the community. It is therefore necessary that this act go into immediate effect.

CHAPTER 272

An act to amend Section 5931 of the Elections Code, relating to absentee voting.

[Approved by Governor May 7, 1945 Filed with Secretary of State May 7, 1945] In effect
September
15, 1945

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

SECTION 1. Section 5931 of the Elections Code is amended to read:

5931. At any time on or before the date of an election an absent voter may appear before the clerk or any notary public or any officer of the district, city, county, territory, or other Federal district, or in any State, Territory, or district within the United States, or in the District of Columbia, or in the Territories of Hawaii and Alaska, in which he may be at the time of receiving his ballot to mark his ballot if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place.

Under the scrutiny of such officer he may mark and seal his ballot as before set forth in this article, except that he may mark his ballot with pen and ink or indelible pencil, instead of with rubber stamp. Such officer shall then certify to the affidavit printed on the identification envelope and inclose the envelope in the return envelope and seal it. After writing or stamping his name across the seal, he shall deliver the envelope to the voter to be by him returned to the office of the clerk of the locality where the voter resides.

CHAPTER 273

An act to amend Section 1071 of, and to add Sections 1071.1, 1071.2, 1071.3 and 1071.4 to, the Agricultural Code, relating to licenses, fees, and registration of economic poisons.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 1071 of the Agricultural Code is amended to read:

Economic
poisons
License, etc

1071. Every manufacturer of, importer of, or dealer in any economic poison, except dealers or agents selling economic poison which has been registered by the manufacturer or wholesaler thereof and persons selling raw material to manufacturers of economic poisons, before the same is offered for sale shall obtain a license from the department. The annual fee is fifty dollars (\$50), payable to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in 10 variously labeled economic poisons of varying name or composition, and for each such variety over 10 an additional fee of two dollars (\$2) shall be paid. Persons manufacturing an economic poison in either case (1) which does not exceed a total retail value of five hundred dollars (\$500) per annum and is intended to be used in households or their immediate environment, which intent must be expressed on the label of said economic poison; or (2) licensed pest control operators manufacturing an economic poison that does not exceed a total retail value of five hundred dollars (\$500) per annum, that is not sold to the general public and is intended to be sold only by being used in connection with their own pest control service work, which intent must be expressed on the label of said economic poison, shall pay an annual license fee of ten dollars (\$10) to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in two variously labeled economic poisons of varying name or composition, and for each such variety over two, an additional fee of two dollars (\$2) shall be paid. County, State, and Federal officers or employees selling economic poison at cost shall not be required to pay a license fee.

When any manufacturer, importer, or dealer in economic poisons has complied with this article and the rules and regulations provided for therein and applies for registration of economic poisons, and for a license, the director shall register each economic poison sought to be registered and issue a license to the applicant authorizing the manufacture and sale of economic poison in the State. In the event the director finds that such registration can not be permitted and the license can not be issued, due to noncompliance with this article or the rules and regulations thereunder, he may after reasonable notice call a hearing for the purpose of determining whether the application shall be reconsidered or denied. All licenses and registrations expire on June thirtieth of each year and may be

Denial of
license

renewed after application in the manner provided for prior registration and licensing.

SEC. 2. A new section to be numbered 1071.1 is hereby added to the Agricultural Code, to read:

1071.1. If renewal of registration and license is not applied for within one calendar month after the expiration of a registration, there shall be added to the fee a penalty of ten per cent (10%), to which shall be added an additional penalty of five per cent (5%) of the original amount due, for each succeeding calendar month, but the total penalty shall not exceed fifty per cent (50%) of the original amount due. No penalty shall be collected if the person making application for renewal of registration and license makes an affidavit that no business was done during the period of nonregistration. The payment of such fee or penalty is not a bar to any prosecution for doing business without proper registry.

SEC. 3. A new section to be numbered 1071.2 is hereby added to the Agricultural Code, to read:

1071.2. Each applicant for a license shall also file a statement of the brands, trademarks, and kinds of economic poisons intended to be manufactured or sold, the correct name and percentage of each active ingredient and the total percentage of inert ingredients contained therein. In lieu of the statement of the correct name and percentage of each active ingredient and the total percentage of inert ingredients contained therein, there may be delivered to the director a representative sample of not less than one pound of each economic poison desired to be registered. Supplemental applications for registration of additional economic poisons may be submitted at any time.

SEC. 4. A new section to be numbered 1071.3 is hereby added to the Agricultural Code, to read:

1071.3. It shall be unlawful to manufacture, deliver, or sell any economic poison, any substance or mixture of substances that is represented to be an economic poison or retail any formula for an economic poison in conjunction with the sale or gift of materials represented to be the essential ingredients necessary to constitute an economic poison, without a license or which is not registered as required by this article; provided, however, that this paragraph shall not apply to economic poisons products of a registrant, which products are manufactured solely for export outside this State and are so exported.

SEC. 5. A new section to be numbered 1071.4 is hereby added to the Agricultural Code, to read:

1071.4. It shall not be construed to be a violation of the provisions of this article for:

(1) A person engaged in the business of farming and who does not manufacture nor sell economic poisons, to accommodate his neighbors by furnishing and applying registered economic poisons to trees or plants for them, without having obtained

the license or having become a registrant as required by this article.

(2) A person, who holds a valid agricultural pest control operator's certificate required by Section 150 of this code and who does not manufacture, nor deal in economic poisons, nor sell economic poisons except when used in connection with his own agricultural pest control service work, to use registered economic poisons in his own business without having obtained the license or having become a registrant as required by this article.

For the purposes of this section, the manufacturing of, or dealing in, economic poisons shall not include the mixing or diluting of registered economic poisons in accordance with directions placed upon the containers thereof by a registrant or in conformance with established custom or practice.

CHAPTER 274

An act to amend Sections 10051 and 10053 of the Education Code, relating to instruction in the schools in American history, Constitution, institutions, and ideals.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 10051 of the Education Code is amended to read:

U. S. Consti-
tution and
history

10051. In all public and private schools located within the State, there shall be given regular courses of instruction in the Constitution of the United States, and in American history, including the study of American institutions and ideals.

SEC. 2. Section 10053 of said code is amended to read:

Same:
Examination

10053. No pupil shall receive a certificate of graduation from any school described in Section 10052 unless he has satisfactorily passed an examination on the provisions and principles of the United States Constitution and in American history.

Transfer to
another
school

A student of a college or university who after having completed a course of instruction prescribed by this article and successfully passed an examination on the provisions and principles of the United States Constitution, and in American history, transfers to another college or university shall not be required to complete another such course or pass such an examination as a condition precedent to his graduation from the college or university.

CHAPTER 275

An act to repeal Section 522 of the Agricultural Code, relating to the marking of butter.

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 522 of the Agricultural Code is hereby repealed. Repeal

CHAPTER 276

An act to amend Section 580 of the Agricultural Code, relating to labeling of oleomargarine.

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 580 of the Agricultural Code is hereby amended to read:

580. Each person who manufactures any oleomargarine or any substitute for butter or substitute for cheese, shall comply with the following: Oleomargarine

(a) The top and sides of each tub, firkin, box, or other package in which oleomargarine or substitute for butter or substitute for cheese is kept, and in which it may be removed from the place where the same is produced or put up shall have printed, stamped or stenciled thereon in a clear and durable manner, the words, "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in plain roman type, the letters of which shall not be less than one inch in height by one-half inch in width. Labeling

(b) A statement shall be prepared, printed in plain roman type, of a size not smaller than pica, stating the name of the product, the name and address of the manufacturer, the name of the place where manufactured or put up and the names and percentages of the various ingredients used in the manufacture of such oleomargarine, substitute for butter or substitute for cheese. Statement of ingredients, etc

(c) A copy of said statement shall be placed within and upon the contents of each tub, firkin, box, or other package, and next to that portion of the same which is commonly and most conveniently opened.

(d) The top and sides of each tub, firkin, box, or other package shall be labeled by affixing thereto a copy of said statement in such manner as not to cover any part of the mark of "oleomargarine," "substitute for butter," or "substitute for cheese."

The absence of the markings and labelings specified in this section is a representation that the package does not contain oleomargarine, or a substitute for butter, or substitute for cheese.

CHAPTER 277

An act to amend Section 552 of the Agricultural Code, relating to skim milk.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 552 of the Agricultural Code is hereby amended to read:

Skim milk

552. Skim milk is milk from which a part of the milk fat has been removed and which contains less than 3 per cent of milk fat and not less than 8.8 per cent of milk solids not fat. All fluid skim milk sold for human consumption as such shall be derived from market milk. All containers in which skim milk is sold for human consumption in fluid form shall be labeled with the words "skim milk" and the words "raw" or "pasteurized", as the case may be, together with the name and address of the distributor.

Labeling
containers

CHAPTER 278

An act to amend Section 4827 of the Business and Professions Code, relating to veterinary medicine.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 4827 of the Business and Professions Code is amended to read:

Veterinary
license
Exceptions

4827. Nothing in this chapter prohibits any person from:

- (a) Practicing veterinary medicine upon his own animals.
- (b) Being assisted in such practice by his employees when employed in the conduct of such person's business.
- (c) Being assisted in such practice by some other person gratuitously.
- (d) The lay testing of poultry by the whole blood agglutination test.

CHAPTER 279

An act to amend Sections 529 and 530 of the Agricultural Code, pertaining to butter cutting, wrapping and distributors' licenses.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 529 of the Agricultural Code is hereby amended to read:

Cutting and
wrapping
butter
permit

529. (a) Every person, before engaging in the business of cutting and wrapping butter, in addition to the factory license,

shall obtain and hold a butter cutting and wrapping permit and all persons distributing butter received in packaged form direct from out-of-state points shall obtain a butter distributors permit from the department to do so for each plant or place of business. Every permittee engaging in the business of cutting and wrapping butter shall pay a fee amounting to fifteen cents ^{Fee} (\$0.15) for each 1,000 pounds of butter cut and wrapped during each of the three month periods ending February 28th, May 31st, August 31st, and November 30th, and such fees shall be paid to the department during the first week of March, June, September, and December, respectively.

Every permittee engaged in the business of distributing ^{Distributor} butter in accordance with the provisions of this section shall pay a fee amounting to fifteen cents (\$0.15) for each 1,000 pounds of butter distributed during each of the three month periods ending February 28th, May 31st, August 31st, and November 30th, and such fees shall be paid to the department during the first week of March, June, September, and December, respectively.

(b) Persons in charge of cutting, wrapping, packaging, or ^{Grader's license} distributing butter, or supervisors thereof who shall be responsible for the grading of butter shall obtain and hold a butter grader's license. Application for such license shall be made to the department which shall examine each applicant as to his qualifications and knowledge of butter grades and of the law applicable to him. The fee for a butter grader's license ^{Fee} shall be one dollar (\$1) and must accompany the application. All such licenses expire on the thirty-first day of December and may be renewed by payment of a renewal fee of one dollar (\$1).

SEC. 2. Section 530 of the Agricultural Code is hereby amended to read:

530. The director at least once each month, shall report to ^{Reports} the State Controller the total amount of moneys collected for fees and at the same time shall pay into the State treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this article. The director shall, within 30 days prior to each regular session of the Legislature, submit to the Governor a full and true report of the transactions under this law during the preceding biennium, including a complete statement of expenditures. Butter cutting and wrapping permits and butter distributors permits expire at the end of each calendar year. All permits may be renewed each successive year, if the plant for which a previous permit was issued and the business thereof shall have been conducted in accordance with the requirements of this article during the year next preceding that for which renewal is requested. ^{Renewal of permits}

CHAPTER 280

An act to amend Section 595 of the Agricultural Code, relating to the labeling of imitation milk.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 595 of the Agricultural Code is hereby amended to read:

Substitute
for milk

595. Each person, who manufactures any imitation milk or any substitute that may be used as and substituted for milk or evaporated milk, shall comply with the following:

Labeling

(a) The top, if the top be of sufficient size, and the sides of each package, in which containers of the article or substance are kept, and in which they may be removed from the place where the article or substance is produced or put up, shall have printed, stamped or stenciled thereon, in a clear manner the words "imitation milk," in plain roman type, the letters of which shall not be less than one inch in height and one-half inch in width.

Statement of
ingredients,
etc.

(b) A statement shall be prepared, printed in plain roman type of a size not smaller than pica, stating in the English language the name of the product, the name and address of the manufacturer, the name of the place where manufactured or put up, and the names of the various ingredients and the percentages of fat contained in said imitation milk and the percentage of milk fat, if any.

(c) A copy of said statement shall be placed within and upon the contents of each package, and next to that portion of each package which is commonly and most conveniently opened.

(d) Each container, within such package, containing imitation milk shall be labeled with the words "imitation milk" printed in black-face plain roman capital letters of a size not less than 12-point, and said words shall appear upon the main or principal label of the containers.

CHAPTER 281

An act to amend Section 506 of the Agricultural Code, relating to ice cream.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 506 of the Agricultural Code is hereby amended to read:

Ice cream
Ingredient

506. (a) Ice cream is a frozen product and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry

skim milk, dried buttermilk, milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring. Except as hereinafter provided, ice cream shall contain not less than 10 per cent of milk fat, nor more than six-tenths of 1 per cent of pure and harmless edible stabilizer approved by the director. Ice cream when sold by the manufacturer or retailer shall contain not more than 75,000 bacteria per gram. Ice cream shall contain not less than 1.6 pounds of total food solids per gallon.

(b) Ice milk is a frozen product containing less milk fat than ice cream and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, dried buttermilk, milk fat or wholesome sweet butter made from sweet cream or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring and containing not less than 4 per cent of milk fat, not more than six-tenths of 1 per cent of pure and harmless edible stabilizer approved by the director and not less than 1.3 pounds of total food solids per gallon. When sold by the manufacturer or retailer, ice milk shall contain not more than 75,000 bacteria per gram.

Ice milk
Ingredients

(c) All manufacturers of ice cream and ice milk who use butter, eggs or egg products in the manufacture of such products shall first secure from the department a permit to do so.

Permit to
use eggs, etc

Said permit shall be issued subject to such standards as set forth in this section for butter, and to the rules and regulations made by the director, and may be revoked for violation thereof after hearing. Sweet butter for use in ice cream and ice milk is construed to be unsalted butter made from sweet cream free from undesirable flavor or odors, and having a rating of not less than 92 in accordance with the standards for quality of creamery butter as established in Section 525. Cream to which has been added ripener or starter, or cream which has been neutralized, is not construed to be sweet cream.

Standards

(d) Sherbet is a frozen product containing milk or products of milk, with or without sweetening, with or without the use of harmless flavoring and coloring, with or without milk fat, and containing less than 4 per cent of milk fat, not more than six-tenths of 1 per cent of pure and harmless edible stabilizer approved by the director and not more than 75,000 bacteria per gram when sold by the manufacturer or retailer. Sherbet shall have an acidity of not less than the amount specified in the rules and regulations promulgated by the director, and shall contain not less than 10 per cent by weight of clean, mature, sound fruit or juice thereof, or its equivalent in other form. Milk or milk products used in the manufacture of sherbet shall be pasteurized.

Sherbet
Ingredients

CHAPTER 282

An act to repeal Section 1004 of the Elections Code, relating to notice of election.

In effect
September
15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

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

Repeal

SECTION 1. Section 1004 of the Elections Code is repealed.

CHAPTER 283

An act to amend Section 790.5 of the Agricultural Code, relating to emergency standards.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 790.5 of the Agricultural Code is hereby amended to read:

Emergency
container
standards

790.5. Whenever the director finds that any provision of this chapter relating to standards for any commodity or type of container, or relating to any markings required on any container, or any arrangement of the produce within a container, is difficult or impossible of performance by reason of laws or orders promulgated under the war power of the Government of the United States, or because of scarcity of materials or equipment used in the production or marketing of any commodity regulated by this chapter, or that any such provision of this chapter results in serious waste of useful produce otherwise available for human consumption, he may establish emergency standards for any such commodity or container, or for the marking of containers, or for the arrangement of produce within the container; and until the date of expiration of this section, unless sooner rescinded by the director, such emergency standards shall be in full force and effect, notwithstanding any other provision of this chapter, and all provisions of this chapter applying to standards shall apply to such emergency standards in lieu of the standards set forth in this chapter.

Misuse

All emergency standards established under the provisions of this section shall be reasonably calculated to effectuate the purposes of the standards which they supersede. No emergency standards shall be established which tend to lower any standards relating to carrying or keeping quality of any commodity, and no emergency standards shall be construed to modify in any respect any provision of this chapter designed to prevent deception or mislabeling, or designed to prevent the marketing of produce which is unwholesome or which would fail to give consumer satisfaction.

All emergency standards issued under the provisions of this section shall be published in a bulletin of the Department of Agriculture not less than 30 days before the date on which they are to become effective together with a notice of the time and place for hearing objections. Such hearing shall be not less than 10 nor more than 20 days from the date of publication. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons who theretofore have filed with the director a request for notice of such hearings. If at the hearing it shall be developed by competent testimony that additional time will be required to produce further essential evidence, the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the facts shown at the hearing. The director, upon his findings on the facts shown at the hearing, shall rescind, modify or affirm the emergency standards as published; and such emergency standards, unless rescinded or postponed by the director, shall take effect on the date appointed therefor.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 284

An act to repeal Section 1077 of the Agricultural Code, relating to products for treating domestic animals.

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1077 of the Agricultural Code is hereby repealed.

CHAPTER 285

An act to amend Section 790 of and to add Section 813.7 to, the Agricultural Code, relating to standards for green corn.

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 790 of the Agricultural Code is amended to read:

790. There are hereby established standards for fruits, nuts and vegetables which shall include apricots, avocados,

Standards
for fruits,
nuts and
vegetables

berries, cherries, citrus fruits, dates, grapes, peaches, pears, oriental persimmons, plums and fresh prunes, "wonderful" pomegranates, quinces, walnuts, artichokes, asparagus, Brussels sprouts, cantaloupes, carrots, cauliflower, celery, green corn, head lettuce, melons, onions, peas, potatoes, sweet potatoes, tomatoes and apples.

SEC. 2. Section 813.7 is added to said code, to read:

Standards
for green
corn

813.7. Ears of green corn shall be free from serious damage caused by smut or other diseases, mold, decay, or fermentation, insects or other causes. Damage from any cause shall be considered serious if it affects any of the kernels below a distance from the tip of more than 25 per cent of the length of the cob. In addition, the kernels on at least one-half of the length of the cob shall be plump, milky, and well developed, but not shriveled.

Not more than 10 per cent of the ears in any one container or lot may be below these requirements.

CHAPTER 286

An act to amend Section 20005 of the Education Code, relating to residence of students at the University of California.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945.]

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

SECTION 1. Section 20005 of the Education Code is amended to read:

Determina-
tion of
residence of
students

20005. The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code, except that for the purpose of this section it shall be deemed that the residence of an unmarried minor who has a parent living can not be changed by either his own act or that of his guardian. Every alien student who has not made a valid declaration of intention to become a citizen of the United States as provided by law, prior to the opening day of a semester during which he proposes to attend the university, is deemed to be a nonresident student. Nothing in this section or in Sections 243 and 244 of the Government Code prevents the regents from causing to be classified as a resident student:

(a) Any citizen of the United States, or any person who prior to the opening day of a semester during which he proposes to attend the university has made a valid declaration of his intention to become a citizen, who has attained his majority according to the laws of this State, and who for a period of one year immediately preceding the opening day of a semester during which he proposes to attend the university has been entirely self-supporting and actually present in the State, with the intention of acquiring a residence therein.

(b) Any minor child, a citizen of the United States, or any minor child, who, prior to the opening day of a semester during which he proposes to attend the university, has made a valid declaration of his intention to become a citizen, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the university received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein.

CHAPTER 287

An act to amend Section 92.1 of the Agricultural Code, relating to the basis of allocation of State money to county, district or combined county and district fairs.

[Approved by Governor May 7, 1945 Filed with Secretary of State
May 7, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 92.1 of the Agricultural Code is amended to read:

92.1. Notwithstanding anything in Section 92 to the contrary each county and district agricultural association which received an apportionment under Section 92 on the basis of the premiums paid at a fair held during the calendar year 1941 shall return to the Fair and Exposition Fund in the State treasury within 60 days after the effective date of this section the entire amount of such apportionment less the amount used as a base in determining said allocations. The Department of Finance shall apportion the funds so returned to the various counties and district agricultural associations which held fairs during the calendar year 1941 and received an apportionment under the provisions of Section 92 based on the premiums paid at said fairs. The money so apportioned shall be paid to the several counties and district agricultural associations as soon as such apportionment is determined. The funds returned to the Fair and Exposition Fund as provided above shall be apportioned to the various counties and district agricultural associations on the basis of the eligible premiums paid as set forth in the sworn statements of 1941 premiums paid which were filed with the Department of Finance under Section 92 and used in apportioning the funds to the various fairs held during the calendar year 1941.

The Department of Finance shall apportion any money appropriated by the State for the encouragement of county, district or combined county and district fairs held or to be held

during the calendar years 1943, 1944, 1945 and 1946 on the basis provided under Section 92 but the maximum that may be apportioned to any fair shall not exceed the amount of the base used in determining the apportionment. The Department of Finance shall apportion the balance of any funds remaining, after the above apportionments have been made, to the several counties and district agricultural associations which held fairs during the calendar year 1941 and received an apportionment under the provisions of Section 92 based on the premiums paid at said fairs. The money so apportioned shall be paid to the several counties and district agricultural associations as soon as such apportionment is determined. The funds remaining as referred to above shall be apportioned to the various counties and district agricultural associations on the basis of the eligible premiums paid as set forth in the sworn statements of 1941 premiums paid which were filed with the Department of Finance under Section 92 and used in apportioning the funds to the various fairs held during the calendar year 1941.

CHAPTER 288

An act to amend Section 3152 of the Business and Professions Code, relating to the practice of optometry.

In effect
September
15, 1945

[Approved by Governor May 7, 1945. Filed with Secretary of State
May 7, 1945.]

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

SECTION 1. Section 3152 of the Business and Professions Code is amended to read:

Optometry
Registration
fees and
penalties

3152. The amount of fees and penalties prescribed by this chapter is that fixed by the following schedule:

(a) The fee for applicants for a certificate of registration is twenty dollars (\$20).

(b) The fee for the issuance of the certificate of registration to successful applicants is five dollars (\$5).

(c) The fee for the restoration of a certificate of registration after forfeiture for nonregistration is twenty-five dollars (\$25).

(d) The annual fee for renewal of a certificate of registration shall be fixed by the board at not more than twenty dollars (\$20) nor less than sixteen dollars (\$16).

(e) The penalty for failure to pay the annual fee is twenty-five dollars (\$25).

CHAPTER 289

An act to amend Sections 3010 and 3013 of the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3010 of the Business and Professions Code is amended to read:

3010. There is in the Department of Professional and Vocational Standards a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of five members appointed by the Governor. State Board
of Optometry

Three members of the board shall constitute a quorum.

SEC. 2. Section 3013 of said code is amended to read:

3013. Each member of the board shall hold office for a term of four years and until his successor is appointed and qualified. Terms of
members

The terms of the members of the board in office when this chapter takes effect shall expire on January 15, 1946.

The terms of the members of the board, which are to be appointed by the Governor, which shall become effective on January 15, 1946, shall expire as follows: One member, January 15, 1948; two members, January 15, 1949; two members, January 15, 1950.

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

CHAPTER 290

An act to amend Section 3052 of the Business and Professions Code, relating to licenses for the practice of optometry, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by Governor May 7, 1945. Filed with Secretary of State May 7, 1945.]

In effect
immediately

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

SECTION 1. Section 3052 of the Business and Professions Code is amended to read:

3052. Examinations shall be held by the board at least once a year with such additional examinations as the board desires to hold. The time and place of any examination shall be fixed by the board at least 30 days prior to the date that it is to be held. Optometry
license:
Examination

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. Urgency

A statement of the facts constituting such necessity is as follows:

Due to the fact that graduation dates of optometry schools have changed since the war, examinations are held whenever necessary. The holding of an examination on the third Monday in June means that an extra examination must be held whether or not there are any examinees.

In order for this legislation to become effective in June 1945 and save this expense, it is necessary that this act take effect immediately.

CHAPTER 291

Stats 1909, p 87, amended

An act to amend Section 10 of the Bank Act, relating to the qualifications of directors of banks and trust companies.

In effect September 15, 1945

[Approved by Governor May 7, 1945 Filed with Secretary of State May 7, 1945.]

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

Stats. 1917, p 598

SECTION 1. Section 10 of the Bank Act is hereby amended to read as follows:

Bank director: Required to be stockholder

Sec. 10. No person shall be eligible for election as director of a bank having a capital stock unless he is a stockholder of the bank, or in the case of a trust company all of whose capital stock is owned by a bank, unless he is a stockholder of such bank, owning, in his own right, shares thereof of the par value of at least five hundred dollars (\$500); and every person elected to be director who, after such election, shall cease to be the owner in his own right of the amount of such stock aforesaid, or shall hypothecate or in any way pledge such stock as security for any loan or debt shall immediately notify the Superintendent of Banks in writing of such sale or hypothecation and such director may be removed from the office of director by the Superintendent of Banks; provided, however, that any executor or executrix, administrator or administratrix holding shares of a bank of the par value of five hundred dollars (\$500), in his or her representative capacity shall be eligible for election as a director thereof. If a bank be organized without capital stock, no person shall be eligible as a director thereof unless he is both a member and a depositor of such bank.

CHAPTER 292

An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments.

In effect September 15, 1945

[Approved by Governor May 8, 1945 Filed with Secretary of State May 8, 1945.]

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

Recordation of instruments Acknowledgment

SECTION 1. Section 1161 of the Civil Code is amended to read:

1161. Before an instrument can be recorded, unless it belongs to the class provided for in either Section 1159, 1160,

1202 or 1203, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or secretary, or other person executing the same on behalf of the corporation, or proved by a subscribing witness, or as provided in Sections 1198 and 1199, and the acknowledgment of proof certified in the manner prescribed by Article 3 of this chapter. If such instrument is an agreement for sale, option agreement, deposit receipt, commission receipt, or affidavit which affidavit quotes or refers to an agreement for sale, lease, option agreement, deposit receipt, commission receipt or lease and such instrument claims to, or affects any interest in real property, it shall be executed and acknowledged or proved as above provided by the party thereto who appears by such instrument to be the party whose real property is affected or alienated thereby. Any assignment of any such agreement for sale, option agreement, agreement for lease, deposit receipt, commission receipt, or lease shall not impart any notice thereof and shall not be recorded unless the original instrument itself has been recorded as by this section required and such assignment contains a reference to the correct book and page where such original instrument is recorded, except that no such reference is required if the original instrument and the assignment are presented for recordation concurrently.

Assignments

CHAPTER 293

An act to add Section 541.1 to the Probate Code and to amend Section 51 of the Bank Act, relating to the deposit of money or securities of estates of decedents.

Stats 1909,
p 87,
amended

[Approved by Governor May 8, 1945 Filed with Secretary of State
May 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 541.1 is added to the Probate Code, to read:

541.1. Notwithstanding the provisions of Section 541, in any proceedings for the determination of the amount of bond to be required of the executor or administrator (whether at the time of appointment or subsequently), when it appears that the estate of the decedent includes money or securities which have been, or will be, deposited in a bank or banks in this State or in a trust company authorized to transact a trust business in this State upon condition that such money or securities will not be withdrawn except on authorization of the court, the court may, in its discretion, order such money or securities so deposited and exclude such deposited property from the computation of the amount of such bond or reduce the amount of bond to be required in respect of such money or securities to such an amount as it may deem reasonable.

Bonds of
administra-
tors, etc.

Stats 1943,
p 1089
Deposit of
money on
order of
court

SEC. 2. Section 51 of the Bank Act is amended to read:

Sec. 51. Any court having appointed and having jurisdiction of any executor, administrator, guardian, assignee, receiver, depository or trustee, upon the application of such executor, administrator, guardian, assignee, receiver, depository or trustee, or upon the application of any person having an interest in the estate administered upon by such officer or trustee, after notice to other parties in interest as the court may direct, and after a hearing upon such application may authorize or may direct such officer or trustee to deposit any money then in his hands as such officer or trustee or which may thereafter come into his hands, and until the further order of the court, in any bank in this State; and upon such deposit being made, the officer or trustee so depositing the same shall thereafter and while such moneys remain on deposit in such bank, be relieved and discharged from all liability and responsibility therefor, and the bond required of such officer or trustee given upon his appointment shall be thereupon by said court reduced to such an amount as the court may deem reasonable; such deposit shall be repaid only upon the orders of said court, and shall be a preferred claim against such bank and be paid in full before any other depositor of such bank shall have been paid. If the amount sought to be deposited in any one bank does not exceed the amount which would be insured under any law of the United States such order may be made *ex parte* without notice or hearing.

Money deposited pursuant to Section 541.1 of the Probate Code shall be entitled to and be accorded the same preference and priorities as is accorded deposits under this section.

CHAPTER 294

Stats 1943,
p 1097,
amended

An act relating to relief from certain obligations and extensions of time for certain acts and proceedings including provisions to extend the period of the operative effect of Chapter 207 of the Statutes of 1943 relating to gold and silver mining by amending Sections 1, 7, 8, 10, 12, 13, 17, 21 and 27 of said Chapter 207 and to repeal certain acts, relating to chattel mortgage, mortgage and trust deed moratoria.

In effect
September
15, 1945

[Approved by Governor May 8, 1945. Filed with Secretary of State May 8, 1945.]

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

Stats 1943,
p 1097

SECTION 1. Section 1 of Chapter 207 of the Statutes of 1943 is amended to read:

Legislature
declaration

Section 1. Due to the necessity of conserving labor and strategic materials in connection with the war effort, the United States War Production Board has issued an order directing the cessation of operations of gold mines throughout the United States. The issuance of this order has caused widespread distress among the gold miners of California, and the Legislature

finds that as a war measure it is necessary to provide for the relief of said distress in the following manner until causes of said distress have been removed by cessation of the war.

This act shall, therefore, be effective until six months after the termination of hostilities between the United States and all nations with which the United States is at war as determined by an act of Congress or proclamation of the President of the United States, or until October 1, 1947, whichever first occurs.

Duration

SEC. 2. Section 7 of said chapter is amended to read:

Stats 1943, p 1097

Sec. 7. Upon application of the petitioner, after service of such petition, or upon application of any other interested party after the filing of the petition, a hearing shall be had thereon within 20 days after such application, upon such notice as the court shall reasonably prescribe; provided, however, that the court if it finds equitable grounds therefor, may postpone such hearing for not to exceed 10 days.

Foreclosure Petition to stay

After the filing of such petition and the recording and mailing of the notice of the pendency thereof as provided in Sections 5 and 6 of this act, no sale under the power of sale conferred by such deed of trust or such mortgage or other instrument shall be held nor shall any forfeiture be effected under any of the instruments set forth in Section 2 hereof until the court makes its order in the matter, but nothing herein contained shall prevent such sale or forfeiture at any time after October 1, 1947, or six months after termination of the war, whichever shall first occur.

Prevention of sale or forfeiture

Effective period

SEC. 3. Section 8 of said chapter is amended to read:

Stats 1943, p 1097

Sec. 8. Upon such hearing the court may make its order, if it finds equitable grounds for relief, and finds that the security will not be unreasonably jeopardized thereby, ordering that such sale shall not be held or forfeiture declared until after such date as the court considers just and equitable, but in no event shall such date be beyond October 1, 1947, or six months after termination of the war, whichever first occurs, or may make its order dismissing such proceedings.

Order for sale upon forfeiture

If the court orders the sale or forfeiture postponed it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor, or holder under other instrument set forth in Section 2 hereof, as determined by the court, and by such order shall require the trustor or mortgagor to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner as are determined to be just and equitable under the circumstances.

Payment of income or rental toward debt

SEC. 4. Section 10 of said chapter is amended to read:

Stats 1943, p. 1097

Sec. 10. When any mortgage or deed of trust upon property, or upon machinery and equipment attached to or used in operating gold or silver mining property or other instrument, has been foreclosed, and the property covered thereby has been

Petition to extend period of redemption

sold in whole or in part under decree of foreclosure, and the period of redemption has not yet expired, the mortgagor or trustor thereof, or holder under other instrument set forth in Section 2 hereof, having the right of redemption, may at any time not later than October 1, 1947, or six months after termination of the war, whichever first occurs, file a petition in the superior court of the county in which the property so sold or the major portion thereof is situated, praying for an order extending such period of redemption.

Stats 11 13,
p 1097
Hearing

SEC. 5. Section 12 of said chapter is amended to read:

SEC. 12. Upon application of the petitioner after service of such petition, or upon application of any other interested party, after the filing of the petition, a hearing shall be had thereon within 20 days after such application, upon such notice as the court shall reasonably prescribe; provided, however, that the court, if it finds equitable grounds therefor, may postpone such hearing for not to exceed 10 days.

Effective
period

Upon the filing of such petition and the recording and mailing of the notice of pendency thereof as provided in Sections 10 and 11 of this act, the period of redemption, if such period would sooner terminate, shall be extended until 10 days after the court makes its order in the matter, but in no event beyond October 1, 1947, or six months after termination of the war, whichever first occurs.

Stats 19 13,
p 1097
Order

SEC. 6. Section 13 of said chapter is amended to read:

SEC. 13. Upon such hearing the court may make its order, if it finds equitable grounds for relief and finds that the security will not be unreasonably jeopardized thereby, extending such period of redemption for such additional time as the court considers just and equitable, but in no event beyond October 1, 1947, or six months after termination of the war, whichever first occurs, or may make its order dismissing such proceeding.

If the court by its order extends the period of redemption, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the operator as determined by the court.

Payment of
income or
rental
toward
taxes, etc

The court shall require the operator to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes upon such property, the cost of insurance and the sums to which the purchaser of such property at such foreclosure sale, or the last redemptioner, as the case may be, is entitled under the provisions of Section 707 of the Code of Civil Procedure, at such times and in such manner determined to be just and equitable under the circumstances.

Stats 19-3,
p 1097
Postpone-
ment of
mortgage
sales

SEC. 7. Section 17 of said chapter is amended to read:

SEC. 17. In any decree rendered prior to October 1, 1947, foreclosing a mortgage or deed of trust upon real property, the court may provide that the sale of the property shall not be held

until on or after such date as the court considers just and equitable, but in no event later than October 1, 1947. If the court provides in such decree that the sale shall not be held until on or after such date as it shall fix, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor or holder under other instrument set forth in Section 2 hereof, as determined by the court, and shall require the trustor or mortgagor or holder under other instrument set forth in Section 2 hereof to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances. The court may include in such order provisions requiring maintenance and repair regulating the disposition of any income from the property, and such other provisions as it deems just and equitable for the protection of the security.

Payment by
the mort-
gagor

After such hearing the court, if it shall determine that it is equitable and just so to do and that the security will not be unreasonably jeopardized thereby, may make its order postponing to a date not later than October 1, 1947, or six months after termination of the war, whichever shall first occur, the foreclosure, termination or forfeiture of the petitioners' interest under such contract of purchase on substantially the same terms and conditions as those prescribed in Sections 5, 6, 7, 8 and 9 of this act, or the court may make its order dismissing such proceeding.

Order Effective
period

Sec. 8. Section 21 of said chapter is amended to read:

Sec. 21. Whenever the time within which an action may be commenced upon any obligation founded upon a written instrument secured by chattel mortgage, mortgage, deed of trust or contract of purchase, or founded upon any guarantee of such obligation or any contract of suretyship therefor or any endorsement of such instrument, would expire by virtue of Section 337 of the Code of Civil Procedure, or any other provision of law, during the period commencing with the effective date of this act and ending on the date upon which this act shall cease to be in effect, with respect to any property or chattel relating to which a petition has been filed under this act, such time is hereby extended so as not to expire until December 31, 1947, or nine months after cessation of the war, whichever shall first occur.

Stats 1943,
p. 1097
Period of
limitations
extended

Sec. 9. Section 27 of said chapter is amended to read:

Sec. 27. Until October 1, 1947, or six months after termination of the war, whichever shall first occur, no receiver shall be appointed at the instance of the mortgagee of any mortgage or the trustee or beneficiary of any deed of trust, with respect to real property or chattels attached to real property subject to mortgage or deed of trust, except in a suit or action for the foreclosure of such mortgage or deed of trust or for the enforcement

Stats 1943,
p. 1097
Appointment
of receiver

of the covenants, or any thereof, contained in such mortgage or deed of trust, or in a proceeding ancillary to any such suit or action, or until after recording notice of default.

Repeals

SEC. 10. The following acts are repealed:

General Laws

Year	Chapter	Page
1933 -----	1057 -----	2717
1935 -----	348 -----	1208
1939 -----	86 -----	1045
1941 -----	204 -----	1263

CHAPTER 295

An act amending Sections 3017, 3018, 3019, 3020, 3021, 3022 and 3024 of the Civil Code, relating to the giving of notice of assignment of accounts receivable.

In effect
September
15, 1945

[Approved by Governor May 8, 1945. Filed with Secretary of State May 8, 1945.]

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

SECTION 1. Section 3017 of the Civil Code is amended to read:

Definitions
"Account"

3017. In this chapter:

(1) "Account" means an open book account, mutual account, or account stated, due or to become due, carried in the regular course of business and not represented by a judgment, note, draft, acceptance, or other instrument for the payment of money; it includes rights under an unperformed contract for work, goods or services which in the regular course will result in an open book account.

"Assignment"

(2) "Assignment" shall include any transfer, pledge, mortgage or sale.

"Creditor"

(3) "Creditor" means a person having any claim, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

"Debt"

(4) "Debt" means the indebtedness owing on an account.

"Debtor"

(5) "Debtor" means any person by whom an account is owing to the assignor.

"Filing officer"

(6) "Filing officer" means the county recorder of the county in which the assignor has its principal place of business within this State, or if the assignor has no place of business within this State then the county recorder of the county in which the assignor resides.

SEC. 2. Section 3018 of the Civil Code is amended to read:

Priority of
assignment

3018. Subject to the provisions of Section 3019, an assignment of an account for value shall take precedence, and shall be entitled to priority over any subsequent assignment of the

same account, provided, that as between two or more assignees one or more of whom have filed a notice under Section 3019, an assignment in writing made to the assignee whose notice was first filed and which assignment is covered by such notice shall have priority over any assignment to an assignee whose notice was subsequently filed or who has filed no notice under said section. A debtor irrespective of the provisions of Section 3019, until notified by his creditor or the assignee not to do so, may pay or otherwise deal in good faith with the assignor, his agent for collection or any person who has succeeded to the assignor's interest, and shall have as against the assignee any right of set-off, counter claim or defense against such assignor or person existing in his favor at the time he is so notified

Notice of
assignment
to debtor

Sec. 3. Section 3019 of said code is amended to read :

3019. No assignment of an account shall be valid as against present or future creditors of the assignor without notice of such assignment or as against a subsequent purchaser or assignee of such account without notice of such assignment :

Effect of
assignment
on creditors,
etc.

1. Unless such assignment shall be in writing and shall be signed by the assignor, and

2. Unless such assignment, if it assigns accounts to arise in the future, gives the general nature of the business out of which such accounts are to arise and the address where such business is or will be carried on, and

3. Unless there shall be on file in the office of the filing officer, at the time of the execution of such assignment, or prior to the time when credit is extended to the assignor or prior to the time when a subsequent assignment is made, as the case may be, a presently effective and uncanceled notice signed by the assignor and the assignee, containing :

A designation of the assignor and the assignee, and of the chief place of business of each within this State, if any, and if either of them has no place of business within the State, a designation of his residence or chief place of business outside the State and a designation of the general nature of the business out of which such accounts arise; and, either

(a) A statement that the assignor expects to assign or has assigned an account or accounts then existing or thereafter arising to the assignee, or

(b) A statement that the assignor expects to assign or has assigned certain specified accounts in which event the statement may contain :

(1) A list of the accounts so to be assigned, setting forth the amount of each such account and the names and addresses of the persons owing the same; and

(2) If such accounts are to be assigned as collateral security for a specific obligation, a declaration to that effect, and a statement of the amount of such obligation.

Sec. 4. Section 3020 of said code is amended to read :

3020. It shall be the duty of the filing officer to mark each notice filed with a file number, and with the date and hour of filing, to file the same, and to index each notice in a separate

Duties of
filing officer

index entitled Index of Notices of Assignment of Accounts Receivable under the name of the assignor and of the assignee. Upon the filing of any such notice, if requested so to do by the person filing such notice, it shall be the duty of the filing officer to deliver to or mail to such person a certificate under seal, certifying that such notice has been filed, giving the file number and the date and hour of filing and stating therein whether or not there is on file in his office on the date and hour of such filing any other presently effective uncanceled notice of assignment by the assignor named in the notice so filed and setting forth therein the names and addresses of the assignee or assignees named in any such presently effective uncanceled notice or notices then on file. The fee for such filing shall be one dollar (\$1), the fee for the issuance of any such certificate shall be one dollar (\$1) and the fee for filing any cancellation of notice shall be one dollar (\$1). For a fee of one dollar (\$1) the filing officer may issue a certificate to any person showing whether or not there is on file any presently effective uncanceled notice of assignment by any named assignor and if so setting forth therein the names and addresses of the assignee or assignees named therein.

SEC. 5. Section 3021 of said code is amended to read :

Effect of
filing

3021. Upon presentation to the filing officer for filing of any such notice, and the payment of the filing fee, the same shall be deemed to be filed for the purposes of this chapter.

SEC. 6. Section 3022 of said code is amended to read :

Filing of
subsequent
notices. etc.

3022. Any such notice shall be ineffective, except as to accounts theretofore assigned while such notice was in effect, after three years from the date of filing. At any time before expiration of the effectiveness of the original or any subsequent filing, a like statement, signed by the assignor and the assignee, or an affidavit by the assignee alone, setting out the information required by Section 3019, may be filed in like manner as the original filing. Any filing of such further notice or affidavit shall be effective in like manner and for a like period as an original filing. It shall be the duty of the filing officer to mark, file and index the further statement or affidavit in like manner as the original. At any time after seven years from the date when any notice has become ineffective the recorder may destroy the same provided that at least 10 days before doing so he mails a notice of his intention to do so to the assignee named in such notice at his address set forth therein.

Destruction
of records

SEC. 6. Section 3024 of said code is amended to read :

Payment
of debt

3024. (a) If an account or accounts are assigned pursuant to any notice filed under the provisions of this chapter as collateral security for any obligation, then upon payment or satisfaction of such obligation, and upon written demand, delivered personally or by registered mail by the assignor, the assignee shall execute and acknowledge and deliver to the assignor a certificate reciting (1) the date of the notice, (2) the date of the filing thereof, (3) the names of the parties thereto, and (4) a

Certificate
of assignee

statement that the obligation described in the notice has been paid or otherwise satisfied and discharged.

(b) If for 10 days after such demand, the assignee fails to mail or deliver such a statement of satisfaction, he shall be liable to the assignor for all actual direct damages suffered by him as a result of such failure and, if the failure is in bad faith, for a penalty of one hundred dollars (\$100). Upon presentation of such statement of satisfaction or cancellation, it shall be the duty of the filing officer to file the same and note the cancellation of the notice, and the date thereof on the margin of the page where the notice has been indexed.

Failure to execute certificate

Filing of certificate

CHAPTER 296

An act to amend Sections 3447 and 3473 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

[Approved by Governor May 9, 1945 Filed with Secretary of State In effect May 9, 1945] September 15, 1945

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

SECTION 1. Section 3447 of the Welfare and Institutions Code is amended to read:

3447. Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of three thousand dollars (\$3,000).

Property exemptions for partially self-supporting blind

The term "personal property" shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars (\$1,000).

Life insurance policies

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

SEC. 2. Section 3473 of said code is amended to read:

3473. An applicant for aid under this chapter shall in addition prove that he is able to secure and willing to use resources and income he is permitted to retain under this chapter, for the purposes of achieving self-support.

Use of resources for self-support

The county shall determine whether the applicant has the qualifications necessary for aid under this chapter and may, despite his application, deny him aid under this chapter, and,

Determination of eligibility

if eligible thereunder, grant him aid to the needy blind under Chapter 1 of this part. Any applicant denied aid under this chapter may file an appeal with the State Social Welfare Board.

An applicant granted aid under this Chapter 3 shall not be eligible for aid under Chapter 1 of this part for a period of one year from the date upon which he filed his application for aid.

Review of
cases

At least annually, the county shall review the case of every applicant receiving aid under this chapter and shall redetermine whether he is eligible for aid under this chapter or should be granted aid, if eligible, under Chapter 1 of this part. Any redetermination by the county shall be subject to review by the State Social Welfare Board upon the appeal of the applicant.

CHAPTER 297

An act to amend Section 3047 of the Welfare and Institutions Code, relating to property qualifications of recipients of aid to the needy blind.

In effect
September
15, 1945

[Approved by Governor May 9, 1945. Filed with Secretary of State May 9, 1945.]

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

SECTION 1. Section 3047 of the Welfare and Institutions Code is amended to read:

Property
exemption
for needy
blind

3047. (a) Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of three thousand dollars (\$3,000).

Insuranc
Value

(b) Aid shall not be received under the provisions of this chapter by any person who owns cash, insurance having a cash surrender value, or securities, the combined value of which, less all encumbrances thereon of record, is in excess of six hundred dollars (\$600) unless the Department of Social Welfare finds that the person is capable of becoming partially or wholly self-supporting, and that he has entered upon a program designed to render him so self-supporting, in which case he may own additional cash, insurance having a surrender value, or securities of a value reasonably necessary to carry out such program (but not in excess of the valuation specified in subdivision (a) of this section) without thereby becoming ineligible for aid.

Life
insurance

(c) The term "personal property" shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars (\$1,000).

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

CHAPTER 298

An act to amend Section 3444 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and revising the provisions for payments to persons in institutions.

[Approved by Governor May 9, 1945 Filed with Secretary of State In effect
May 9, 1945.] September
15, 1945

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

SECTION 1. Section 3444 of the Welfare and Institutions Code is amended to read:

3444. No applicant shall receive aid under the provisions of this chapter while he is an inmate of any institution supported in whole or in part by the State or any of its political subdivisions, but recipients of aid under the provisions of this chapter who are patients in a public hospital for a period not exceeding two calendar months, and blind persons employed in a shop maintained by the State when such shop does not provide board and room to the employee shall not be considered inmates of public institutions. No applicant shall be denied the aid provided for in this chapter, however, because he is attending or intends to attend any public high school in this State, the University of California, or any other institution of higher learning in this State.

Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of application.

The applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate.

If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the order of the board of supervisors suspending his aid may provide that the aid shall be restored when the recipient ceases to be an inmate, without further order from the board of supervisors.

CHAPTER 299

An act to add Section 2847.5 to the Elections Code, relating to filling of vacancies existing in party committees.

In effect
September
15, 1945

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 2847.5 is added to the Elections Code, to read:

Vacancy in
party com-
mittee

2847.5. In the event that the candidates elected to a party committee from a district do not equal the number of party committeemen which such district is entitled to be represented by under provisions of this code, a vacancy, or vacancies, exists to the extent of the difference between the number of elected committeemen and the number of committeemen by which the district is entitled to be represented by. When such vacancy, or vacancies, exists, it or they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 2847 of this code.

CHAPTER 300

An act to amend Section 501 of the Agricultural Code, relating to market milk inspection fees.

In effect
September
15, 1945

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 501 of the Agricultural Code is hereby amended to read:

Inspection
fee

501. Every person engaged in the production, sale or distribution of market milk, outside the jurisdiction of, and not subject to inspection by any approved milk inspection service, shall pay an inspection fee to the director. Said inspection fee shall be payable during the first week of January, April, July and October of each year. Said inspection fee is hereby fixed at:

(a) For producers who sell market milk at wholesale to be sold as graded market milk, two mills (\$0.002) for each gallon of graded market milk sold during the quarter-year period preceding the date such inspection fee becomes due and payable;

(b) For distributors who purchase market milk from producers to be sold as graded market milk or who distribute their own graded market milk, two mills (\$0.002) for each gallon of graded market milk sold during the quarter-year period preceding the date such inspection fee becomes due and payable;

(c) For producers who sell market milk at wholesale, one mill (\$0.001) for each gallon of ungraded market milk sold

during the quarter-year period preceding the date such inspection fee becomes due and payable;

(d) For distributors who purchase market milk from producers or who distribute their own market milk, one mill (\$.001) for each gallon of ungraded market milk sold during the quarter-year period preceding the date such inspection fee becomes due and payable.

Whenever applications for permits to be issued by the director are received from applicants totaling fifty-one per cent (51%) or more in number of the persons desiring to engage in the business of producing, processing, selling or distributing any grade of market milk in an area in which no inspection service has been established by the director, then the director shall establish a milk inspection service in accordance with the provisions of Section 485; provided, however, that whenever the funds derived under the provisions of this section are inadequate to maintain the milk inspection service subject to establishment by the director, then the establishment of such milk inspection service shall not be required and the producers and distributors of market milk in that area shall be required to pay only the inspection fee or fees specified in paragraphs (c) and (d) of this section.

Milk inspection service

The director, at least once each month, shall report to the State Controller the total amount of moneys collected under the provisions of paragraphs (a), (b), (c) and (d) of this section and at the same time shall pay into the State treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of the division relating to the inspection of market milk.

Report to State Controller and disposition of moneys

The director shall, within 30 days prior to each regular session of the Legislature, submit to the Governor a full and true report of all transactions under this chapter during the current biennium, including a complete statement of receipts and expenditures during the period.

Report to Governor

CHAPTER 301

An act to add Section 23955 to the Water Code, relating to irrigation districts.

[Approved by Governor May 9, 1945 Filed with Secretary of State May 9, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 23955 is added to the Water Code, to read:

23955. The board of the district may, provide for the maintenance and operation of the works of an improvement district from the funds of the irrigation district, in lieu of levying further improvement district assessments for such purposes.

Payment from district funds

CHAPTER 302

An act to amend Section 787.5 of the Agricultural Code, relating to fruit and vegetable containers.

In effect
September
15, 1945

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 787.5 of the Agricultural Code is hereby amended to read:

Container
markings

787.5. Unless otherwise required in the standards established in this chapter, all containers of fruits, nuts and vegetables specifically mentioned in Section 790 and offered for sale and distribution in California shall bear upon them in plain sight and in plain letters on one outside end of each box, lug or carton and either on one side or the top cover of each basket, barrel, sack or other similar containers, the name of the buyer, packer or other person who authorized the packing of the fruits, nuts or vegetables, together with a sufficiently explicit address to permit ready location of such packer. Such marking requirements shall not apply to any subcontainers of fruits, nuts and vegetables.

When the name and address of any person is required by any of the specific commodity standards of this chapter to be placed on any container, the address shall be a California address, unless the section of this code establishing the standard specifies otherwise.

Suspension
of provisions:

The provisions of this section shall not apply to containers of fruits, nuts or vegetables packed or offered for sale or distribution until September 30, 1947.

CHAPTER 303

An act to add Section 417.1 to the Vehicle Code, relating to financial responsibility.

In effect
September
15, 1945

[Approved by Governor May 9, 1945. Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 417.1 is added to the Vehicle Code, to read:

Proof of
financial re-
sponsibility

417.1. Any person whose privilege to operate a motor vehicle or whose privilege to register a motor vehicle has been suspended for a period of five years because of failure to pay or satisfy a judgment as defined and referred to in Section 410 may be relieved of the penalties therein provided and the privilege of such person to operate and register a motor vehicle may be restored in the event such person files with the department and thereafter maintains proof of ability to respond in damages as defined in Section 414 notwithstanding that the judgment which gave rise to such order of suspension has not been paid or fully satisfied.

CHAPTER 304

An act to amend Section 44 of the County Employees Retirement Act, relating to county retirement systems in respect to the inclusion of elective officers therein.

Stats 1937,
p 1898,
amended

[Approved by Governor May 9, 1945. Filed with Secretary of State
May 9, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 44 of the County Employees Retirement Act is amended to read:

Stats. 1937,
p 1898

Sec. 44. Officers holding elective office shall become members of the system on the first day of the month after filing a declaration with the board to become a member of the retirement association. Such declaration must be filed within 90 days after:

See also
Stats 1945,
Ch 825
Elective
officers

- (a) Taking office, or
- (b) The effective date of a system established pursuant to this act, or
- (c) The effective date of the amendment to this section, whichever is latest.

CHAPTER 305

An act to add Section 151.1 to the State Civil Service Act and Section 18103 to the Government Code, relating to sick leave.

Stats. 1937,
p 2085,
amended

[Approved by Governor May 9, 1945. Filed with Secretary of State
May 9, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 151.1 is added to the State Civil Service Act, to read:

Stats. 1937,
p 2085

Sec. 151.1. No employee shall be entitled to receive any sick leave until he has been continuously employed for a period of six months. In the event an employee remains in State service after six months of continuous service, there shall be credited to said employee, six days of sick leave for said first six months of continuous service.

Eligibility
for sick leave

SEC. 2. Section 18103 is added to the Government Code, to read:

18103. No employee shall be entitled to receive any sick leave until he has been continuously employed for a period of six months. In the event an employee remains in State service after six months of continuous service, there shall be credited to said employee six days of sick leave for said first six months of continuous service.

Same

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 151.1 of the State Civil Service Act added by this act is hereby repealed.

Effect
Stats 1945,
Ch 123

CHAPTER 306

An act to add Sections 8740.5 and 8793 to the Business and Professions Code, relating to land surveyors.

In effect
September
15, 1945

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 8740.5 is added to the Business and Professions Code, to read:

Citizenship

8740.5. The applicant shall be a citizen of the United States.

SEC. 2. Section 8793 is added to said code, to read:

Penalty

8793. Any person not a citizen of the United States who practices land surveying in this State, whether heretofore licensed for that purpose or not, is guilty of a misdemeanor. The secretary shall notify each licensed land surveyor of the provisions of this section prior to its effective date.

CHAPTER 307

An act to amend Section 104.5 of the Welfare and Institutions Code, relating to proceedings before the State Social Welfare Board, specifying the time within which appeal or application for hearing must be made, authorizing the board to hold rehearings, and providing for the conduct of such proceedings.

In effect
September
15, 1945

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 104.5 of the Welfare and Institutions Code is amended to read:

See also
Stats 1945,
Ch 876
Appeals

104.5. (a) Whenever any appeal to, or hearing before, the board is otherwise authorized by law, the appeal shall be made, or the hearing applied for, within one year after the order or other action complained of. The board may rehear any matter within six months after its original order or decision, on its own motion or on application of any interested party. Any such appeal, hearing, or rehearing may be heard by the board, or a referee designated by the board.

(b) The board or referee conducting an appeal, hearing, or rehearing shall have all the powers and authority conferred upon the head of a department in Section 353 of the Political Code.

(c) If an appeal, hearing, or rehearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. Only the board may make such final decision.

Scope

(d) This section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 308

An act to add Section 372.3 to the Vehicle Code, relating to exemptions from fees.

[Approved by Governor May 9, 1945. Filed with Secretary of State May 9, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 372.3 is added to the Vehicle Code, to read:

372.3. Exemptions from Weight Fees. As used in this section "carry-all" shall mean that type of earth-moving equipment which is not self-propelled but which is designed for use behind tractors or other motive power and which is self-loading by means of a cutting blade which is lowered at an angle to dig into the ground. The term includes, but is not limited to, such types of vehicles as carry the trade names of LaPlant-Choate, LeTourneau and Be Ge. Exemptions
from weight
fees

Carry-alls shall be exempt from the payment of the fees prescribed in Section 372 when they are used solely for agricultural purposes and their use on the highway is limited to traveling from one place of agricultural work to another, unladen.

All applications for registration of carry-alls, in which the exemption from the fees prescribed in Section 372 is sought, shall be accompanied by an affidavit specifying that only such uses will be made of the vehicle. The department may issue a special type of registration plate for such vehicles.

In the event that after registration as provided in this section the owner desires to use a carry-all in a manner other than specified herein, he shall pay the fees prescribed in Section 372, reduced as provided in Section 373, and apply for regular registration. Operation of any carry-all other than as specified in this section without first paying the fees prescribed by Section 372 shall be unlawful, and in addition the entire fee, plus a penalty equal to the amount thereof, shall become immediately payable.

CHAPTER 309

An act to amend Sections 651.6 and 651.7 of, and to add Section 651.8 to, the Fish and Game Code, relating to salmon, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1945. Filed with Secretary of State May 9, 1945.]

In effect
immediately

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

SECTION 1. Section 651.6 of the Fish and Game Code is amended to read: See also
Stats 1945,
Ch 1128

651.6. In that portion of the San Joaquin River lying within the boundaries of San Joaquin and Stanislaus counties, in that

portion of the Tuolumne River from its mouth to the highway bridge opposite Waterford, in that portion of the Stanislaus River from its mouth to the Santa Fe Railroad bridge opposite Riverbank, salmon may be taken with hook and line or with spear between April 1st and December 31st.

SEC. 2. Section 651.7 of said code is amended to read:

Same

651.7. In that portion of the San Joaquin River from the junction of the Stanislaus River with the San Joaquin River to the highway bridge opposite Mossdale and in that portion of the San Joaquin River lying in Merced County, salmon may be taken with hook and line between April 1st and December 31st. The bag limit is two per day.

SEC. 3. Section 651.8 is added to said code, to read:

Same

651.8. In that portion of the Merced River and its tributaries in Merced County lying above the Santa Fe bridge near the town of Cressey salmon may not be taken. In all other waters in Merced County, except the San Joaquin River, salmon may be taken with hook and line or with spear between April 1st and December 31st and the bag limit on salmon taken in such waters is two per day.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The successful management of the wildlife resources of this State requires the prevention of wilful and negligent destruction and a wise utilization of such resources. The use of spears, or similar appliances, destroys the potential future supplies of species of tremendous food value to State and Nation. In order to prevent the destruction of untold numbers of fish, especially salmon, which use our State waters for normal functions of reproduction during the spring and summer months it is necessary that this act take effect immediately.

CHAPTER 310

An act to amend Section 1064 of the Probate Code, relating to estates of deceased persons.

In effect
September
15, 1945

[Approved by Governor May 9, 1945. Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 1064 of the Probate Code is amended to read:

Claim for
property in
county
treasury:
Petition

1064. (a) When any person appears and claims the money or other personal property on deposit in the county treasury he shall file a petition in the superior court which made the

distribution, showing his claim or right to the property, or the proceeds or any portion thereof.

At least 20 days before the hearing of the petition, a copy ^{Service} of the petition must be served on the Attorney General, who may answer the same, at his discretion.

The petition shall be verified and, among other things, shall ^{Contents} state the facts required to be stated in a petition filed under Section 1272 of the Code of Civil Procedure, and upon the filing of the petition, the same proceedings shall be had as are required by that section.

If, upon trial of the issues, the court is satisfied of the ^{Certificate} claimant's right to the property claimed, it shall grant him a certificate to that effect under its seal. Upon presentation of ^{Payment} the certificate, the county auditor must draw his warrant on the county treasurer for the amount of money covered by the certificate. If the certificate covers any personal property other than money, a certified copy of the certificate filed with the county treasurer shall serve as a sufficient warrant of authority for the delivery of the personal property by the county treasurer to the claimant.

Claims for money or other personal property distributed in estates of deceased persons made subsequent to the deposit of the property in the State treasury shall be governed by the provisions of Section 1272a of the Code of Civil Procedure.

(b) Claimants of money or other personal property deposited ^{Alternative procedure} in the county treasury, may, in lieu of filing the petition provided for in subsection (a) of this section, present such claim in form of an affidavit to a judge of the superior court which made the assignment or distribution, and such judge may thereupon, in his discretion, dispense with the filing of a petition and grant claimants the certificates provided for in subsection (a).

CHAPTER 311

An act to authorize the Director of Finance to sell and convey certain real property in the County of Sacramento, known as Camp Christiansen.

[Approved by Governor May 9, 1945 Filed with Secretary of State ^{In effect}
May 9, 1945] ^{September}
15, 1945

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

SECTION 1. The Director of Finance is hereby authorized ^{Authority to sell} to sell, upon such terms and conditions as in his opinion may be for the best interests of the State, that certain real property consisting of 47.32 acres, more or less, commonly known as Camp Christiansen, located in the County of Sacramento, State of California, and acquired by the State of California by deed dated March 9, 1943, from Natomas Company to the State of California, recorded in Book 1001, at page

373, of Official Records of Sacramento County, State of California.

Expenses

SEC. 2. The Director of Finance is hereby authorized to order and to have made all necessary deeds of conveyance and papers and searches, abstracts, and certificates of title and surveys of said real property, and to take all necessary and proper proceedings and bring the necessary suits to cure any defects in said title, the cost and expenses of all of which, together with any other expenses of the sale, shall be paid out of the proceeds of said sale upon the warrant of the State Controller, and the State Treasurer is directed to pay the same.

Deed

SEC. 3. The Director of Finance is hereby authorized and directed to execute to the purchaser for and on behalf of and in the name of the State of California, a deed of conveyance of said real property in the usual form of grant, bargain and sale, and deliver the same upon the payment of the full amount of the purchase price; and said deed shall be effectual to pass and convey to the said purchaser all of the right, title, interest and estate of the State of California in and to said real property.

Proceeds
of sale

SEC. 4. The moneys received from the sale of said real property shall be paid into the State treasury to the credit of the General Fund.

Mineral
rights

SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, together with the right to prospect for, extract and remove such deposits of minerals, including oil and gas, therefrom.

CHAPTER 312

An act to add a new Section 20033 to Article 2 of Chapter 1 of Division 10 of the Water Code, relating to revocation of orders and reports.

In effect
September
15, 1945

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945.]

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

SECTION 1. Section 20033 is hereby added to Article 2 of Chapter 1 of Division 10 of the Water Code, to read:

Amendment
and revoca-
tion of
orders and
reports

20033. The commission has been and is authorized, to amend or revoke any order or report other than a certification report upon 10 days notice upon any ground deemed by the commission to warrant amendment or revocation.

CHAPTER 313

An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 374.5 of the Vehicle Code is hereby amended to read:

374.5. Exceptions as to Type of License Plates for Exempt Vehicles. The department may issue for any exempt vehicle license plates in the series of plates issued for nonexempt vehicles. Such plates may be issued for a period not extending beyond the then current calendar year and only upon the certification of the Attorney General that the issuance of such plates has been requested by the head of a law enforcement agency of a city, city and county, county, State, or Federal department, that the vehicle is assigned to the duty of investigating actual or suspected violations of the law or the supervision of persons liberated from a prison or other institution under the jurisdiction of the Department of Corrections by parole, and is intended for the use in line of duty of regularly employed law enforcement officers of a city, city and county, county, State or Federal department. The department shall maintain a record of any such registration, which record shall not be open to public inspection. Such record shall be disclosed in the event of any accident involving such vehicle on demand of the Attorney General or upon an order of court.

Exceptions
as to type of
plates for
exempt
vehicles.

CHAPTER 314

An act to repeal "An act creating the Napa State farm revolving fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, and to repeal Sections 13194 and 13195 of the Government Code, abolishing the Napa State farm revolving fund.

Stats 1929,
p 1019,
repealed

[Approved by Governor May 9, 1945 Filed with Secretary of State
May 9, 1945]

In effect
September
15, 1945

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

SECTION 1. The act cited in the title hereof is repealed.

Repeal

SEC. 2. Sections 13194 and 13195 of the Government Code are repealed.

Repeals

Reversion
of fund

SEC. 3. The unencumbered balance of money in the Napa State farm revolving fund shall revert to the General Fund on the effective date of this act.

Effect
Stats 1945,
Ch 112

SEC. 4. Section 2 of this act shall become operative only if Part 3 of Division 3 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Session.

CHAPTER 315

Stats 1945,
p 168,
amended

An act to amend Section 8 of the Ventura County Flood Control Act, relating to salaries of district supervisors.

In effect
September
15, 1945

[Approved by Governor May 9, 1945. Filed with Secretary of State
May 9, 1945]

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

Stats 1945,
p 168

SECTION 1. Section 8 of the act cited in the title hereof, is amended to read:

Board of
supervisors

Sec. 8. The board of supervisors of Ventura County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Ventura County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Each member of the board as such ex officio officer shall receive a salary of fifty dollars (\$50) per month payable from the funds of the Ventura County Flood Control District in addition to his salary as county supervisor.

County
officers

The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Ventura, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Ventura County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Ventura County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Ventura County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board of supervisors may provide for compensation for his services hereunder, in addition to his salary as county surveyor of Ventura County. Such increase shall be paid from the funds of the Ventura County Flood Control District.

Officers and
employees

In addition to the officers and employees herein otherwise prescribed, said board of supervisors may in their discretion appoint a chairman, a secretary and such other officers, agents and employees for said board or district as in their judgment may be deemed necessary, prescribe their duties and fix their

compensation, said officers, agents and employees to hold their respective offices or positions during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Ventura.

Legislative
acts

CHAPTER 316

An act to amend Section 505 of Division 1 of the Public Resources Code, relating to the administration of the Division of Forestry.

[Approved by Governor May 10, 1945 Filed with Secretary of State
May 10, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 505 of the Public Resources Code is amended to read:

505. (1) There shall be a State Board of Forestry of seven members appointed by the Governor with the advice and consent of the Senate, except that the members of the board in office on the effective date of this section shall hold office for the terms herein provided.

State Board
of Forestry

One member shall represent the pine producing industry.

One member shall represent the redwood producing industry.

One member shall represent forest land ownership.

One member shall represent the range livestock industry.

One member shall represent agriculture.

One member shall represent the beneficial use of water

The aforementioned six members shall be persons of practical knowledge and experience in the field they are to represent.

One member shall be appointed from the general public at large.

The members now in office shall be classified by the Governor so that the term of one member shall expire on the fifteenth of January, 1946, and the terms of two members on January 15, 1947, 1948 and 1949, respectively. Each subsequent appointee shall hold office for four years from the expiration of the term of his predecessor and until his successor is appointed and qualified. An appointment to a vacancy occurring before the expiration of a term shall be but for the remainder of that term.

All appointments of members made when the Legislature is not in session shall be subject to confirmation by the Senate at the next regular or special session of the Legislature.

The board shall have power to organize itself and to select its officers.

(2) The board shall represent the State's interest in the acquisition and management of State forests as provided by law and in Federal land matters pertaining to forestry, and the

Duties

protection of the State's interests in forest resources on private lands, and shall determine, establish, and maintain an adequate forest policy. General policies for guidance of the Division of Forestry shall be determined by the board.

State
Forester

Gov. Code,
Sec 18500
et seq

(3) The board shall nominate and the Director of Natural Resources shall appoint a technically trained forester, in accordance with the State Civil Service Act, as the State Forester, who shall be Chief of the Division of Forestry in the Department of Natural Resources, and who shall administer the policies of the board under the supervision of the Director of Natural Resources.

The director may authorize the State Forester to exercise his power to appoint employees of the Division of Forestry in accordance with the State Civil Service Act. The director may authorize the State Forester or any employee of the Division of Forestry to exercise any power granted or perform any duty imposed upon the director by the State Civil Service Act.

CHAPTER 317

An act to add Article 6, comprising Sections 4421 to 4435, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition, their management as State forests and administration, protection and reforestation of forest lands, the management for demonstration purposes and sale of forest products therefrom.

In effect
September
15, 1945

[Approved by Governor May 10, 1945 Filed with Secretary of State
May 10, 1945.]

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

SECTION 1. Article 6, comprising Sections 4421 to 4435, inclusive, is added to Chapter 2 of Division 4 of the Public Resources Code, to read:

Article 6. Acquisition, Administration, Protection and Reforestation of Forest Lands

State policy

4421. It is hereby declared to be in the interest of the welfare of the people of the State of California and their industries and other activities involving the use of wood, lumber, poles, piling, and other forest products, that desirable cutover forest lands, including those having young and old timber growth, be made fully productive and that the holding and reforestation of such lands is a necessary measure predicated on waning supplies of original old growth timber. It is further declared to be the policy of the State to acquire by purchase, exchange, lease or grant (1) such cutover lands, the reforestation of which is not assured under private ownership, to reforest such lands during periods of unemployment and at other times, and (2) virgin and other timber lands deemed suitable by the State

Board of Forestry for use as areas for the demonstration, protection and management of cutting and logging practices designed to promote reforestation; and to protect and manage such lands to the end that they will produce as nearly as possible their maximum yield of useful forest products on a basis of continuous production.

4422. In this article the following definitions shall apply, Definitions
unless the context clearly requires otherwise:

The term "director" shall mean the Director of Natural Resources; the term "board" or "State board" shall mean the State Board of Forestry; the term "forest land" shall mean lands primarily suited to growing timber and other forest products; the term "protection" shall mean protection of forest trees against damage by fire, insects, disease, and trespass; the term "reforestation" shall mean and include reforestation by natural means from seed and artificially by seeding or planting; the term "management" shall mean the handling of the forest crop and forest soil to produce the largest quantity and highest quality of forest products and the protection of the forest crop and forest soil; the term "continuous production" shall mean such management as will approach a balance between depletion and growth; the term "forest products" shall mean and include sawlogs, piling, poles, split products, pulp wood, bolts, bark and other products; the term State Forest shall mean forest land owned or to be owned by the State; the term "purchase area" shall mean an area of forest land within which forest lands of sufficient acreage may be available and can be consolidated to make State forest units.

4423. The State Forester, as soon as possible after the effective date of this article shall prepare a map setting forth the boundaries of purchase areas and he shall prepare data relating to the forest conditions within such areas. In the preparation of such map and data he shall be guided by, but not limited to, a report prepared and submitted to the Legislature by the California Forestry Study Committee provided for in Chapter 1086, Statutes of 1943. The State Forester shall make the necessary surveys, examinations, appraisals, inventories, and title searches and obtain other pertinent data and information bearing on tracts of forest land offered for sale for State forest purposes. Purchase areas

4424. Acquisition of forest land under the provisions of this article shall be made only upon the approval of a State Forest Purchase Committee, which is hereby authorized and which shall be composed of the Governor, the Director of Finance, the Director of Natural Resources, and the Chairman of the State Board of Forestry. Approval by the State Forest Purchase Committee shall be based on satisfactory evidence presented to it by the State Board of Forestry as to the suitability and desirability of lands under consideration for purchase for State forest purposes, said suitability and desirability shall be predicated on but not limited to the following factors: (1) that the lands are suited primarily to timber growing, (2) that the lands Approval by State Forest Purchase Committee

represent growing capacities not below the average for the timber region, and (3) that they are favorably situated for multiple use and economical administration, management and utilization. The committee shall not approve the acquisition of any lands under this act unless it receives a resolution recommending such action adopted by the board of supervisors of the county in which such lands are situated. The director, upon approval of a purchase by the purchase committee is authorized to negotiate for and consummate the purchase of the lands.

Management
of State
forests

4425. The management of State forests and the cutting and sale of timber and other forest products therefrom shall conform to rules and regulations prepared by the State Forester and approved by the board. Such rules and regulations shall be in conformity with forest management practices designed to promote continuous forest production with due regard to the preservation of soil, watershed, scenic, wildlife and recreational values. The sale of timber and other forest products is limited to raw materials only.

Use of State
forests

4426. Nothing in this article shall be construed to interfere with the reasonable use of State forests for hunting, fishing, recreation and camping, except as otherwise provided by law.

The use of State forest lands for grazing and mining purposes shall be permitted under rules and regulations to be established by the State Board of Forestry. The use and development of water facilities for irrigation and power shall be permitted as provided by law.

State
Forester

4427. The State Forester under the supervision of the director and in accordance with plans approved by the board is hereby authorized to engage in the management, protection and reforestation of State forests.

Employment

4428. Whenever it is deemed advisable and advantageous, the board may enter into agreement with the Department of Corrections, and the Youth Authority for employment of inmates of these institutions in work on State forests.

Sale of fo-
rest products

4429. The State Forester, with the approval of the Director of Natural Resources and the Director of Finance, may make sales of forest products from State forests (1) up to one thousand dollars (\$1,000) in value without advertising for bids, and (2) in excess of one thousand dollars (\$1,000) only upon competitive bids. Advertising for bids shall be the same as is generally in use for the sale of State property.

Adminis-
tration

4430. The State Forester, acting in accordance with policies adopted by the board and under the supervision and direction of the director, is charged with the administration of this article and may exercise all powers necessary to accomplish its purposes and intent.

Sale of
lands

4431. State-owned lands classified by the State Forester and approved by the State Board of Forestry as not suited to the growing of forest products, or necessary to the management of the forest, shall be sold according to State laws.

Receipts
from sales
of forest
products

4432. Receipts from the sales of forest products shall be deposited monthly with the State Treasurer, and the Controller

shall be required to keep a record of accounts of such receipts separately.

4433. To each county in which lands acquired for State forest purposes are situated, an amount equivalent to taxes levied by the county on similar land similarly situated in the county shall be paid the county out of funds hereafter made available for the purpose, between July 1st and July 31st of each year so long as the State continues to own the land. Determination of what constitutes similar land similarly situated shall be made by a committee consisting of the county assessor of the county in which the land is located, a representative of the State Board of Equalization and a representative of the State Forester. Payments to counties

The money received by any county under this subdivision may be expended by it for any proper State purpose not prohibited by the State Constitution.

4434. Tax-deeded lands classified as forest lands, pursuant to Chapter 4.3 of Part 6 of Division 1 of the Revenue and Taxation Code, may be acquired for State forest purposes through the usual procedure governing the sale of tax-deeded lands. Acquisition of tax-deeded lands

4435. Insofar as the provisions of this article may be in conflict with any other provision of this division, the provision of this article shall control. Application of article

SEC. 2. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby. Constitutionality

CHAPTER 318

An act to add Section 1060 to the Civil Code, relating to the release of powers of appointment, declaring the urgency of this act, to take effect immediately.

[Approved by Governor May 11, 1945 Filed with Secretary of State May 11, 1945] In effect immediately

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

SECTION 1. Section 1060 is added to the Civil Code, to read: See also Stats 1947, Ch 834
1060. 1. Any power, which is exercisable by deed, by will, by deed or will, or otherwise, whether general or special, other than a power in trust which is imperative, is releasable, either with or without consideration, by written instrument signed by the donee and delivered as hereinafter provided unless the instrument creating the power provides otherwise. Release of power

2. A power which is releasable may be released with respect to the whole or any part of the property subject to such power and may also be released in such manner as to reduce or limit the persons or objects, or classes of persons or objects, in whose favor such powers would otherwise be exercisable. No release

of a power shall be deemed to make imperative a power which was not imperative prior to such release, unless the instrument of release expressly so provides.

3. Such release may be delivered to any of the following:

(a) Any person specified for such purpose in the instrument creating the power.

(b) Any trustee of the property to which the power relates.

(c) Any person, other than the donee, who could be adversely affected by an exercise of the power.

(d) The county recorder of the county in which the donee resides, or has a place of business, or in which the deed, will or other instrument creating the power is filed, and from the time of filing the same for record, notice is imparted to all persons of the contents thereof.

4. All releases heretofore made which substantially comply with the foregoing requirements are hereby validated. The enactment of this section shall not impair, nor be construed to impair, the validity of any release heretofore made.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The necessity of increased Federal taxation for war purposes has resulted in legislation which will subject transfers, on or after July 1, 1945, by release of powers of appointment, to Federal taxation. It is therefore necessary that a procedure be adopted to enable taxpayers to immediately release powers of appointment to alleviate higher taxes and meet the greater costs of living incident to the present war.

CHAPTER 319

An act to add a new section, to be numbered 1044, to the Agricultural Code, and to repeal Chapter 204, Statutes of 1927, relating to fertilizing materials and to rules and regulations therefor.

In effect
September
15, 1945

[Approved by Governor May 11, 1945 Filed with Secretary of State
May 11, 1945]

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

SECTION 1. A new section is hereby added to the Agricultural Code, to be numbered 1044, to read:

Rules and
regulations

1044. The director shall make rules and regulations for carrying out the provisions of this article. No rule or regulation shall become effective until the expiration of 30 days after it shall have been first promulgated by a proclamation signed by the director. A copy of such rules and regulations shall be

mailed to each person registered in compliance with the provisions of this article on the day the rules and regulations are promulgated. The failure to receive such copy is no defense to a violation of such rules or regulations.

SEC. 2. Chapter 204, Statutes of 1927, is hereby repealed. Repeal

CHAPTER 320

An act to add Section 14.1 to an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the "Islais Creek Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to the deposit of funds in the bond fund of the district. Stats 1925,
p 87,
amended

[Approved by Governor May 11, 1945 Filed with Secretary of State
May 11, 1945] In effect
September
15, 1945

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

SECTION 1. Section 14.1 is added to the act cited in the title hereof, to read: New section

Sec. 14.1. The present balance of any rentals or moneys heretofore collected or received by the board of trustees of said Islais Creek Reclamation District from any lease of any land, which under the provisions of Section 3480 of the Political Code may have been acquired by the county treasurer of the City and County of San Francisco, as trustee of said district, and any rentals or moneys hereafter collected or received by the said board of trustees of said district from any lease of any land, which under the provisions of Section 3480 of the Political Code may have been or may hereafter be acquired by the said county treasurer as trustee of said district, shall be deposited in the county treasury of said City and County of San Francisco to the credit of the bond fund of the said district and the said board of trustees of said district shall by its order so direct the said county treasurer. Any other funds belonging to said district and not needed for purposes of reclamation may be deposited in said county treasury to the credit of said bond fund if said board of trustees of said district should at any time so direct. The balance, if any, remaining in said bond fund after all of the bonds of said district, both principal and interest, have been fully paid, for the payment of which said bond fund was created, may then be distributed among Disposition
of moneys

the landowners in said district as provided by Section 3454 of the Political Code, if such balance is not then needed for purposes of reclamation.

CHAPTER 321

An act to amend Section 20003 of and to repeal Chapter 2 of Division 10 of the Water Code, relating to the financial supervision of irrigation and other public districts.

[Approved by Governor May 11, 1945. Filed with Secretary of State May 11, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 20003 of the Water Code is amended to read:

Certification
of district
bonds

20003. Whenever the governing board of any water storage district, water conservation district, county water district, county water works district, public utility district, reclamation district, drainage district, or any district other than an irrigation district, the primary function of which is the irrigation, reclamation, or drainage of land, or the development of water for domestic use or the distribution thereof, which district exists under the law of this State, declares by resolution that it deems it desirable that the bonds of the district should be certified pursuant to this chapter, the governing board of the district shall file a certified copy of the resolution with the commission. Then, and in that event, all of the provisions of this chapter apply to the district.

If the bonds of the district are thereafter certified, then the district is subject to all of the provisions of this chapter so long as any of the bonds so certified remain outstanding.

Repeal

SEC. 2. Chapter 2 of Division 10 of the Water Code is repealed.

CHAPTER 322

An act to amend Sections 2699, 5057, 5079, 5080, 6025, and 6050, and to repeal Sections 2521, 2521.5 and 6051 of the Penal Code, relating to the Department of Corrections, and providing for the appointment and salaries of officers and employees of the department and the respective powers and duties of the officers and agencies thereof.

[Approved by Governor May 11, 1945. Filed with Secretary of State May 11, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2699 of the Penal Code is amended to read:

See also
Stats 1945,
p 2
"Board" and
"State Board
of Prison
Directors"

2699. (a) "Board" and "State Board of Prison Directors," as used in this chapter, except in Sections 2715 (as added by Chapter 46 of the Statutes of 1943), 2765, 2785 and 2789, refer to the Department of Corrections.

(b) "Board" as used in Sections 2715 (as added by Chapter 46 of the Statutes of 1943), 2765, 2785 and 2789, refers to the Adult Authority.

SEC. 2. Section 5057 of the Penal Code is amended to read:

5057. Subject to the powers of the Department of Finance under Section 677 of the Political Code, the director must establish an accounting and auditing system for all of the agencies and institutions including the prisons which comprise the department, except the Youth Authority, in such form as will best facilitate their operation, and may modify the system from time to time.

See also
Stats. 1945,
p 2
Accounting
and auditing

The accounting and auditing system must include such accounts and records as are found necessary to properly account for all money and property of the prisoners and the inmates.

Except where other disposition is provided by law, all money belonging to the State received by the department, shall be reported to the Controller and deposited in the State treasury monthly.

The revolving funds established under Sections 2710, 2710.1, 2710.2 and 2720 of this code are continued in existence.

SEC. 3. Section 5079 of the Penal Code is amended to read:

5079. The Director of Corrections shall provide facilities and personnel for a psychiatric and diagnostic clinic and such branches thereof as may be required at one or more of the State prisons or institutions under the jurisdiction of the Department of Corrections. The functions of the clinic shall be under the supervision and control of the Adult Authority.

See also
Stats 1945,
p 2
Psychiatric
and diagnos-
tic clinic

The work of the clinic shall include a scientific study of each prisoner, his career and life history, the cause of his criminal acts and recommendations for his care, training and employment with a view to his reformation and to the protection of society. The recommendation shall be submitted to the Adult Authority and shall not be effective until approved by it. The Adult Authority may modify or reject the recommendations as it sees fit.

SEC. 4. Section 5080 of the Penal Code is amended to read:

5080. The Adult Authority may order the transfer of persons confined in one State prison to another. The director shall immediately comply with the order, provided that, if facilities are not available he shall report that fact to the Adult Authority and shall make the transfer as soon as facilities become available. The director may, in emergencies when the Adult Authority is unable to act, also make such transfers, and in that event he shall immediately report the transfers to the Adult Authority. Any persons so transferred by the director shall be subject to be again transferred by the Adult Authority.

See also
Stats 1945,
p 2
Transfer of
prisoners

SEC. 5. Section 6025 of the Penal Code is amended to read:

6025. The Board of Corrections is composed of the director, the members of the Adult Authority and of the Youth Authority, two women selected from among its members by the board of trustees of the California Institution for Women and two

See also
Stats 1945,
p 2
Board of
Corrections

members selected from among its members by the State Board of Prison Directors.

The director shall be a member and participate in the functions of the Board of Corrections at all times except that he shall not be a member when the board is considering charges against him or against any warden or superintendent. The director shall be chairman of the Board of Corrections. The Board of Corrections shall select from its members a vice chairman who shall preside when the director is absent or is ineligible to act as a member of the Board of Corrections.

See also
Stats 1945,
p 2
Wardens

SEC. 6. Section 6050 of the Penal Code is amended to read: 6050. The Governor, upon recommendation of the director, and with the advice and consent of the Senate, shall appoint the wardens of the various State prisons and the superintendent of the California Institution for Women. The superintendent and each warden shall be subject to removal by the director, but before a warden or a superintendent may be removed by the director, charges against him, which charges may be preferred by any person, shall be heard by the Board of Corrections. The Board of Corrections shall make detailed findings with respect to the charges and submit the findings to the director. The director may, but need not, abide by the findings of the Board of Corrections, and may retain or remove the warden or superintendent. If the director removes the warden or superintendent his action shall be final. The superintendent and wardens shall continue to be exempt from civil service.

The Personnel Board shall fix the compensation of the wardens of the State prisons at not to exceed six thousand dollars (\$6,000) per annum and of the superintendent of the California Institution for Women at not to exceed four thousand eight hundred dollars (\$4,800). In addition to the compensation thus fixed the wardens and superintendent shall receive full maintenance for self and family and any increase in compensation provided by general law for State officers or employees.

Repeals

SEC. 7. Sections 2521, 2521.5 and 6051 of the Penal Code are repealed.

CHAPTER 323

An act to add Section 4986.4 to the Revenue and Taxation Code, relating to the cancellation of taxes on property acquired by the Veterans' Welfare Board.

In effect
September
15, 1945

[Approved by Governor May 11, 1945 Filed with Secretary of State
May 11, 1945]

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

SECTION 1. Section 4986.4 is added to the Revenue and Taxation Code, to read:

Property
deeded to
Veterans'
Welfare
Board

4986.4. Whenever any property has been deeded to the Veterans' Welfare Board pursuant to Division 4 of the Military and Veterans Code and a petition has been filed with any

county or city for the cancellation of taxes pursuant to this article, the district attorney or city attorney, as the case may be, shall investigate the facts stated in the petition, and if he finds them to be true, shall approve the petition and recommend to the legislative body that the taxes described in the petition be canceled.

CHAPTER 324

An act to add Sections 987 and 2190.1 to the Revenue and Taxation Code, relating to the assessment of and payment of taxes on possessory interests in real estate of the Veterans Welfare Board.

[Approved by Governor May 11, 1945. Filed with Secretary of State May 11, 1945]

In effect September 15, 1945

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

SECTION 1. Section 987 is hereby added to the Revenue and Taxation Code, to read as follows:

987. The cash value of a possessory interest in real estate of the Veterans Welfare Board is the following percentage of the cash value of the property during the following periods of the life of the contract covering sale of the property:

- (a) Thirty per cent during the first quarter period of the life of the contract;
- (b) Forty-five per cent during the second quarter period;
- (c) Sixty-five per cent during the third quarter period; and
- (d) Eighty-five per cent during the fourth quarter period.

SEC. 2. Section 2190.1 is hereby added to the Revenue and Taxation Code, to read as follows:

2190.1. If the tax on an assessment of a possessory interest in real estate of the Veterans Welfare Board is not paid before delinquency, the amount of the tax, penalties and costs shall be paid by said board and added to the amount due under the contract for the property.

CHAPTER 325

An act to amend Section 25(a) of the California Water Storage District Act, relating to the formation, organization and powers of water storage districts, to assessments levied against lands in such districts, and to actions to determine the validity of such assessments.

[Approved by Governor May 11, 1945. Filed with Secretary of State May 11, 1945]

In effect September 15, 1945

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

SECTION 1. Section 25(a) of the California Water Storage District Act is amended to read:

Sec. 25(a). Any water storage district heretofore or hereafter organized is authorized and empowered to cooperate and

contract with the United States whether under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or under any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation or contract, for purposes of construction of works, whether for irrigation, drainage, storage or flood control, or for the generation and distribution of hydro-electric energy incidental thereto, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply, or for any or all thereof, or for the assumption as principal or guarantor of indebtedness to the United States, and to carry out and perform the terms of any contract so made; provided, that any such contract made between any water storage district and the United States may designate and describe the lands which are to be served with water from the water works or system contemplated under such contract and, in that case, only said lands may be charged with any of the assessments mentioned in this section.

"United States"

The term "United States" as used in this act shall include besides the United States any board, bureau, agency, officer or officers, department or corporation of the United States.

Making of contracts

The board of directors shall generally perform all such acts as shall be necessary to carry out the enlarged powers in this section enumerated. Said board may enter into any obligation or contract with the United States for the aforesaid purposes and may provide therein for the delivery and distribution of water for the lands of such district under any acts of Congress and under any rules and regulations established thereunder. Before entering into any such contract on behalf of the district, the board of directors shall make a report thereon complying with the provisions of Section 17 of this act and setting forth the substantial terms and provisions of such proposed contract, which report may be either the original report of the board of directors or a supplemental or additional report, and which may embody other features in addition to such proposed contract. Thereupon the same proceedings for the adoption or rejection of such report, and in case of the adoption thereof, for the levying, apportionment and collection of any assessment or assessments which may be necessary to meet any payments in the nature of capital charges required by such contract, and the other costs of the project described in said report, and for the issuance of bonds, shall be taken with respect to such report as are hereby provided to be taken in connection with the acquisition or construction of works contemplated by an original project.

Assessments

If such contract, in addition to payment of capital charges, also requires the payment by the district of periodic service charges the amount thereof shall be levied from time to time as an assessment on lands in the district on the same basis as any assessment of capital charges shall already have been levied pursuant to the provisions of this section; and such assessment shall thereafter be collected as provided in Section 21 of this act.

If such contract does not provide for any payment or payments in the nature of capital charges, the assessment commissioners appointed under Section 19 hereof shall determine the portion of the total benefits to accrue to the district under such contract which will be realized by each parcel of land in separate ownership in the district, which determination shall be stated in apportionment rolls to be prepared, certified and filed and substantially in form and manner as provided in Section 19, except that the apportionment of benefits shall be stated in percentages of benefits to the district as a whole, or in such other manner as may be determined upon by the commissioners; and thereafter all assessments levied in order to meet the payments due or to become due under such contract shall be apportioned among the respective tracts of land in accordance with said rolls.

In case any contract is made with the United States, bonds of the district which have been authorized either under Section 23 or Section 24 of this act may be transferred to, or deposited with, the United States if so provided by said contract, at not less than their par value, to the amount to be paid by the district to the United States or to any part thereof; and the interest or principal, or both, of said bonds, may be regularly paid to the United States and applied as provided in said contract but said bonds may call for the payment of such interest not exceeding 6 per cent per annua, may be of such denomination, and may call for the repayment of the principal at such times as shall be specified in said contract. The contract with the United States may likewise call for the payment of the amount or amounts to be paid by the district to the United States or any part thereof at such times and in such installments and with such interest charges not exceeding the aforesaid rate, as may be provided in said contract. The board may accept on behalf of the district appointment of the district as fiscal agent of the United States or authorization of the district by the United States to make collection of moneys for and on behalf of the United States and to assume the duties and liabilities incident to such action, and said board shall have full power to do any and all things required by the Federal statutes now or hereafter enacted in connection therewith and all things required by any rules or regulations now or hereafter established under any said Federal statutes.

All water, the right to use of which is acquired by the district under any contract with the United States, may be distributed and apportioned by the district in accordance with the acts of Congress applicable thereto and any rules or regulations thereunder; and provision may be made in the contract between the district and the United States for the refusal of water service to any or all lands which may become delinquent in the payment of any assessment levied for the purpose of carrying out any contract between the district and the United States

As partial consideration for any privileges obtained by the district under any said contract with the United States any

Transfer,
etc., of
bonds

Distribution
of water

rights of way or rights to water or other property owned or acquired by the district may be conveyed by the board to the United States insofar as the same may be needed for the construction, operation and maintenance of works by the United States for the benefit of the district under any contract that may be entered into with the United States pursuant to the provisions hereof.

Dissolution,
etc

Where a contract shall have been entered into between the district and the United States the contract may provide that the district shall not be dissolved nor shall the boundaries be changed except upon written consent of a specified official of the United States filed with the official records of the district. If such consent be given and lands be excluded the areas excluded shall be free from all liens and charges for payments to become due to the United States under any such contract.

Action to
validate
assessment

At any time within thirty (30) days after any assessment under this section has become a lien upon the lands therein described an action may be commenced in the superior court of any said counties by the board of directors of said water storage district, in the name of the district as plaintiff and the defendant shall be described as "All persons claiming any interest in any lands within the said (Name) Water Storage District," to have it determined that said assessment is a valid assessment and that any contract with the United States or any of its officers, departments, bureaus, corporations, or agencies in respect of which said assessment is levied in whole or in part is a legal obligation of such water storage district; and in the event no such action is brought then the same may be commenced by any landowner in the district within sixty (60) days after the expiration of the period within which said action might have been brought by the board of directors. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for four (4) successive weeks in the county where the action is pending and in any other county wherein any of the lands of the district are situated. If said summons is published in more than one county, then it shall be published on the same day in each said county for its first publication. Said summons shall include the following statement:

"The purpose of this action is to have it determined that an assessment which became a lien upon the lands in the district under date of (specifying the date for each county) and amounting to (inserting amount) is a valid assessment and that any contract with the United States or any of its officers, departments, bureaus, corporations, or agencies in respect of which said assessment is levied in whole or in part is a legal obligation of said district (naming it)."

Answer

Within sixty (60) days after the first publication of summons, any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set

forth the facts relied upon to show the invalidity of said assessment, or of said contract. The default of all defendants not so appearing may be entered. Judgment shall be rendered ^{Judgment} declaring such matters so contested either valid or invalid. Any party not in default shall have the right to appeal within the time required by law. Judgment for the plaintiff in such proceedings shall be a judgment in rem and shall be conclusive against said district and against all lands therein and against all owners thereof and against all other interested persons.

CHAPTER 326

An act to amend Section 10505 of the Business and Professions Code, relating to persons exempt from the provisions regulating mineral, oil and gas brokers and salesmen.

[Approved by Governor May 11, 1945. Filed with Secretary of State
May 11, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 10505 of the Business and Professions Code is amended to read:

10505. The provisions of this chapter do not apply to:

(a) Any person acting solely as a depository under an oil or gas lease, or oil and gas lease, other than for purposes of sale. <sup>Application
of chapter</sup>

(b) Any person who engages in any transaction pursuant to an order of a court of competent jurisdiction.

(c) Any person, and the officers and employees of such person, engaged in the business of drilling for or producing oil or gas, or of mining for or producing minerals.

(d) Any person whose activities are confined to negotiations between an owner of mineral, oil or gas lands, leases or mineral rights, on the one hand, and a person organized for the purpose of engaging in oil or gas or mineral or metal production or engaged in the business of oil or gas or mineral or metal production, on the other.

(e) Any owner of mineral rights or land, other than oil or gas rights or land, when dealing solely with his said rights or land.

CHAPTER 327

An act to amend Section 7968 of the Elections Code, relating to the record of votes cast.

[Approved by Governor May 10, 1945. Filed with Secretary of State
May 11, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 7968 of the Elections Code is hereby amended to read:

7968. When it appears that the total number of votes cast "Scattering" to nominate or elect any person to a public or party office to be

filled by the voters of a single county or subdivision thereof totals less than 1 per cent of the total number of votes cast for that office, then a record shall not be kept of the vote cast for that person, but all of the votes cast for all such persons for that office shall be totaled, and the total shall be entered in the statement of the number of votes cast for that office, opposite the word "scattering."

CHAPTER 328

An act to amend Section 16424 of the Education Code, relating to injuries to pupils.

In effect
September
15, 1945

[Approved by Governor May 12, 1945. Filed with Secretary of State
May 12, 1945.]

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

SECTION 1. Section 16424 of the Education Code is amended to read:

Medical and
hospital
service

16424. The governing board of any school district which does not employ at least five physicians as full time supervisors of health, or the equivalent thereof, may provide medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through accident or liability insurance, for injuries to pupils of the district arising out of accidents occurring while in or on buildings and other premises of the district during the time such pupils are required to be therein or thereon by reason of their attendance upon a regular day school of such district or while being transported by the district to and from such school or other place of instruction. No pupil shall be compelled to accept such service without the consent of his parent or guardian.

Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

CHAPTER 329

An act to amend Sections 10000 and 10001 of the Water Code, relating to the State Water Plan.

In effect
September
15, 1945

[Approved by Governor May 12, 1945. Filed with Secretary of State
May 12, 1945.]

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

SECTION 1. Section 10000 of the Water Code is amended to read:

"State Wa-
ter Plan"

10000. The coordinated plan for the conservation, development, and utilization of the water resources of the State (except the project known as the "Trinity River Diversion," which is

not approved) as set forth in the report thereon formulated and prepared by the department and transmitted to the Forty-ninth Session of the Legislature pursuant to Chapter 832 of the Statutes of 1929 shall be known as the "State Water Plan."

SEC. 2. Section 10001 of said code is amended to read:

10001. The approval and adoption of the State Water Plan by Chapter 1185 of the Statutes of 1941 are continued in effect, except that the project known as the "Trinity River Diversion," constitutes no part of the State Water Plan.

Approval
and adoption
continued

CHAPTER 330

An act to amend Section 14237 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

[Approved by Governor May 12, 1945 Filed with Secretary of State
May 12, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 14237 of the Health and Safety Code is amended to read:

14237. Where any parcel of land containing more than five acres is included within the fire limits of the district, the board of supervisors, upon application of the owner, shall exclude from the district and from the taxable property of the district, all of the parcel except that portion or those portions thereof upon which a building or buildings, or similar structure, may be situated, each such portion to include such quantity of land, not less than five acres in area, as in the judgment of the board may be reasonable. No such portion need be contiguous to any other territory in the district.

Exclusion
from district

CHAPTER 331

An act to amend Sections 3 and 5 of an act entitled "An act relating to the determination of the wartime population of cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the time said act remains in effect, and declaring the urgency thereof, to take effect immediately.

Stats 1943,
p 2154,
amended

[Approved by Governor May 14, 1945 Filed with Secretary of State
May 14, 1945]

In effect
immediately

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

SECTION 1. Section 3 of the act cited in the title hereof is amended to read:

Stats 1943,
p 2154

Sec. 3. All allocations made under Sections 194 and 203 of the Streets and Highways Code and all payments made under

Allocations
based on new
determination

Section 11005 of the Revenue and Taxation Code for any allocation made subsequent to the filing with the respective department of such determination shall be based upon the population so determined. The respective departments in making the computations required by said sections shall add to the total population of all cities and cities and counties in the State all increases of population over the population of the last Federal census which are shown by such determination.

Stats 1943,
p 2154

Fiscal years
affected

SEC. 2. Section 5 of the act cited in the title hereof is amended to read:

Sec. 5. This act shall be in effect only as to all such allocations and payments for fiscal years beginning prior to July 1, 1947, except that no further determinations of population shall be made hereunder after the termination of hostilities in the present war, as declared by resolution of Congress or by Proclamation of the President. Thereafter this act shall cease to be effective.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The National defense and wartime industrial activities in the State of California have resulted in tremendous increases in population in a number of cities in the State. Such influx of city and city and county population has created grave and serious problems for the affected cities and cities and counties in maintaining and in constructing the street and highway facilities which are required to take care of expanded housing projects for workers essential to the war industry and in maintaining the streets and highways within such cities and cities and counties in condition to furnish adequate service for transportation which is essential to the war industry. If this act be made effective immediately, it will provide the necessary continuity of the relief heretofore provided for this situation without upsetting or delaying the allocation of such State funds for expenditure among all of the cities and cities and counties of the State. It is therefore necessary that this act go into immediate effect.

CHAPTER 332

An act to amend Section 5 of, and to add Section 22a to, the California Water District Act, relating to qualification of officers, and deposit of funds, of districts organized under said act.

Stats 1913
p 815,
amended

[Approved by Governor May 14, 1945 Filed with Secretary of State
May 14, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 5 of the act cited in the title hereof is amended to read:

Stats 1931,
p 784

Sec. 5. The officers of the district shall be a board of five directors, a secretary, a tax collector, a treasurer, and an assessor, all of whom shall, except as herein otherwise provided, be elected by ballot, except the secretary who shall be appointed by the board of directors. No person shall be qualified to hold the office of director unless he is a holder of title or evidence of title, including such aforesaid possessory rights, to lands contained in the district. Each appointee to office or officer-elect shall forfeit his office unless within 10 days after he has notice of his election or appointment or before the expiration of 10 days from the commencement of his term of office, when no such notice is given, he shall have filed for record with the county recorder of each county in which any of the lands contained in said district are located, a written acceptance of his office which shall be recorded in a book kept for the purpose of recording instruments and writings relating to the district. If any office shall become vacant by forfeiture, death, resignation, or from any other cause, the same shall be filled by appointment by the board of directors. Until such time as their salaries shall have been fixed by the adoption of by-laws, the officers of the district shall receive the following compensation for their services: the secretary, tax collector, treasurer, and assessor such sum each as shall be fixed by the board of directors; and the directors five dollars (\$5) each for each directors' meeting attended or for each day's service rendered as a director by order of the board of directors, together with any expenses incident to such service, except expenses incurred in traveling between his place of residence and the place at which directors' meetings are held.

Officers of
district

Vacancies

Salaries

Upon the taking effect of this amendatory act of 1931, said board shall appoint a tax collector and a treasurer or said board may consolidate said offices and fill such consolidated office and thereupon the county treasurer, county tax collector and county auditor shall immediately transfer and turn over to the appropriate district officers all moneys, books, records, papers, and documents belonging to or appertaining to the district.

Tax collector
and assessor

SEC. 2. Section 22a is added to said act, to read:

New section

Sec. 22a. Any money belonging to a district may be deposited by the officer of the district who has legal custody of the

Deposit of
money

money, in accordance with the general laws governing the deposit of public money. Where the deposit of money is insured by the Federal Deposit Insurance Corporation no additional security need be required from the bank for the portion of the district's deposits so insured.

CHAPTER 333

An act to add Section 480 to the Penal Code, relating to the powers and duties of the Attorney General.

In effect
September
15, 1945

[Approved by Governor May 14, 1945 Filed with Secretary of State
May 14, 1945]

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

Conferences
of Attorney
General with
district at-
torneys and
sheriffs

SECTION 1. Section 480 is added to the Penal Code, to read:
480. The Attorney General may, from time to time, and as often as occasion may require, call into conference the district attorneys and sheriffs of the several counties and the chiefs of police of the several municipalities of this State, or such of them as he may deem advisable, for the purpose of discussing the duties of their respective offices, with the view of uniform and adequate enforcement of the laws of this State as contemplated by Section 21 of Article V of the Constitution of this State.

CHAPTER 334

An act to amend Section 86 of the Agricultural Code, relating to the property of district agricultural associations.

In effect
September
15, 1945

[Approved by Governor May 14, 1945 Filed with Secretary of State
May 14, 1945]

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

See also
Stats 1945,
Ch 1260
Powers of
district
agricultural
associations

SECTION 1. Section 86 of the Agricultural Code is amended to read:

86. Each district agricultural association is a State institution. Each association by its name has perpetual succession, may have a seal, be sued and, with the approval of the Department of Finance, may:

(a) Contract, and sue.
(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property.

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof for any agricultural, horticultural, viticultural or livestock fairs or expositions, rodeos, riding club activities, floral displays, exhibitions of

industries and industrial products, or Federal or State armories; to school organizations or associations thereof for the purpose of conducting athletic events participated in by such schools or associations; or to civic, patriotic, benevolent, or fraternal corporations or associations, for the purpose of holding conventions, assemblies, or public meetings on subjects of public or community interest; or for the sale of tangible personal property, or for concessions and services incidental to any of such purposes; or to nonprofit athletic organizations for athletic activities or to municipal corporations for use or reletting for any or all of the foregoing purposes.

(d) Rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock, or for other purposes beneficial to the agricultural industry.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(g) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

CHAPTER 335

An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shore line property adjoining State highways.

[Approved by Governor May 14, 1945 Filed with Secretary of State
May 14, 1945]

In effect
September
15, 1945

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

SECTION 1. Chapter 7, consisting of Sections 880 and 881, is added to Division 1 of the Streets and Highways Code, to read:

CHAPTER 7. ACQUISITION OF SHORE LINE PROPERTY

880. Where land not exceeding 300 feet in width intervenes between the right of way line of a State highway, either existing or to be constructed, and the mean high tide line of the Pacific Ocean, or bays or estuaries thereof, it may be acquired as a part of the highway right of way acquisition. Land heretofore or hereafter so acquired may, except when required wholly or in part for State highway widening or other State highway requirements, be transferred to the control of the State Park Commission, and when so transferred shall be dedicated in perpetuity for beach, park and recreational purposes for the benefit and use of the public; provided, however, that where such land which is not necessary for State highway purposes is producing oil, gas or other hydrocarbons, or is within a distance of six hundred

Acquisition
of property
between
highway and
shore line

Dedication
for park
purposes
Oil and gas
lands

sixty (660) feet from a producing oil or gas well, then if by a majority vote of the State Park Commission and the State Highway Commission it is determined that the acquisition of an easement thereof is desirable, and if the portion thereof lying between the mean high tide line and the extreme high tide line is not occupied by any well, and adequate well sites exist on the remainder of the property, then in accordance with this section an easement may be acquired upon and over the portion of said land lying between said mean high tide line and the said extreme high tide line as a right of way for persons traveling on foot and on horseback and for fishermen and for bathers. If such land is more valuable for commercial purposes than for recreational purposes by reason of its use or suitability for railroad rights of way, docks, wharves, or other shipping or industrial purposes, or is producing oil, gas or other hydrocarbons, or is within a distance of six hundred sixty (660) feet from a producing oil or gas well, or is being zoned by the proper public authority for important commercial development it shall not be acquired for such park or recreational purposes.

Commercial
property

Contracts
with State
Park
Commission

Application
of chapter

881. Contracts may be entered into between the department and the State Park Commission for such acquisitions and transfers, which contracts shall provide for the payment into the State Highway Fund of the entire cost of such acquisition from any appropriation made to the commission for acquisition of beaches or parks. Nothing in this chapter contained shall be deemed a limitation on the authority granted to the department under any other provision of this code, or under other law, to acquire property for highway purposes, including beach and shore line property, and nothing in this chapter contained shall require the department or the commission to acquire for, or to transfer to, the State Park Commission any property required for State highway purposes, or to acquire any property for State park purposes, when, in the opinion of the commission, the acquisition of such property is not practicable, or in the public interest.

CHAPTER 336

Stats 1937, p. 2085, amended. *An act to amend Section 73 of the State Civil Service Act and Section 18021 of the Government Code, relating to overtime compensation.*

In effect
September
15, 1945

[Approved by Governor May 14, 1945 Filed with Secretary of State
May 14, 1945]

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

Stats 1943,
p. 2976

SECTION 1. Section 73 of the State Civil Service Act is amended to read:

Overtime
compensation

Sec. 73. Every State employee compensated on a monthly basis required and ordered to work in excess of a normal work week as established by the State Personnel Board for the class

of his position, shall receive overtime compensation based on his regular rate of pay for all such overtime.

Within 90 days of the effective date of this section, the State Personnel Board shall for each class in the State service for which a monthly salary range is fixed determine and establish the normal work week for the class. For purposes of determining eligibility for overtime compensation, the State Personnel Board shall allocate, and reallocate as the needs of the service require, each State civil service class for which a monthly salary range is fixed into one of the following groups:

- (1) Classes with a normal work week of 40 hours;
- (2) Classes with a normal work week of 44 hours;
- (3) Classes with a normal work week of 48 hours;
- (4) Classes which can not be included in any plan of payment for overtime because:

(a) While requiring at least 40 hours per week, the duties and responsibilities are such that they do not adapt themselves to a maximum number of hours per week;

(b) The performance of duties is required on a part-time or intermittent basis and does not amount to a maximum of 40 hours per week.

Nothing in this act shall be construed as prohibiting the granting of compensating time off in lieu of overtime worked where such compensating time off can be granted within 30 days of the date worked and where it can be granted without impairing the services rendered by the agency. The State Personnel Board shall adopt rules and regulations governing overtime compensation as herein provided.

Sec. 2. Section 18021 of the Government Code is amended to read.

18021. Every State employee compensated on a monthly basis required and ordered to work in excess of a normal work week as established by the State Personnel Board for his class or for his position, if exempt, shall receive overtime compensation for all such overtime. The rate of overtime pay shall be based on his regular rate of pay.

Sec 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such cases, at the same time as said Part 2 takes effect; at which time Section 73 of the State Civil Service Act is hereby repealed

CHAPTER 337

An act to amend Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect.

In effect
September
15, 1945

[Approved by Governor May 15, 1945. Filed with Secretary of State
May 15, 1945.]

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

See also
Stats 1945,
p 211
Operation

SECTION 1. Section 1881.3 of the Civil Code is amended to read as follows:

1881.3. The provisions of this chapter shall have no force or effect after December 31, 1947.

CHAPTER 338

An act to amend Section 102 of the Agricultural Code, relating to pest certificates.

In effect
September
15, 1945

[Approved by Governor May 15, 1945. Filed with Secretary of State
May 15, 1945.]

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

SECTION 1. Section 102 of the Agricultural Code is hereby amended to read as follows:

Quarantine
officers

102. Each commissioner is an enforcing officer of all laws, rules and regulations relative to the prevention of the introduction into, or the spread within the State of pests, and as to such activities is under the supervision of the director.

Commissioners, deputy commissioners, and inspectors, holding valid certificates of eligibility for the office to which they have been appointed, are hereby appointed State plant quarantine officers for the purpose of certifying to the pest condition or pest treatment of shipments, when certification as a condition of movement or entry is officially required, and for the purpose of enforcing of laws, rules and regulations, relative to plant quarantine.

Pest certifi-
cate fees

The board of supervisors may at their option establish a schedule of fees for any or all classes of certificates to be paid by shippers requesting such certificates. Upon receipt of such scheduled fee, or in the event no schedule has been established, then upon request of the shipper it is the duty of commissioners to make such inspections as may be necessary to determine the facts required by the State or country of intended destination and to issue a certificate stating the facts determined; provided, that no fee shall be charged for certification required by any law, regulation or requirement of the United States or of this State or by any ordinance, regulation or requirement of any county of this State. The schedule of fees established by the

boards of supervisors for such certificates shall be based upon the approximate cost of the inspection made therefor and in no case shall the maximum charge for each certificate on any one consignment, shipment or bill of lading consisting of 10 or less separate packages, parcels, boxes, crates or other containers on an inspection made at one time and place exceed twenty-five cents (\$.25) and in no other case fifty cents (\$.50) for each certificate except for certificates on truckload, carlot or field inspections. It shall be unlawful for any person to alter, deface or wrongfully use a certificate issued under the provisions of this chapter.

Alteration,
etc., of
certificate

CHAPTER 339

An act to add Section 571.5 to the Elections Code, relating to division of electors in a precinct into groups.

[Approved by Governor May 15, 1945 Filed with Secretary of State
May 15, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 571.5 is added to the Elections Code, to read:

571.5. When more than 400 electors are registered in a precinct the electors of said precinct may be divided into two groups and one precinct board appointed to serve each group. The board or officer charged with the duty of conducting the election shall divide the voters into two groups as nearly equal in number as possible. When the electors of a precinct are so divided there shall be only one polling place, but there shall be a ballot box for and a set of returns from each group.

Division of
electors
into groups

CHAPTER 340

An act to amend Section 3823 of the Elections Code, relating to ballots.

[Approved by Governor May 15, 1945 Filed with Secretary of State
May 15, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 3823 of the Elections Code is amended to read:

3823. Immediately above the perforated line shall be printed in black-face lower-case type at least 12-point in size, and enclosed in a parentheses, the following, "Fold ballot to this perforated line, leaving top margin exposed."

See also
Stats 1945,
(Ch 716

Instructions
—Folding
ballot

Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type

at least 12-point in size, and, with the four middle words underlined or otherwise made prominent, the following:

Marking
ballot

“Except on absent voters’ ballots mark crosses (+) on Ballot ONLY WITH RUBBER STAMP; Not with Pen or Pencil. On absent voters’ ballots mark with pen or pencil.”

CHAPTER 341

An act to amend Section 511.4 of, and to add Section 511.6 to the Vehicle Code, relating to regulation of the speed of vehicles.

In effect
September
15, 1945

[Approved by Governor May 17, 1945 Filed with Secretary of State
May 17, 1945]

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

SECTION 1 Section 511.4 of the Vehicle Code is amended to read:

Reduction
of speed on
State high-
ways within
cities

511.4. Reduction of Speed on State Highways Within Cities. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the prima facie limit of 55 miles per hour is more than is reasonable or safe upon any portion of a State highway within the incorporated limits of any city or county where such prima facie limit of 55 miles per hour is applicable under this code, the department may determine and declare a prima facie speed limit of 45 miles per hour or 35 miles per hour whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highway. Notwithstanding the provisions of Section 511.3, local authorities shall not exercise the powers conferred upon the State Department of Public Works by this section except as provided in Section 511.6.

SEC. 2. Section 511.6 is added to the Vehicle Code, to read:

Reduction
of speed on
highways
within cities
other than
State
highways

511.6. Reduction of Speed on Highways Within Cities Other Than State Highways. Whenever the Department of Public Works determines, upon the basis of an engineering and traffic survey made by local authorities in the manner prescribed by the department, that the prima facie limit of 55 miles per hour is more than is reasonable or safe upon any portion of a local highway within the incorporated limits of any city or county where such prima facie limit of 55 miles per hour is applicable under this code, the department may determine and authorize local authorities to declare a prima facie speed limit of 45 miles per hour or 35 miles per hour whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highways.

CHAPTER 342

An act to add Article 7.5, comprising Sections 14490 to 14492, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to capital outlays in county fire districts.

[Approved by Governor May 17, 1945 Filed with Secretary of State
May 17, 1945.]

In effect
September
15, 1945

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

SECTION 1. Article 7.5, comprising Sections 14490 to 14492, inclusive, is added to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, to read:

Article 7.5. Capital Outlays

14490. The board upon request of the commission of the district may establish a fund for capital outlays. If such a fund is established, the board shall include in the annual tax levy for the district an item stating the amount to be included for this purpose. Establishment of capital outlay fund

14491. At any time after the creation of a capital outlay fund, the board may transfer to such fund any unincumbered surplus funds remaining to the credit of the district at the end of any fiscal year. Transfer of surplus funds

14492. Whenever a capital outlay fund is established, it shall be used only for such purpose, except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, the board shall discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the district general fund. Use and discontinuance

CHAPTER 343

An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

[Approved by Governor May 17, 1945 Filed with Secretary of State
May 17, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 1621 of the Streets and Highways Code is amended to read:

1621. The auditor of each county shall make an annual report to the State Controller not later than October 1st of each year, upon forms provided by the State Controller. This report shall be sworn to by the auditor and shall show: Annual financial report of auditor

(a) The total unexpended balance of "Motor Vehicle Fund" and "Motor Vehicle Fuel Fund" money remaining or hand from prior years at the commencement of the preceding fiscal year.

(b) The amount of money received from the "Motor Vehicle Fund" of the State and the amount of money received from the "Motor Vehicle Fuel Fund" of the State during said year.

(c) The total amount of such money expended during said year for each of the following purposes: (1) The maintenance, improvement or construction of county highways and bridges, (2) the assistance of municipalities within the county in the maintenance, improvement or construction of streets or highways of general county interest, (3) the purchase of equipment, (4) the reduction of indebtedness, (5) any other specific purpose or purposes for which the law may now or may hereafter authorize the expenditure of such money.

(d) The unexpended balance of such money which remained on hand at the close of said year.

SEC. 2. Section 8356 of the Revenue and Taxation Code is amended to read:

Conditions
of payment

8356. The Controller shall not draw a warrant in favor of any county which has not established a road fund or which is delinquent in its annual report to the State Controller. Whenever the annual report by the auditor of any county has not been duly filed in the manner and form provided by law and at or before the time specified by law, the Controller shall not draw his warrant in favor of the treasurer of the county until the report is filed.

CHAPTER 344

Stats. 1935,
p 1454,
amended

An act to amend the title of, and to add Section 1.5 to, an act entitled "An act authorizing any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work, and declaring this act to be an urgency measure, and providing that it take effect immediately," approved July 6, 1935, relating to contributions or loans to local agencies, declaring this act to be an urgency measure, and providing that it take effect immediately.

In effect
immediately

[Approved by Governor May 17, 1945 Filed with Secretary of State
May 17, 1945]

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

Stats. 1935,
p 1454

SECTION 1. The title of the act cited in the title hereof is amended to read:

Title

"An act authorizing any county, city and county, city, town, district, or any political subdivision of the State. or any

public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work, and authorizing such local agencies to accept Federal assistance, and declaring this act to be an urgency measure, and providing that it take effect immediately."

SEC. 2. Section 1.5 is added to the act cited in the title hereof, to read: New section

Sec. 1.5. Notwithstanding any other provision of law, and excepting only limitations imposed by the Constitution of this State, the legislative body of any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, may accept grants or loans of funds made available by the Federal Government, or any department or agency thereof, to aid in financing the cost of plans for, or construction of, public works. Acceptance
of Federal
aid

SEC. 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1, Article IV, of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity: Urgency

Measures already have been enacted by the Federal and State governments providing aid to local agencies for plans for post-war public works. Some doubt exists as to the authority of such agencies to accept such loans, advances, or contributions. In order that local agencies be prepared in the postwar period to provide employment by construction of needed public works, it is essential that this act take immediate effect.

CHAPTER 345

An act to amend Section 1037 of the Agricultural Code, relating to sampling fertilizing materials.

[Approved by Governor May 17, 1945. Filed with Secretary of State
May 17, 1945.]

In effect
September
15, 1945

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

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

1037. The director may take a sample for analysis from any lot of commercial fertilizer, agricultural mineral, auxiliary plant chemical, or soil amendment which may be in possession of any producer, manufacturer, importer, agent, dealer, or user, which sample shall be taken in accordance with such rules and regulations as the director may promulgate relative thereto. Any method for drawing samples of the materials mentioned Taking
samples for
analysis

in this section, under rules and regulations of the director, shall conform as closely as possible to a method therefor established by the Association of Official Agricultural Chemists.

In the event any of such material is packaged in containers of less than 10 pounds, one package of the material may be taken as a sample to represent the lot of which it is a part.

CHAPTER 346

An act to add Section 87.5 to the Agricultural Code, relating to the construction of buildings as war memorials jointly by district agricultural associations and counties.

In effect
September-
15, 1945

[Approved by Governor May 17, 1945 Filed with Secretary of State
May 17, 1945.]

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

SECTION 1. Section 87.5 is added to the Agricultural Code, to read:

Joint con-
struction
etc., of war
memorial by
association
and county

87.5. (a) Any district agricultural association and any county may jointly construct a building to constitute a war memorial and to be used for any purpose for which real property of a district agricultural association may be used.

(b) The buildings or war memorials may be constructed and managed under such terms and conditions as may be agreed upon by the directors of the association with the approval of the Department of Finance and the board of supervisors of the county, and shall be owned and used jointly by the association and county.

(c) Any construction work done pursuant to any such agreement shall be performed in accordance with and subject to the provisions of the State Contract Act.

CHAPTER 347

An act to repeal Section 842.5 of, and to add a new Section 842.5 to, the Fish and Game Code, relating to the use of nets and declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor May 17, 1945 Filed with Secretary of State
May 17, 1945]

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

Repeal

SECTION 1. Section 842.5 of the Fish and Game Code is repealed.

Use of nets
to take
sardines,
bonito, tuna
or mackerel

SEC 2. A new Section 842.5 is added to said code, to read:
842.5. Notwithstanding any other provision of this code, during the period of the war emergency nets now permitted to be used to take sardines, bonito, tuna or mackerel in any district may be used in such or any other district to take such

fish during such times and in such numbers or amounts as such fish may be taken pursuant to the provisions of this code.

This section is applicable only to districts or parts of districts south of a line extended both east and west as continuations of the present boundary line between the Counties of Monterey and San Luis Obispo; but is not applicable to District 19A or to that portion of District 20 comprising the waters around Santa Catalina Island easterly from a line extended through Seal Rock on the southerly side of said island and Long Point on the northerly side of said island.

This section shall remain in effect until the first day of ^{Duration} March, 1947, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

Sec. 3. This act is hereby declared to be an urgency meas- ^{Urgency} ure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The exceptional demand upon food resources occasioned by present war conditions makes it essential that available supplies be put to immediate use and that restrictions be kept at a minimum consistent with sound conservation. This act serves to increase such supplies for both military and civilian use. Its benefit should be made immediately available.

CHAPTER 348

An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder. ^{Stats 1935, p 1226, amended}

[Approved by Governor May 17, 1945. Filed with Secretary of State May 17, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 57 of the Unemployment Insurance Act is amended to read:

^{Stats 1939, p 2146}

Sec. 57. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

^{See also Stats 1945, Chs 572 and 1222}
^{Eligibility for benefits}

(a) A claim for benefits with respect to such week has been ^{Claim} made in accordance with such regulations as the commission may prescribe.

Registration (b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the commission may approve

Ability to work (c) He is able to work and available for work.

Waiting period (d) He has been unemployed for a waiting period of one week during his current benefit year. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits; provided, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further, that the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (d) and Section 53.

Minimum wages (e) He has during his base year earned wages for employment by employers of not less than three hundred dollars (\$300).

CHAPTER 349

An act to add Section 6049.1 to the Business and Professions Code, relating to attorneys.

In effect September 15, 1945 [Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

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

SECTION 1. Section 6049.1 is added to the Business and Professions Code, to read:

Copies of records in disciplinary proceedings 6049.1. In all disciplinary proceedings in this State, certified or duly authenticated copies of findings, conclusions, orders or judgments made or entered in any court of record, or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys, of the United States, or of any State or Territory of the United States or of the District of Columbia in any disciplinary proceeding therein against the same person, shall be admissible in evidence, and so far as relevant and material shall be prima facie evidence of the facts, matters and things set forth therein.

Transcript of testimony The duly authenticated transcript of the testimony taken in such out-of-state proceedings shall be admissible in evidence in any disciplinary proceeding against the same person in this State.

This section, except to the extent that it states or declares the law in effect prior to the effective date of this section, shall not apply in any disciplinary proceeding pending on said date in this State or thereafter commenced in this State against any attorney based on charges which were the subject of a disciplinary proceeding in this State against the same attorney prior to said date.

Application
of section

CHAPTER 350

An act to amend Sections 812.4, 828.65, 829.2 and 829.35 of the Agricultural Code, relating to fruit and vegetable containers.

[Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 812.4 of the Agricultural Code is hereby amended to read:

812.4. Bunched carrots when in closed wooden containers shall be packed either in standard container 45C, with a nine-inch depth, or in standard container 45 or until September 30, 1947, in standard container 45A or 45B.

Containers
of bunched
carrots

SEC. 2. Section 828.65 of the Agricultural Code is amended to read:

828.65. 46 Standard cauliflower crate -----	8 1/2	18	21 5/8	Cauliflower crate
47 Standard sweet potato crate-----	10 1/2	9 3/4	19 1/2	Sweet potato crate
48 Special sweet potato crate-----	12	12	16	
48A Jumbo sweet potato crate-----	14	11 3/4	19 3/8	

SEC. 3. Section 829.2 of the Agricultural Code is amended to read:

829.2. 7. Fresh peaches, numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 15, 16, 17, 18, 18A, 25, 26, 27 or 27A.

Standard
picks and
containers

8. Fresh pears, numbers 1A, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 26, 27 or 29A. Container number 19 shall be standard only when used with three pads or cushions.

9. Oriental persimmons, numbers 6, 7, 8, 13, 14, 15, 16, 17, 18, 27 or 32.

10. Plums or fresh prunes, numbers 1, 1A, 5, 6, 7, 8, 9, 12A, 12B, 14, 15, 16, 17, 18A, 22B, 23, 24, 25, 26 or 27.

11. "Wonderful" pomegranates, number 34.

SEC. 4. Section 829.35 of the Agricultural Code is amended to read:

829.35. 14. Carrots, numbers 45, 45A, 45B or 45C.

Same

15. Cauliflower, number 46.

CHAPTER 351

An act to amend Section 23.6 of the Agricultural Code, relating to collections.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 23.6 of the Agricultural Code is hereby amended to read:

Advance
payment or
bond for
service

23.6. In cases where the director is authorized to perform sampling, grading, testing, inspection or certification services in relation to agricultural products, and to fix reasonable fees which shall pay the cost of services necessary to perform such sampling, grading, testing, inspection or certification, he may collect such fees in advance of performing the services but shall not be required to do so if, in his opinion, the benefit of such services would be lessened by such advance payment. In lieu of collecting such fees in advance the director is authorized, if he deems it necessary, to accept a bond guaranteeing payment of the fees chargeable for any such services, provided said bond is satisfactory to the director.

Civil suit to
collect fees

Against any person required to take out a license or pay fees under the provisions of this code and who fails, neglects, or refuses to take out such license or pay such fees, or who carries on or attempts to carry on the business or do any act for which such license or payment of such fees is required without such license or payment of fees, the director in addition to other remedies provided by law may direct suit in the name of the people of the State of California as plaintiff, to be brought for the recovery of the license or other fees; and in such case the director may make the necessary affidavit for and a writ of attachment may issue, without any bonds being given on behalf of the plaintiff.

Amounts too
small to col-
lect, etc.

Whenever the director finds the amounts due under any section of this code to be so small in amount as not to justify the cost of their collection or for any reason believes that collection is improbable and provided the amount involved in either instance is not in excess of one dollar (\$1) then the director may remove the amounts so due from the records of the department and he shall not be held accountable for their collection

CHAPTER 352

An act to amend Section 23.5 of the Agricultural Code, relating to refunds.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 23.5 of the Agricultural Code is hereby amended to read:

Refunds

23.5. The director may authorize the refund of moneys received or collected by the department in payment of fees,

licenses, permits, or other services wherein the license, permit, or other service can not lawfully be issued or rendered to the applicant, or in cases where the payment in whole or in part represents over-payment or payment in duplicate

Any such refund shall be covered by a voucher prepared by the director or his authorized representative setting forth the facts pertaining to the refund and authorizing payment thereof, whereupon payment of such refund shall be made by the accounting officer of the department. In the event the moneys received or collected, for which refund is to be made, have been deposited in the State treasury, the State Controller shall draw his warrant thereupon, from the fund to which said moneys were credited, upon receipt of claim filed by the department.

Vouchers and warrants

Whenever the director finds that the amount of any refund authorized under the provisions of this section will be less than one dollar (\$1) or that after computation of the amount of any refund authorized to be made by any other sections of this code will be less than one dollar (\$1), he may retain such amounts for use for the same purpose for which the original payment was made, unless demand for the payment of such refund is made prior to the expiration of six months after the refund becomes due or six months after the effective date of this provision, whichever last occurs, and if such demand is made, the refund shall be paid.

Amounts less than \$1

CHAPTER 353

An act to amend Sections 12 and 17 of the "Assessment Bond Refunding Act of 1933," relating to liens and bonds.

Stats 1933. p 1915, amended

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 12 of the "Assessment Bond Refunding Act of 1933" is amended to read:

Stats 1939. p 1616

Sec. 12. If the refunding proceedings are conducted by the legislative body of a city, said reassessment as confirmed shall be recorded with the superintendent of streets of said city. If the refunding proceedings are conducted by the legislative body of a county, said reassessment as confirmed shall be recorded with the county surveyor of said county. The reassessment shall not be recorded until the holders of all outstanding bonds and coupons have contracted to exchange such bonds and coupons in the refunding proceedings, or, if all holders of outstanding bonds and coupons do not so contract, the reassessment shall not be recorded until adequate provision has been made as required in this act for the retirement or payment of the bonds and coupons of nonconsenting holders. When so recorded, the several amounts reassessed upon the lots, pieces or parcels of land in said reassessment shall be a lien thereon

Recording of reassessment

Lien

Duration
of lien

Stats 1935,
p 203
Foreclosu e

Notice of
recording

as of the date of such recordation. Unless sooner discharged, such lien shall continue for the period of four years from the date of said recordation, or in the event bonds are issued to represent said reassessment, then such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto. The lien of said reassessment shall be superior to and have priority over all special assessment liens created against the same property subsequent to the date of such recordation, except special assessment liens created under this act or under the "Refunding Assessment Bond Act of 1935," as amended. Any foreclosure of said reassessment lien or sale of property for said lien shall convey the said property to the purchaser free and clear of all encumbrances except taxes, special assessment liens created under this act or under the "Refunding Assessment Bond Act of 1935," as amended, and such special assessment liens, as at the date of the creation of said lien, are by law equal or superior to said reassessment lien. From and after the date of said recording of said reassessment all persons shall be deemed to have notice of the contents thereof. The amounts assessed in said reassessment shall be payable to the said superintendent of streets or county surveyor with whom said reassessment is recorded, and said superintendent of streets or county surveyor is authorized to receive the amount due upon any reassessment and give a good and sufficient discharge therefor; provided, a bond has not been issued to represent such reassessment. The officer with whom said reassessment is recorded shall give notice by publication for 10 days in a daily newspaper of general circulation printed and published in the county in which the lands reassessed lie or by three successive insertions in a weekly newspaper of general circulation printed in such county that said reassessment has been recorded in his office and that all sums assessed therein became due and payable upon the recordation of said reassessment, stating the date of such recordation and that the payment of the said sums is to be made to him within 30 days after the date of such recordation. Said notice shall also contain a statement that for any reassessment not paid before the expiration of said 30 days, a bond will issue in the manner and form provided in this act and shall state the period over which said bond shall extend and the rate of interest which shall be payable thereon. Notice shall also be given by mailing a post card to the owner of each lot, piece or parcel of land reassessed according to the name and address appearing on the last equalized assessment roll for county taxes prior thereto or as known to the superintendent or surveyor; provided, that a failure of the superintendent or surveyor to give such notice by mailing or of the person addressed to receive the same shall not affect the validity of the proceedings or the validity of the lien of any reassessment or of any bond issued thereon. Upon payment of any reassessment, the superintendent of streets or the county surveyor with which the said reassessment is recorded shall

mark upon the said reassessment note of the said paymer and shall cancel the said reassessment, and upon request, said superintendent of streets or county surveyor shall also give a receipt to the person paying the said reassessment.

Any reassessment upon public property shall be paid by the officer or board having charge of the disbursement of the funds of the owner of such property, and said reassessment shall be an enforceable obligation against the owner of or the governing body controlling the said property. If for any reason there are no moneys available for the payment of said reassessment then the board or officer whose duty it is to levy taxes for the said owner of said public property shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to pay said reassessment and the interest thereon from the date the reassessment is recorded at the rate to be stated in the refunding bonds, and when the moneys received from said tax levy are available, said reassessment and such interest thereon shall be paid by the officer or board having charge of the disbursement of the funds of the owner of such land.

Payment of
reassessment
upon public
property

In any action or proceeding to enforce or compel the payment of said reassessment or the levy of the tax to provide funds therefor, the complaint or petition shall be sufficient if it alleges substantially the following: That on a date stated the legislative body passed its resolution ordering the refunding under this act; that the reassessment levied in the refunding proceeding was recorded on a certain date, designating said date; that certain public property (describing it) was therein reassessed a stated amount, designating the sum; that the amount of said reassessment has not been paid; that the property is owned by the city, county, district or other public corporation named in the complaint or petition; and that the complainant or petitioner is the owner of said reassessment and the interest thereon, or is the owner of the right to receive moneys derived from the payment of said reassessment and the interest thereon.

Complaint
and petition

After the expiration of the 30-day period, hereinabove provided for the cash payment of reassessments, failure to pay the reassessment shall be prima facie evidence in any action or proceeding in court or otherwise that there are no moneys available for the payment of said reassessment. Any board or officer whose duty it is to levy taxes for the owner of said public property shall, if the reassessment is not paid within the 30-day period, levy the tax to pay the principal thereof and the interest thereon; provided, however, that if the principal of and interest on said reassessment are paid in full before the tax is levied, the board or officer shall not levy a tax therefor, but if the principal and interest are paid in part only, and not in full prior to the date for the tax levy, the board or officer shall levy a tax sufficient to pay the unpaid balance of said reassessment and the interest thereon.

Failure
to pay

Tax levy

Any reassessment upon public property not in use in the performance of a public function may be foreclosed in the

Foreclosure
of reassess-
ment

Sts & H. C.,
 Div 7 manner provided in Section 27 of the "Improvement Act of 1911," as amended; provided, however, that the notice to be given upon the tax bill need not be given or made and that such action may be brought at any time after 30 days after the recording of such reassessment, and in any such foreclosure action the said reassessment and diagram with proof of non-payment shall be prima facie evidence of the right of plaintiff to recover in the action. Said action shall be brought in the name of the city or county the legislative body of which levied said reassessment upon the request of any person entitled to any portion of the moneys to be derived from said reassessment. The person requesting that said foreclosure action be brought must advance the plaintiff's costs and expenses thereof and said action may be brought by any competent attorney appointed by the legislative body which levied said reassessment. In any case in which the reassessment is levied by the legislative body of a county, the same shall be foreclosed as hereinbefore provided, except that the various officers designated in said Section 27 shall be the corresponding county officers as designated in the County Improvement Act of 1921, as amended. No refunding bond shall issue against public property, and the list of unpaid reassessments to be filed with the treasurer shall not include any unpaid reassessment upon public property.

Sts & H. C.,
 Sec 8504
 et seq

Stats 1936,
 p 1677

Refunding
 bonds

SEC. 2. Section 17 of the "Assessment Bond Refunding Act of 1933," is amended to read:

17. The treasurer shall, upon the filing of said list of unpaid assessments, make out, sign and issue a separate bond representing upon each lot, piece or parcel of land upon the list the amount of the reassessment against the same as thereon shown. If said lot, piece or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality or upon any map on file in the office of the county recorder of the county in which said municipality is situated, or for which the legislative body conducting the reassessment proceedings is the board of supervisors, then it shall be in said bond a sufficient description of said lot, piece or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Each of said bonds shall bear interest at the rate or rates stated in the resolution of intention from the date of the recording of the reassessment until the said bond is fully paid, and coupons for the various payments of interest on each of said bonds to the date of the maturity of such bonds shall be attached to each such bond. Said bonds shall be substantially in the following form:

Form

(In multiple district refunding, in the bond form give names of, or otherwise designate, each district.)

-----District No.-----
of the----- (City or County) of-----
Refunding Bond
Series-----

No.----- \$-----

Under and by virtue of an act of the Legislature of the State of California entitled (here quote title or otherwise designate this act), I, out of the fund for the above designated----- District No.----- of the----- (City or County) of----- refunding bond, Series-----, will pay to-----, or order, the sum of----- dollars (\$-----), with interest at the rate of----- per cent per annum, all as is hereinafter specified, and at the office of the treasurer of the----- of-----, State of California.

This bond is issued to represent a reassessment for the refunding of the indebtedness of the----- District No.----- of the----- (City or County) of----- Said reassessment is recorded in the office of the----- (county surveyor or superintendent of streets). Its amount is the amount assessed in said reassessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number-----, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein and in said recorded reassessment with its diagram, to wit, the lot or parcel of land in said----- (City or County) of-----, State of California, described as follows:

This bond is payable exclusively from said fund and neither the----- (City or County) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is----- years from the second day of January next succeeding the fifteenth day of the next November following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year following the fifteenth day of the next November, after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest thereon at the rate of----- per centum per annum.

The interest is payable semiannually, to wit, on the second days of January and July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of-----, and thereafter the interest coupons are for semiannual interest.

It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed and this bond is by law made conclusive evidence thereof.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and

before commencement of proceedings for sale or foreclosure, upon payment to the----- (city or county) treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid, together with interest for six months at the rate named in said bond.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law, or the lien of the reassessment foreclosed. In case of such default, there shall be immediately added to such defaulted amount 2½ per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 per cent of such defaulted amount. All penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

Dated at said----- (city or county) of-----this-----day of-----, in the year one thousand nine hundred and-----.

 Treasurer of the----- (city or county) of
 -----, State of California.

Principal
and interest

Said bonds shall be payable to the party to whom they issue, or order. Said bonds shall be dated as of the date of the recording of said reassessment and shall extend over a period not to exceed 28 years from the second day of January next succeeding the fifteenth day of the next November following their date, and an even annual proportion of the principal sum of each bond shall be payable, by coupon, on the second day of January every year after the fifteenth day of the next November following their date, until the whole is paid, and the interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after their date, at the rate or rates stated in the resolution of intention. Upon any of such bonds dated after the fourteenth day of May of any year and on or before the fourteenth day of the following November, the first interest coupon shall become due and payable on the second day of the next succeeding January, and upon such bonds dated after the fourteenth day of November of any year and on or before the fourteenth day of the following May, the first interest coupon on said bonds shall become due on the second day of the next succeeding July.

Conclusive
evidence of
regularity
and validity

The said refunding bonds or any thereof shall be conclusive evidence of the regularity and validity of all of the proceedings for the issuance of such refunding bonds and the levying of the reassessment therefor and of the legality and validity of the lien of said reassessment.

CHAPTER 354

An act to amend Sections 5372, 6446, 6460 and 6572 of the Streets and Highways Code, relating to liens and bonds under the "Improvement Act of 1911."

Sts. & H. C., Div 7

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945]

In effect September 15, 1945

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

SECTION 1. Section 5372 of the Streets and Highways Code is amended to read:

5372. The warrant, diagram and assessment shall be recorded in the office of the superintendent of streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portion of lots assessed, respectively, and unless sooner discharged such lien shall so continue for the period of four years from the date of said recordation, or in the event bonds are issued to represent said assessment, the such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto.

SEC. 2. Section 6446 of the Streets and Highways Code is amended to read:

6446. The treasurer shall report all payments of coupons or penalties upon the bonds, with the dates thereof, to the street superintendent, who shall forthwith endorse the payments upon the margin of the record of the assessment to the credit of which they are paid, and the assessment shall be a lien upon the property affected thereby, with priority as fixed in Section 5373, until the bond issued to represent the assessment and which it is hereby declared does represent the assessment, and the accrued interest thereon and the penalties, if any, shall be fully paid according to the terms thereof, but which lien shall in no event continue beyond four years after the due date of the last installment upon said bond, or of the last principal coupon attached thereto.

SEC. 3. Section 6460 of the Streets and Highways Code is amended to read:

6460. The bond shall be substantially in the following form:

Street Improvement Bond
Series (designating it), in the City (or County)
of (naming it).

\$..... No.....

Under and by virtue of the Improvement Act of 1911 (Part 5 of Division 7 of the Streets and Highways Code), I, out of the fund for the above designated street improvement bonds, series, will pay to, or order, the sum of dollars (\$.....) with interest at the rate of per cent per annum, all as is hereinafter specified, and at the office of the Treasurer of the of, State of California.

This bond is issued to represent the cost of certain street work upon -----, in the ----- of -----, as the same is more fully described in assessment number ----- issued by the street superintendent of said -----, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number -----, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said ----- of -----, County of -----, State of California.

This bond is payable exclusively from said fund, and neither the (here insert city or county) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is ----- years from the second day of January next succeeding the next October 15th following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next October 15th after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of ----- per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of -----, and thereafter the interest coupons are for semi-annual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said code, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said code. In case of such default there shall be immediately added to such defaulted amount, 1 per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 per cent of such defaulted amount. The 1 per cent penalty first imposed and all subsequent penalties

shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said _____ of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

Treasurer of the _____ of _____.

SEC. 4. Section 6572 of the Streets and Highways Code is amended to read:

6572. If any sale of lands for delinquency in the payment of principal or interest of any bond is held illegal or invalid, or any deed issued to the purchaser at any such sale is held illegal or invalid for any reason whatsoever, the lands described in the bond shall not be released from the lien of the assessment but shall be and remain subject to further proceedings for the enforcement of the assessment, and the further proceedings may include additional sales or the issuance of new deeds. In any event, however, the lien of the assessment shall continue only until a valid sale is had and a valid deed issued, or until the expiration of two years after such sale or deed is held illegal or invalid, whichever is sooner.

Continuance of lien on invalidation of sale or deed
Duration of lien

CHAPTER 355

An act to amend Sections 7240 and 7390 of the Streets and Highways Code, relating to liens and bonds under the "Street Improvement Act of 1913."

Sts & H C.
Div 8

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 7240 of the Streets and Highways Code is amended to read:

7240. Immediately upon such recording the several assessments contained in the assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, paramount to all other liens, except liens for State, county and municipal taxes. Such lien shall be subordinate to all special assessment liens previously imposed upon the property, but it shall have priority over all special assessment liens thereafter created against the same property. Unless sooner discharged the liens shall continue for the period of four years from the date of said recordation, or in the event bonds are issued to represent such assessment, then such liens shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto.

Due date of assessments
Duration of lien

SEC. 2. Section 7390 of the Streets and Highways Code is amended to read:

Form of bond

7390. Each bond shall be substantially in the following form:

Improvement Bond

\$----- Series----- No.-----

Under and by virtue of and pursuant to the provisions of the Street Improvement Act of 1913 (Division 8 of the Streets and Highways Code), I, out of the fund for the above designated improvement bonds, series ----- will pay to bearer the sum of ----- dollars (\$-----) with interest at the rate of ----- per cent per annum, as is hereinafter specified, at the office of the city treasurer of the City of -----, State of California. This bond is issued to represent an assessment for ----- in the City of -----, as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot numbered ----- therein and in the diagram attached thereto, and which now remains unpaid; and constitutes a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: The lot or parcel of land in the City of -----, County of -----, State of California, described as follows: -----

This bond is payable exclusively from said fund, and neither the City of -----, nor any officer thereof is to be holden otherwise for its principal or interest. The term of this bond is ----- years from January 2, 19___, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, after the date hereof an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest, at the rate of ----- per cent per annum.

The interest is payable semiannually on the second day of January and July in each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the second day of -----, 19___, and thereafter the interest coupons are for semiannual interest.

Should default be made in the first, or any succeeding payment of the principal, or in the payment of interest, by the owner of said lot, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

Dated at said City of -----, this ----- day of -----, in the year 19___.

City Treasurer of the City of -----

CHAPTER 356

An act to amend Section 4290 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1903."

Sts & H C, Div. 8, Pt 1

[Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 4290 of the Streets and Highways Code is amended to read:

4290. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, and unless sooner discharged such lien shall so continue for the period of four years from the date of said recordation, or in the event bonds are issued to represent said assessment, then such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto.

Due date of assessments

Duration of lien

CHAPTER 357

An act to amend Section 3450 of the Streets and Highways Code, relating to liens and bonds under the "Street Opening Bond Act of 1921."

Sts & H C, Div 5, Pt 2

[Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945]

In effect September 15, 1945

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

SECTION 1. Section 3450 of the Streets and Highways Code is amended to read:

3450. The bond shall be in substantially the following form (filling blanks):

Form of bond

Improvement Bond Series-----

\$----- No.-----

Under and by virtue of and pursuant to the provisions of the Street Opening Bond Act of 1921 (Part 2 of Division 5 of the Streets and Highways Code) I, out of the fund for the above designated improvement bonds, series -----, will pay to bearer the sum of ----- dollars (\$-----) with interest at the rate of 8 per cent per annum, as is hereinafter specified, at the office of the city treasurer of the City of -----, State of California. This bond is issued to represent an assessment for ----- in the City of ----- as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot numbered -----

therein and in the diagram attached thereto, and which now remains unpaid; and constitutes a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: The lot or parcel of land in the City of _____, County of _____, State of California, described as follows:-----
 and it is issued in accordance with the written request therefor on file in the office of _____ the _____ of said city.

This bond is payable exclusively from said fund, and neither the City of _____ nor any officer thereof is to be holden otherwise for its principal or interest. The term of this bond is _____ years from July 1, 19____, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the first day of July of each year, after the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest at the rate of 8 per cent per annum.

The interest is payable annually on the first day of July in each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the first day of July, 19____, and thereafter the interest coupons are for the annual interest.

Should default be made in the first, or any succeeding payment of the principal, or in any payment of interest, by the owner of said lot, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and shall thereupon have a right to collect the same and to enforce all liens and agreements which are security therefor as in said act provided.

At the said City of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

 City Treasurer of the City of

CHAPTER 358

Sts & H C, *An act to amend Sections 4570 and 4573 of the Streets and*
 Div 6, Pt 2 *Highways Code, relating to liens and bonds under the*
"Street Opening Bond Act of 1911."

In effect [Approved by Governor May 18, 1945 Filed with Secretary of State
 September May 18, 1945]
 15, 1945

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

SECTION 1. Section 4570 of the Streets and Highways Code is amended to read:

4570. The bond shall be substantially in the following form:
 Improvement Bond
 Series -----

\$_____ No._____
 Under and by virtue of and pursuant to the provisions of Part 2 of Division 6 of the Streets and Highways Code, I, out of the

Form of
 bond

fund for the above designated improvement bonds, series-----, will pay to bearer the sum of ----- dollars (\$-----) with interest at the rate of ----- per cent per annum as hereinafter specified, at the office of the city (or county) treasurer, of the City (or County) of -----, State of California. This bond is issued to represent an assessment for ----- in the City (or County) of -----, as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered ----- thereon and in the diagram attached thereto, and which now remains unpaid; and constitutes a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: The lot or parcel of land in the City of -----, County of -----, State of California, described as follows: -----

This bond is payable exclusively from said fund, and neither the City (or County) of ----- nor any officer thereof, is to be holden otherwise for its principal or interest. The term of this bond is ----- years from July 2, 19--, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of July of each year, after the May 15th succeeding the April 15th following the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest at the rate of ----- per cent per annum.

The interest is payable semiannually on the second day of January and July of each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the second day of -----, 19--, and thereafter the interest coupons are for the semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said code, at any time before maturity, and before commencement of proceedings for sale, upon payment to the city (or county) treasurer, for the holder of this bond of the amount then unpaid on the principal sum thereof, together with the amount of interest as shown on the two interest coupons maturing first after the date of such payment and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith in the manner provided by law. In case of such default, there shall be immediately added to such defaulted amount 5 per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 per cent to such defaulted amount. The city (or county) shall be entitled to one-half of the penalty first imposed, namely, $2\frac{1}{2}$ per cent and the other $2\frac{1}{2}$ per cent and

all subsequent penalties shall be paid to the holder of the bond along with and as part of such defaulted payment.

At said City (or County) of ----- this ----- day of ----- in the year 19--.

Treasurer of the City (or
County) of -----

SEC. 2. Section 4573 of the Streets and Highways Code is amended to read:

Duration
of lien

4573. The amount due upon any such bond shall be a lien upon the lot or parcel of land described in such bond, and unless sooner discharged such lien shall continue until the expiration of four years after the due date of the last installment upon said bond or of the last principal coupon attached thereto. Said lien shall be superior to all other liens, charges, and encumbrances except the liens of prior assessments and of municipal, State and county taxes.

CHAPTER 359

Sts & H C.
Div 5, Pt 1

An act to amend Section 3280 of the Streets and Highways Code, relating to liens under the "Street Opening Act of 1889."

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 3280 of the Streets and Highways Code is amended to read:

Recordation

3280. The clerk shall forward to the street superintendent a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council, which shall be recorded in the office of the superintendent of streets. Such certified copy shall thereupon be the assessment roll. Immediately upon recordation thereof by the street superintendent, the assessment therein contained shall become due and payable; and shall be a lien upon the lands, lots or portion of lots assessed, respectively, and unless sooner discharged such lien shall so continue for the period of four years from the date of said recordation, or in the event bonds are issued to represent said assessment, then such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto.

Duration
of lien

CHAPTER 360

An act to add Section 330 to the Code of Civil Procedure, relating to the limitation of time for sales under improvement bonds.

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 330 is hereby added to the Code of Civil Procedure, to read:

330. In all cases in which there is now vested or there shall hereafter be vested in a treasurer, street superintendent, or other public official the power to sell at public auction, after demand upon him by the holder of any public improvement bond, any lot or parcel of land upon which exists or which shall hereafter exist a lien to secure the payment of a public improvement assessment represented by said bond, and the act or law establishing such power fails to prescribe the time within which such official may act, said official may sell at any time prior to the expiration of four years after the due date of said bond or of the last installment thereof or of the last principal coupon attached thereto, or prior to January 1, 1947, whichever is later, but not thereafter. This section is not intended to extend, enlarge or revive any power of sale which has heretofore been lost by reason of lapse of time or otherwise.

Limitation of
time for sale
under im-
provement
bonds

CHAPTER 361

An act to amend Section 2911 of the Civil Code, relating to the extinguishment of liens.

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2911 of the Civil Code is hereby amended to read:

2911. A lien is extinguished by the lapse of time within which, under the provisions of the Code of Civil Procedure, either:

Lien extin-
guished by
lapse of time

1. An action can be brought upon the principal obligation, or

2. A treasurer, street superintendent or other public official may sell any real property to satisfy a public improvement assessment or any bond issued to represent such assessment and which assessment is secured by a lien upon said real property; whichever is later.

Anything to the contrary notwithstanding, any lien heretofore existing or which may hereafter exist upon real property to secure the payment of a public improvement assessment shall be presumed to have been extinguished at the expiration of

four years after the due date of such assessment or the last installment thereof, or four years after the date the lien attaches, or on January 1, 1947, whichever is later, or in the event bonds were or shall be issued to represent such assessment, the lien shall then be presumed to have been extinguished at the expiration of four years after the due date of said bonds or of the last installment thereof or of the last principal coupon attached thereto, or on January 1, 1947, whichever is later. The presumptions mentioned in this paragraph shall be conclusive in favor of a bona fide purchaser for value of said property after such dates.

CHAPTER 362

An act to amend Section 329 of the Code of Civil Procedure, relating to time of commencing action for foreclosure of street improvement assessment liens and duration of such liens.

In effect
September
15, 1945

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

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

SECTION 1. Section 329 of the Code of Civil Procedure is amended to read:

Foreclosure
of street
improvement
assessment
liens

The time within which an action for the foreclosure of a lien securing an assessment against real property for street improvements, the proceedings for which are prescribed by legislation of any political unit other than the State, may be commenced, shall be two years from and after the date on which such assessment, or any bond secured thereby, or the last installment of any such assessment or bond, shall be due, or, as to existing rights of action not heretofore barred, one year after the effective date hereof, whichever time is later. After such time, if the lien has not been otherwise removed, the lien ceases to exist and the assessment is conclusively presumed to be paid. The official having charge of the records of the assessment shall mark it "Conclusively presumed paid," if, at the expiration of the time within which such action might be brought he has received no written notice of the pendency of such action.

CHAPTER 363

An act to add Section 1269b to the Penal Code, relating to bail.

In effect
September
15, 1945

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

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

SECTION 1. Section 1269b is added to the Penal Code, to read:

Acceptance
of bail by
clerk of
Class A
justice's
court

1269b. In a justice's court of Class A, the clerk of the court shall, in the absence of a judge of said court, have authority to

accept bail for the appearance before said court of any defendant charged in such court with a misdemeanor; provided, the amount thereof shall be in accordance with a schedule of bail in such cases previously fixed and approved by the judges of said court unless a warrant shall have been issued for the arrest of the defendant, in which case the bail shall be in the amount fixed in the warrant; and provided also, the bail shall be cash or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code of the State of California.

The authority to accept bail as in this section provided shall include authority to approve the same, to issue and sign an order for the release of the defendant, and to set a time and place for the appearance of the defendant before the appropriate division or judge of such court and give the defendant notice thereof.

CHAPTER 364

An act to add a new section, to be numbered 1030.5, to the Agricultural Code, relating to auxiliary plant chemicals.

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

SECTION 1. A new section, to be numbered 1030.5, is added to the Agricultural Code, to read:

1030.5. Every producer of, manufacturer of, importer of, or dealer in any auxiliary plant chemical, before the same is offered for sale shall obtain from the director a certificate of registration authorizing the registrant to sell auxiliary plant chemicals. The certificate of registration for an auxiliary plant chemical shall be obtained in accordance with the procedure stated in Section 1030 for commercial fertilizers and agricultural minerals except that no payment of fees shall be required. Each applicant shall file prior to issuance of registration in each year a statement with the director stating the brand, brand name or name under which the product is to be sold or manufactured, and the percentage of every constituent of agricultural value claimed to be therein. A proper statement of ingredients and directions for use shall be given on the label. Sales of auxiliary plant chemicals in any other than the registrant's sealed or closed container or package are prohibited. The provisions of Sections 1039 and 1041 shall be comparably applicable to auxiliary plant chemicals as though the term "auxiliary plant chemicals" were specifically named and set forth in each of such sections.

Certificate of
registration
of seller of
auxiliary
plant
chemical

Statement of
ingredients

CHAPTER 365

An act to amend Section 122 of the Agricultural Code, relating to nursery stock certificates.

In effect
September
15, 1945

[Approved by Governor May 18, 1945. Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 122 of the Agricultural Code is hereby amended to read:

Intrastate
inspection

122. It is unlawful for any person to receive or bring into any county or locality of the State from another county or locality within the State any nursery stock, or such plants, appliances or other things or any shipment thereof as the commissioner or the director may consider and designate as liable to be infected or infested with pests, without notifying the commissioner of the arrival of such articles immediately after the arrival thereof, and holding the same for immediate inspection by the commissioner, without unnecessarily moving or placing such articles where they may be harmful.

Seeds

Shipments of less than five pounds of field, vegetable and flower seed or comprised of packages of less than three pounds of each kind of such seed are exempt from the provisions of this section and the shipping permit required by Section 123 may be waived by the commissioner.

Any shipment of nursery stock moved from one locality to another within the same county, carrying a valid certificate of inspection and release or a valid intercounty nursery stock certificate issued by the commissioner of that county, is exempt from the requirements of this section.

Intrastate
shipments

Any shipment of nursery stock moved from one county to another carrying a valid intercounty nursery stock certificate issued in accordance with the provisions of this chapter by the commissioner of the county of origin is exempt from the requirements of this section providing the manifest hereinafter referred to has been forwarded to the commissioner of the county of destination.

CHAPTER 366

An act to amend Section 1902, and to repeal Section 1503, of the Harbors and Navigation Code, both relating to the insuring of property under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor.

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1902 of the Harbors and Navigation Code is amended to read:

1902. The board may insure against any or all loss or damage in respect of any or all property or operations of every character whatsoever under its control or supervision. Insurance

SEC. 2. Section 1903 of the Harbors and Navigation Code is repealed. Repeal

CHAPTER 367

An act to add Section 1912 to the Harbors and Navigation Code, relating to regulation of traffic upon property and thoroughfares under the control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor, declaring the urgency hereof, to take effect immediately.

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
Immediately

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

SECTION 1. Section 1912 is added to the Harbors and Navigation Code, to read:

1912. Except with the permission of, and subject to such conditions and regulations as are imposed, pursuant to this section, by the board, it is a misdemeanor: Vehicles and
traffic

1. To park or leave standing any vehicle or animal, whether attended, or unattended, upon any property under the control and jurisdiction of the board or upon any thoroughfare located on such property.

2. To drive any vehicle or animal upon any wharf, bulkhead wharf, pier, quay, or storage area, within the control and jurisdiction of the board; except that signs indicating restrictions on such driving must be posted and clearly visible at the entrance from any thoroughfare or street to such wharf, bulkhead wharf, pier, quay, or storage area.

The provisions of Section 591 of the Vehicle Code shall apply with respect to violation of any such condition or regulation relating to the standing or parking of vehicles.

Whenever any peace officer or officer or employee authorized thereto by the board finds any vehicle unattended and standing or parked in violation of conditions or regulations imposed by

the board under this section, such officer or authorized employee may provide for the removal of such vehicle to the nearest garage or other place of safety.

Contracts for
police service

The board may contract with the City and County of San Francisco for the furnishing by the city and county to the board of the services of policemen of the city and county for police protection and traffic control. The board may pay the city for such services in cooperation with the San Francisco Police Department.

In addition to the amounts which may be collected for the purposes specified in this part by the board, there shall be collected an amount sufficient to carry out the provisions of this section.

Such conditions and regulations shall be filed and available for public inspection at the office of the board and shall be filed as provided in Section 721, Political Code.

The board shall erect or place appropriate signs giving notice of any special conditions or regulations that may be imposed hereunder, or in lieu thereof may mark curbs to indicate such conditions or regulations in the manner provided in Section 472, Vehicle Code.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health, peace and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity.

The use of San Francisco Harbor by the United States of America and its agencies in connection with the prosecution of the war with the governments of Germany and Japan has resulted in increased traffic congestion in the property affected by this act. It is therefore essential that the provisions of this act take effect immediately to the end that such congestion shall not continue to impede measures necessary to the prosecution of the war.

CHAPTER 368

An act to add Section 1913 to the Harbors and Navigation Code, relating to refunds for erroneous charges in connection with activities under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor.

In effect
September
15, 1945

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

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

SECTION 1. Section 1913 is added to the Harbors and Navigation Code, to read:

Refunds

1913. Whenever the board, pursuant to authority conferred by this code:

(1) Makes any charge of any nature for service or for use of any property or any facility under its possession and control,

and such charge is erroneously computed, or the service or a portion thereof is not rendered, or the property or facility is not used, or is used in a manner which under the tariff, rules, or regulations of the board calls for a lower charge than made, or

(2) Requires a deposit as a condition of rendition of any service or use of any property or facility in its possession and control, and it desires to refund the excess of such deposit over any amount owing to the State, or which will amply secure the State, for such service or use, the excess of such charge over the proper charge, or such excess of the deposit, may be refunded by the board.

CHAPTER 369

An act to amend Sections 1970 and 1971 of the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco Harbor with respect to property, under the control and jurisdiction of said board, to take effect immediately.

[Approved by Governor May 18, 1945. Filed with Secretary of State
May 18, 1945.]

In effect
immediately

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

SECTION 1. Section 1970 of the Harbors and Navigation Code is amended to read:

Article 5. Leases and Sale of Property to the United States of America

1970. The board may lease any part of the real property of the State of California and the improvements thereon, under the control and jurisdiction of such board, to the United States of America or any department thereof, acting by and through any of its various agencies. The term of such a lease or any renewal thereof shall not extend beyond the period of one year immediately succeeding the cessation of hostilities. Any such lease and any renewal thereof may include provisions that notwithstanding any provision of law to the contrary, the rental agreed to be paid for the use of the leased property shall be full compensation for the use thereof, and that all vessels, or vessels of particular classes, using or making fast to any wharf or such property shall be free from the payment to the board of any dockage or other port charges fixed by authority of this part, and that any goods discharged from or received by any or all such vessels shall be free from any tolls or other port charges fixed by authority of this part, and such other terms and conditions as may be agreed upon by the parties.

Lease of
property to
United
States

SEC. 2. Section 1971 of said code is amended to read:

1971. In and by the terms of any such lease, and any renewals thereof, to the United States of America or any department thereof, acting by and through any of its various agencies,

Option to
purchase

for the whole or any part of the real property of the State of California described in this section, for a term which, as specified in such lease or in any renewals thereof, may, subject to Section 1970, extend beyond the cessation of hostilities, the board may give an option to the lessee to purchase said real property, or any part thereof, at a reasonable price to be agreed upon by the parties, taking into consideration the value of any improvements made or agreed to be made and any structures erected or agreed to be erected thereon by the board after this article becomes effective, but not the value of any improvements made or structures erected thereon by the lessee after this article becomes effective. The lease and any renewal or renewals thereof shall provide that such option may be exercised by the lessee only during the period subsequent to the cessation of hostilities and prior to the expiration of the lease or any renewals thereof and that any conveyance of any such real property by the State, pursuant to the exercise by the lessee of such option, shall contain an express condition that the grantee shall not convey such real property to any party other than the State of California, and that any conveyance by such grantee to the State of California shall be at a reasonable price to be agreed upon by the parties.

Easements
in other
property

Any such lease and any renewal or renewals thereof may also provide that, upon the exercise by the lessee of any such option to purchase the leased property, the State of California will grant to the lessee such easement or right-of-way or license in other real property of the State of California under the jurisdiction and control of the board, and upon such consideration and subject to such conditions, limitations, restrictions, or reservations as may be agreed on by the parties, for the purpose of providing the lessee, optionee, or purchaser, with access to the leased or purchased property from the public streets of the City and County of San Francisco, State of California.

Descriptor
of property

The property referred to in this section is all that certain real property situate in the City and County of San Francisco, State of California, bounded and described as follows, to wit:

Beginning at a point located eighty (80) feet easterly from the westerly line of Illinois Street and sixty-six (66) feet southerly from the northerly line of El Dorado Street; running thence easterly and parallel with the northerly line of El Dorado Street to an intersection with the pierhead line as approved by the Secretary of War on March 31, 1941; thence southerly along said pierhead line to the intersection of said pierhead line with the extension easterly of the southerly line of Eighteenth Street; thence westerly along said extension of the southerly line of Eighteenth Street and along the southerly line of Eighteenth Street to a point located eighty (80) feet easterly from the westerly line of Illinois Street; thence northerly and parallel with the westerly line of Illinois Street to an intersection with the northerly line of Seventeenth Street extended easterly; thence easterly along the northerly line of Seventeenth Street extended easterly a distance of four hundred

and eighty (80) feet; thence northerly parallel with the westerly line of Illinois Street to the southerly line of Sixteenth Street extended easterly; thence westerly along the easterly extension of the southerly line of Sixteenth Street to a point located eighty (80) feet easterly from the westerly line of Illinois Street; thence northerly parallel with the westerly line of Illinois Street to the place of beginning.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health, peace and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The existing state of war between the United States and the governments of Germany and Japan has resulted in immediate need by United States agencies for use for war purposes of real property of the State and facilities thereon under control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor. Such purposes include reception, conditioning, delivery, and shipment of goods, equipment and implements, shipbuilding, repair, alteration, and refitting, and other similar uses in furtherance of the prosecution of the war. It is imperative that such property be made fully available for such uses at the earliest possible moment. The powers heretofore granted the board have been found inadequate for this purpose. Therefore the extension of such powers, solely to deal with the Government and agencies of the United States of America, provided by this act, is an immediate necessity.

CHAPTER 370

An act to add Section 1971.1 to the Harbors and Navigation Code, relating to leasing to the United States of America, or any department thereof, of certain described property by the Board of State Harbor Commissioners for San Francisco Harbor, to take effect immediately.

[Approved by Governor May 13, 1945. Filed with Secretary of State May 13, 1945.] In effect immediately

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

SECTION 1. Section 1971.1 is added to the Harbors and Navigation Code, to read:

1971.1. The board may lease to the United States of America, or any department thereof, acting by and through any of its various agencies, any of the following described real property and improvements thereon. The term of such lease shall not exceed 25 years. Such lease shall provide that it is for the following purposes and no other: Construction, maintenance, reconversion, and outfitting of ships, and berthing of ships therefor. Except as provided or limited in this section, such lease is subject to the provisions of Sections 1970 and 1971 of this code. Lease to United States

Descript on
of property

The property referred to in this section is all that certain real property situate in the City and County of San Francisco, State of California, bounded and described as follows, to wit: Beginning at a point on the center line of Nineteenth Street produced easterly, distant thereon 1,690 feet from the center line of Illinois Street; running thence N. 4° 30' W., 897.01 feet; thence N. 85° 30' E., 828.01 feet; thence S. 4° 30' E., 2,482.01 feet; thence S. 85° 30' W., 828.01 feet; thence N. 4° 30' W., a distance of 1,535.0 feet to the point of beginning.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health, peace and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The existing state of war between the United States and the governments of Germany and Japan has resulted in immediate need by United States agencies for use for war purposes of real property of the State and facilities thereon under control and jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor. Such purposes include reception, conditioning, delivery, and shipment of goods, equipment and implements, shipbuilding, repair, alteration, and refitting, and other similar uses in furtherance of the prosecution of the war. It is imperative that such property be made fully available for such uses at the earliest possible moment. The powers heretofore granted the board have been found inadequate for this purpose. Therefore the extension of such powers, solely to deal with the Government and agencies of the United States of America, provided by this act, is an immediate necessity.

CHAPTER 371

An act to amend Section 1990 of the Harbors and Navigation Code, relating to the signing and countersigning of contracts of the Board of State Harbor Commissioners for San Francisco Harbor.

In effect
September
15, 1945

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

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

SECTION 1. Section 1990 of the Harbors and Navigation Code is amended to read:

Requisites
of valid
contract

1990. The board can not enter into a valid contract or obligation which creates a liability or authorizes the payment of money, unless it is signed by two of the commissioners, and countersigned by the secretary or assistant secretary of the board. The board shall not make any contract, involving the payment of money, unless the amount then to the credit of the Harbor Improvement Fund, plus any sums which may be derived from the sale of bonds, together with the revenue estimated to accrue up to the time of the maturity of the con-

tract, over and above the current expenses of the board, is sufficient to meet the payments to become due thereon. The estimate of revenue shall be limited, as to time, to 15 years.

CHAPTER 372

An act to amend Sections 2007 and 2052 of the Harbors and Navigation Code, relating to proposals and contracts for construction work and the form for accompanying checks.

[Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 2007 of the Harbors and Navigation Code is amended to read :

2007. Every proposal shall be accompanied by a certified check for an amount equal to 5 per cent of the amount of the proposal, made payable to the order of the Board of State Harbor Commissioners for San Francisco Harbor. If the proposal is accepted and the contract awarded, and the bidder fails to execute the contract and give the bond required within six days after the award is made, then the sum mentioned in the check is liquidated damages for his failure, and shall be paid into the San Francisco Harbor Improvement Fund. All contracts made pursuant to this part shall provide, under penalties of forfeiture of contract, at the option of the board, that Chinese or Mongolian labor not be employed on the work.

Certified check to accompany proposal

Employment of Chinese or Mongolian labor

SEC. 2. Section 2052 of the Harbors and Navigation Code is amended to read :

2052. Every proposal shall be accompanied by a certified check for an amount equal to 5 per cent of the amount of the proposal, made payable to the order of the Board of State Harbor Commissioners for San Francisco Harbor. If the proposal is accepted and the contract awarded, and if the bidder fails to execute the contract and give the bond required within six days after the award is made, the sum mentioned in the check shall be paid into the San Francisco Harbor Improvement Fund by the secretary, as liquidated damages for his failure.

Certified check to accompany proposal

CHAPTER 373

An act to amend Sections 2050, 2072 and 2402 of the Harbors and Navigation Code, relating to publication of notices in connection with construction work or leasing of property.

[Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945]

In effect September 15, 1945

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

SECTION 1. Section 2050 of the Harbors and Navigation Code is amended to read :

2050. When the board determines that a new wharf shall be erected, or any other necessary improvement constructed,

Advertisements for proposals

or repairs made, or dredging machines, pile drivers, scows, steam tugs, or any necessary machinery or material be obtained, the cost of which exceeds three thousand dollars (\$3,000), it shall advertise for sealed proposals in one or more of the newspapers in San Francisco. Such advertisement shall be published in at least three successive issues of each such newspaper, commencing not less than 10 calendar days before the day specified in the advertisement for the opening of bids.

SEC. 2. Section 2072 of the Harbors and Navigation Code is amended to read:

Notice of
leasing

2072. Before the execution of any lease, notice of the leasing of any of the lots or property mentioned in this article, or parts thereof, shall be given by publication in three of the papers published in San Francisco. Such advertisement shall be published in at least three successive issues of each such paper, commencing not less than 10 calendar days before the day specified in the advertisement for the reception of bids.

The notice shall state the property or lot or portion thereof to be leased, the time and place at which bids will be received by the board and that the lots and property shall be let to the highest and best bidder.

SEC. 3. Section 2402 of the Harbors and Navigation Code is amended to read:

Same

2402. Before the execution of any lease for these purposes, notice of the letting or leasing of any of these lots or this property or parts thereof, shall be given by publication in three of the papers published in San Francisco. Such notice shall be published in at least three successive issues of each such paper, commencing not less than 10 calendar days before the day specified in the notice for the reception of bids.

CHAPTER 374

An act to amend Section 2071 of, and to add Sections 1773.2, 1773.3 and 1773.4 to, the Harbors and Navigation Code, relating to the lease of seawall lots and other property.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

SECTION 1. Section 2071 of the Harbors and Navigation Code is amended to read:

Lease of
seawall lots
and other
property

2071. The board may lease any portion of seawall lots, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven,

twenty-nine, thirty, "a," "b," "c," and "d" and any portion of that certain land described as follows, to wit:

Beginning at a point on the easterly line of Third Street distant thereon one hundred sixty feet southerly from the southerly line of Islais Street; thence running easterly parallel with Islais Street three thousand one hundred thirty-seven and nineteen hundredths feet more or less to the inner line of the Embarcadero; thence southeasterly along the inner line of the Embarcadero nine hundred ninety-nine and thirty-two hundredths feet more or less to a point distant one thousand feet at right angles southerly from the southerly line of Islais Street; thence westerly parallel with Islais Street two thousand seven hundred forty-three and five hundredths feet more or less to the northeasterly line of Arthur Avenue extended southeasterly across Third Street; thence along the last described line northwesterly one thousand two hundred eighteen and thirty-six hundredths feet more or less to the easterly line of Third Street; thence northerly along the easterly line of Third Street fifty nine and forty-two hundredths feet more or less to the point of beginning, and such portions of that certain land described as follows, to wit: Beginning at a point on the northerly line of Seventeenth Street produced easterly and located one hundred fifty feet easterly from the westerly line of Illinois Street; running thence easterly along said northerly line of Seventeenth Street produced, a distance of ninety-two feet; thence southerly parallel to the westerly line of Illinois Street a distance of two hundred twenty feet; thence easterly parallel to the northerly line of Seventeenth Street, a distance of one hundred ninety feet; thence southerly four hundred feet to a point located three hundred eighty-five feet easterly from the westerly line of Illinois Street; running thence southerly to a point on the southerly line of Eighteenth Street produced easterly, located two hundred sixty feet easterly from the westerly line of Illinois Street; running thence westerly along the southerly line of Eighteenth Street produced to a point located one hundred fifty feet easterly from the westerly line of Illinois Street, running thence northerly parallel to the westerly line of Illinois Street to the place of beginning.

SEC. 2. Section 1773.2 is added to the Harbors and Navigation Code, to read:

1773.2. Seawall lot number twenty-seven is all that certain lot, piece or parcel of land situate, lying and being in the City of San Francisco, State of California, and particularly described as follows:

Beginning at a point on the easterly line of Third Street located 70° feet southerly from the intersection of the said line with the southerly line of Channel Street; running thence easterly at right angles with the said line of Third Street to a point on the inner line of the seawall and thoroughfare established by act of the Legislature March 15, 1878; thence southerly along said inner line of the thoroughfare to the northeasterly line of Fourth Street; thence northwesterly along the

Description
of property

Seawall lot
number
twenty-seven

northeasterly line of Fourth Street to the easterly line of Third Street; thence northerly along the easterly line of Third Street to the point of beginning.

SEC. 3. Section 1773.3 is added to said code, to read:

Seawall lot
number
twenty-nine

1773.3. Seawall lot number twenty-nine is all that certain lot, piece or parcel of land situate, lying and being in the City of San Francisco, State of California, and particularly described as follows:

The area bounded on the south by the northerly line of Alameda Street, on the west by the easterly line of Georgia Street, on the northeast by the southwesterly line of Fourth Street and on the east by the inner line of the seawall and thoroughfare established by act of the Legislature March 15, 1878.

SEC. 4. Section 1773.4 is added to said code, to read:

Seawall lot
number
thirty

1773.4. Seawall lot number thirty is all that certain lot, piece or parcel of land situate, lying and being in the City of San Francisco, State of California, and particularly described as follows:

Beginning at the intersection of the easterly line of Illinois Street with the southerly line of Eldorado Street; running thence easterly along said line of Eldorado Street a distance of 610 feet; thence southerly parallel to Illinois Street a distance of 400 feet; thence westerly parallel to Eldorado Street a distance of 610 feet to the easterly line of Illinois Street; thence northerly along the easterly line of Illinois Street to the point of beginning.

CHAPTER 375

An act to amend Section 3081, and to repeal Sections 3083 and 3085, of the Harbors and Navigation Code, relating to certain tolls and charges.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

SECTION 1. Section 3081 of the Harbors and Navigation Code is amended to read:

Dockage

3081. Any vessel which uses or makes fast to any wharf and any vessel which makes fast to or moors in any thoroughfare, slip, dock, basin, channel, canal or any other location within the jurisdiction of the board inside the pierhead line, is liable for and shall pay to the board the rates of dockage fixed by authority of this part.

Repeals

SEC. 2. Sections 3083 and 3085 of the Harbors and Navigation Code are repealed.

CHAPTER 376

An act to add Section 3202 to the Harbors and Navigation Code, relating to injury to property under the jurisdiction and control of the Board of State Harbor Commissioners for San Francisco Harbor.

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 3202 is added to the Harbors and Navigation Code, to read:

3202. Every person who deposits or causes to be deposited on property adjacent to property under the jurisdiction and control of the board, earth, soil, sand, rock, refuse, rubbish, scrap, sludge, or other matter, in such quantity or in such a manner as to cause or threaten presently to cause injury to property under the jurisdiction and control of the board, whether to the waters, waterways, lands, improvements, works, or other property, is guilty of a misdemeanor, punishable by fine or imprisonment or both. Such deposit constitutes a public nuisance.

Deposit of
earth, etc

CHAPTER 377

An act to amend Section 3204 of the Harbors and Navigation Code, relating to the appointment of special policemen.

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 3204 is amended to read:

3204. The police commission of the City of San Francisco shall appoint as special policemen, such number of wharfingers, toll collectors, or other competent employees of the Board of State Harbor Commissioners, as the board requests, in writing. The police commission shall furnish these special policemen with the usual badge of office, which shall be paid for by the Board of State Harbor Commissioners; the appointments shall be renewed once in each year. The jurisdiction of these special policemen is coextensive with the premises described in this part, and their terms of office.

Special
policemen

CHAPTER 378

An act to amend Section 5439 of and add Sections 5439.5 and 5460 to the Public Resources Code, relating to county recreation districts.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 5439 of the Public Resources Code is amended to read:

Powers of
trustees

5439. The trustees may erect one or more dams across a stream or river for the purpose of constructing a swimming pool in the district, may maintain, improve, and keep in a sanitary condition all community parks, community beaches, community recreational grounds, and community buildings within such districts, including the construction, maintenance, and operation of swimming pools, and any other amusement facilities on any of such lands, and may also contract for a system of improvements or works for sewage disposal, and drainage, garbage disposal, fire protection, roads, bridges, road repair, bridge repair, trails, lights and playgrounds, and may lease or rent lands or property for recreational purposes, and they may make proper regulations for the management and operation of the district, including regulations binding upon all persons, with the object of effectuating the purposes of the district and, also, in connection with the use of the facilities of the district.

Eminent
domain

The trustees shall have the right and power to acquire by condemnation, gift, purchase or otherwise all lands, or use thereof or interest therein, and any other property or rights by them deemed necessary for the construction, maintenance, improvement and operation of the works, or the carrying out of the projects of the district, and may assume and discharge the existing indebtedness on such lands, or interest therein or other property rights so acquired. In case of condemnation proceedings the board shall proceed in the name of the district under the provisions of Section 14 of Article I, as amended, of the Constitution of the State of California, and Title 7, Part 3, of the Code of Civil Procedure of California, and all pleadings, proceedings and process in said title provided shall be applicable to the condemnation proceeding hereunder.

SEC. 2. Section 5439.5 is added to said code, to read:

Regulation:

5439.5. The trustees shall sign the regulations when adopted and cause them to be published once within two weeks after their adoption in a newspaper printed in the district or posted in three of the most public places in the district for a period of two weeks. The regulations become effective two weeks after the date of publication or posting.

SEC. 3. Section 5460 is added to said code, to read:

5460. Every person who violates a district regulation or ^{Crimes} who impersonates a trustee or officer of a district is guilty of a misdemeanor.

CHAPTER 379

An act to validate the formation, organization and existence of county water authorities and the boundaries, governing officers or boards, acts, and proceedings of such authorities.

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. (a) All county water authorities heretofore organized and functioning under, or under color of, the County Water Authority Act, as enacted by Chapter 545 of the Statutes of 1943, are hereby declared to have been legally organized and to be legally functioning as such water authorities. Every such authority shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such an authority regularly formed pursuant to law. Validation
of county
water
authorities

(b) The boundaries of every county water authority as heretofore established, defined, or recorded are hereby confirmed, validated, and declared legally established.

(c) Insofar as any other matter to which this act relates is or may be affected, the directors and other officers of every such water authority heretofore elected or appointed and acting as such, are hereby declared the legally appointed or elected, qualified and acting directors of such authority.

(d) This act shall be limited to the correction of defects, irregularities, and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken.

(e) This act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(f) Nothing contained in this act shall be construed to render the creation of any county water authority, or any change in the boundaries of any county water authority effective for the purposes of assessment or taxation unless the statement, together with the map or plat required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by that section.

CHAPTER 380

Stats 1933,
p 2079,
amended

An act to amend Sections 15212, 16271 and 16272 of the Revenue and Taxation Code and Section 74 of the Gift Tax Act of 1939, relating to gift taxes, and to provide that this act shall take effect immediately.

In effect
immediately

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 15212 of the Revenue and Taxation Code is amended to read:

Computation
on failure to
file return,
etc

15212. In determining a tax on any gift pursuant to Section 15654 of this part or in the case of a false or fraudulent return or in the case of a return which does not show all transfers made in the year for which the return is filed, the Controller shall determine the tax as if the gift under consideration had been made immediately after all gifts made by the donor in the preceding calendar year, except that the rates to be applied are those in effect at the date of the gift or those in effect at the date of the determination of the tax, whichever are higher.

SEC. 2. Section 16271 of the Revenue and Taxation Code is amended to read:

Allowance
of interest

16271. Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of 6 per cent per annum as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

SEC. 3. Section 16272 of the Revenue and Taxation Code is amended to read:

Interest on
judgment for
refund

16272. In any judgment of any court rendered for any overpayment, interest shall be allowed at the rate of 6 per cent per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

Stats 1939,
p 2079

SEC. 4. Section 74 of the Gift Tax Act of 1939 is amended to read:

Allowance
of interest

Sec. 74. (1) Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of 6 per cent per annum as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed

on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

(2) In any judgment of any court rendered for any overpayment, interest shall be allowed at the rate of 6 per cent per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

SEC. 5. The provisions of this act amending sections of the Revenue and Taxation Code become operative at the same time as Chapter 658 of the Statutes of 1943 takes effect. At that time the section of the Gift Tax Act of 1939 amended by this act is repealed. Effect
Stats 1943,
p 2297

SEC. 6. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Tax lev

CHAPTER 381

An act to amend Section 784.6 of the Agricultural Code, relating to dried fruits.

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945] In effect
January 1,
1946

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

SECTION 1. Section 784.6 of the Agricultural Code is amended to read:

784.6. It is unlawful to pack any dried fruits, or mixtures of dried fruits, with nuts, glazed fruits or confections in a fancy pack unless the exposed portion consists of the same kinds or mixtures of dried fruits, nuts, glazed fruits or confections as in the unexposed portion of the contents of the container. Fancy pack

SEC. 2. This act shall take effect on January 1, 1946.

Effective
date

CHAPTER 382

An act to amend Section 631 of the Agricultural Code, relating to pasteurization.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 631 of the Agricultural Code is hereby amended to read:

Pasteuriza-
tion defined

631. Pasteurization of milk or milk products is a process for the elimination therefrom of organisms harmful to human beings and shall consist of either:

(1) Uniformly heating milk and milk products to a temperature of not less than 143 degrees Fahrenheit and of holding same at such temperature for at least 30 minutes; or

(2) Uniformly heating milk and milk products to a temperature of at least 160 degrees Fahrenheit and holding same at such temperature for at least 15 seconds.

Each such type of heating shall be conducted in approved and properly operated equipment and the milk or milk products shall be immediately cooled to a temperature of not above 50 degrees Fahrenheit after the completion of either of such heatings.

CHAPTER 383

An act to amend Section 723 of the Agricultural Code, relating to revocation of licenses.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 723 of the Agricultural Code is hereby amended to read:

See also
Stats 1945,
Ch 900

Revocation
of licenses

723. The licenses or permits issued in accordance with the provisions of Articles 4, 5, 6 and 7 of Chapter 2, Article 4 of Chapter 3, Articles 5 and 6 of Chapter 4, and Section 500.5 of this division, upon a hearing before the director of which the licensee or permittee shall have a written notice of the time and place of said hearing and the charges made against him may be suspended or revoked by the director if, after written notice, the licensee or permittee fails, after 30 days, to comply with the laws, rules and regulations under which the license or permit was granted. No such 30 days' notice will be required where the premises or appurtenances are in a manifestly insanitary condition nor in cases of manipulation of measures, weights, samples or tests for milk fat content or bacterial counts of milk or cream upon which payment is based, or the record thereof.

CHAPTER 384

An act to amend Section 673 of the Agricultural Code, relating to factory licenses.

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 673 of the Agricultural Code is hereby amended to read:

673. Factory licenses expire at the end of each calendar year, but shall remain in force during the month of January of the next succeeding year or such part thereof as may be necessary for the renewal of said license by the department. All licenses may be renewed each successive year, if the plant for which a previous license was issued and the business thereof shall have been conducted in accordance with the requirements of this division during the year next preceding that for which renewal is requested. The correct amount of the fee for the renewal of said license shall be forwarded with the application for renewal.

Expiration of
factory
licenses

Renewal

CHAPTER 385

An act to amend Section 656 of the Agricultural Code, relating to substances prohibited in milk or milk products.

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 656 of the Agricultural Code is hereby amended to read:

656. It is unlawful to produce, manufacture or prepare for sale, or sell:

Substances
prohibited in
milk, etc

(a) Any milk, cream, or other product of milk to which has been added, or that contains, any compound of boron, salicylic acid, formaldehyde, or other chemical or substance for the purpose of preventing or delaying fermentation or souring.

(b) Any milk or product of milk, to which any coloring matter, except as otherwise provided in this division, has been added or to which any gelatin or other substance, except as otherwise provided in this division, has been added to increase the consistency of such milk, or product of milk, so as to make it appear richer or of better quality. This section does not prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatin, sweetening, eggs or egg products, harmless coloring or flavoring, or edible stabilizer in the manufacture of ice cream, ice milk or sherbet, or the use of alkalies approved by the director, in the manufacture of butter, or the adjustment of the acidity of ice cream mix within limits designated by the director.

CHAPTER 386

An act to amend Section 662 of the Agricultural Code, relating to milk and milk products reports.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

SECTION 1. Section 662 of the Agricultural Code is hereby amended to read:

Milk and
milk prod-
uct report.

662. The director shall provide blanks for reporting milk and milk products statistics, and shall, on or before the last day of December of each year, cause to be mailed to each person engaged in operating any milk products plant and market milk distributor when necessary, one or more of such blanks and each such person shall, on or before the thirty-first day of January following transmit to the director a full and accurate report of the amount of milk, cream, condensed or evaporated milk, butter, cheese, ice cream or other milk products produced, purchased or manufactured or distributed during the year ending December 31st, just preceding.

All milk products plants purchasing milk and cream direct from farmers shall report a complete list of all persons from whom their product is obtained, giving the name and address, whenever possible, in each case. In addition to said annual reports the director may require semiannual, quarterly, or monthly reports of the same general character as the annual reports. Said reports shall be mailed to the director not later than 30 days after the date of the department's written request, upon blanks furnished by the director.

CHAPTER 387

An act to amend Section 671 of the Agricultural Code, relating to milk products manufacturing license.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

SECTION 1. Section 671 of the Agricultural Code is hereby amended to read:

Milk prod-
ucts manu-
facturing
license

671. Every person before engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk, goat's milk, sheep's milk, or any product of milk, goat's milk, sheep's milk or imitation ice cream, or imitation ice milk, shall obtain a license from the department to do so for each separate plant or place of business. Hotels, restaurants, boarding houses, hospitals or other concerns or agencies which manufacture products

of milk for the use of patrons, guests, patients, or servants shall take out the license herein required. Nothing in this chapter applies to private homes manufacturing for their own use or to retailers dealing in finished products received from a distributor or producer in final form nor to producers selling milk or cream exclusively at wholesale for manufacturing, freezing or processing milk and milk products. Upon receipt of an application for such license, the department shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be received, or any of such products are to be processed, frozen or manufactured, and provide the applicant with a copy of the dairy law of the State. If the condition of the plant is found to be satisfactory, a "factory license" shall be issued by the department to such applicant upon receipt of a license fee in an amount established by the provisions of Section 672.

CHAPTER 388

An act to amend the Building and Loan Association Act by amending Section 13.07 thereof, relating to appraisements. Stats. 1931, p. 483, amended

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.] In effect September 15, 1915

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

SECTION 1. Section 13.07 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1931, p. 483

Sec. 13.07. Appraisements. The commissioner may make a revaluation of any property or investments of any association, and of any property which constitutes security for any loan held by any association. Whenever the commissioner shall find it necessary or expedient to devote extraordinary attention to the appraisal of the property or loans of an association, he may use for that purpose his own appraisers or independent appraisers, who shall be disinterested persons, at the expense of such association payable to the commissioner upon demand. The expense of such extraordinary appraisal shall be fixed by the commissioner but shall not exceed for each property so examined and appraised the sum of ten dollars (\$10) for property located outside of any incorporated limits and five dollars (\$5) for each property located inside of any incorporated limits, except in the case of property exceeding ten thousand dollars (\$10,000) in value upon which the appraisal fee shall not exceed one dollar (\$1) for each thousand dollars of value up to and including twenty-five thousand dollars (\$25,000) in value, and not to exceed fifty cents (\$0.50) for each thousand dollars of value in excess of twenty-five thousand dollars (\$25,000). Each appraiser so appointed shall be required to make a sworn report Appraisements

in writing to the commissioner of his estimated valuations of all property so examined and appraised, and the commissioner shall furnish a copy of such report to the association.

Loss reserve. The commissioner may require each association to establish and to maintain a specific loss reserve for the amount by which the book value of any asset exceeds the commissioner's appraisal of such asset, or for the amount by which the unpaid balance of any loan exceeds the amount for which such loan might lawfully be made based upon the commissioner's appraisal of the security for such loan.

CHAPTER 389

Stats 1917, p 673, amended. *An act to amend Section 27 of the Corporate Securities Act, relating to the abolishment of the Corporation Commission Appraisal Fund and providing for reports of experts.*

In effect September 15, 1945. [Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

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

Stats 1931, p 937. SECTION 1. Section 27 of the act cited in the title hereof is amended to read:

Opinions of engineers, etc. Expenses. Sec. 27. The commissioner shall have power, whenever any application is made to him for permission to issue securities, to accept and act upon the opinions, appraisements and reports of any engineers, appraisers or other experts which may be presented by the applicant so applying for permission on any question of fact concerning or affecting the securities proposed to be issued. In lieu of, or in addition to such opinions, appraisements and reports, the commissioner, if he deems it proper, may have any or all of matters concerning or affecting such securities investigated, appraised, passed upon and certified to him by engineers, appraisers or other experts selected by him. The actual expense of such investigation or appraisal shall be paid by the applicant. The "Corporation Commission Appraisal Fund" is hereby abolished. Any unencumbered money in said fund on the effective date of this act shall be transferred to the General Fund.

CHAPTER 390

An act to add Section 7.1 to the Industrial Loan Act, relating to the establishment and maintenance of reserves.

Stats 1917,
p 658,
amended

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 7.1 is added to the act cited in the title hereof to read: New section

Sec. 7.1. The commissioner may require an industrial loan company to establish and maintain reasonable reserves or withhold for loans made and trust receipts, choses in action, chattel mortgages, conditional sales contracts, contracts, accounts receivable or commercial paper purchased in accordance with standard accounting and business practice prevailing in the banking business. Maintenance
of reserves

CHAPTER 391

An act to amend Section 3 of the Industrial Loan Act, relating to minimum capital stock and paid in surplus or reserve.

Stats 1917,
p 658,
amended

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 3 of the act cited in the title hereof is amended to read: Stats 1911,
p 2945

Sec. 3. The capital stock of any corporation incorporated under the provisions of this act shall not be less than twenty-five thousand dollars (\$25,000) when such corporation is transacting business in any city having population of 25,000 inhabitants or more, and less than 50,000; and shall not be less than fifty thousand dollars (\$50,000) when such corporation is transacting business in any city having 50,000 or more inhabitants, and less than 100,000; and shall not be less than one hundred thousand dollars (\$100,000) when such corporation is transacting business in any city having 100,000 or more inhabitants, according to the last official census. The capital stock of any such corporation transacting business in more than one city shall not be less than the aggregate capital stock required for the transaction of business by separate corporations in each of such cities. The capital stock of any such corporation transacting business in more than one city, however, shall not be required to exceed in the aggregate one hundred thousand dollars (\$100,000). The establishment and operation of an office outside of an incorporated city area within five miles of the city limits of an incorporated city or cities shall require the Capital
stock

Minimum
paid-in
capital

same minimum capital for such outside office as would be required if said office were located within such incorporated city or cities. The capital stock of any such corporation shall be divided into shares of the par value of one hundred dollars (\$100) each or such other par value as may be approved by the commissioner. Before any corporation, incorporated under the provisions of this act, commences business, there must be paid in cash for the benefit of the corporation, 100 per cent of the amount of the minimum capital stock required under the provisions of this section and a paid in surplus or reserve equal to 25 per cent of said required minimum capital stock. No corporation organized hereunder shall create more than one class of stock.

CHAPTER 392

Stats 1917,
p 658,
amended *An act to amend Section 7 of the Industrial Loan Act, relating to surplus.*

In effect
September
15, 1945 [Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

Stats 1941,
p 2945

SECTION 1. Section 7 of the act cited in the title hereof is amended to read:

Declaration
and payment
of dividends

Sec. 7. The directors of every corporation, under the provisions of this act, may at certain times and in such manner as its by-laws prescribe, declare and pay dividends to the stockholders of such corporation, of so much of the net profits of the corporation as may be appropriated for that purpose under its by-laws, but before any such dividend is declared, not less than 10 per cent of the net profits of such corporation for the preceding half year, or for such period as is covered by the dividend, shall be carried to its surplus until such surplus shall equal 25 per cent of the paid-up capital stock.

Limitation

CHAPTER 393

Stats 1917,
p 658,
amended *An act to add Section 22.1 to the Industrial Loan Act, relating to loans to officers, directors and others.*

In effect
September
15, 1945 [Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

New section

SECTION 1. Section 22.1 is added to the act cited in the title hereof, to read:

Loans to
officers, etc

Sec. 22.1. No industrial loan company shall make any loan of money or property to or guarantee the obligation of any

director or officer, directly or indirectly. No industrial loan company shall make any loan of money or property to or guarantee the obligation of any person upon the security of the shares of such company.

If any such loan or guaranty be made, the directors, officer or officers who authorize it or assent thereto shall be jointly and severally liable to the company as guarantors for the repayment or return of the sum or value so loaned with interest thereon at the rate of 6 per cent per annum until paid.

Any officer or director held liable under this section who satisfies any such liability shall be entitled to contribution from any other officer or director who participates in authorizing, making or allowing any such loan or guaranty, and shall be subrogated to any and all rights of the corporation against the borrower or principal obligor.

CHAPTER 394

An act to amend Section 4 of the Industrial Loan Act, relating to the establishment of offices and places of business.

[Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945.]

Stats 1917, p 658, amended
In effect September 15, 1945

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

SECTION 1. Section 4 of the act cited in the title hereof is amended to read:

Sec. 4. Every corporation under the provisions of this act shall have power: Subject to the supervision and control of the Corporation Commissioner of the State of California:

First—To loan money on personal property security, including the pledge of its installment investment certificates, or without security other than the pledge of its installment investment certificates, or on real property security or loans over three hundred dollars (\$300) with or without the pledge of its installment investment certificates, and to charge and deduct interest therefor in advance at the rate of 6 per cent per annum, or less. A certificate of investment shall be issued with each loan, except that the issue of installment investment certificates with real estate loans or loans over three hundred dollars (\$300) shall be optional with the industrial loan company. Such certificates of investment shall require uniform weekly, semimonthly or monthly payments over the period of the loan, final payment not to be payable until the maturity date of the loan. Such certificates of investment shall be purchased by the borrower simultaneously with each loan transaction, of a face value not exceeding the face amount of the loan, and shall be pledged with the corporation as security for said loan.

Second—To sell or negotiate investment certificates either in certificates, or in receipt book form, in addition to the sale of

Stats 1941, p 2945
See also Stats 1945, Ch 1494
Powers of industrial loan companies
Lending of money

Sale of certificates

installment investment certificates with loans, for the payment of money at any time, either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without an allowance of interest upon such installments. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits or to issue certificates of deposit. The investment certificates herein authorized shall bear the indorsement on the face of the instrument, "this is not a certificate of deposit."

Deduction of
charges

Third—In addition to the interest rate charged, to charge and deduct in advance, the sum of two dollars (\$2) or less on every fifty dollars (\$50) or fraction thereof loaned, for fees, bonuses, commissions, brokerage, discounts, expenses and other forms of costs charged, contracted for or received by an industrial loan company and all other persons from the borrower in connection with the investigating, arranging, negotiating, procuring, guaranteeing, securing, making, and servicing of a loan or forbearance of money, credit, goods or things in action, or for any other service or services rendered in relation thereto, except as hereinafter provided.

In the event that any borrower shall be in default for a period of more than 15 days in the payment of any loan or in the payment upon any installment investment certificate issued in connection with such loan, the industrial loan company, in addition to the interest and charges permitted by this act and deducted in advance, may charge and collect for enforcing and collecting such loan, including attorneys' fees, a sum which when added to the interest, brokerage and all other charges deducted in advance or otherwise charged, contracted for or received, shall not exceed the maximum rates hereinafter provided.

Maximum
charges

However, it is hereby provided that the interest, brokerage and all other charges by an industrial loan company, broker and all other persons on any loan, forbearance of money, credit, goods or things in action under this act, shall not exceed in the aggregate $2\frac{1}{2}$ per cent per month on that portion of the unpaid principal balance up to, including but not in excess of one hundred dollars (\$100), 2 per cent per month on that portion of the unpaid principal balance in excess of one hundred dollars (\$100) up to, including but not in excess of three hundred dollars (\$300), and 10 per cent per annum on that portion of the unpaid principal balance in excess of three hundred dollars (\$300). If, however, in connection with any loan, insurance is taken in favor of the industrial loan company, the total amount which may be contracted for and received for interest, brokerage and all other charges shall not exceed in the aggregate 2 per cent per month on that portion of the unpaid principal balance up to, including but not in excess of three hundred dollars (\$300) and 10 per cent per annum on that portion of the unpaid principal balance in excess of three hundred dollars (\$300). All payments made by the borrower on the installment investment certificates purchased by the borrower in connection with the making of the loan shall

be regarded as payments on the loan and shall be applicable, first, to interest and all other charges within the maximum statutory rate provided in this paragraph and, secondly, to reduction of the unpaid principal of the loan advanced to the borrower in determining the "unpaid principal balance" as hereinabove referred to.

However, it is provided that nothing in this section denies Rights of companies the right to the industrial loan company in addition to interest, brokerage and all other charges herein provided to contract for, collect and receive at the time of making the loan or at any time thereafter, the statutory fee paid by it to any public officer for acknowledging, filing, recording or releasing in any public office any instrument securing the loan or executed in connection therewith. Also, nothing in this section prohibits the lender from collecting in addition to the interest, brokerage and all other charges herein provided the costs for insurance, of tangible personal or real property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan; provided, such insurance is sold at standard rates through a duly licensed insurance agent.

Nothing in this section shall deny the right to any industrial loan company in the enforcing and collecting of a delinquent loan of an unpaid principal balance in excess of three hundred dollars (\$300):

(a) To collect and receive the court costs and reasonable attorneys' fees allowed by a court in a judgment against a defaulting debtor;

(b) To contract for, collect and receive the bona fide expenses actually incurred and paid by the industrial loan company, not exceeding 10 per cent of the unpaid principal balance of the loan where no judgment at law is sought.

No charge shall be collected unless a loan shall have been made. Whenever the interest and/or charges deducted in advance shall exceed the maximum provided by this section, by reason of subsequent repayment of the loan or any portion thereof prior to maturity or prepayment of installments on the investment certificate purchased with the loan, such excess shall be refunded to the borrower or credited on any balance owing by the borrower to the company.

Fourth—To establish offices or places of business within the Establishment of offices State of California.

Fifth—To purchase, sell or discount bona fide trust receipts, choses in action, secured or unsecured, chattel mortgages or conditional sales contracts, which shall have a maturity within Investments two years from the date of said purchase and such purchase, sale or discount shall be subject to the maximum rates of interest, discount, brokerage and all other charges provided in this act, as between the seller of said chose in action, chattel mortgage, trust receipt or conditional sales contract and the industrial loan company, for which not more than three hundred dollars (\$300) is paid by the industrial loan company.

Purchase of insured loans, etc

Sixth—To make loans, purchase or discount notes, mortgages, contracts or other commercial paper, which loans or commercial paper are insured by the Federal Housing Administrator, Veterans' Administration, or other Federal agency. Loans so insured may be made for a term up to but not to exceed 20 years.

In addition to the powers herein enumerated, every corporation under the provisions of this act shall have the general powers conferred upon corporations by Chapter 10, Title 1, Part 4, Division 1 of the Civil Code except as herein otherwise provided.

CHAPTER 395

Stats 1909, p 969, amended

An act to add Section 21.1 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to desist and refrain orders.

In effect September 15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945]

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

New section

SECTION 1. Section 21.1 is added to the Personal Property Brokers Act as revised by Chapter 952 of the Statutes of 1939, to read:

Orders to desist from acts, etc

Sec. 21.1. The commissioner, whenever in his opinion the business of the licensee, or a portion thereof, is not being operated honestly, fairly and efficiently within the purposes of this act, may order such licensee to desist and to refrain from any acts or omissions to act which result in such unfairness, dishonesty or inefficiency. If, after such an order is made, a request for a hearing is filed in writing and no hearing is held within 30 days thereafter, such order shall be deemed to have been rescinded.

New section

SEC. 2. Section 21.1 is added to the Personal Property Brokers Act as revised by Chapter 1044 of the Statutes of 1939, to read:

Orders to desist from acts, etc

Sec. 21.1. The commissioner, whenever in his opinion the business of the licensee, or a portion thereof, is not being operated honestly, fairly and efficiently within the purposes of this act, may order such licensee to desist and to refrain from any acts or omissions to act which result in such unfairness, dishonesty or inefficiency. If, after such an order is made, a request for a hearing is filed in writing and no hearing is held within 30 days thereafter, such order shall be deemed to have been rescinded.

CHAPTER 396

An act to add Section 21.2 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to the issuance of injunctions. Stats 1909, p. 389, amended

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 21.2 is added to the Personal Property Brokers Act as revised by Chapter 952 of the Statutes of 1939, to read: New section

Sec. 21.2. Whenever the commissioner shall believe from evidence satisfactory to him that any person has violated or is about to violate any of the provisions of this act, or any order, license, decision, demand or requirement, or any part or provision thereof, he may bring an action in the name of the people of the State of California against such person, to enjoin such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such preliminary or final injunction as may be proper. Injunctions

SEC. 2. Section 21.2 is added to the Personal Property Brokers Act as revised by Chapter 1044 of the Statutes of 1939, to read: New section

Sec. 21.2. Whenever the commissioner shall believe from evidence satisfactory to him that any person has violated or is about to violate any of the provisions of this act, or any order, license, decision, demand or requirement, or any part or provision thereof, he may bring an action in the name of the people of the State of California against such person, to enjoin such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such preliminary or final injunction as may be proper. Injunctions

CHAPTER 397

An act to add Section 20.1 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to desist and refrain orders. Stats 1939, p. 2679 and 2886, amended

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 20.1 is added to the California Small Loan Act, Chapter 953 of the Statutes of 1939, to read: New section

Sec. 20.1. The commissioner, whenever in his opinion the business of the licensee, or a portion thereof, is not being operated in accordance with the provisions of this act, he may order the licensee to desist from such business, or a portion thereof, as may be necessary to conform with the provisions of this act. Orders to desist from acts, etc.

ated honestly, fairly and efficiently within the purposes of this act, may order such licensee to desist and to refrain from any acts or omissions to act which result in such unfairness, dishonesty or inefficiency. If, after such an order is made, a request for a hearing is filed in writing and no hearing is held within 30 days thereafter, such order shall be deemed to have been rescinded.

New section SEC. 2. Section 20.1 is added to the California Small Loan Act, Chapter 1045 of the Statutes of 1939, to read:

Orders to desist from acts, etc SEC. 20.1. The commissioner, whenever in his opinion the business of the licensee, or a portion thereof, is not being operated honestly, fairly and efficiently within the purposes of this act, may order such licensee to desist and to refrain from any acts or omissions to act which result in such unfairness, dishonesty or inefficiency. If, after such an order is made a request for a hearing is filed in writing and no hearing is held within 30 days thereafter, such order shall be deemed to have been rescinded.

CHAPTER 398

Stats 1939, p 2679 and 2886, amended *An act to add Section 20.2 to the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939, relating to the issuance of injunctions.*

In effect September 15, 1945 [Approved by Governor May 18, 1945 Filed with Secretary of State May 18, 1945]

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

New section SECTION 1. Section 20.2 is added to the California Small Loan Act, Chapter 953 of the Statutes of 1939, to read:

Injunctions SEC. 20.2. Whenever the commissioner shall believe from evidence satisfactory to him that any person has violated or is about to violate any of the provisions of this act, or any order, license, decision, demand or requirement, or any part or provision thereof, he may bring an action in the name of the people of the State of California against such person, to enjoin such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In said act on an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

New section SEC. 2. Section 20.2 is added to the California Small Loan Act, Chapter 1045 of the Statutes of 1939, to read:

Injunctions SEC. 20.2. Whenever the commissioner shall believe from evidence satisfactory to him that any person has violated or is about to violate any of the provisions of this act, or any order, license, decision, demand or requirement, or any part or provision thereof, he may bring an action in the name of the people of the State of California against such person, to enjoin such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

CHAPTER 399

An act to amend Section 2 and Section 26 of the Corporate Securities Act, relating to definitions, exemptions and fees. Stats 1917, p 673, amended

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 2 of the act cited in the title hereof is amended to read: Stats 1937, p 1428

Sec. 2. (a) Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; and the neuter, the masculine and feminine; the singular number includes the plural, and the plural the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings: Definitions

1. Division. The word "division" means the "Division of Corporations" created by this act. "Division"

2. Commissioner. The word "commissioner" means the "Commissioner of Corporations." "Commissioner"

3. Company. The word "company" includes all domestic and foreign private corporations, associations, syndicates, joint stock companies, and partnerships of every kind, trustees as hereinafter defined, and also individuals as hereinafter defined. "Company"

4. Trust. The word "trust" includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing the purpose of which is to carry on any business or to secure the payment or repayment of money, but shall not be deemed to include a trust created or declared under or by virtue of a will or a judicial writ, order, decree, or judgment.

5. Trustee. The word "trustee" includes only persons or companies executing trusts as hereinbefore defined. "Trustee"

6. Individual. The word "individual" insofar as it is included in the definition of a "company," includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security of their own issue. "Individual"

7. Security. The word "security" shall include any stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining title or lease, collateral trust certificate, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings, guarantee of a security, and any certificate of deposit for a security. "Security"

8. Sale. "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a security for "Sale" and "sell"

value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, any change in the rights, preferences, privileges or restrictions on outstanding securities, an attempt to sell, an option of sale, a solicitation of a sale, subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; provided, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; and provided further, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this act.

"Agent"

9. Agent. The word "agent" means and includes every person or company employed or appointed by a company or broker or any other person who shall, within this State, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security.

"Broker"

10. Broker. The word "broker" includes every person or company, other than an agent, who shall, in this State, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security issued by others, including all securities of the classes listed in paragraphs 1, 2, 3, 4, 5, 6, 7 and 9 of subdivision (b) of this section or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public. Provided, however, the word broker shall not include the following, or any agent or agency of any of the following: The United States of America or any Territory or insular possession thereof, or the District of Columbia, or any State, Territory, county, or municipality, or taxing district therein.

"Mortgage"

11. Mortgage. The word "mortgage" shall be deemed to include a deed of trust to secure a debt, and the word "mortgagee" shall be deemed to include a trustee and/or beneficiary under a deed of trust.

"Investment
counsel"

12. Investment counsel. The words "investment counsel" as used in this act shall include every person or company other than a broker, who in this State, for compensation, engages in the business of advising others either directly or through publications or writings as to the value of securities or as to the advisability of investing in or purchasing of securities, and every person other than a broker or certified public accountant who issues or promulgates analyses or issues reports concerning

securities; provided, however, that said term shall not be construed to include any attorney admitted to practice in the State of California who renders or performs any of said services in connection with the practice of law.

(b) Securities exempted from act. Except as hereinafter Securities
exempt
from act otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

1. Any security issued or guaranteed by the United States of America, or any Territory, or insular possession thereof, or by the District of Columbia, or by any State, Territory, county or municipality or taxing district therein.

2. Any security issued or guaranteed by any foreign government with which the United States of America is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any State, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered or sold in this State as a valid obligation by such foreign government or by such State, province or political subdivision thereof issuing the same.

3. Any security issued by and representing an interest in or a direct obligation of a National bank, or issued by any Federal land bank or joint land bank, or a National farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the Government of the United States of America pursuant to authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

4. Any security issued by and representing an interest in or a direct obligation of a State bank, trust company, or savings institution incorporated under the laws of this State.

5. Any security the issuance of which has been authorized by the Railroad Commission of this State or by the Interstate Commerce Commission.

6. Any stock (as defined in the Building and Loan Association Act), issued by a company organized for the purpose of conducting a building and loan association within this State, and the issuance of which has been authorized by the Building and Loan Commissioner, and any shares, investment certificates or borrowers' membership certificates (as defined in the Building and Loan Association Act) issued by a building and loan association holding a license then in force issued by the Building and Loan Commissioner.

7. Any security issued by a company organized for the purpose of transacting an insurance business and the issuance of which is subject to authorization by the Insurance Commissioner.

8. Any security (except notes, bonds, debentures, or other evidences of indebtedness) issued by a company organized under the laws of this State exclusively for educational, benevo-

lent, fraternal, charitable or reformatory purposes and not for pecuniary profit and no part of the earnings of which inures to the benefit of any private stockholder or individual.

9. Any security which has been certified as a legal investment for savings banks and trust companies under the laws of this State, and any certificate of deposit for any security which has been approved by the California District Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this State.

10. Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce.

11. Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

12. Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed and recorded as provided by Section 2478 or Section 2501 of the Civil Code of the State of California, except partnership interests when offered to the public.

13. Any security issued under or pursuant to a plan of reorganization which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

Provided, however, that brokers shall be subject to the provisions of this act with respect to all transactions involving the foregoing classes of securities enumerated in this subdivision (b), excepting those securities hereinabove specified in paragraphs 8, 10 and 11 of this subdivision (b).

Sales of
securities
exempted

(c) Sales of securities exempted. Except as herein expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following transactions:

1. At any judicial, executor's, administrator's or guardian's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

2. By or for the account of a pledgee or mortgagee selling or offering for sale or delivery in the ordinary course of business, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

3. The sale of securities when made by or on behalf of a vendor not the issuer or underwriter thereof who, being a bona fide owner of such securities, disposes of his own property for his own account, and such sale is not made, directly or indirectly, for the benefit of the issuer or an underwriter of such security, or for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this act.

SEC. 2. Section 26 of said act is amended to read:

Stats 1943,
p 1290

Sec. 26. The commissioner shall charge and collect the following fees:

Fees

1. For filing an original or supplemental application for a permit to issue securities (except certificates of deposit or any guarantee of any security, both of which are covered in paragraphs 10 and 11 of this Section 26; and except any application filed pursuant to paragraph 12 of this Section 26), twenty dollars (\$20), plus—

Fifteen one-hundredths of 1 per cent of the amount of any excess of the aggregate value of the securities sought to be issued over one thousand dollars (\$1,000) and not exceeding fifty thousand dollars (\$50,000);

Five one-hundredths of 1 per cent of such amount in excess of fifty thousand dollars (\$50,000) and not exceeding one hundred thousand dollars (\$100,000);

Three one-hundredths of 1 per cent of such amount in excess of one hundred thousand dollars (\$100,000) and not exceeding five hundred thousand dollars (\$500,000); and

One one-hundredth of 1 per cent of such amount in excess of five hundred thousand dollars (\$500,000).

For the purpose of determining the above fees:

(a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor; provided, however, until a new value shall have been established, each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Interim or voting trust certificates shall be deemed to have a value equal to the aggregate value of the securities to be represented by said interim or voting trust certificates.

(d) Rights, warrants or other certificates evidencing stockholder's rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(e) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration to be

received for the securities containing the conversion or exchange provision.

2. For acting as escrow holder for securities as herein provided, up to par, stated or permit value of fifty thousand dollars (\$50,000), twenty-five dollars (\$25); in excess of par, stated or permit value of fifty thousand dollars (\$50,000), fifty dollars (\$50). In addition a fee of two dollars and fifty cents (\$2.50) shall be paid for the deposit with the commissioner of each new certificate, or other document resulting from a transfer in escrow.

2a. For filing an application for an order consenting to the transfer in escrow of securities, two dollars and fifty cents (\$2.50).

3. For filing any application for a broker's or an investment counsel's certificate, twenty-five dollars (\$25).

Provided, however, that if after a certificate shall have been issued to any broker operating as a partnership there shall be a change of interest affecting less than twenty-five per cent (25%) of the whole interest therein, no new application need be made, but there shall be filed with the commissioner, accompanied by payment of a fee of ten dollars (\$10), written notice of such change, stating the names and addresses of the partners and their respective interests, and any other information which may be required by the commissioner, together with evidence satisfactory to the commissioner that the bond theretofore filed by such broker is and will be maintained in good standing notwithstanding such change. The commissioner may in his discretion require a new application, in which event the procedure and fee shall be the same as upon an original application for a broker's certificate. If the commissioner shall approve such change without a new application, the certificate theretofore issued and in force and any agents' licenses theretofore issued to agents of such partnership and then in force, shall continue in full force and effect.

4. For filing any application for an agent's certificate, fifteen dollars (\$15).

5. For any examination, audit, or investigation, the actual amount of the salary or other compensation paid to the person or persons making the examination, audit or investigation plus the actual amount of expenses, reasonably incurred in the performance of such work.

6. For copies of papers and records not required to be certified or otherwise authenticated by the commissioner, ten cents (\$0.10) for each folio.

7. For certified copies of official documents, orders and other papers filed in his office; for making and mailing copies of process served upon him under the provisions of Section 24 of this act, and for transcript on appeal, fifteen cents (\$0.15) for each folio and one dollar (\$1) for each certificate under seal affixed thereto.

8. For certificate of service and mailing of process served upon the commissioner under the provisions of Section 24 of this act, two dollars (\$2).

9. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities or requesting the written consent of the commissioner to a proposed instrument amending, supplementing or abrogating any portion of any mortgage, deed of trust, indenture or other instrument under which bonds, debentures or other evidences of indebtedness are issued or secured, fifteen dollars (\$15).

10. For filing any application for a permit to issue certificates of deposit, twenty-five dollars (\$25), plus a sum, as estimated by the commissioner, to cover the actual expense of noticing and holding any hearing held in connection therewith.

11. For filing any application for a permit to execute or issue any guarantee of any security, twenty-five dollars (\$25)

12. For filing any application for a permit to issue securities evidencing any change in the rights, preferences, privileges or restrictions on outstanding securities, twenty-five dollars (\$25).

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution; but the commissioner may fix a reasonable charge for the publications issued under his authority.

All fees charged and collected under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the State to the General Fund. The Corporation Commission Fund is hereby abolished. All money in said fund on the effective date of this act shall be transferred to the General Fund.

Disposition
of fees

CHAPTER 400

An act to repeal Section 1046 of, and to add a new Section 1046 to, the Military and Veterans Code, relating to estates of incompetent veterans.

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 1046 of the Military and Veterans Code is repealed. Repeal

SEC. 2. A new Section 1046 is added to the Military and Veterans Code, to read:

1046. If it appears necessary or proper that a guardian of the estate of a veteran be appointed, the court in its discretion may, upon application of the board, acting through its designated officer, appoint the home as guardian of such estate and

Estates of
incompetent
veterans

cause letters of guardianship of such estate to be issued to the home.

Veterans' Home a corporation

For the purposes of this chapter, the home is made a corporation and, acting through an officer designated by the board, may act as guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this State, and transact business in such capacity in like manner as an individual, and for this purpose may sue and be sued in any of the courts of this State.

Appointment of home

The home shall be appointed as guardian, assignee, receiver, depository or trustee without bond. The officer designated by the board shall be required to give a surety bond in such amount as may be deemed necessary from time to time by the board, but in no event shall the initial bond be less than ten thousand dollars (\$10,000) which bond shall be for the joint benefit of the several estates, the board, and the State of California. The home shall receive such reasonable fees as shall be allowable for its expenses for filing fees, attorneys' fees, and bond premiums. The court shall allow to the home at the time of its appointment as guardian of an estate an amount which the court estimates would be the bond premium for the estate if a separate bond were required for the estate. The fees paid to the home may be used as a trust account from which may be drawn expenses for filing fees, attorneys' fees, and bond premiums in all estates it undertakes to administer. Whenever the balance remaining in such trust account shall exceed a sum deemed necessary by the board for the payment of the filing fees, attorneys' fees, and bond premiums incurred in the various estates, such excess shall be paid quarterly into the post fund of the home.

Deposit of funds, etc

The home when acting as guardian of a veteran may deposit the funds of the estate in the special deposit fund of the home, and may invest and reinvest such funds in securities which are legal investments for savings banks in this State.

CHAPTER 401

An act to add Article 3.3 to Chapter 2 of Division 10 of the Education Code, relating to leaves of absence for employees of State colleges not serving in State civil service.

In effect September 15, 1945

[Approved by Governor May 18, 1945. Filed with Secretary of State May 18, 1945.]

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

SECTION 1. Article 3.3 is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 3.3. Leaves of Absence

Employees of State colleges Leaves of absence

20381. The Director of Education may grant an employee of a State college not in State civil service a leave of absence for not to exceed one year for the purpose of permitting study or

travel by the employee which will benefit the college and the students thereof.

20382. No leave of absence shall be granted to any employee under this article who has not been employed in a State college for at least seven consecutive years preceding the granting of the leave, and not more than one such leave of absence shall be granted in each seven-year period. The Director of Education may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of absence. Requirements

20383. Every employee granted a leave of absence under this article may be required to perform such services and may receive such compensation during the leave of absence as the State Director of Education, with the approval of the State Director of Finance, and the employee may agree upon in writing. The compensation shall be the difference between the salary of the employee on leave of absence and the salary of the person employed to fill the position which the employee held prior to the granting of the leave of absence. Compensation

20384. Compensation granted an employee on leave of absence under this article may be paid in two equal annual installments during the first two years of service rendered in the employ of the State college, following the return of the employee from the leave of absence. The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were serving in the college, upon the furnishing by the employee of a suitable bond indemnifying the State of California against loss in the event the employee fails to render at least two years service in the college, following the return of the employee from the leave of absence. The bond shall be exonerated in event the failure of the employee to return, and render two years of service is caused by the death or physical or mental disability of the employee. If the State Board of Education finds and by resolution declares that the interests of the State of California will be protected by the written agreement of the employee to return to the service of the college and render at least two years service therein following his return from the leave of absence, the State Board of Education, in its discretion may waive the furnishing of the bond and order payment of the employee on leave of absence in the same manner as though a bond is furnished. Payment

20385. At the expiration of the leave of absence of the employee, he shall, unless he otherwise agrees, be reinstated in the position held by him at the time of the granting of the leave of absence. Reinstatement in position

20386. The State of California and the officers and employees thereof shall be freed from any liability for the payment of any compensation or damages provided by law for the death or injury of any employee of the State college when the death or injury occurs while the employee is on leave of absence granted under the provisions of this article. Liability of State, etc

Effect upon
retirement

20387. The time during which an employee of a State college is on leave of absence shall not be credited toward retirement under any retirement system of the State except that if such employee receives compensation during such leave of absence as provided in this article the time for which he receives such compensation shall be credited toward retirement. In no event shall the period of any leave of absence granted under this article be construed as a break in the continuity of service required toward retirement.

CHAPTER 402

An act to amend Sections 7058, 7066 and 7067 of the Welfare and Institutions Code, relating to defective and psychopathic delinquents and providing for their commitment and parole or discharge.

In effect
September
15, 1945

[Approved by Governor May 18, 1945 Filed with Secretary of State
May 18, 1945]

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

SECTION 1. Section 7058 of the Welfare and Institutions Code is amended to read:

Defective or
psychopathic
delinquent
observation
and diagnosis

7058. If the court after hearing the evidence is of the opinion that or in doubt whether the minor is a defective or psychopathic delinquent, the court may commit the minor to the department for placement in a State institution for defective or psychopathic delinquents for observation and diagnosis for a period not to exceed ninety (90) days, with the further provision in said order that the superintendent of such institution shall, within the ninety (90) day period, report to the court his diagnosis and recommendations concerning such minor. The court shall attach to the order of 90-day commitment its findings and conclusions, together with all the social and other data it has bearing upon the case, and the same shall be delivered to the institution with such order.

Report of
institution

The medical superintendent or other person in charge of the State institution in which the minor has been placed for observation pursuant to this section shall, within 90 days, examine the person and forward to the committing court a report, diagnosis and recommendation concerning the minor's future care, supervision and treatment.

If the medical superintendent or other person in charge of the State institution in which the minor has been placed for observation reports to the court that the minor is not a defective or psychopathic delinquent, he shall be returned to the court and the court shall proceed with the case and make such other disposition thereof as the court may deem necessary and proper under all circumstances.

If the medical superintendent or other person in charge of the State institution in which the minor has been placed for observation reports to the court that the minor is a defective or psychopathic delinquent, and recommends that the minor be so committed, the court shall proceed with the case and make such orders for the return of the minor to the court and for the time, place and notice of the further hearing as the court may deem necessary and proper under all the circumstances. The court may accept the report and recommendation of the medical superintendent or other person in charge of the State institution, if verified, in lieu of the examination by and testimony of court appointed psychologists or psychiatrists, or may consider the report and recommendation as additional evidence.

Upon such further hearing, the court may make an order committing the person to the department for placement in a State institution for defective or psychopathic delinquents for an indeterminate period. No person shall be committed for an indeterminate period as a defective or psychopathic delinquent unless an observation commitment has been reported, diagnosed and recommended upon as provided in this section.

If the department has designated a particular State institution to receive designated minors committed for observation or for an indeterminate period as defective or psychopathic delinquents, all commitments shall be made to the department for placement in the institution so designated. On the presentation of either order designated herein, the superintendent of the institution to which the minor is committed may receive him therein if there is room in the unit designated under Section 7051 and if the fund available for its support is not exhausted. Before any such person is conveyed to the institution it shall be ascertained from the superintendent thereof that such person has been accepted as herein set forth.

SEC. 2. Section 7066 of said code is amended to read:

7066. Any person committed under the provisions of this chapter may be paroled by the medical superintendent of the institution wherein the person is confined whenever thereafter the medical superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others or that the person will receive benefit from such parole, and the medical superintendent certifies such opinion to the committing court. Unless within 30 days after the receipt of such certification the committing court orders the return of the person to await the further action of the court, the medical superintendent may parole the person under such terms and conditions as may be specified by the superintendent. Any such paroled inmate may at any time during the parole period be recalled to the institution. The period of parole shall in no case be less than five years, and shall be on the same general rules and conditions as parole of the insane. When any person has been paroled for five consecutive years, if in the opinion of the medical superintendent and the Director of Institutions the person is no longer a menace to the health, person,

or property of himself or of any other person, the medical superintendent, subject to the approval of the Director of Institutions, may discharge the person.

Return to
committing
court

When, in the opinion of the medical superintendent, a person who is committed under this chapter has been sufficiently treated, or will not benefit by further care and treatment in the institution, or has improved to such an extent that he is no longer a menace to the health and safety of others, the medical superintendent may return the person to the court for further disposition of his case by the court.

SEC. 3. Section 7067 of said code is amended to read:

Minor,

7067. If, when a minor is brought before a juvenile court or charged with crime in any court, it appears to the court, either before or after adjudication, that the minor is a defective or psychopathic delinquent, the court may adjourn or suspend the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this chapter against the minor in the superior court, and the court may order that, pending the preparation, filing and hearing of the petition, the minor before the court be detained in a place of safety.

If, upon the hearing of the petition, or upon a subsequent hearing under this chapter, the minor is found not to be a defective or psychopathic delinquent, the superior court shall return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

If, upon the hearing of the petition, the court is of the opinion that or in doubt whether the minor is a defective or psychopathic delinquent, the court shall proceed in accordance with the provisions of Section 7058 for the commitment of the minor or other disposition of the case.

CHAPTER 403

An act to amend Section 602 of the Penal Code, relating to trespass.

In effect
September
15, 1945

[Approved by Governor May 18, 1945. Filed with Secretary of State
May 18, 1945.]

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

SECTION 1. Section 602 of the Penal Code is amended to read:

Acts consti-
tuting
trespass

602. Trespasses Upon Lands Enumerated: Misdemeanor. Every person who wilfully commits any trespass by either:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

(b) Carrying away any kind of wood or timber lying on such lands;

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof.

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone;

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the State, or to any city, county, city and county, town or village, by the State or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the State, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

(h) Wilfully opening, tearing down, or otherwise destroying any fence on the inclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one-third mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any lands, whether uninclosed or inclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession; or

(k) Entering any lands under cultivation or inclosed by fence, belonging to, or occupied by, another; or entering upon

uncultivated or uninclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands, for the purpose of hunting, shooting, killing, or destroying any animal, or bird on such lands, without having first obtained written permission from the owner of such lands, or his agent, or the person in lawful possession thereof;

(1) Entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof;

Is guilty of a misdemeanor.

CHAPTER 404

An act to add Section 18600.5 to the Health and Safety Code, relating to auto and trailer camps, and declaring the urgency thereof, the act to take effect immediately.

In effect
immediately

[Approved by Governor May 22, 1945. Filed with Secretary of State
May 22, 1945.]

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

SECTION 1. Section 18600.5 is added to the Health and Safety Code, to read:

Trailer coach
parked in
camp

18600.5. Except in counties having a population in excess of nine hundred thousand (900,000), every trailer coach parked in a trailer camp shall comply with all of the requirements of that part of this code pertaining to buildings in an auto court and resort under any of the following circumstances:

(a) Where the trailer coach has been rigidly attached to or connected with water, gas or sewer pipes.

(b) Where the trailer coach has been permanently attached to the ground by means of underpinning or foundation.

(c) Where the trailer coach has been altered or changed in such a manner that it fails to comply with the requirements of the Vehicle Code governing the use of trailers on public thoroughfares.

(d) Where the trailer coach does not carry a current yearly license issued by a State motor vehicle department.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, and while it is in effect shall supersede any existing provisions of law with which it is in conflict; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. While this section is in effect, Section 18600 shall be inoperative, except in counties having a population in excess of nine hundred thousand (900,000).

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The modification of certain housing requirements of the existing law as and to the extent effected by this act is urgently necessary in aid of the war effort, a result that would be unduly delayed should this act not take effect immediately.

CHAPTER 405

An act to add Sections 796.3, 796.4, 796.5, 796.8 and 796.9 to the Agricultural Code, relating to citrus fruits.

[Approved by Governor May 22, 1945. Filed with Secretary of State May 22, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 796.3 is added to the Agricultural Code, to read:

796.3. The count of oranges packed in standard containers numbers 53 and 54 and the number marked on the containers as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, and the average diameter marked on the containers shall be the corresponding measurement in Column B, below. The average diameter in inches of the oranges in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B.

Containers' Number and size of oranges

Column A	Column B
48	4.370
64	3.970
80	3.680
100	3.420
126	3.170
150	3.000
176	2.840
200	2.720
216	2.640
220	2.625
252	2.500
288	2.375
344	2.250
392	2.150
420	2.070
442	2.050
490	1.980
540	1.920

SEC. 2. Section 796.4 is added to said code, to read:

796.4. The count of grapefruit packed in standard containers numbers 53 and 54 and the number marked on the con-

Same: Number and size of grapefruit

ainers as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, and the average diameter marked on the containers shall be the corresponding measurement in Column B, below. The average diameter in inches of the grapefruit in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B.

Column A	Column B
18	6.200
24	5.640
28	5.350
32	5.120
36	4.920
40	4.750
44	4.610
46	4.540
48	4.470
54	4.270
64	4.030
70	3.910
80	3.740
100	3.480
126	3.190
150	3.000
176	2.840

SEC. 3. Section 796.5 is added to said code, to read:

Same
Number and
size of
lemons

796.5. The count of lemons packed in standard container number 56 and the number marked on the containers as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, and the average diameter marked on the containers shall be the corresponding measurement in Column B, below. The average diameter in inches of the lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B.

Column A	Column B
126	2.925
150	2.775
180	2.625
210	2.475
252	2.345
270	2.270
300	2.190
360	2.065
432	1.940
442	1.920
490	1.850
540	1.800
588	1.750
638	1.685
688	1.640

SEC. 4. Section 796.8 is added to said code, to read:

796.8. The compliance or noncompliance with the provisions of Sections 796.2, 796.3, 796.4 and 796.5 of this chapter, may be determined from a representative sample which shall consist of not less than 10 per cent, by count, of the oranges, grapefruit or lemons in a container. Determina-
tion of
compliance

SEC. 5. Section 796.9 is added to said code, to read:

796.9. As applied to citrus fruits:

Definitions

(a) "Diameter" means the diameter measurement taken at the widest portion of cross section, at a right angle to a straight line drawn from the stem end to the distal end thereof.

(b) "Regularly packed throughout" means that the individual fruits shall be packed in the container in straight rows.

(c) "Uniform in size" means that none of the fruit in any one container may be more than 15 per cent larger or smaller in diameter than the average diameter of the fruit in the container.

CHAPTER 406

An act to add Section 1426.1 to the Penal Code, relating to proceedings on misdemeanor complaints.

[Approved by Governor May 22, 1945. Filed with Secretary of State May 22, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1426.1 is added to the Penal Code, to read:

1426.1. A copy of the complaint shall be furnished to each defendant upon his request. Furnishing
defendant
copy of
complaint

CHAPTER 407

An act to amend Section 1106.2 of the Agricultural Code, relating to eggs.

[Approved by Governor May 22, 1945. Filed with Secretary of State May 22, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1106.2 of the Agricultural Code is amended to read: See also
Stats 1945,
Ch 610

1106.2. (a) Any eggs prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported or sold in violation of any of the provisions of this article, together with their containers, are a public nuisance, and such eggs shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon Eggs:
Violation a
nuisance

the written permission or upon the specific direction of an enforcement officer.

Warning tag

(b) The enforcement officer may affix a warning tag or notice to such nuisance and may give notice of such violation to the producer, packer or owner, or any person in possession of such eggs. If such person, so notified, refuses or fails within 72 hours to commence and proceed with due diligence to recondition or re-mark the same so as to comply with all provisions of this article, such eggs and their containers may be seized by any enforcement officer. When the eggs are in cold storage the 72-hour period does not commence to run until they are removed from cold storage, and delivered to a dealer.

Abatement
action

(c) The district attorney of the county in which any such nuisance is found, on the relation of the director or of any enforcement officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or reconditioned, re-marked, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein the court may order disposal of the eggs and their containers or the sale thereof, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the eggs and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction

(d) In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; justices' courts of Class A shall have original jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of Class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less.

CHAPTER 408

An act to amend Section 284 of the Agricultural Code, relating to apiaries.

In effect
September
15, 1945

[Approved by Governor May 22, 1945. Filed with Secretary of State May 22, 1945.]

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

SECTION 1. Section 284 of the Agricultural Code is amended to read:

Diseased
bees

284. It is unlawful for any person to conceal the fact that any disease exists among his bees or to expose to bees any

infected bee products or hives or appliances or to fail to comply with any notice issued under the provisions of this article.

Any person, firm or corporation owning or in the possession of an apiary who fails to properly brand or register the same or who changes the location of the apiary in violation of Section 275 shall not be entitled to recover damages for any injury to said apiary by reason of any pest control operations.

Failure to register, etc

CHAPTER 409

An act to add Section 2215.5 to, and to amend Section 2216 and 2270 of the Health and Safety Code, relating to mosquito abatement districts, declaring the urgency thereof, to go into immediate effect.

[Approved by Governor May 22, 1945 Filed with Secretary of State May 22, 1945.] In effect immediately

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

SECTION 1. Section 2215.5 is added to the Health and Safety Code, to read:

2215.5. Such districts may also be organized upon the adoption by the board of supervisors of a resolution of intention so to do, in lieu of the procedure hereinbefore provided for the presentation of petitions. In the event the board of supervisors adopts a resolution of intention, such resolution shall describe the boundaries of the proposed district and shall set a time and place at which the board will consider the organization of the district, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition.

Alternative method of organizing mosquito abatement district

SEC. 2. Section 2216 of said code is amended to read:

2216. At the time stated in the notice of the filing of the petition or the time mentioned in the resolution of intention the board of supervisors shall consider the organization of the district and hear those appearing and all protests and objections to it. It may adjourn the hearing from time to time, not exceeding two months in all.

Hearing

SEC. 3. Section 2270 of said code is amended to read:

2270. The district board may:

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

Powers of district board

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes, flies or other insects upon such lands.

(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify.

(h) Borrow money.

(i) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed 5 per cent per year, payable annually or semiannually as the board may prescribe.

(j) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The measure is one designed to prevent the spread of malaria, sleeping sickness, and other diseases, by destroying the mosquito which carries them. Since many of our fighting forces now returning, and who will be returning, in increasing numbers, from the tropics, are and will be suffering from diseases carried by the mosquito, the organization of mosquito abatement districts as soon as possible is a matter of vital importance to the public peace, health or safety. To accomplish this purpose, it is necessary that this act go into immediate effect.

CHAPTER 410

An act to amend Sections 1700, 1705, 1730, 1732, and 1733 of, add Sections 1732.5, 1732.6, and 1732.7 to, and repeal Sections 1710 and 1731 of the Harbors and Navigation Code, relating to officers and employees of the Board of State Harbor Commissioners for San Francisco Harbor.

[Approved by Governor May 22, 1945 Filed with Secretary of State
May 22, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1700 of the Harbors and Navigation Code is amended to read:

1700. There is in the State Government a Board of State Harbor Commissioners for San Francisco Harbor, consisting of three commissioners. This board is the successor to all previous boards of State Harbor Commissioners for San Francisco Harbor. The commissioners shall hold office at the pleasure of the Governor and until the appointment and qualification of their successors.

Board of
State Harbor
Comms-
sioners for
San Fran-
cisco Harbor

All vacancies on the board shall be filled by appointment by the Governor. When an appointment of a successor to any commissioner is made by the Governor, it is valid, subject to the consent of the Senate at its next regular session. Until such session the person appointed has the same authority as if his appointment had been confirmed by the Senate.

Vacancies

SEC. 2. Section 1705 of the Harbors and Navigation Code is amended to read:

1705. The annual salary of each member of the board is one thousand two hundred dollars (\$1,200).

Salaries

The board shall fix the compensation of its officers and employees other than the commissioners. When salaries or compensation are due for services rendered in connection with any work which is payable from the proceeds of the sale of bonds, such salaries or compensation shall be paid out of the proceeds of these bonds. All other salaries and compensation shall be paid out of the San Francisco Harbor Improvement Fund.

An ex officio officer or consulting engineer shall not receive any compensation, except traveling and other incidental expenses.

Consulting
engineer

SEC. 3. Section 1730 of the Harbors and Navigation Code is amended to read:

1730. The board shall organize by electing one of its members president. He shall preside at its meetings. He may administer official oaths to the officers and employees of the board, except the other commissioners, and to all other persons in relation to the business of the board.

President
of board

SEC. 4. Section 1732 of the Harbors and Navigation Code is amended to read:

Appointive
officers

1732. The board shall appoint the following officers: A port manager and, subject to civil service laws, a secretary and administrative assistant, an assistant secretary, a chief wharfinger, any necessary number of wharfingers and collectors, and such other officers as it finds necessary. It may appoint and employ, subject to civil service laws, such other technical, administrative, clerical and other necessary assistants and employees as it finds necessary to the performance of its functions and duties.

SEC. 5. Section 1732.5 is added to the Harbors and Navigation Code, to read:

Supervision
of opera-
tions, etc

1732.5. The board shall generally supervise the operation of facilities and properties of the State of California under its possession and control, particularly the dock system, and the State Belt Railway.

SEC. 6. Section 1732.6 is added to the Harbors and Navigation Code, to read:

Port
manager

1732.6. The annual salary of the port manager is twelve thousand dollars (\$12,000). As such port manager his position is confidential to the board within the meaning of Paragraph (5), subdivision (a), Section 4 of Article XXIV of the Constitution and he is therefore exempt from civil service laws. Before entering upon the duties of his office, he shall give an official bond in the sum of fifty thousand dollars (\$50,000), and shall take and subscribe an official oath. The bond, if satisfactory, shall be approved by the board, by written endorsement thereon, and filed with his oath in the office of the Secretary of State.

SEC. 7. Section 1732.7 is added to the Harbors and Navigation Code, to read:

Same Duties

1732.7. The port manager is the executive officer of the board. Subject to the direction and control of the board, and on its behalf, he shall:

(a) Supervise the conduct of the officers and employees of the board other than the commissioners.

(b) Execute and enforce the laws governing the operation and business of the harbor, and the tariffs, rules, and regulations promulgated by the board thereunder.

(c) Subject to Section 1990 execute contracts and agreements, assignments, leases, and other documents necessary or convenient to the transaction of the business of the harbor and the operation of the properties and facilities in the possession and control of the board.

(d) Perform such duties and exercise such functions as are prescribed by the board.

(e) Except as provided by Sections 1732 and 1740, appoint, subject to the State Civil Service Act, such assistants and other employees as are necessary for the administration of the affairs of the board, prescribe their duties, fix salaries, and require them to execute to the State such official bonds as seem advisable.

(f) Manage the dock system, the State Belt Railway and all other departments of the harbor business.

SEC. 8. Section 1733 of the Harbors and Navigation Code is amended to read:

1733. The secretary and administrative assistant shall keep ^{Secretary} the office of the board open every day, legal holidays excepted, during the hours when State offices are required by law to be open and during other hours if the board so directs. He shall be assistant to the port manager. He shall safely keep and is responsible for all moneys paid into the office and for all the books and papers of the board. He shall attend meetings of the board and keep a perfect record of its proceedings with the names of the commissioners present.

He shall keep in proper books an account of all money received and paid pursuant to this part.

He shall record, at length, all contracts and agreements made by the board, and keep a record of all personal property purchased, and its cost; and if any is sold, the name of the purchaser, date of sale, and the price received.

Before entering on the duties of his office, he shall give an official bond in the sum of fifty thousand dollars (\$50,000), and take and subscribe an official oath. The bond, if satisfactory, shall be approved by the board, by written endorsement thereon, and filed with his oath in the office of the Secretary of State.

SEC. 9. Sections 1710 and 1731 of the Harbors and Navigation Code are repealed. ^{Repeals}

CHAPTER 411

An act to add Article 3, comprising Section 96, to Chapter 3, Division 1, of the Agricultural Code, relating to county fairgrounds, fairground facilities, and parks.

[Approved by Governor May 22, 1945 Filed with Secretary of State
May 22, 1945.]

In effect
September
15, 1945

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

SECTION 1. Article 3, comprising Section 96, is added to Chapter 3, Division 1 of the Agricultural Code, to read:

Article 3. County Fairs

96. The board of supervisors of any county owning county fairgrounds and fairground facilities, or any public park, shall have authority: (a) to lease, let or grant licenses for the use of its real estate or personal property or any portion thereof for any agricultural, horticultural, viticultural or live stock fairs or expositions, rodeos, floral displays, dog and cat shows, exhibition <sup>Use of
county fair
grounds, etc</sup>

of industries and industrial products or Federal or State Armories; to school organizations or associations thereof for the purpose of conducting athletic events participated in by such schools or associations or to civic, patriotic, benevolent, or fraternal corporations or associations, for the purpose of holding conventions, assemblies or public meetings on subjects of public or community interest; or for the sale of tangible personal property, or for concessions and services incidental to any of such purposes; or to nonprofit athletic organizations for athletic activities or to nonprofit fair associations or to nonprofit agricultural associations or to municipal corporations for use or reletting for any or all of the foregoing purposes; (b) to rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock or for other purposes beneficial to the agricultural industry.

CHAPTER 412

An act to amend Section 7370 of the Political Code, relating to the salaries of superior court judges in Kern County.

In effect
September
15, 1945

[Approved by Governor May 22, 1945. Filed with Secretary of State
May 22, 1945.]

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

See also
Stats 1945,
Ch 850

Superior
judges:
Kern County

SECTION 1. Section 7370 of the Political Code is amended to read:

7370. The annual salary of each of the judges of the Superior Court in and for the County of Kern is nine thousand dollars (\$9,000).

CHAPTER 413

An act to add Section 44.6 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor May 22, 1945. Filed with Secretary of State
May 22, 1945.]

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

Authorized
emergency
vehicles:
Transporta-
tion of ex-
plosives un-
der contract
with United
States

SECTION 1. Section 44.6 is added to the Vehicle Code, to read:

44.6. Same. Transportation of Explosives under Contract with United States. In addition to the vehicles defined as "authorized emergency vehicles" by other sections of this code the provisions of this code relating to authorized emergency

vehicles shall apply to a vehicle privately owned and operated under all of the following conditions:

1. When said vehicle has a permit from the Chief of the California Highway Patrol.

2. When said vehicle has affixed to the license plates thereon distinguishing signs of a type approved by the Director of the Department of Motor Vehicles and when said signs are so located as to be plainly visible at a distance of not less than 50 feet from the front and rear of said vehicle.

3. When in connection with the performance of any contract with the United States of America or any department thereof said vehicle is being used for the transportation of explosives or other inflammable munitions.

4. Whenever said vehicle is being used for purposes other than those specifically authorized herein the siren must be disconnected and the red lights covered. Any violation of this provision shall constitute a misdemeanor and the permit granted hereunder shall be revoked.

5. Any vehicle granted a permit under this section shall be subject to the provisions of this code applicable to the movement of vehicles and shall not be entitled to the exemption granted authorized emergency vehicles by Section 454.

SEC. 2. This act shall remain in effect until the nine y-first ^{Duration} day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

SEC. 3. This act is hereby declared to be an urgency ^{Urgency} measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and therefore shall go into immediate effect. A statement of the facts constituting such necessity is as follows: By reason of the present National emergency declared by the President of the United States many contracts have been and will be entered into by the United States and by various departments thereof with private persons, firms and corporations in the performance of which it is necessary to transport explosive and inflammable materials and munitions of war over the public streets and highways in vehicles which are privately owned and which are not now classified as authorized emergency vehicles and for the transportation of which articles vehicles now classified as authorized emergency vehicles are not available. The safety of the public as well as of the persons operating such vehicles requires the immediate designation of such vehicles as authorized emergency vehicles.

CHAPTER 414

An act to add Section 825.5 to the Welfare and Institutions Code, relating to juveniles charged with misdemeanors.

In effect
September
15, 1945

[Approved by Governor May 22, 1945. Filed with Secretary of State
May 22, 1945.]

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

SECTION 1. Section 826.5 is added to the Welfare and Institutions Code, to read:

Juvenile
courts:
Referees in
misdemeanor
cases

826.5. The judge of the juvenile court may at his discretion appoint judges, justices, and recorders to act as referees in juvenile court matters in the county in which he presides. Each person so appointed shall hold his appointment at the pleasure of the judge of the juvenile court. Whenever the crime charged is a misdemeanor, the judge, justice or recorder appointed a referee, in lieu of certifying the person charged to the juvenile court as provided in Section 826, may retain jurisdiction over the person charged as a referee of the juvenile court, and may after an investigation of the circumstances make such order for his future good conduct, for a period of not exceeding six months, as appears proper. If the person charged violates the terms of the order, the judge, justice or recorder acting as referee may again investigate the circumstances, and if he deems it proper may certify the person charged to the juvenile court as provided in Section 826. The jurisdiction herein conferred upon the judge, justice or recorder shall not be construed as a grant of power to commit a juvenile offender to any penal or correctional institution.

CHAPTER 415

An act to add Section 66a to the Code of Civil Procedure, relating to the number of judges of the superior court in the County of San Diego, and providing for the appointment of an additional judge and for his compensation.

In effect
September
15, 1945

[Approved by Governor May 22, 1945. Filed with Secretary of State
May 22, 1945.]

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

SECTION 1. Section 66a is added to the Code of Civil Procedure, to read:

San Diego
County.
Additional
superior
judge

66a. The number of judges of the superior court of the State of California, in and for the County of San Diego, is hereby increased from six to seven.

Appointment.

SEC. 2. Within 10 days after the taking effect of this act, the Governor shall appoint one additional judge of the superior court of the State of California, in and for the County of San Diego, who shall hold office until the first Monday after the first day of January, 1947. At the general election to be held in

Election

November, 1946, one judge of the superior court of said county shall be elected in said county who shall be the successor to the judge appointed hereunder to hold office for the term prescribed by the Constitution and by law.

SEC. 3. The salary of said additional judge shall be the same ^{Salary} in amount and shall be paid at the same time and in the same manner as the salaries of the other judges of said superior court now or hereafter authorized by law.

CHAPTER 416

An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom, to take effect immediately.

[Approved by Governor May 23, 1945 Filed with Secretary of State ^{In effect}
May 23, 1945.] _{immediately}

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

SECTION 1. Section 6359.5 is added to the Revenue and Taxation Code, to read:

6359.5. As incidental to the exemption provided for in Section 6359, there are exempted from the taxes imposed by this ^{Tax exemp-} part, the gross receipts from the sale of and the storage, use, or ^{tion Ice} other consumption in this State of ice used or employed in pack- ^{used for} ing and shipping or transporting food products for human con- ^{packing, etc} sumption between a point or points within and a point or points without this State.

SEC. 2. This act inasmuch as it provides for tax levies ^{Tax levy} for the usual current expenses of the State shall under the provisions of Section 1 of Article IV of the Constitution take effect immediately.

CHAPTER 417

An act to amend Sections 4234, 4238, 4239, 4239.5, 4242, 4244, 4248, 4249, 4250, 4251, 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4265, 4266, 4267, 4268, 4269, 4273, 4275, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285 and 4286 of the Political Code, relating to compensation for public service in counties.

[Approved by Governor May 23, 1945. Filed with Secretary of State ^{In effect}
May 23, 1945] _{September}
15, 1945

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

SECTION 1. Section 4234 of the Political Code is amended ^{See also} to read: _{Stats 1945,}
_{Ch 192}

4234. In counties of the fifth class, the following shall receive ^{Fresno} as compensation for the services required of them by law or by ^{Salaries} virtue of their offices, the following sums:

1. The auditor, six thousand dollars (\$6,000) per annum. ^{Auditor}

District
attorney

2. The district attorney, eight thousand dollars (\$8,000) per annum. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work during office hours.

Supervisor

3. Each supervisor, four thousand dollars (\$4,000) per annum for all services, either as supervisor or road overseer; in addition thereto, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor or as ex officio road commissioner, shall be paid the following sums:

(a) In supervisorial districts containing five hundred (500) miles of road or less, the amount of fifty dollars (\$50) per month shall be paid as and for the use of such privately owned automobile.

(b) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars (\$75) per month shall be paid as and for the use of such privately owned automobile.

(c) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars (\$100) per month shall be paid as and for the use of such privately owned automobile in the discharge of necessary official business.

(d) In addition to any sums herein mentioned, the chairman of the board of supervisors shall receive the sum of twenty-five dollars (\$25) per month for the use of his privately owned automobile in the discharge of necessary official business.

Jurors

4. Grand jurors and trial jurors in the superior courts, three dollars (\$3) per day while engaged in the performance of the duties required of them by law, and in addition shall receive the mileage now allowed by law; trial jurors in the justices' courts shall receive three dollars (\$3) per day and no mileage.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses herein set forth, except that the members of the board of supervisors, auditor and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties under the law. The expenses and the salaries designated in this section for such officers except as in this section otherwise specifically provided, shall be as full and complete compensation for giving their entire time and attention to the duties required of them by law, or which are, for any reason imposed upon or performed by them under the laws of or on behalf of the United States or this State or any political subdivision thereof, or any public corporation.

All other fees, statutory mileage or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States or this State or any political subdivision thereof or any public corporation, shall be

by such officers named in this section paid into the county treasury, except that the requirement of this paragraph shall not apply to that portion of any such fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

The compensation provided by this section shall be paid to Incumbent officers

SEC. 2. Section 4238 of the Political Code is amended to read:

4238. In counties of the ninth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Kern: Salaries

1. The auditor, four thousand eight hundred dollars (\$4,800) Auditor per annum, together with his necessary expenses incurred while traveling in the performance of his official duties. The auditor shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than the official salary herein provided.

2. The district attorney, six thousand dollars (\$6,000) per annum and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations received by the district attorney in his official capacity, from any source, shall be paid into the county treasury, other than the official salary herein provided. District Attorney

The district attorney shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work within such office hours.

3. Supervisors, four thousand eight hundred dollars (\$4,800) Supervisors per annum each, and actual and necessary expenses incurred in the performance of the duties of their office.

4. For attending as a grand juror, for each day's actual attendance, per day, five dollars (\$5), and ten cents (\$0.10) per mile for each mile actually traveled in going only, and the judges of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same. Jurors

For attending as a trial juror, in the superior court, for each day's actual attendance, per day, three dollars (\$3), and ten cents (\$0.10) per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a trial juror in criminal cases in justice courts, two dollars (\$2) per day, for each day of actual service as a juror, and the justice of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and the treasurer shall pay the same.

The compensation provided by this section shall be paid to Incumbent officers

SEC. 2.5. Section 4239 of the Political Code is amended to read:

San Joaquin. 4239. In counties of the tenth class, the following shall
Salaries receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor 1. The auditor, four thousand two hundred dollars (\$4,200) per annum.

District attorney 2. The district attorney, six thousand dollars (\$6,000) per annum, and in addition his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which charges and expenses incurred by him shall be a legal charge against the county. The district attorney shall not personally engage in private practice during office hours, but this does not preclude him from nominal appearances in uncontested civil matters.

Supervisors 3. Each supervisor, two thousand seven hundred dollars (\$2,700) per annum. In addition thereto, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor or as ex officio road commissioner, shall be paid six cents (\$0.06) per mile for all mileage traveled within a radius of 200 miles from the county seat; for any one trip over 200 miles, six cents (\$0.06) per mile for the first 200 miles of said trip, and three cents (\$0.03) for each mile traveled in excess of the first 200 miles of said trip. In addition thereto, each member shall be allowed his actual and necessary traveling expenses including meals and lodging, when required to leave the county on official county business.

Jurors 4. Each trial juror for attendance in the superior court shall be allowed three dollars (\$3) for each day's attendance, and said trial juror shall be allowed mileage at the rate of seven cents (\$0.07) per mile for each and every mile actually and necessarily traveled in attending upon and returning from court, said mileage to be computed for daily attendance, irrespective of whether said daily attendance covers one or more sessions of court.

5. Each member of the grand jury shall be allowed three dollars (\$3) for each day in attendance upon the sessions of the grand jury or for each days' service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of seven cents (\$0.07) per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

Incumbent officers The compensation provided by this section shall be paid to incumbent officers.

SEC. 2.6. Section 4239.5 of the Political Code is amended to read:

4239.5. In counties of the tenth class, the chairman of the board of supervisors shall receive, in addition to the compensation provided by Section 4239, the sum of three hundred dollars (\$300) per year for services rendered as chairman of the board of supervisors.

San Joaquin:
Salary of
chairman of
board of
supervisors

The compensation provided by this section shall be paid to incumbent officers.

Incumbent
officers

SEC. 3. Section 4242 of the Political Code is amended to read:

4242. In counties of the thirteenth class, the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

Tulare.
Salaries

1. The county auditor, four thousand five hundred dollars (\$4,500) per annum.

Auditor

2. The district attorney, five thousand two hundred dollars (\$5,200) per annum.

District
attorney

3. Each supervisor shall be paid a salary of four thousand five hundred dollars (\$4,500) per annum for all personal services performed by him as supervisor, member of the board of equalization and road commissioner, and in addition thereto each supervisor shall receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid; provided, however, that the said traveling expenses exclusive of meals and hotel accommodations shall not exceed the sum of five cents (\$0.05) per mile.

Supervisors

4. Each member of the grand jury shall be allowed four dollars (\$4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents (\$0.05) per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee, duly called by the secretary, or committee chairman; provided, no mileage shall be allowed outside of the county; for attending as a trial juror in the superior court, for each day's attendance per day two dollars (\$2); for attending as a trial juror in the justice's court for each juror sworn to try the cause per day two dollars (\$2); for each mile actually traveled in attending court as a juror, five cents (\$0.05) per mile each way.

Jurors

The compensation provided by this section shall be paid to incumbent officers.

Incumbent
officers

SEC. 4. Section 4244 of the Political Code is amended to read:

4244. In counties of the fifteenth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Contra Cos-
ta. Salaries

1. The auditor, six thousand dollars (\$6,000) per annum.

Auditor

District attorney 2. The district attorney, six thousand dollars (\$6,000) per annum.

Supervisors 3. Each supervisor, four thousand five hundred dollars (\$4,500) per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. There is hereby allowed to each supervisor a sum not to exceed 5 per cent of his monthly salary for expenses necessarily incurred in the conduct of his office. Each supervisor shall file an itemized statement, supported by receipts and vouchers, on the first day of each and every month, designating the actual expenditure on his part of expenses necessarily incurred in the conduct of his office for the preceding month, and no allowance shall be made to any supervisor for expenses necessarily incurred in conduct of his said office unless the same shall be itemized and designated in said claim filed by him as herein provided.

Jurors 4. Grand jurors and trial jurors, six dollars (\$6) per day and mileage for each attendance at the rate of seven cents (\$.07) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars (\$3) per day for each day's attendance as a member of any committee of the grand jury called by the secretary or committee chairman and mileage at seven cents (\$.07) for each mile actually traveled in attending any such committee meeting.

No official of the county, whose compensation is fixed by this section, shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided in this section shall be in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on such officers, or by virtue of their offices shall be by such officers paid into the county treasury at such times and in such manner as required by law, except that until such time as the county provides for such officers and makes available to their use such numbers of automobiles as are reasonably necessary to carry out the duties of their respective offices, such officers shall be allowed to retain for their own use and benefit such mileage as may be allowed by law. In lieu of the mileage allowed members of the board of supervisors each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

Incumbent officers The compensation provided by this section shall be paid to incumbent officers.

See also
Stats 1945,
Ch 171

SEC. 5. Section 4248 of the Political Code is amended to read:

4248. In counties of the nineteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, four thousand eight hundred dollars (\$4,800) per annum. Auditor

2. The district attorney, seven thousand two hundred fifty dollars (\$7,250) per annum and actual traveling expenses while away from his office on county business, and when traveling in his own car, the district attorney shall receive six cents (\$0.06) per mile for each mile actually traveled. The district attorney shall not personally engage in the private practice of law. District attorney

3. Each supervisor, three thousand dollars (\$3,000) per annum and his necessary expenses when attending to the business of the county. When traveling in his own car on county business, he shall receive six cents (\$0.06) per mile for each mile actually traveled. Supervisors

4. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, the sum of five dollars (\$5) per day. For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings or when properly appointed by the foreman of the grand jury to make individual investigations, six cents (\$0.06) per mile for each mile actually traveled. Grand jurors

The compensation provided by this section shall be paid to incumbent officers.

SEC. 6. Section 4249 of the Political Code is amended to read:

4249. In counties of the twentieth class the following shall receive as compensation for services required of them by law, or by virtue of their office, the following sums: Sonoma-Salaries

1. The auditor, four thousand five hundred dollars (\$4,500) per annum. Auditor

2. The district attorney six thousand dollars (\$6,000) per annum. The district attorney shall devote his entire time to the duties of his office, and shall not engage in private practice of law. District attorney

3. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, two hundred fifty dollars (\$250) per month as a salary, and seven cents (\$0.07) per mile in traveling to and from his place of residence to the courthouse on each day of a board meeting. Supervisors

Any member of the board of supervisors when required to travel within or without the county on official business of the county, may use or travel in any vehicle owned and maintained by such counties for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies therefor shall be borne by the county.

Jurors

4. The fees for jurors in counties of this class shall be as follows:

For each day's attendance when not selected to serve two dollars (\$2), but in no case shall there be charged for more than one per diem on any one calendar day. For each mile actually traveled in attending court as a juror in going only, per mile, fifteen cents (\$0.15). For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents (\$1.50). For attending justice's court, for each juror sworn to try the cause, per day, in criminal cases, only, three dollars (\$3). A juror excused at his own request shall not be entitled to a per diem fee, but shall be entitled to mileage, ten cents (\$0.10) per mile, for each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings or when appointed by the foreman of the grand jury to make individual investigations, the sum of five dollars (\$5) per day. For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings or when properly appointed by the foreman of the grand jury to make individual investigations, ten cents (\$0.10) per mile for each mile actually traveled. A grand juror excused at his own request, shall not be entitled to a per diem fee but shall be entitled to mileage, ten cents (\$0.10) per mile for each mile actually and necessarily traveled.

Incumbent
officers

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 7. Section 4250 of the Political Code is amended to read:

Imperial:
Salaries

4250. In counties of the twenty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, three thousand six hundred dollars (\$3,600) per annum.

District
attorney

2. The district attorney, five thousand dollars (\$5,000) per annum, which shall be in full for all services performed by him as such district attorney. The district attorney shall devote his entire time during office hours to the duties of his office, and shall not engage in private practice of the law during his term of office.

Supervisors

3. Each supervisor, one thousand eight hundred dollars (\$1,800) each per annum which shall be in full for all services performed by him as supervisor and road commissioner for each year; provided, however, that each supervisor shall be allowed the sum of fifty dollars (\$50) per month as a mileage allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor and road commissioner and said sum shall be paid on the first day of each month irrespective of the number of

miles traveled within the county. In case it shall be necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor and as road commissioner, said member shall receive actual and necessary expenses, and also mileage as hereinafter fixed, and shall file a demand in the same manner as other county officers and shall submit signed receipts and vouchers for all such expenses in excess of one dollar (\$1). Each supervisor shall be entitled to the use of an automobile provided and maintained by any county of this class in connection with the performance of official duties within and without the county, and where an automobile at county expense is furnished, it shall be in lieu of mileage at fifty dollars (\$50) per month, except that if said automobile shall not be available at all times, through accident or otherwise, and during the period of such nonavailability, mileage at the rate of seven cents (\$.07) per mile shall be allowed. If a supervisor is not furnished an automobile at county expense and it is necessary for a supervisor to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of seven cents (\$.07) per mile for all mileage actually traveled outside the county shall be paid.

4. Trial jurors in criminal cases, shall receive as compensation for each day's attendance for trial in the superior courts the sum of three dollars (\$3) per day, and for each mile actually and necessarily traveled from their residence in attending the superior court, one way only, the sum of ten cents (\$.10) per mile. Jurors

Grand jurors shall receive as compensation for each day's attendance at sessions of the grand jury, the sum of three dollars (\$3) per day, and for each mile actually and necessarily traveled from their residence in attending the sessions of the grand jury, one way only, the sum of ten cents (\$.10) per mile, such mileage for said grand jurors to be allowed but once during each meeting day said grand jurors are required to attend sessions thereof.

All jurors who are required to attend trials in the several justice's courts in such counties shall receive as compensation for each day's attendance for trial in a justice court, the sum of one dollar and fifty cents (\$1.50) per day, and for each mile actually and necessarily traveled, one way only, in attending trials in said justice's courts, the sum of ten cents (\$.10) per mile, such mileage to be allowed but once during each meeting day said trial jurors are required to attend trial.

In addition to the above compensation to be paid the county officers mentioned in this section the county shall pay one-third of the insurance premium for group life, accident and health insurance, where said county officers are covered by such group insurance.

The compensation provided by this section shall be paid to incumbent officers. Incumbent officers

Sec also
Stats 1945,
Ch 997

SEC. 8. Section 4251 of the Political Code is amended to read:

Marin
Salaries

4251. In counties of the twenty-second class the following shall receive, as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, five thousand five hundred dollars (\$5,500) per annum.

District
attorney

2. The district attorney, six thousand five hundred dollars (\$6,500) per annum. The district attorney shall devote his entire time to the duties of his office and shall not engage in private practice of the law during his term of office.

Supervisors

3. Each member of the board of supervisors, one hundred fifty dollars (\$150) per month, and eight cents (\$.08) per mile for each mile necessarily and actually traveled in attending meetings of said board or in the discharge of county business within the county, and actual and necessary traveling expenses incurred in the discharge of official business outside of the said county; provided however that all claims for mileage thus incurred shall be under oath and shall itemize the places to which the travel was incurred and the nature of the business transacted.

4. Members of the board of supervisors, the auditor, and the district attorney shall be allowed their actual and necessary expenses incurred while traveling to and from the annual convention of their respective associations, but in no event shall such expenses exceed the sum of fifty dollars (\$50) for each of said officers in any one year.

Incumbent
officers

The compensation provided by this section shall be paid to incumbent officers.

SEC. 9. Section 4252 of the Political Code is amended to read:

Solano
Salaries

4252. In counties of the twenty-third class, the following shall receive as compensation for their services required of them by law or by virtue of their offices, the following sums:

Auditor

(a) The auditor, four thousand five hundred dollars (\$4,500) per annum.

District
attorney

(b) The district attorney, four thousand eight hundred dollars (\$4,800) per annum.

(c) Each member of the board of supervisors, two thousand four hundred dollars (\$2,400) per annum for all services rendered including mileage and including services as road commissioners; provided, that when required to go on business to any point outside of the county, they shall be allowed actual expenses.

Trial jurors

(d) Trial jurors in the superior court in criminal and civil cases three dollars (\$3) per day for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fifteen cents (\$.15) per mile for each mile traveled in going only, payable only once in any three days.

Incumbent
officers

The compensation provided by this section shall be paid to incumbent officers.

SEC. 10. Section 4253 of the Political Code is amended to read:

4253. In counties of the twenty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums: Merced Salaries

1. The auditor, three thousand six hundred dollars (\$3 600) per annum. When required by the board of supervisors to compile an annual statistical report, the auditor shall receive one hundred fifty dollars (\$150) from the general fund of the county as compensation for compiling such report. Auditor

2. The district attorney, four thousand dollars (\$4,000) per annum. The district attorney shall not engage in private practice and he shall devote all his time and attention during business hours to the duties of his office. District attorney

3. Each supervisor, three thousand dollars (\$3,000) per annum for all services performed by them as supervisors, as members of the board of equalization and as road commissioners. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors and road commissioners. Supervisors

4. For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars (\$3) per day; for each mile he travels in attending court as such juror, twelve cents (\$0.12) per mile in going only. Jurors

Grand jurors, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

5. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

The compensation provided by this section shall be paid to incumbent officers. Incumbent officers

SEC. 11. Section 4255 of the Political Code is amended to read:

4255. In counties of the twenty-sixth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums: Santa Cruz Salaries

1. The auditor, three thousand six hundred dollars (\$3 600) per annum. Auditor

2. The district attorney, three thousand three hundred dollars (\$3,300) per annum. District attorney

3. The chairman of the board of supervisors, two hundred dollars (\$200) per month and each of the other members thereof, one hundred fifty dollars (\$150) per month and each member shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then in that event, said supervisor shall be allowed his actual expenses. The supervisors, while acting as road commissioners, shall give their personal attention to the Supervisors

repair, maintenance, construction and improvement of all roads under their supervisions.

Jurors

4. Grand jurors and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars (\$3) and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of ten cents (\$0.10) per mile, such mileage to be allowed but once during each session such jurors are required to attend.

Any officer, of the county mentioned herein entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive such mileage at the rate of five cents (\$0.05) per each mile so traveled.

It is hereby expressly provided that the salaries and fees above provided shall be in full compensation for all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants. It is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in Section 4290 of the Political Code of the State of California, and all other moneys coming into the hands of the county officers mentioned, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by officers at the same time and in the same manner that other moneys are required by law to be paid into the county treasury, except, however, that the provisions of this paragraph shall not apply to the office of district attorney and he is expressly exempted from the provisions of this paragraph, and as to said office, to wit, district attorney, he shall receive the salaries, fees and commissions provided for by law.

Incumbent
officers

The compensation provided for in this section shall be paid to incumbent officers.

SEC. 12. Section 4257 of the Political Code is amended to read:

Kings:
Salaries

4257. In counties of the twenty-eighth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, three thousand nine hundred dollars (\$3,900) per annum.

District
attorney

2. The district attorney, three thousand six hundred dollars (\$3,600) per annum.

Supervisors

3. Each supervisor, two thousand four hundred dollars (\$2,400) per annum in full for all services performed by them as supervisors and as members of the board of equalization and road commissioners and in any and every capacity, and also all actual and necessary traveling expenses when traveling on county business outside of the county; provided, that each supervisor shall furnish his own transportation in the performance of all his duties within the county. The supervisor of District No. 1 shall receive mileage at the rate of six cents (\$0.06) per mile for every mile actually traveled within the County of Kings in the performance of his official duties when

traveling by automobile, but in no event shall the total mileage exceed fifty dollars (\$50) for any one month.

4. Grand jurors and trial jurors in the superior court, for each day's attendance, three dollars (\$3) per day. In justices' courts in civil and criminal cases the jurors sworn to try the case shall receive for each day's attendance the sum of two dollars (\$2) per day. Each juror shall receive mileage at the rate of six cents (\$0.06) per mile each way for every mile actually traveled in attending court, mileage to be allowed for each trip necessarily made to the place of service; provided, that in justices' courts mileage shall be allowed only to those sworn to try the case.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 13. Section 4258 of the Political Code is amended to read:

4258. In counties of the twenty-ninth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor shall receive as compensation three thousand dollars (\$3,000) per annum.

(b) The district attorney, six thousand dollars (\$6,000) per annum.

The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any private matter in which he has appeared of record prior to taking office.

(c) Each member of the board of supervisors, for all services required of each of them as supervisor and as road commissioner, one thousand eight hundred dollars (\$1,800) per annum; also each shall be allowed and paid his actual expenses necessarily incurred in the performance of county business within the county not to exceed five cents (\$0.05) per mile and actual expenses incurred doing county business outside of the county on order of the board of supervisors; and that each shall be allowed the sum of five cents (\$0.05) per mile going to and from his residence to the courthouse and to attend regular and special meetings of the board.

(d) Grand and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars (\$3). In justices' courts in civil cases the jurors sworn to try the cases shall receive for each day's attendance per day the sum of two dollars (\$2). All jurors shall receive for each mile actually and necessarily traveled from their residence to the place of service the sum of fifteen cents (\$0.15) per mile; provided, that in the justices' courts mileage shall be allowed only to those sworn to try the case.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 14. Section 4259 of the Political Code is amended to read:

Shasta Salaries
4259. In counties of the thirtieth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor
1. The auditor, three thousand six hundred dollars (\$3,600) per annum, which shall include compensation for the compilation of the annual financial report and classified annual pay roll of the counties of this class.

District attorney
2. The district attorney, three thousand six hundred dollars (\$3,600) per annum.

Supervisors
3. Each supervisor, two thousand four hundred dollars (\$2,400) per annum and ten cents (\$0.10) per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors. The chairman of the board of supervisors may receive twenty-five cents (\$0.25) per mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

Jurors
4. Grand jurors in grand jury duty and trial jurors in civil and criminal cases in the superior court, shall receive, for each day's attendance, five dollars (\$5) and for each mile necessarily traveled in his attendance, ten cents (\$0.10).

Incumbent officers
The compensation provided by this section shall be paid to incumbent officers.

SEC. 15. Section 4260 of the Political Code is amended to read:

Siskiyou Salaries
4260. In counties of the thirty-first class the following shall receive as compensation for services required of them by law or by virtue of their offices, the following sums:

Auditor
1. The auditor, three thousand three hundred dollars (\$3,300) per annum.

District attorney
2. The district attorney, three thousand three hundred dollars (\$3,300) per annum.

Supervisors
3. Each member of the board of supervisors, one thousand three hundred twenty dollars (\$1,320) per annum and mileage at the rate of twenty cents (\$0.20) per mile for the distance usually traveled in going from his home to the county seat and returning.

Jurors
4. Grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of five dollars (\$5) and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of twenty cents (\$0.20) per mile. In justices' courts the jurors sworn to try the case shall receive for one day's attendance, per day, the sum of two dollars (\$2) and such jurors shall receive for each mile actually and necessarily traveled from their residence, the sum of fifteen cents (\$0.15) per mile. The per diem and mileage in the justices' courts shall be allowed only to the jurors sworn to try the case.

The compensation provided by this section shall be paid to Incumbent officers incumbent officers.

SEC. 16. Section 4261 of the Political Code is amended to read:

4261. In counties of the thirty-second class, the following Napa-Salaries shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, four thousand two hundred dollars (\$4,200) Auditor per annum.

2. The district attorney, three thousand six hundred dollars (\$3,600) District attorney per annum.

3. Each supervisor, one thousand eight hundred dollars (\$1,800) Supervisors per annum which shall be in full for all services rendered as supervisor.

4. Grand jurors and trial jurors, in the superior court, in Jurors civil and criminal actions and in all special proceedings, three dollars (\$3) a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents (\$.15) per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only. In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

The compensation provided by this section shall be paid to Incumbent officers incumbent officers.

SEC. 17. Section 4262 of the Political Code is amended to read:

4262. In counties of the thirty-third class the following Placer-Salaries shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, three thousand three hundred dollars (\$3,300) Auditor per annum.

2. The district attorney, three thousand dollars (\$3,000) District attorney per annum.

3. Each supervisor, two thousand four hundred dollars (\$2,400) Supervisors per annum, for all services rendered as supervisor, as a member of the board of equalization, and as road commissioner; provided, that each supervisor shall also receive six cents (\$.06) for each mile traveled on county business, but not in excess of the sum of fifty dollars (\$50) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

4. Grand jurors and jurors in the superior court shall receive Jurors for each day's attendance the sum of six dollars (\$6), and for each mile actually and necessarily traveled from residence to county seat the sum of thirty-five cents (\$.35); such mileage to be allowed but once during each session such jurors are required to attend.

Incumbent officers The compensation provided by this section shall be paid to incumbent officers.

SEC. 18. Section 4263 of said code is hereby amended to read as follows:

Mendocino Salaries 4263. In counties of the thirty-fourth class, the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

Auditor 1. The auditor, four thousand dollars (\$4,000) per annum.

District attorney 2. The district attorney, four thousand dollars (\$4,000) per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested.

Supervisors 3. Each supervisor, two thousand four hundred dollars (\$2,400) per annum and the further sum of ten cents (\$.10) per mile in traveling to and from his residence to the county seat; and for services as road commissioner, he shall receive twenty cents (\$.20) per mile for all distances actually traveled by him in the performance of his duties within the county but he shall not in any one year receive more than nine hundred dollars (\$900) as such road commissioner.

Jurors 4. Grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars (\$3) for the first day's attendance, and six dollars (\$6) thereafter and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents (\$.20) per mile, such mileage to be allowed but once during any one session of such court or grand jury. Jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars (\$2), and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents (\$.10) per mile; provided, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established.

Incumbent officers The compensation provided for by this section shall be paid to incumbent officers.

SEC. 19. Section 4265 of the Political Code is amended to read:

Madera Salaries 4265. In counties of the thirty-sixth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor 1. The auditor, two thousand seven hundred dollars (\$2,700) per annum.

District attorney 2. The district attorney, three thousand dollars (\$3,000) per annum.

3. Each member of the board of supervisors, for all services ^{Supervisors} required of him as supervisor and as road commissioner two thousand one hundred dollars (\$2,100) per annum. He shall also receive the following mileage and traveling expense: When using a privately owned automobile six cents (\$.06) per mile each way for each mile actually traveled in the performance of his duties as road commissioner, said mileage not to exceed the sum of four hundred eighty dollars (\$480) per annum; six cents (\$.06) per mile each way for each mile actually traveled in going to and from his residence to the court house in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when said board convenes as a board of equalization, and six cents (\$.06) per mile each way for each mile actually traveled in the said county in the performance of his duties as supervisor and as a member of the county board of equalization. Each member of the board of supervisors when using a privately owned automobile shall also be allowed mileage at the rate of six cents (\$.06) per mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of said county when he is on county business authorized by the board of supervisors.

4. Grand jurors and jurors summoned for duty in the ^{Jurors} superior court, the justices' courts and in city courts in cities of the sixth class shall receive the following fees and traveling expenses:

(a) For attending as a juror in the superior court, the justices' courts and in city courts in cities in the sixth class, each juror shall be paid three dollars (\$3) for each day's attendance upon said court and six cents (\$.06) per mile each way for each mile actually traveled in attending each day's session of said court.

(b) For serving as a grand juror, each grand juror shall be paid three dollars (\$3) for each day's attendance upon the duly called sessions of the grand jury, for each day's attendance upon the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman of the grand jury to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed six cents (\$.06) per mile each way for each mile actually traveled by him in attending each day's sessions of the grand jury, each day's sessions of meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman of the grand jury.

The above fees and traveling expenses shall be paid to jurors attending the superior court and to grand jurors by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

The above fees and mileage shall be paid to jurors attending the justices' courts by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon written order of the judge of the court in which said juror was in attendance.

The above fees and mileage shall be paid to jurors attending city courts of cities of the sixth class by the treasurer of the city in which the juror's services were rendered out of the general fund of said city upon warrants drawn by the city auditor upon the written order of the judge of the court in which said juror was in attendance.

Incumbent
officers

The compensation provided by this section shall be paid to incumbent officers.

SEC. 19½. Section 4266 of the Political Code is amended to read:

Nevada:
Salaries

4266. In counties of the thirty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, twelve hundred dollars (\$1,200) per annum.

District
attorney

2. The district attorney, two thousand eight hundred dollars (\$2,800) per annum.

Supervisors

3. Each supervisor, two thousand two hundred dollars (\$2,200) per annum, for all services rendered as supervisor, as a member of the board of equalization, and as road commissioner. Each supervisor shall also receive six cents (\$.06) for each mile traveled on county business, but not in excess of the sum of forty dollars (\$40) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

Jurors

4. Grand jurors and trial jurors in the superior court shall each receive for each day's attendance, the sum of six dollars (\$6), and mileage to be paid at the rate of thirty-five cents (\$.35) per mile for each mile actually and necessarily traveled from their residences to the county seat in going only; such mileage to be allowed but once during each session such jurors are required to attend same. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

SEC. 20. Section 4267 of the Political Code is amended to read:

Sutter:
Salaries

4267. In counties of the thirty-eighth class, the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

Auditor

1. Auditor, three thousand two hundred dollars (\$3,200) per annum.

District
attorney

2. District attorney, two thousand eight hundred dollars (\$2,800) per annum.

Supervisors

3. Supervisors, each supervisor shall receive one hundred fifty dollars (\$150) per month, and his actual expenses while

attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents (\$0.15) per mile, one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors, and mileage at the rate of fifteen cents (\$0.15) per mile, one way, for all actual distances traveled by him in the performance of his duties as road commissioner.

4. Grand jurors and jurors and jurors in the superior court shall receive for each day's attendance three dollars (\$3); for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way, fifteen cents (\$0.15). Mileage shall be paid for each time a regularly empaneled jury or grand jury shall be called in separate session. Jurors

The compensation provided by this section shall be paid to incumbent officers. Incumbent officers

SEC. 21. Section 4268 of the Political Code is amended to read:

4268. In counties of the thirty-ninth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Yuba:
Salaries

1. The auditor, one thousand seven hundred fifty dollars (\$1,750) per annum. Auditor

2. The district attorney, four thousand six hundred dollars (\$4,600) per annum. The district attorney shall not engage in the private practice of law, and shall devote his entire time to the service of the county. In the event that the office of district attorney is consolidated with that of public administrator the holder of said consolidated office shall receive a salary of four thousand six hundred dollars (\$4,600) per annum, and all fees received by the holder of said consolidated office while said holder is performing the duties of public administrator shall be paid into the county treasury. District attorney

3. Each supervisor, one thousand four hundred dollars (\$1,400) per annum, and mileage when acting as road commissioner, twenty-five cents (\$0.25) per mile one way; provided, the amount of mileage shall not exceed the sum of six hundred dollars (\$600) in any one year. Supervisors

4. Grand jurors and trial jurors in the superior court shall each receive for each day's attendance the sum of three dollars (\$3), and mileage to be computed at the rate of fifteen cents (\$0.15) per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county. Jurors

The compensation provided by this section shall be paid to incumbent officers, provided that the increases in the compensation of the auditor, district attorney and the supervisors shall remain in effect only until the beginning of the seventh month Incumbent officers

following the cessation of hostilities in all wars in which the United States is now engaged and at that date the compensation of such officers shall revert to and be the same as it was prior to the increase hereinabove provided for.

SEC. 22. Section 4269 of the Political Code is amended to read:

Lassen
Salaries

4269. In counties of the fortieth class, the following shall receive as compensation for services required of them by law, or by virtue of their offices, the following sums:

Auditor

1. The auditor, eight hundred dollars (\$800) per annum.

District
attorney

2. The district attorney, three thousand three hundred dollars (\$3,300) per annum.

Supervisors

3. Each supervisor, one thousand five hundred dollars (\$1,500) per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents (\$.25) per mile. Each supervisor is, in addition, allowed three hundred dollars (\$300) per annum to cover mileage expense at twenty-five cents (\$.25) per mile in viewing the roads, which salaries and mileage shall be in full for all services.

Jurors

4. Grand jurors and trial jurors shall receive the following fees and mileage:

(a) Grand jurors and jurors in the superior court shall be paid three dollars (\$3) per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents (\$.25). The judge of the court shall certify to the auditor the number of days' attendance of each juror and his mileage and the auditor shall then draw his warrant on the treasurer in favor of each juror therefor and the treasurer shall pay the same.

(b) For attending as a trial juror in criminal cases only in any justice's court of the county, for each day's attendance, two dollars and fifty cents (\$2.50). The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

Incumbent
officers

The compensation provided in this section shall be paid to incumbent officers.

SEC. 23. Section 4273 of the Political Code is hereby amended to read:

Plumas:
Salaries

4273. In counties of the forty-fourth class, the following county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

Auditor

1. The auditor, one thousand four hundred dollars (\$1,400) per annum.

District
attorney

2. The district attorney, three thousand dollars (\$3,000) per annum.

Supervisors

3. Each supervisor, two thousand four hundred dollars (\$2,400) per annum and mileage from residence to the county seat at each sitting of the board, twenty cents (\$.20) per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner.

4. Grand and trial jurors, three dollars (\$3) per day, and such mileage fees as may be allowed by law. Jurors

The compensation provided by this section shall be paid to incumbent officers. Incumbent officers

SEC. 24. Section 4275 of the Political Code is amended to read as follows: See also Stats 1945, Ch 210

4275. In counties of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums: Tulumne: Salaries

1. The auditor, two thousand two hundred twenty collars (\$2,220) per annum. Auditor

2. The district attorney, two thousand eight hundred collars (\$2,800) per annum. District attorney

3. Supervisors, each the sum of one thousand eight hundred dollars (\$1,800) per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners. Supervisors

In lieu of mileage, supervisors shall be entitled to the use of automobiles provided and maintained by any county of this class in connection with the performance of their official duties.

4. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations and for coroners' inquests, and for transcribing notes in justices' courts preliminary examinations, a monthly salary of one hundred thirty-five dollars (\$135), payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases, a per diem as is now or may be hereafter provided by law, to be paid by the litigants as the court may direct; and for transcription of said notes, in civil cases, and in criminal cases on appeal from the superior court, such fees as are now or may be hereafter provided by law; said compensation for transcriptions in criminal cases on appeal from the superior court to be audited and allowed upon a written order of the court, and paid out of the county treasury and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat. Court reporter

5. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars (\$3) per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents (\$0.25); and in criminal cases, the county clerk shall certify to the auditor the number of day's attendance and the number of miles traveled by each juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same. Jurors

Witnesses 6. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, and upon the juvenile court in juvenile court matters, shall be paid two dollars (\$2) per day for each day's actual attendance, and twenty-five cents (\$0.25) per mile for each mile actually traveled, in going only; and in criminal cases and in juvenile court matters the county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same.

Incumbent officers The compensation provided by this section shall be paid to incumbent officers.

SEC. 25. Section 4278 of said code is amended to read:

Modoc Salaries 4278. In counties of the forty-ninth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the followings sums:

Auditor 1. The auditor, one thousand fifty dollars (\$1,050) per annum, and such fees as are now or may hereafter be allowed by law.

District attorney 2. The district attorney, two thousand five hundred dollars (\$2,500) per annum.

Supervisors 3. Each supervisor, one thousand five hundred dollars (\$1,500) per annum and mileage at the rate of fifteen cents (\$0.15) per mile in traveling from his residence to attend regular meetings of the board, and in returning therefrom.

Each supervisor shall also be allowed fifteen cents (\$0.15) per mile actually traveled in inspecting county roads, which allowance shall not exceed three hundred dollars (\$300), annually.

Jurors 4. For attending as a grand juror or as a trial juror in the superior court, in criminal cases, three dollars (\$3) per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents (\$0.25). In counties of this class the grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive the sum of two dollars (\$2) per day, to be paid by the party or parties demanding the jury.

Incumbent officers The compensation provided by this section shall be paid to incumbent officers.

See also Stats 1945, Ch 173 SEC. 26. Section 4279 of the Political Code is amended to read as follows:

Calaveras Salaries 4279. In counties of the fiftieth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

Auditor 1. The auditor, one thousand three hundred dollars (\$1,300) per annum.

2. The district attorney, two thousand three hundred dollars (\$2,300) per annum and necessary traveling expenses to be allowed by the board of supervisors. District attorney

3. Each supervisor, one thousand eight hundred dollars (\$1,800) per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents (\$0.20) per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county by order of the board on business connected with his office; said traveling expenses not to exceed five hundred dollars (\$500) per year in the aggregate for all members of the board of supervisors. Supervisors

4. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars (\$3); for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents (\$0.25). The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same. Jurors

The compensation provided by this section shall be paid to incumbent officers. Incumbent officers

SEC. 27. Section 4280 of the Political Code is amended to read:

4280. In counties of the fifty-first class, the following shall receive as compensation for services required of them by law or by virtue of their offices, the following sums: Lake Salaries

1. The auditor, two thousand seven hundred sixty dollars (\$2,760) per annum, in lieu of all fees and commissions. Auditor

2. The district attorney, two thousand four hundred dollars (\$2,400) per annum. District attorney

3. Each supervisor, twelve hundred dollars (\$1,200) per annum for his services as supervisor, and a further sum of ten cents (\$0.10) per mile, in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive a salary of six hundred dollars (\$600) per annum; and ten cents (\$0.10) per mile, for every mile actually traveled in the performance of his duty as road commissioner. He shall not receive more than five hundred dollars (\$500) in any one year for such mileage as road commissioner nor more than three hundred dollars (\$300) in any one year for such mileage as supervisor. Supervisors

4. For attending as grand juror or as trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law. Jurors

The compensation provided by this section shall be paid to incumbent officers. Incumbent officers

SEC. 28. Section 4281 of the Political Code is hereby amended to read as follows:

Incumbent
Salaries

4281. In counties of the fifty-second class, the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

Auditor

1. The auditor, three thousand dollars (\$3,000) per annum.

District
attorney

2. The district attorney, three thousand dollars (\$3,000) per annum.

Supervisors

3. Each member of the board of supervisors, one thousand five hundred dollars (\$1,500) per annum; thirty cents (\$0.30) per mile one way in attending the meetings of the board, and three dollars (\$3) per day when actually serving as road commissioner, not to exceed three hundred dollars (\$300) per annum.

Jurors

4. In counties of this class, jurors shall receive the following fees and mileage:

For attending as a grand juror, for each day's actual attendance, per day, three dollars (\$3), and twenty cents (\$0.20) per mile for each mile actually traveled, in going only; for attending as a trial juror in the superior court in civil and criminal cases, for each day's actual attendance, per day, three dollars (\$3), and twenty cents (\$0.20) per mile for each mile actually traveled, in going only; for attending as a trial juror in the justice's court, in civil cases only, for each day's actual attendance, per day, two dollars (\$2), and twenty cents (\$0.20) per mile for each mile actually traveled, in going only. The fee of such jurors shall be paid to them, respectively, on each day during the period of their attendance, if demanded, and the mileage herein provided for shall be paid at the time the fee for the first day's attendance is paid.

Incumbent
officers

The compensation provided for by this section shall be paid to incumbent officers.

See also
Stats 1945,
Ch 174

SEC. 29. Section 4282 of the Political Code is amended to read:

Mariposa:
Salaries

4282. In counties of the fifty-third class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, eight hundred seventy dollars (\$870) per annum.

District
attorney

2. The district attorney, one thousand nine hundred dollars (\$1,900) per annum.

Supervisors

3. Each supervisor, one thousand eight hundred dollars (\$1,800) per annum, for all services required of him by law in any capacity. Supervisors may use automobiles provided and maintained by the county in the performance of the duties required of them by law.

Jurors

4. Grand jurors shall be paid four dollars (\$4) per day and jurors of the superior court in civil and criminal cases shall be paid three dollars (\$3) per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, thirty cents (\$0.30) per mile. The court shall make an order directing the auditor to draw his warrant on the treas-

urer in favor of such jurors for said per diem and mileage and the treasurer shall pay the same.

The compensation provided by this section shall be paid to incumbent officers

SEC. 30. Section 4283 of the Political Code is amended to read: See also Stats 1945, Ch 1089

4283. In counties of the fifty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums: Del Norte, Salaries

1. The recorder and auditor, two thousand five hundred twenty dollars (\$2,520) per annum and in addition thereto two hundred dollars (\$200) annually for preparing the county budget when prepared by him. Recorder and auditor

2. The district attorney, two thousand two hundred dollars (\$2,200) per annum and such fees as are now or may hereafter be paid to that officer. District attorney

3. Each supervisor, eighty-five dollars (\$85) per month and an allowance at seven cents (\$0.07) per mile not to exceed three hundred dollars (\$300) per year for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any session, regular or special, of the board. Actual expense outside county to be allowed and paid. Supervisors

4. Grand jurors and trial jurors in the superior courts in civil and criminal cases, three dollars (\$3) in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents (\$0.15) per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of the trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance and the treasurer of the county shall pay the warrants. The fees of jurors in justices' courts shall be two dollars (\$2) per day for each day's attendance and mileage to be computed at the rate of fifteen cents (\$0.15) per mile traveled in attending court, in going only. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for, and shall pay all fees for mileage at the rate of six cents (\$0.06) per mile. Jurors

Allowance for mileage within the county in no case shall exceed six cents (\$0.06) per mile.

The compensation provided by this section shall be paid to incumbent officers

SEC. 31. Section 4284 of the Political Code is amended to read:

4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit: Trant County Salaries

1. The auditor, one thousand eight hundred dollars (\$1,800) per annum. Auditor

District attorney 2. The district attorney, two thousand four hundred dollars (\$2,400) per annum.

Supervisors 3. Each member of the board of supervisors, one thousand two hundred dollars (\$1,200) per annum; mileage from residence to county seat at each sitting of the board, twenty cents (\$0.20) per mile.

Jurors Grand jurors and trial jurors in the superior courts of counties of this class, in civil and criminal cases, three dollars (\$3), in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents (\$0.25) per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrant.

Incumbent officers The compensation provided by this section shall be paid to incumbent officers.

SEC. 32. Section 4285 of the Political Code is amended to read:

Sierra Salaries 4285. In counties of the fifty-sixth class the following county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries and expenses, to wit:

Auditor 1. The auditor, seven hundred dollars (\$700) per annum.

District attorney 2. The district attorney, two thousand two hundred dollars (\$2,200) per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

Supervisors 3. Each supervisor, one thousand five hundred dollars (\$1,500) per annum, for all services rendered as supervisor, as a member of the board of equalization, and as road commissioner; provided, that each supervisor shall also receive six cents (\$0.06) for each mile traveled on county business, but not in excess of the sum of thirty dollars (\$30) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

Jurors 4. For attending as a grand juror or a trial juror in both civil and criminal cases, in the superior court, for each day's attendance, six dollars (\$6); for each mile actually traveled one way as such grand juror or trial juror in both civil and criminal cases, in the superior court, under summons or order of the court, thirty-five cents (\$0.35). The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Incumbent officers The compensation provided by this section shall be paid to incumbent officers.

SEC. 33. Section 4286 of the Political Code is amended to read:

4286. In counties of the fifty-seventh class the following salaries and compensation shall be paid to wit:

1. The auditor, one thousand two hundred dollars (\$1 200) per annum. Mono
Salaries
Auditor

2. The district attorney, two thousand dollars (\$2,000) per annum. District
attorney

3. Each member of the board of supervisors, one hundred dollars (\$100) per month, and twenty cents (\$0.20) per mile one way to board meetings. Supervisor

4. Jurors' fees shall be as follows: For attending as a grand juror or trial juror in the superior court, for each day's attendance, per day, four dollars (\$4); for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, per mile, fifteen cents (\$0.15) and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same. Jurors

The compensation provided by this section shall be paid to incumbent officers, except the compensation of the auditor shall remain unchanged until the expiration of the term of the incumbent.

CHAPTER 418

An act authorizing suits against the State of California to quiet title to certain lands sold by the State as swamp and overflowed lands, and to natural accretions thereto.

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945.]

In effect
September
15, 1945

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

SECTION 1. In any case where lands, situated in the County of Sonoma have been sold by the State as swamp and overflowed lands and a patent has been issued therefor, and where any boundary thereof has been changed by reason of natural accretions, the owner of the land so patented is hereby authorized to bring suit against the State of California in any court of competent jurisdiction to quiet title to such lands and the natural accretions thereto, or any portion thereof, and to prosecute the same to final judgment. The complaint in any such action must contain a plat of the property described therein, which plat must show the location of said property in respect to a section corner, the location of which is shown on an approved United States Government township plat, or in respect to a monument which has been established by reference to any such section corner. Any suit brought as authorized by this act shall be commenced within one year after this act takes effect. Authority
to sue

Law ap-
plicable

SEC. 2. All of the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment is given against the State in any such suit, no costs shall be allowed against the State.

Service of
summons

SEC. 3. Service of summons in any such suits shall be made upon the chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the State in any such suit.

CHAPTER 419

An act to amend Section 18671 of the Education Code, relating to the dedication of easements to the State or any political subdivision thereof.

In effect
September
15, 1945

[Approved by Governor May 23, 1945. Filed with Secretary of State May 23, 1945.]

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

SECTION 1. Section 18671 of the Education Code is amended to read:

Dedication
of school
lands

18671. The governing board of any school district may, pursuant to this article, dedicate to the State or any political subdivision thereof, for public street or highway purposes, either with or without consideration and without a vote of the electors of the district first being taken, any real property belonging to the district, and may dedicate to any public corporation without a vote of the electors of the district first being taken and with or without consideration, an easement to lay, construct, maintain, and operate water, sewer, or storm drain pipes or ditches over and upon any land belonging to the school district.

CHAPTER 420

An act to amend Section 108 of the Insurance Code, relating to liability insurance.

In effect
September
15, 1945

[Approved by Governor May 23, 1945. Filed with Secretary of State May 23, 1945.]

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

SECTION 1. Section 108 of the Insurance Code is amended to read:

Liability
insurance

108. Liability insurance includes:

(a) Insurance against loss resulting from liability for injury, fatal or nonfatal, suffered by any natural person, or resulting from liability for damage to property, or property interests of others but does not include workmen's compensation, common

carrier liability, boiler and machinery, or team and vehicle insurance;

(b) With respect to operations or property covered by a policy of liability insurance as defined in subdivision (a), insurance of medical, hospital, surgical and funeral loss or expense of the insured or other persons injured, irrespective of legal liability of the insured, when issued with or supplemental to the insurance defined in subdivision (a);

(c) The provisions of this code relating to disability insurance do not apply to insurance defined in subdivision (b).

CHAPTER 421

An act to amend Sections 3828, 3922 and 3944 of the Elections Code, relating to ballots.

[Approved by Governor May 23, 1945 Filed with Secretary of State
May 23, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 3828 of the Elections Code is amended to read:

3828. On the top of the face of the ballot shall be printed, in substantially the following form, such of the following directions as are applicable to the ballot:

Instructions
to voters

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection for (here name the office on the ballot covered by the provisions of Section 26 of Article VI of the Constitution) stamp a cross in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross in the voting square after the word "No," to the right of the name of that candidate.

To vote for any other candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose.

To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter's ballots mark a cross (+) with pen or pencil.

SEC. 2. Section 3922 of the Elections Code is amended to read :

Same

3922. At least three-eighths of an inch below the district designation shall be printed in 10-point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter ballots mark a cross (+) with pen or pencil." The instructions to voters shall be separated from the lists of candidates and the designation of the several officers to be nominated for by one light and one heavy line of rule.

See also Stats 1945, Ch 716

SEC. 3. Section 3944 of the Elections Code is amended to read :

Ballot Perforated line

3944. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parentheses in small type as follows: "(This number to be torn off by inspector)"; and one-half inch to the right of this ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above this perforated line shall be printed in black-face lower case type, at least 12-point in size, and enclosed in parentheses, the following: "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type, at least 12-point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "Except on absent voter ballots mark crosses (+) on ballot only with rubber stamp; not with pen or pencil. On absent voter ballots mark crosses (+) with pen or pencil."

Number

Instructions

Folding ballot

Marking ballot

CHAPTER 422

An act to amend Section 6630 of the Business and Professions Code, relating to fees for registered barbers and apprentices.

In effect September 15, 1945

[Approved by Governor May 23, 1945 Filed with Secretary of State May 23, 1945.]

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

SECTION 1 Section 6630 of the Business and Professions Code is amended to read :

Schedule of fees: Barbers, etc

6630. The amount of fees prescribed by this chapter is that fixed by the following schedule :

(a) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is ten dollars (\$10) and for the issuance of the certificate three dollars (\$3).

(b) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is five dollars (\$5) and for the issuance of a certificate two dollars (\$2).

(c) The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars (\$3).

(d) The fee to be paid for the renewal of a certificate of registration to practice barbering is three dollars (\$3) and for the restoration of an expired certificate five dollars (\$5).

(e) The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is two dollars (\$2) and for the restoration of an expired certificate three dollars (\$3).

(f) The fee to be paid by an applicant to conduct a barber shop is two dollars (\$2). The fee to be paid for the annual renewal of a certificate to conduct a barber shop is two dollars (\$2).

A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, and submitting one signed photograph, and upon the payment of a fee of one dollar (\$1) for the issuance of the certificate. Each duplicate certificate shall have the word "Duplicate" stamped across the face thereof, and bear the same number as the certificate in lieu of which it is issued.

CHAPTER 423

An act to add Section 9361 to the Public Resources Code, relating to funds for the use of soil conservation districts.

[Approved by Governor May 23, 1945 Filed with Secretary of State
May 23, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 9361 is added to the Public Resources Code, to read:

9361. If during the current fiscal year the directors are not, by reason of the fact that no assessment has been levied, collecting a regular assessment levied during the year immediately preceding, then notwithstanding other provisions of this code, the board of supervisors in each county in which a soil conservation district, or a portion thereof is located shall, upon a showing by the directors that funds are needed for the purposes of the district for the current year, appropriate money from the general fund of the county for the use of said district in an amount equal, during any one year, to the amount which said district could have raised by assessment, as limited by this code, in said current year, or so much thereof as may be required.

Appropriations to soil conservation districts

This provision shall not be deemed to prohibit the board of supervisors from appropriating to such districts sums in excess of these amounts.

CHAPTER 424

An act to repeal Section 486 of the Fish and Game Code, relating to fish.

In effect
September
15, 1945

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945.]

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

Repeal

SECTION 1. Section 486 of the Fish and Game Code is repealed.

CHAPTER 425

An act to amend Section 2210, Public Resources Code, relating to the Division of Mines Revolving Printing Fund.

In effect
September
15, 1945

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945.]

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

SECTION 1. Section 2210 of the Public Resources Code is hereby amended to read as follows:

Receipts
from
publications

2210. All money received by the division from sales of publications issued by the division shall be deposited at least once each month in the State treasury to the credit of the General Fund.

Abolishment
of fund

SEC. 2. The Division of Mines Revolving Printing Fund is abolished. Any unexpended balance in the fund shall on the effective date of this act be transferred to the General Fund in the State treasury.

CHAPTER 426

An act to amend Section 16304 of the Government Code, relating to the reversion of unexpended balances of certain appropriations.

In effect
September
15, 1945

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945.]

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

SECTION 1. Section 16304 of the Government Code is amended to read:

Availability
of appropri-
ations

16304. An appropriation shall be available for expenditure during the period specified therein, or, if not otherwise limited

by law for three years after the date upon which it first became available for expenditure. No encumbrances may be placed against any appropriation after the expiration of its period of availability.

Encumbrances made during the period of availability and not paid during that period, may be paid during the year following the expiration of the period. If not paid by the issuance of a Controller's warrant dated prior to the expiration of one year following the last day of the period of availability of the appropriation, the claim for which the money was encumbered is barred. Upon the expiration of one year following the last day of the period of its availability, any unexpended balance in any appropriation shall finally revert to and become a part of the fund from which the appropriation was made. Reversion

This section does not affect or apply to: Exceptions

(a) Transfers of money from any fund for the benefit of elementary schools, high schools, the University of California, the Interest and Sinking Fund, or any other bond interest fund.

(b) Regular periodic expenditures of fixed sums for any public purpose.

(c) Appropriations made for cooperative work under specific agreement or under contract.

(d) Appropriations transferred to revolving funds specifically created by law, including, but not limited to, the Division of Architecture Revolving Fund and the Water Resources Fund.

(e) Appropriations available for the acquisition of real property to the extent that such appropriations have been encumbered, with the approval of the Director of Finance, by the filing of condemnation proceedings on behalf of the State of California prior to the expiration of the period of availability of the appropriation.

CHAPTER 427

An act to amend Sections 3490, 3492, 3493, 3494 and 3495 of the Revenue and Taxation Code and to suspend and postpone the operation of Sections 3511.3, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code and declaring the urgency thereof to take effect immediately.

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945]

In effect
immediately

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

SECTION 1. Section 3490 of the Revenue and Taxation Code is amended to read:

3490. Notwithstanding the provisions of Section 3476 of this code no sale at auction to the public shall be made of tax-sold property in the years of 1943, 1944, 1945 and 1946. No sale in
1943, 1944,
1945 and
1946

SEC. 2. Section 3492 of the Revenue and Taxation Code is amended to read:

3492. The notice required by Section 3353 of this code in the years 1943, 1944, 1945 and 1946 shall read substantially as follows:

(a) "To be deeded to the State. See sale No. ----- in addenda to this list."

SEC. 3. Section 3493 of the Revenue and Taxation Code is amended to read:

3493. The notices required by Sections 3354 and 3359 in the years 1943, 1944, 1945 and 1946 shall show:

(a) A list of descriptions of the property. The assessments contained in this notice of sale shall be numbered in ascending numerical order.

(b) That five years will have elapsed on the date fixed for deeding the property to the State since the property was sold to the State.

(c) The year of sale to the State and the fiscal year for which the taxes were levied.

(d) That the property will be deeded to the State on the ----- day of -----, 19___ unless sooner redeemed.

(e) The official who will furnish all information concerning redemption.

(f) The amount for which the property was sold to the State.

(g) The date of the notice.

(h) The name of the assessee for the fiscal year for which the tax was levied.

SEC. 4. Section 3494 of the Revenue and Taxation Code is amended to read:

3494. Notwithstanding the provisions of Chapters 4.3, 7, and 8 of Part 6, Division 1 of this code no sale shall be made according to the provisions of said chapters from the effective date of this act, and prior to June 1, 1947, of property deeded to the State on and after October 6, 1942. Provided, however, that sales under said Chapter 8 may be made if before the sale is made the county tax collector approves the sales agreement in writing.

SEC. 5. Section 3495 of the Revenue and Taxation Code is amended to read:

3495. The right of redemption of property deeded to the State on and after October 6, 1942, shall not be terminated after the effective date of this act and prior to June 1, 1947, except by sales permitted under Section 3494 of this code.

SEC. 6. The operation of Sections 3511.3, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code shall be postponed and suspended until June 1, 1947.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into effect

immediately. The facts constituting the necessity are as follows:

Due to the existing state of war many taxpayers are serving in the armed forces of the United States in various places all over the world who would be deprived of their property without the enactment of protective measures. The Congress of the United States recognized the inability of the members of the armed forces to protect themselves against the loss of their property in enacting the Soldiers and Sailors Relief Act of 1940 and the amendments thereto effective October 6, 1942 by providing limitations upon the sale of tax-deeded property and granting to the members of such armed forces certain privileges of redemption. Without the enactment of proper laws to postpone the sale of real property to enforce the collection of taxes and to postpone the termination of the privilege of redemption under certain circumstances a chaotic condition would immediately follow due to conflict between the laws of this State relating to real property taxation and the Soldiers and Sailors Relief Act of 1940 as amended.

CHAPTER 428

An act to add Section 13502 to the Education Code, relating to the rights of permanent certificated employees of school districts after resignation, defining their rights, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1945 Filed with Secretary of State
May 23, 1945.]

In effect
immediately

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

SECTION 1. Section 13502 is added to the Education Code, to read:

13502. Whenever any certificated employee of any school district who, at the time of his resignation, was classified as permanent, is, or has been, reemployed within three years after his last day of service the governing board of the district shall disregard the break in service of said employee and classify him as, and restore to him all of the rights of, a permanent employee; provided, that if said employee at the time of resignation was a member of any State or district retirement system, he shall be reinstated as a member of said system or systems with all rights previously held, including any credit for prior service; provided, further, that the period of the absence from service shall not be counted as time served for any purpose.

SEC. 2. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into

immediate effect. A statement of the facts constituting such necessity is as follows:

Because of the effects of the war upon enrollment at teacher-training institutions and the withdrawal of teachers from the profession to go into war service, a serious teacher shortage has developed in many sections of the State, thus seriously impairing the educational system of the State. It has become necessary to induce those who have resigned to return to teaching, and service. Restoration of classification, retirement and other rights, lost by reason of such resignations, will assist in securing the return of many competent teachers to teaching service, and thus help to relieve such teacher shortage.

CHAPTER 429

An act to amend Section 9701 of the Elections Code, relating to municipal elections and notice thereof.

In effect
September
15, 1945

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945]

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

SECTION 1. Section 9701 of the Elections Code is hereby amended to read as follows:

Conduct of
municipal
elections

9701. All municipal elections, including elections to fill public offices and elections on measures, and including initiative, referendum and recall elections, shall be held and conducted in accordance with the provisions of this chapter, and, except where the charter, statute or code under which a municipal election is held prescribes the method of giving notice of such election, the notices provided in this act shall be given.

CHAPTER 430

An act to add Chapter 8.5 to Division 2 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945]

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

SECTION 1. Chapter 8.5 is added to Division 2 of the Education Code, to read:

CHAPTER 8.5. ELEMENTARY SCHOOL DISTRICTS INCLUDING MILITARY STATIONS

Article 1. Formation

Formation of
elementary
school
district at
military
station

2711. Whenever during the school year 1944-1945 the commanding officer of a military station comprising an area of not less than 650 square miles on which reside not less than 5,000

persons employed or stationed at such station, and on which permanent school buildings for the accommodation of the children of such persons are to be constructed, file with the county clerk of the county in which the greater part of the population of the station is located, a verified statement setting forth the fact of the existence of such station and describing by metes and bounds the boundaries thereof and stating the formation of an elementary school district to include all territory within such area or station is desirable, such territory shall upon the filing of the statement become an elementary school district.

2712. At any time following the formation of the elementary school district, the governing board of any contiguous elementary school district or the governing boards of one or more elementary school districts contiguous to each other and one of which is contiguous to the elementary school district formed under this chapter may petition the governing board of such elementary school district to unite with it. If the petition is granted, the districts are united and become a union elementary school district. Uniting with contiguous district

2712.5. At any time following the formation of the elementary school district, the governing board of any contiguous elementary school district lying wholly within the county in which the greater part of the population of the district formed under this chapter is located may call an election in the contiguous elementary school district for the purpose of submitting to the electors of such contiguous elementary school district the question of whether such contiguous elementary school district shall become a part of the elementary school district formed under this chapter. Such election shall be called, held and conducted substantially in the manner provided for in Article 1 of Chapter 4 of this division except that the ballot shall contain the words: "Shall the (-----) Elementary School District Same: Election

Insert Name

become a part of the (-----) Elementary School District?"

Insert Name

The voter shall write or print after the words on his ballot the word "Yes" or the word "No."

If a majority of the votes cast at such election is in the affirmative, such contiguous elementary school district shall thereafter become a part of the elementary school district formed under this chapter.

Article 2. Governing Board

2721 The governing board of an elementary school district formed hereunder shall consist of three members elected at large and serving for three years except as otherwise herein provided. Governing board

2722. Within 10 days after the formation of the district, the county superintendent of schools shall call an election for the election of the members of the governing board of the district. First election
The election shall be called, held and conducted as provided in Article 1 of Chapter 4 of this division insofar as said article is

not inconsistent or in conflict with this article. The members of the governing board elected at said election shall take office immediately following the canvass of the returns of the election.

The first members of the governing board of the district elected under this section shall determine by lot the term of each so that the term of one member will expire on June 30th of the following school year, the term of one member will expire on June 30th of the succeeding school year and the term of one member will expire on June 30th of the third succeeding school year.

Annual
election

2723. Annually, beginning with the school year following that in which the district was formed an election shall be held as provided in Article 1 of Chapter 4 of this division for the election of members to succeed those whose terms expire on June 30th of the school year in which the election is held.

Article 3. Annexation to a High School District

Petition for
annexation
to high
school
district

2731. Upon the formation of an elementary school district under this chapter the governing board thereof may file with the governing board of any contiguous high school district lying wholly within the county in which the greater part of the population of military station is located, a petition requesting the annexation of the elementary school district to said high school district. If the governing board of the high school district grants the petition, the elementary district is annexed to the high school district.

High school
facilities,
etc

2732. Upon such annexation the governing board of the high school district shall maintain in the elementary school district and within the military station in quarters made available and maintained by the commanding officer of the military station adequate high school facilities and instruction.

Withdrawal
from high
school
district

2733. After the first full school year following the annexation of the elementary school district to a high school district under this article, the elementary school district may withdraw from the high school district at the end of any succeeding school year by filing a written statement of such withdrawal with the county superintendent of schools having jurisdiction over the district; provided, the governing board of the elementary school district shall have given the governing board of the high school district written notice one school year prior to such withdrawal.

Article 4. Employment of Supervising Principal

Supervising
principal

2741. The governing board of the elementary district and the governing board of the high school district may jointly employ a supervising principal for the elementary schools and high schools maintained within the elementary district.

Article 5. Crediting of Attendance

Report of
daily
attendance

2751. The county superintendent of schools having jurisdiction over an elementary school district created hereunder shall, if such district be formed prior to July 1, 1945, calculate

the units of average daily attendance resulting from the attendance of elementary school pupils residing in the territory comprising the elementary school district and attending school during the school year 1944-1945 in the district in which such territory was situated or in a contiguous school district and shall in making his report to the Superintendent of Public Instruction pursuant to Section 358 credit such attendance to the elementary school district formed hereunder.

Article 6. Miscellaneous Provisions

2761. Upon the formation of an elementary school district under this chapter, the elementary school district shall cease to be a part of any high school district formed during the school year 1944-1945 of which the elementary school district may be a part. Exclusion from high school district

2762. Sections 1591 and 1592 of this code are not applicable in the case of the formation or establishment of a school district or the annexation thereof to, or the withdrawal thereof from, a high school district, pursuant to this chapter. Sections 1591 and 1592 inapplicable

2763. The governing board of an elementary school district formed under this chapter shall permit the attendance, without discrimination, upon the school or schools of such district of pupils residing in contiguous school districts to the full extent of the ability of the school or schools of the district to accommodate them. Attendance by pupils of other districts

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity: Urgency

The establishment of a Naval Ordnance Testing Station in Kern, Inyo and San Bernardino Counties as a permanent military station engaged in work of the most important nature comprising a great area of what was prior to the establishment of such station sparsely settled territory with a low assessed valuation and at which are stationed or employed a great number of persons makes necessary the establishment of permanent and adequate public school facilities for the children of such persons. This act provides the most desirable procedure for the establishment of necessary public school facilities and in order that they may be immediately established, it is necessary that this act take effect immediately.

CHAPTER 431

Stats 1938
ex. sess., p.
9, amended

An act to amend Section 4 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency," approved March 21, 1938, relating to the creation, powers, duties and dissolution of housing authorities and to the powers and duties of governing bodies of cities, cities and counties, and counties with respect thereto.

In effect
September
15, 1945

[Approved by Governor May 23, 1945. Filed with Secretary of State
May 23, 1945.]

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

Stats. 1938
ex. sess.,
p. 9

Creation
of housing
authorities

Resolution
determining
need

SECTION 1. Section 4 of the act referred to in the title hereof is hereby amended to read as follows:

Sec. 4. Creation of Housing Authorities. In each city (as herein defined) and in each county of the State there is hereby created a public body corporate and politic to be known as the "housing authority" of the city or county; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether there is such need for an authority to function (a) may be made by the governing body on its own motion or (b) may be made by the governing body upon the filing of a petition signed by 25 residents of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare.

Precedent
findings

The governing body may adopt a resolution declaring that there is need for a housing authority in the city or county, as the case may be, if it shall find (a) that insanitary or unsafe inhabited dwelling accommodations exist in such city or county or (b) that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of over-crowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the

sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

If, after the lapse of two years following adoption of a resolution declaring that there is need for a housing authority to function in a city or county, as the case may be, the governing body of such city or county finds that such housing authority has failed to transact any business or exercise any of its powers, such governing body may adopt a resolution declaring that thereafter such authority shall not transact any business or exercise its powers hereunder, and that the offices of the commissioners of such authority are vacated; provided, that the adoption of a resolution by the governing body of a city or county, as the case may be, declaring that such authority shall not transact any business or exercise its powers hereunder and that the offices of the commissioners are vacated shall not prevent such governing body at any time thereafter from declaring by proper resolution that there is need for an authority to function in such city or county, such determination to be made in the manner provided in this section.

CHAPTER 432

An act to add Section 862e to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of cities of the sixth class and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1945 Filed with Secretary of State May 23, 1945]

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

SECTION 1. Section 862e is added to the act cited in the title hereof, to read:

Sec. 862e. Whenever it shall appear to the council that the public interest and convenience requires that any public building and site dedicated to a public use be disposed of and conveyed, the council shall adopt a resolution of its finding and of

its intention to dispose of such property. Such resolution shall fix a time for hearing objections thereto; for publication thereof; the time when final action will be taken thereon and shall contain an accurate description of the property intended to be disposed of.

Publication

Such resolution shall be published at least once in a daily newspaper published and circulated in such city or, if there be no such newspaper, in such newspaper published in the county as the council may designate. Such resolution shall also be published by posting for not less than ten (10) days in at least three conspicuous places upon each parcel of real property affected thereby.

Protest

At any time prior to final action, any person interested may protest the proposed sale. Such protest may be in writing delivered to the clerk of the council or orally in the meeting called to consider such resolution. The council shall hear and pass upon any such protest or objection. In the event no protests are received or in the event the council overrules such protests or objections by a four-fifths vote of the members thereof, the council may proceed with such sale. In the event four-fifths of the members of the council do not vote to complete such sale, the council shall be without authority to renew any negotiations for or to take any further steps for the sale of such property until after the expiration of at least six months from the date of such final action unless it shall first adopt an ordinance to call a special election at a time to be fixed therein to submit the proposition of the disposition of such property to the qualified voters of such city. If upon such election a majority of the votes shall be in favor of the proposition, the council may proceed to sell or dispose of such property.

Procedure
cumulative

The provisions hereby made for such sale or disposition are cumulative to any other method or methods now permitted by law. Whenever, upon proceedings heretofore taken by any council, the procedure herein provided has been substantially followed and heretofore voted upon by electors at any election, such proceedings shall be deemed valid and shall have the same force and effect as if such proceedings were had and taken after the effective date of this section.

Temporary
occupancy
after sale

Nothing herein shall be deemed to limit the right of the council to agree with any purchaser of such property for the temporary occupancy after such sale by such city of the property sold or conveyed until new or other arrangements may be completed by the city. The right of the council to make any such agreement is hereby expressly recognized. For said purposes, the council may agree to include the value of any such occupancy in the purchase price of the property or to enter into a separate lease or rental agreement.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into imme-

mediate effect. A statement of the facts constituting such necessity is as follows:

Various cities in the State have obsolescent public buildings which they propose to replace with structures on new locations at the first opportunity, which buildings can not be replaced at this time due to shortage of materials and labor. This act provides a procedure whereby such cities can sell the sites on which the obsolete buildings are situated and retain temporary possession and occupancy of the buildings until new quarters are constructed, thereby enabling the cities to take advantage of current prices of real property, with corresponding savings to the taxpayers.

CHAPTER 433

An act to amend Section 3 of the Housing Authorities Law, relating to areas of operations of housing authorities, and to housing projects; declaring the urgency thereof, to go into immediate effect. Stats. 1938
ex sess. p.
9, amended

[Approved by Governor May 23, 1945. Filed with Secretary of State May 23, 1945.] In effect immediately

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

SECTION 1. Section 3 of the Housing Authorities Law is amended to read: Stats 1939,
p 1572

Sec. 3. Definitions. The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context: Definitions

(a) "Authority" or "housing authority" shall mean any of the public corporations created by Section 4 of this act.

(b) "City" shall mean any city or city and county. "County" shall mean any county in the State. "The city" shall mean the particular city, or city and county, for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(c) "Governing body" shall mean, in the case of a city, the city council, municipal council or common council, and in the case of a county, the board of supervisors.

(d) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(e) "Clerk" shall mean the clerk of the city or the clerk of the county, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(f) Area of operation: (1) in the case of a housing authority of a city shall include such city and the area within five miles of the territorial boundaries thereof; provided, however, "Area of operation"

that the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city as herein defined, without the consent by resolution of the governing body of such city; and provided further, that the area of operation of a housing authority of any city shall not include any area which lies within the unincorporated area of any county for which an authority has been previously authorized to transact business and if an authority of a county becomes empowered to transact business and exercise its powers, an authority of a city previously empowered to transact business and exercise its powers in any portion of the unincorporated area of such county shall thereafter have no power to initiate any further project within such unincorporated territory; (2) in the case of a housing authority of a county, shall include all of the county except the area within the territorial boundaries of any city located in said county for which city an authority has been previously authorized to transact business, but no housing authority of a county shall operate in any city located in said county for which an authority has not been authorized to transact business unless consent of the governing body of such city shall have been obtained; provided, that if an authority of a city within a county becomes empowered to transact business and exercise its powers, an authority previously empowered to transact business and exercise its powers in said county shall thereafter have no power to initiate any further project within the territorial boundaries of such city.

(g) "Federal Government" shall include the United States of America, the Federal Emergency Administration of Public Works or any other agency or instrumentality, corporate or otherwise, of the United States of America.

"Slum"

(h) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

"Housing project"

(i) "Housing project" shall mean any work or undertaking to be financed in whole or in part by the Federal Government or to which the Federal Government extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise: (1) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (2) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes; or (3) to

accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(j) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding. "Persons of low income"

(k) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this act.

(l) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(m) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the authority. "Obligee of the authority"

SEC 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Some housing projects have already been constructed, lying partly in one city which has a housing authority under the provisions of this act, and partly within an adjoining city. The problem thus created as to the jurisdiction of the one housing authority over the whole of said project is a difficult one and calls for immediate answer. For this reason it is necessary that this act take immediate effect.

CHAPTER 434

An act to add Sections 739.2 and 756 to the Vehicle Code, relating to offenses under said code.

In effect
September
15, 1945

[Approved by Governor May 24, 1945. Filed with Secretary of State
May 24, 1945]

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

SECTION 1. Section 739.2 is added to the Vehicle Code, to read:

Notices to
appear

739.2. Notices to Appear. Whenever any traffic or police officer delivers a notice to appear charging an offense under this code to any person, such notice shall include all information set forth upon the copy of such notice filed with a magistrate and it shall be a misdemeanor for any traffic or police officer to set forth on any such notice filed with a magistrate or to attach thereto or accompany such notice with any written statement giving information or containing allegations which have not been delivered to the person receiving such notice to appear.

SEC. 2. Section 756 is added to the Vehicle Code, to read:

Police
reports

756. Police Reports. In the event a defendant charged with an offense under this code pleads guilty, the trial court shall not at any time prior to pronouncing sentence receive or consider any report, verbal or written, of any police or traffic officer or witness of the offense without fully informing the defendant of all statements in any such report or statement of witnesses, or without giving the defendant an opportunity to make answer thereto or to produce witnesses in rebuttal, and for such purpose the court shall grant a continuance before pronouncing sentence if requested by the defendant.

CHAPTER 435

An act to add Sections 131.5 and 143.5 to the Agricultural Code, relating to liens on tax-deeded lands.

In effect
September
15, 1945

[Approved by Governor May 24, 1945. Filed with Secretary of State
May 24, 1945]

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

SECTION 1. A new section, to be numbered 131.5, is hereby added to the Agricultural Code, to read:

Pests on
tax-deeded
lands

131.5. In case any pests are found to exist upon any property which has been deeded to the State for nonpayment of taxes, the notice shall be served by recording the same and by mailing a copy thereof to the State Controller, and either by personally serving or by mailing a copy thereof, in the manner provided in Section 131, to the last owner of record prior to the

deeding of the property to the State. In case the expense of abatement becomes a lien on such property, as provided in Section 137 of this code, and in the event that said property is redeemed or sold to a private person at tax sale, the action to foreclose such lien shall be commenced within 120 days after redemption of such property or sale of such property by the State. Said lien shall cease to exist at the expiration of said period of 120 days unless an action to foreclose said lien shall have been theretofore commenced. If the property is acquired by the State or by any municipal corporation or political subdivision, and the right of redemption terminated, then the lien shall terminate at the time the right of redemption is terminated.

SEC. 2. A new section to be numbered 143.5 is hereby added to the Agricultural Code, to read:

143.5. If the property upon which the neglected or abandoned plants or crops exist has been deeded to the State for nonpayment of taxes, a copy of the citation, together with a copy of the petition, shall be mailed to the State Controller, and a copy thereof shall be served, in the manner provided in Section 143, upon the last owner of record prior to the deeding of the property to the State, and a notice of the pendency of the action shall be recorded as provided in Section 409 of the Code of Civil Procedure.

Abandoned
plants, etc.,
on tax-
deeded lands

In case the expense of removal or destruction of the abandoned plants or crops becomes a lien on the property, as provided in Section 146 of this code, and in the event that said property is redeemed or sold to a private person at tax sale, the action to foreclose such lien shall be commenced within 120 days after redemption of such property, or sale of such property by the State. Said lien shall cease to exist at the expiration of said period of 120 days unless an action to foreclose said lien shall have been theretofore commenced. If the property is acquired by the State or by any municipal corporation or political subdivision, and the right of redemption terminated, then the lien shall terminate at the time the right of redemption is terminated.

CHAPTER 436

An act to add Section 10202.7 to, and to amend Section 10270.5 of, the Insurance Code, relating to group life and disability insurance.

[Approved by Governor May 24, 1945 Filed with Secretary of State
May 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 10202.7 is added to the Insurance Code, to read:

10202.7. A group life policy conforming to all of the following conditions may be issued to the trustee of a fund established

Group life
policy Trade
association

by employer members of a trade association and maintained by contributions of such members for the sole benefit of their employees:

(a) The trade association must have been formed for purposes other than obtaining insurance and have been in existence for five years or longer prior to issuance of the policy.

(b) The policy must cover at date of issue not less than 75 per cent of the eligible employees of at least 50 per cent of the total employer members of the trade association unless the total number of lives covered at date of issue exceeds 600, in which event the policy must cover when issued 75 per cent of the eligible employees of at least 25 per cent of the employer members of the trade association; provided, however, that in determining the total of the employer members of the trade association there shall be excluded any member whose employees are already covered by group life insurance.

(c) The group life policy must be issued pursuant to Section 10202 and the trustee shall be deemed to be the employer for purposes of administration.

SEC. 2. Section 10270.5 of the Insurance Code is amended to read:

10270.5. Group disability insurance is that form of disability insurance conforming to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the Federal or State Government, or to any Federal or State agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency, or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents for amounts of insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to any association having a constitution and by-laws and formed in good faith for purposes other than that of obtaining insurance offering insurance to all the members of such association and covering not less than 10 such members or such members together with their dependents and not less than 50 per cent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. Any such master policy shall by its terms require the premium to be paid to the insurer either by means of pay roll deductions or periodically by some designated person acting on behalf of the association insured; and under which

(b) For delivery to each person insured thereunder, other than dependents of an insured employee or person, there is issued to the holder of the master policy by the insurer an individual

Group
disability
insurance:
Employees

Associations

certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

CHAPTER 437

An act to amend Section 24 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to written reports of the commissioner and penalty for failure to file as required.

Stats 1927,
p 51,
amended

[Approved by Governor May 24, 1945. Filed with Secretary of State
May 24, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 24 of the act cited in the title hereof is amended to read:

Stats 1939,
p 2713

Sec. 24. On or before 90 days after the thirty-first day of December of each year every credit union shall make a written report to the commissioner which shall contain a statement of its condition as at December 31st of said year; the said report shall be in the form and contain the matters prescribed by the commissioner. Every such report shall be verified by the oath of the president and secretary. The verification shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it

Annual
report of
credit union

Every such credit union shall also make such other special reports to the commissioner as he may from time to time require, which shall be in such form and filed at such date as may be prescribed by the commissioner, and shall, if required by him, be verified in such manner as he may prescribe.

Other reports

If any such credit union shall fail to make any report required by this section on or before the day designated for the making thereof, or shall fail to include therein any matter required by the commissioner, such failure shall constitute grounds for the suspension or revocation of the certificate authorizing such credit union to act as a credit union, unless the time therefor shall have been extended by the commissioner.

Failure
to report

CHAPTER 438

Stats 1927,
p. 51,
amended. *An act to amend Section 18 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to approval of loan applications by credit committee.*

In effect
September
15, 1945. [Approved by Governor May 24, 1945. Filed with Secretary of State
May 24, 1945.]

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

Stats. 1927,
p. 51. SECTION 1. Section 18 of the act cited in the title hereof is amended to read:

Application,
approval,
etc., of loan. Sec. 18. Every application for a loan must be made in writing and must state the purpose for which the loan is desired and the security offered. No loan shall be made unless the application has received the approval of a majority of the members of the credit committee in writing.

Any applicant for a loan may appeal from the decision of the credit committee to the board of directors.

In no case shall a member of the credit committee receive any compensation for his services as a member of such committee, or serve as a member of the supervisory committee.

CHAPTER 439

An act to add Section 19628 to the Business and Professions Code, relating to the availability and reversion of appropriations and allocations from the Fair and Exposition Fund.

In effect
September
15, 1945. [Approved by Governor May 24, 1945. Filed with Secretary of State
May 24, 1945.]

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

Reversion of
appropriations, etc.,
from Fair
and Exposition
Fund. SECTION 1. A new section to be numbered 19628 is hereby added to the Business and Professions Code, reading as follows:

19628. Appropriations and allocations from the Fair and Exposition Fund under Article 9, Chapter 4, Division 8 of this code shall be exempt from the provisions of Section 16304 of the Government Code, excepting appropriations or allocations under Sections 19621 and 19626.5 of this code, and allocations by executive order of the Director of Finance for permanent improvements for fair purposes under Section 19626 of this code, the date of such executive order to be deemed to be the date when the appropriation became available. All such appropriations and allocations not exempted herein shall be subject to the provisions of Section 16304 of the Government Code. Allocations for permanent improvements for fair purposes under Section 19626 of this code shall be available to defray

expenditures lawfully incurred prior to the date of the executive order, if the executive order so provides. Upon reversion an allocation made by the Director of Finance for permanent improvements for fair purposes under Section 19626 of this code shall revert to and become a part of the appropriation from which the allocation was made.

Expenditures heretofore paid from appropriations and allocations made under the provisions of Article 9, Chapter 4, Division 8 of this code shall be deemed to have been made within the period of availability of such appropriations and allocations.

CHAPTER 440

An act to add Section 92.4 to the Agricultural Code, relating to agricultural fairs.

[Approved by Governor May 24, 1945. Filed with Secretary of State May 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 92.4 is added to the Agricultural Code, to read:

92.4. No fairs held in the calendar years 1942 to 1946, inclusive, shall be considered as fairs held for the purpose of determining the maximum base of allocation under Section 92. This provision shall apply to apportionments for the calendar year 1945 and subsequent calendar years.

Exclusion of
fairs 1942-
1946 in
determining
allocations,
etc

CHAPTER 441

An act to amend Section 15a of and to add Section 15b to the Industrial Loan Act, relating to costs of examinations and supervision.

[Approved by Governor May 24, 1945. Filed with Secretary of State May 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 15a of the act cited in the title hereof is amended to read:

Sec. 15a. To defray the costs of the annual examinations required by this act, the commissioner shall charge the industrial loan company examined, the actual amount of the salary or other compensation paid to the person or persons making the examination, and it shall be the duty of the industrial loan company to pay the same on receipt of invoice. In addition the commissioner shall require each company incorporated under and by virtue of the Industrial Loan Act to pay in advance to

Stats 1943,
p 1287

Costs of
examina-
tions, etc

him its pro rata amount of all other costs and expenses (excepting from such computation all costs provided to be charged against a particular industrial loan company pursuant to Section 15b of this act) reasonably incurred in the administration of this act as estimated by the commissioner for the ensuing year and it is hereby made the duty of every such company to pay the same. Such pro rata shall be the proportion which its assets bear to the aggregate assets of all companies incorporated under and by virtue of the Industrial Loan Act as shown by the latest annual reports of such companies to the commissioner.

Assessments

On or before the thirtieth day of November in each year, the commissioner shall notify each of such companies by mail of the amount assessed and levied against it and that the same must be paid within 20 days thereafter; and should payment not be made to him within said 20 days, he shall assess and collect a penalty in addition thereto of 1 per cent for each month or part of a month that such payment may be delayed or withheld.

Provided, however, that in the levying and collection of such assessment, no company shall be assessed for nor be permitted to pay less than ten dollars (\$10) per annum and any such company hereafter formed shall be required to pay not less than one dollar (\$1) per month or fraction thereof for the unexpired year ending December 31st succeeding its incorporation.

SEC. 2. Section 15b is added to the act cited in the title hereof, to read:

*Additional
examinations*

Sec. 15b. In addition to the annual examination, whenever in the judgment of the commissioner the condition of any industrial loan company renders it necessary or expedient to devote any extraordinary attention to its affairs, the commissioner shall have authority to make any extra examination or investigation and perform any necessary services in connection with its affairs. In such case the company shall pay to the commissioner the actual cost of such examination, investigation or services, including the actual amount of salary or other compensation paid to the person or persons making such examination or investigation or rendering services and overhead costs in connection therewith, as fixed by the commissioner. In the event recovery of such costs can not be made from the company especially examined, such costs may be added to the assessment provided in Section 15a.

CHAPTER 442

An act to amend Sections 6500, 7302 and 7310 of the Welfare and Institutions Code, relating to State institutions, designating The Langley Porter Clinic as a State hospital, and providing for its operation and government and the powers of the secretary to the superintendent thereof.

[Approved by Governor May 24, 1945 Filed with Secretary of State
May 24, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. There are in the State the following State hospitals for the care and treatment of the insane, the mentally ill, and the mentally disordered:

- (a) Stockton State Hospital at the City of Stockton.
- (b) Napa State Hospital near the City of Napa.
- (c) Agnews State Hospital near the City of San Jose.
- (d) Mendocino State Hospital near the City of Ukiah.
- (e) Patton State Hospital near the City of San Bernardino.
- (f) Norwalk State Hospital near the City of Norwalk, Los Angeles County.
- (g) Camarillo State Hospital near Camarillo, Ventura County.
- (h) The Langley Porter Clinic, in the City and County of San Francisco.

SEC. 2. Section 7302 of said code is amended to read:

7302. The Langley Porter Clinic shall be conducted and maintained for the purpose of treating incipient and acute mental and nervous cases. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Institutions, and no person shall be committed either directly to The Langley Porter Clinic or to the Department of Institutions for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution the patients so transferred may be returned upon the completion of the study, diagnosis or treatment to an institution of the type from which they came.

The charges for the care, treatment or services rendered to all persons admitted to the hospital shall not be limited by any provision of this code but shall be based on the average cost per day as determined by the Director of Institutions. The liability for the charges so determined shall be governed by the provisions of Article 5 of Chapter 1, Part 4 of this division.

There shall be conducted and maintained in conjunction with the hospital unit an out-patient clinic. The charges for service

in the out-patient clinic shall be determined by the Director of Institutions in accordance with schedules for such charges as set forth in the rules and regulations of the department.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 3. Section 7310 of said code is amended to read:

Secretary to
superintendent
of Lang-
ley Porter
Clinic

7310. The secretary to the superintendent of The Langley Porter Clinic shall have power to administer and certify oaths and affirmations, take and certify affidavits and acknowledgments, and exercise any other power of a notary public, but only for official public business and matters incidental to or required for the completion of dealings with public officers or public agencies. The secretary shall not charge any fee for any such service.

CHAPTER 443

An act to amend Section 1347 of the Fish and Game Code, relating to elk.

In effect
September
15, 1945

[Approved by Governor May 24, 1945. Filed with Secretary of State May 24, 1945.]

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

SECTION 1. Section 1347 of the Fish and Game Code is amended to read:

Tule elk

1347. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the total number that may be taken during any open season for the taking of dwarf elk (*Cervus nannodes*) commonly known as tule elk under such rules and regulations as the commission may prescribe from time to time. Only citizens and bona fide residents of the State of California over the age of 16 years and possessing a valid hunting license may obtain a license for the taking of said elk. The fee for said license is ten dollars (\$10). The fees provided herein shall be deposited in the Fish and Game Preservation Fund, and shall be expended in addition to moneys provided in the budget for salaries of the Division of Fish and Game for the expense of enforcing the provisions of this section.

The provisions of Section 1275.5 of this code shall apply to the possession of elk meat.

CHAPTER 444

An act to amend Section 887 of the Fish and Game Code, relating to fish.

[Approved by Governor May 24, 1945. Filed with Secretary of State May 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 887 of the Fish and Game Code is amended to read:

887. The commission may issue a revocable permit to take Mullet or carp. Revocable permit with set gill nets, or seines, mullet or carp in the waters of the Salton Sea and in those portions of the New and Alamo Rivers up stream one mile from their mouths as marked by the commission, under commercial license, subject to such restrictions as the commission deems advisable.

(a) No fish other than mullet or carp, and no mullet less than 14 inches in length may be taken or possessed by a licensed commercial fisherman while fishing in Salton Sea, and the Alamo and New Rivers. Restrictions

(b) No commercial fishing under this section shall be carried on within the boundaries of any State or Federal game refuge.

(c) Commercial fishing in Salton Sea and the Alamo and New Rivers shall be carried on only between January 1st and June 30th of each year.

(d) It is unlawful to possess gill nets, seines, or other devices capable of being used to take mullet or carp for commercial purposes, within 500 yards of the Salton Sea and those portions of the New and Alamo Rivers designated as commercial fishing waters lying in District 22, between July 1st and December 31st.

(e) Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take mullet or carp in Salton Sea or any portions of the New or Alamo Rivers at any time of the year, between one hour before sunrise and one hour after sunset. The daily bag limit and possession limit is 20 pounds and one fish in the aggregate. No such fish may be sold. Mullet and carp so taken by sport fishermen may be taken by use of the hands, hook and line, or by use of dip nets not greater than six feet in diameter. Exceptions

(f) Notwithstanding the provisions of this section, it shall be lawful for any holder of a sporting fishing license to take only by angling 10-pounders (*Elops affinis*) in District 22 at any time of the year between one hour before sunrise and one hour after sunset. The daily bag limit is five fish irrespective of size. Not more than one daily limit may be possessed by any person during any one day. No such 10-pounders may be sold.

CHAPTER 445

Stats 1909, *An act to amend Section 83 of the Bank Act, relating to loans*
 p 37, *to officers, directors and employees of commercial banks.*
 amended

In effect [Approved by Governor May 24, 1945 Filed with Secretary of State
 September May 24, 1945]
 15, 1945

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

Stats 1933,
 p 1136
 Loans to
 officers of
 commercial
 bank, etc

SECTION 1. Section 83 of the Bank Act is amended to read:

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; provided, that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent, or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent, or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the endorsement, surety, or guaranty of any such director other than an officer, agent, or other employee, can be made by any commercial bank; and provided, further, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer or director of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent, or other employee, or to any person, firm, copartnership, or corporation on the endorsement, surety or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit to any director of such bank; except that a written report to the Superintendent of Banks of such loan or line of credit shall not be required. Loans herein authorized can be made only on authorization of or confirmation within 30 days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan; provided, that by and with the consent of the Superintendent of Banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than 90 per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank; provided, however, that nothing herein contained shall prevent a commercial bank from making a loan,

Confirmatio
 of loans

Loans to
 employees

or loans not to exceed an aggregate of two thousand five hundred dollars (\$2,500) to any employee who is not an officer or director, without the authorization or confirmation of the board of directors or the consent of the Superintendent of Banks and without reporting same to the Superintendent of Banks.

The board of directors of any such bank may fix the total amount of credit that may at any one time during the 12 months next succeeding be given to any creditor, agent, or other employee other than an officer, or to any firm, copartnership, or corporation in which any director, agent, or other employee other than an officer is a member, stockholder, director, officer, agent or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said 12 months be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, copartnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, obtaining such loan, or the name of the firm, copartnership or corporation in which such director is interested, or the name of the corporation of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the Superintendent of Banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such commercial bank owns not more than 5 per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation which any two or more directors, officers, agents or employees of such commercial bank own not more than 20 per cent of the paid-in capital of such borrowing corporation shall not be reported to the Superintendent of Banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of

Amount
of Loans

Reports

making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within 30 days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars (\$25) per day for each day, or part thereof, during which such neglect or failure continues.

Religious corporations, etc
 This section shall not apply to any loan made to a religious corporation, club or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members or officers, but in which they have no financial interest.

Loans prohibited
 No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or directors and officers of such commercial bank collectively, except with the previous consent of the Superintendent of Banks.

Loans secured by U S obligations, etc
 Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a commercial bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, metropolitan water district or school district of this State, notwithstanding any thing in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

CHAPTER 446

An act to amend Section 65 of the Bank Act, relating to loans to officers, directors and employees of savings banks.

Stats 1909,
p 87,
amended

[Approved by Governor May 24, 1945 Filed with Secretary of State
May 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 65 of the Bank Act is amended to read:

Stats 1933,
p 1136

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization or confirmation within 30 days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan; provided, however that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; provided, that, by and with the consent of the Superintendent of Banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than 90 per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer or director of the corporation, to which such loan is made, the amount of stock held by him in such borrowing corporation, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the Superintendent of Banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than 5 per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than 20 per cent of the paid-in capital of such borrowing corporation, shall not be reported to the Superintendent of Banks. No loan may be made to any corporation a

Loans to
officers, etc.,
of savings
banks

Loans to corporations.
Director
interested

Record of
confirmation

majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such savings bank collectively, except with the previous consent of the Superintendent of Banks.

Loan to
member of
advisory
board

A loan may be made to any agent, employee or a member of the advisory board other than an officer or director, of any savings bank by such bank upon authorization or confirmation of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing or confirming such loan; provided, however, that such loan shall in all respects conform to and comply with all other provisions of this act; except that a written report to the Superintendent of Banks of such loan to an employee or to an advisory board member other than an officer or director shall not be required. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the Superintendent of Banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than 5 per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than 20 per cent of the paid-in capital of such borrowing corporation, shall not be reported to the Superintendent of Banks; provided, however, that nothing herein contained shall prevent a savings bank from making a loan, or loans not to exceed an aggregate of two thousand five hundred dollars (\$2,500) to any employee who is not an officer or director, without the authorization or confirmation of the board of directors or the consent of the Superintendent of Banks and without reporting the same to the Superintendent of Banks.

Record of
confirmation

Loans to
employees

Penalty

Any officer or director of any savings bank who knowingly procures a loan from such savings bank contrary to the provisions of this section shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars (\$25) per day for each day, or part thereof, during which such neglect or failure continues.

Religious
corporations,
etc

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which

one or more directors, officers, agents or employees of such savings bank may be members or officers, but in which they have no financial interest.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a savings bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, metropolitan water district, or school district of this State, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Loans secured by U S obligations, etc.

CHAPTER 447

An act to add a new section to the Bank Act to be numbered 136e, relating to the sale or compromise of bad or doubtful debts by the Superintendent of Banks when liquidating a bank.

Stats 1909, p 87, amended

[Approved by Governor May 24, 1945. Filed with Secretary of State May 24, 1945]

In effect September 15, 1945

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

SECTION 1. A new section is hereby added to the Bank Act to be numbered 136e, and to read as follows:

New section

Sec. 136e. Whenever the Superintendent of Banks is in possession of the property and business of a bank pursuant to the provisions of Section 136 of this act or is liquidating any bank pursuant to the provisions of this act he may sell, compromise or compound any bad or doubtful debt owing said bank which is for a sum not exceeding two hundred dollars (\$200) on such terms as he may think proper without securing any order of the superior court authorizing or approving the same, anything in this act to the contrary notwithstanding.

Liquidation of bank - Bad debts

CHAPTER 448

An act to add Section 7057 to the Public Resources Code, relating to oil and gas and mineral leases by municipalities.

[Approved by Governor May 24, 1945. Filed with Secretary of State May 24, 1945]

In effect September 15, 1945

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

SECTION 1. Section 7057 is added to the Public Resources Code, to read:

7057. The property of any municipality may be leased for the purpose of producing or effecting the production of minerals, oil, gas or other hydrocarbon substances for a period not

Lease of mineral rights, etc. by municipality

to exceed 35 years unless such property shall have been dedicated or acquired as a park, highway, street, walk or public playground, in which event such property may be leased for such purposes provided that the use of such property for park, highway, street, walk or public playground purposes shall not be substantially interfered with thereby, provided however, that if in the judgment of the governing body of any such park, highway, street, walk or public playground, drilling for oil or gas would not substantially interfere with the use of such property for park, highway, street, walk or playground purposes, then any such lease on any such property shall provide that drilling for oil or gas beneath the surface of such property shall be done by means of slant drilling from surface locations outside the outer-boundaries of any such property, or from designated locations inside the outer boundaries of such property, which inside locations will not interfere substantially with the use of such property for such park, highway, street, walk or playground purposes. Such governing body shall prescribe such terms and conditions in such lease to the end that any drilling and producing operations will interfere as little as is possible with the use of the property for such park, highway, street, walk or playground purposes.

CHAPTER 449

An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

In effect
September
15, 1945

[Approved by Governor May 24, 1945 Filed with Secretary of State
May 24, 1945.]

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

SECTION 1. Section 3692 of the Political Code is amended to read:

State Board
of Equaliza-
tion: Powers
and duties

3692. The powers and duties of the State Board of Equalization are as follows:

1. To prescribe rules for its own government and for the transaction of its business.

2. To prescribe rules and regulations, not in conflict with the Constitution and laws of the State, to govern local boards of equalization when equalizing, and assessors when assessing.

3. To prescribe and enforce the use of all forms for the assessment of property for taxation, and the collection of taxes thereon, in this State and the local taxing jurisdictions thereof.

Instructions
to assessors,
etc.

4. To prepare and issue instructions to assessors designed to promote uniformity throughout the State and the local taxing jurisdictions thereof in the assessment of property for the purposes of taxation; to adapt such instructions to varying local circumstances and to differences in the character and conditions of property subject to taxation as in the judgment of the board shall be deemed necessary to attain such uniformity.

5. To summon assessors to meet with the board or its duly authorized representatives at least once each year, at such place or places within the State as may be designated by the board, for the purpose of the discussion of the problems of administration of assessment and taxation laws and to promote uniformity of procedure in tax matters throughout the State. The expenses of any assessor attending such sessions shall be a charge against the funds of his county or city to be paid in the same manner as other county or city charges are paid and it shall be the duty of the governing body of said county or city to provide for the payment of such expenses.

6. To instruct, advise and direct assessors and tax collectors as to their duties under the laws of the State and, in such cases as the board may deem necessary, to obtain the opinion of the Attorney General upon any questions of law relating to such duties.

7. To hold regular meetings at the State Capital each month, ^{Meetings} and such special meetings at such times and places within the State as the chairman may direct. At any such meetings the board may transact any and all business and perform all duties imposed upon it by law and give and enter any and all orders and decrees within its jurisdiction, except that the final action of the board in assessing State assessed property shall be performed only at the State Capital.

8. To confer, in this State or elsewhere, either as a board, ^{Conferences} individually or through its staff, with officers or employees of this State, its political subdivisions, other States, their political subdivisions or the United States, or such other persons as may be of assistance to the board in its work. The members of the board and its staff shall be entitled to their actual traveling expenses incurred in pursuance hereof but when such expenses are incurred with respect to travel outside of the State, they shall be subject to the approval of the Governor and Director of Finance.

9. Whenever deemed necessary, to visit as a board, or by the ^{Inspections} individual members thereof, or to send its secretary or duly appointed representative to, the several counties and cities for the purpose of inspecting property and learning the value thereof, and of collecting information to enable the State Board of Equalization to equalize assessments and levy the taxes as provided by law.

10. To inspect either as a board, individually or by its duly appointed representative or representatives, the work of any local officers whose duties relate to the assessment of property for taxation and the collection of taxes; to require such officers to produce any public records in their custody, and to give testimony with reference to such matters of assessment and tax collecting as may be deemed useful to the board in its investigations.

11. To issue subpoenas for the attendance of witnesses or the <sup>Issuance of
subpoenas,
etc.</sup> production of books, records, accounts and papers before the

board, its secretary, or any member thereof, or any representative designated by the board; which subpoenas must be signed by a member of the board, or the secretary thereof, and may be served by any person. Any person, duly subpoenaed hereunder, who shall refuse or neglect to attend as a witness or to produce any books, records, accounts or papers in his possession, custody or control, in response to such subpoena or who shall refuse to answer any question pertinent to the matter under investigation by the board put to him by any member of the board, its secretary or designated representative, shall be deemed guilty of contempt and may be punished by a court of competent jurisdiction by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail not exceeding five (5) days, or by both such fine and imprisonment.

12. To appoint its secretary, prescribe and enforce his duties. The secretary shall hold his office during the pleasure of the board and shall receive such compensation as may be prescribed by the board. To employ such expert and clerical assistants as it may deem necessary in the performance of its powers and duties.

Report to
Governor

13. To report to the Governor, biennially, a statement showing:

First. The acreage of each county in the State that is assessed.

Second. The amount assessed per acre.

Third. The aggregate value of all real estate within an incorporated city or town.

Fourth. The aggregate value of all real estate in the State.

Fifth. The kinds of personal property in each county, and the value of each kind.

Sixth. The aggregate value of all personal property in the State.

Seventh. Any information relative to the assessment of property and the collection of revenue.

Eighth. Such further suggestions as it shall deem proper.

This report shall be printed at State expense.

14. To keep a record of all its proceedings.

15. To require any person having knowledge of the business of any person, firm, association or corporation subject to assessment by the board, or having the custody of the books, accounts, and papers of such person, firm, association or corporation, to attend before the board, or any member thereof, and bring with him for inspection any books, accounts, or papers, of such person, firm, association or corporation in his possession and under his control, and to testify under oath touching any matter relating to the organization or business of such person, firm, association or corporation.

Examination
of books, etc.

16. To examine, as a board, individually or through its staff, the books, accounts and papers of all persons, firms, associations or corporations required by law to report to the board, or having knowledge of the affairs of those required so to report. The members of the board and its staff shall be entitled to their

actual traveling expenses incurred in pursuance hereof, but when such expenses are incurred with respect to travel outside of the State they shall be subject to the approval of the Governor and Director of Finance.

17. To hire or lease, upon the written approval of the Department of Finance, any property, real or personal, for the occupancy or use of the board in the performance of its duties. Lease of property

18. To sell at prices to be approved by the Department of Finance copies of compilations of the revenue laws of the State, maps and other documents. Compilation of revenue laws

CHAPTER 450

An act to amend Section 5 of the Industrial Loan Act, relating to industrial loan companies and the outstanding investment certificates of such companies. Stats 1917, p 653, amended

[Approved by Governor May 24, 1945 Filed with Secretary of State In effect September 15, 1945
May 24, 1945.]

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

SECTION 1. Section 5 of the Industrial Loan Act is amended to read: Stats 1941, p 2945

Sec. 5. No corporation under the provisions of this act shall: Limitation on corporate powers

(a) Hold at any one time the obligation or obligations of any person, firm or corporation, as primary debtor, in excess of 5 per cent of the amount of the capital stock of such industrial loan company actually paid in and unimpaired and 5 per cent of its unimpaired surplus fund; provided, however, that the limitation upon obligations secured by collateral of a market value at no time less than 115 per cent of the face amount of said obligations shall be not to exceed 20 per cent of such capital and surplus.

(b) Make any loan, under the provisions of this act, for a longer period than two years from the date of making said loan.

(c) Deposit any of its funds with any other moneyed corporation, unless such corporation has been designated as such depository by a vote of the majority of the directors or of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

(d) Invest any of its funds, otherwise than as herein authorized, except in such investments as are by law legal investments for savings banks, or in the choses in action issued by any other corporation organized under this act.

(e) Have outstanding at any time its investment certificates in an aggregate sum in excess of 10 times the aggregate amount of its paid-up capital, surplus, and undivided profits, exclusive of those hypothecated with the company issuing them.

CHAPTER 451

An act to amend Section 970 of the Streets and Highways Code, relating to the naming of county highways.

In effect
September
15, 1945

[Approved by Governor May 24, 1945. Filed with Secretary of State
May 24, 1945.]

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

SECTION 1. Section 970 of the Streets and Highways Code is amended to read:

Naming of
highways

Petition

970. The owners of land along a county highway may petition the board of supervisors to have a name adopted and applied to the highway or, if the highway has a name, to change the name of the highway. The petition shall set forth the proposed name and a description of the highway to be named, and shall be signed by at least one-fourth of the owners of land on the highway. If the petition is signed by three-fourths of such owners and conforms to the provisions of this section the board shall make an order in its minutes, officially designating the name of such highway. If such petition is signed by one-fourth or more but less than three-fourths of such owners and conforms to the provisions of this section the board may likewise make an order in its minutes officially designating the name of such highway, unless at the time of the action of the board there has been filed with the board a petition signed by a larger number of qualified property owners, in which event the board may designate the name specified in the petition signed by the greatest number of petitioners. Thereafter, the highway shall be known by the name thus designated. This section shall not apply to any State highway or to any highway under the control or supervision of the department.

Exceptions

CHAPTER 452

An act to add Section 7071.3 to the Business and Professions Code, relating to the licensing of contractors, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor May 24, 1945. Filed with Secretary of State
May 24, 1945.]

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

SECTION 1. Section 7071.3 is added to the Business and Professions Code, to read:

Licensee in
armed forces
Designation
of agent

7071.3. Notwithstanding any other provision of this code, the holder of a current valid license under this chapter who has entered or enters the armed forces of the United States may designate a responsible managing person or persons to act for him while in the armed forces and until one year after his discharge therefrom, after which time the authority to so act

for the licensee shall terminate. The annual renewal fee shall be paid for any such licensee so designating others to act for him.

Any license shall remain in full force and effect for 30 days after the entrance of the licensee into the armed forces, but he shall prior to the expiration of such 30-day period provide the Registrar with the name or names of the persons so designated to conduct his business. The Registrar may qualify such persons in any manner he may adopt. Persons so designated shall possess the good character required of an applicant for license.

Persons so designated committing any of the acts which would be grounds for the revocation or suspension of a license shall be removed from the business of such licensee after a hearing as provided in this chapter.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Many members of the armed services who hold current valid licenses will be unable to return before the expiration thereof; that it is unjust that licensees be deprived of the benefits of their licenses or be forced to abandon their businesses by reason of their absence in the service of their country; that many such licensees have contracts which they are unable to complete due to their entrance into the armed services; that it is equitable that such licensees be able to maintain and continue their business through responsible agents so that they may return to said businesses upon termination of their service with the armed forces.

CHAPTER 453

An act to add Section 92.5 to the Agricultural Code, relating to adjustment of apportionments to district and county fairs from the Fair and Exposition Fund.

[Approved by Governor May 24, 1945 Filed with Secretary of State
May 24, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 92.5 is added to the Agricultural Code, to read:

92.5. In the event the audited total of eligible premiums paid by any fair in any year differs from the total set forth in the sworn statement filed with the Department of Finance under Section 92 of the Agricultural Code, the amount of the apportionment made to such fair for such year under Sections 92 and 92.1 of the Agricultural Code shall be recalculated on the basis of the audited total of eligible premiums paid multiplied by the factor used in calculating the original apportionment. If the recalculated apportionment is less than the original

Adjustment
of apportion-
ments to
fairs

apportionment, the amount of such difference shall be returned to the Fair and Exposition Fund and be added to and become a part of the funds appropriated for the encouragement of agricultural fairs under subdivision (b) of Section 19624 of the Business and Professions Code, during the fiscal year in which said difference is returned to said fund.

CHAPTER 454

Stats 1937, *An act to amend Sections 152.5 and 152.6 of the State Civil*
p 2085, *Service Act and Sections 19390 and 19397 of the Govern-*
amended *ment Code, relating to rights of civil service employees.*

In effect
 September
 15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State
 May 25, 1945.]

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

Stats 1943,
p 2494
 See also
Stats 1945,
Ch. 164
 Restoration
 to position
 after mili-
 tary service

SECTION 1. Section 152.5 of the State Civil Service Act is amended to read:

Sec. 152.5. Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense, any permanent or probationary civil service employee of the State, in good standing who enters the military service of the United States, whether voluntarily or otherwise, shall have the absolute right to be restored to his former position with the same civil service status formerly had by him upon application by him to the board within six months after the termination of such military service, or rehabilitation afforded by the United States Government following such military service. "Rehabilitation" as used in this section and Section 152.6 includes, but is not limited to, any benefits, rights, or privileges to which the employee is entitled pursuant to Title II of the Servicemen's Readjustment Act of 1944. The provisions of this section shall apply to all such civil service employees who enter the military service during any such war or until the Governor finds and proclaims that the emergency no longer exists.

58 Fed
 Stats,
 Ch 268

Layoffs after
 reinstatement

If, upon the reinstatement of employees after military service as provided in this section, it is found necessary because of lack of work or lack of funds or in the interests of economy to reduce the staff of the State agency, the appointing power shall lay off employees in accordance with the procedure set forth in Section 172 and the rules of the board; provided, however, that only those employees in the class will be considered in the layoff who have been appointed to their positions since September 1, 1940; and provided, further, that employees so reinstated after military service shall be excluded from the resulting layoff unless there is no position in the class in the agency or the number of positions in the class to be retained is less than the number of employees so reinstated.

Stats 1943
p 1172

SEC. 2. Section 152.6 of said act, as added by Chapter 260 of the Statutes of 1943, is amended to read:

Time spent
 in military
 service

Sec. 152.6. The board, by rule, may provide that time spent in the military service, including rehabilitation afforded by the

United States Government following such military service, except for purely educational purposes, by persons entering such service in the manner provided in Section 152.5 may be considered as time spent in State service for the purpose of computing seniority rights under Section 172, and rights to salary adjustments under Section 70 at the time of the return of such person to State service.

SEC. 3. Section 19390 of the Government Code is amended to read:

See also
Stats 1945,
Ch 164 and
1306
Restoration
to position
after mili-
tary service

19390. Whenever the United States is engaged in war or during the existence of an emergency in preparing for the National defense found and proclaimed by the Governor, any permanent or probationary State civil service employee in good standing who enters the military service of the United States, whether voluntarily or otherwise, has an absolute right to be restored to his former position and civil service status upon application by him to the board within six months after the termination of such military service or any rehabilitation afforded by the United States Government following such military service.

SEC. 4. Section 19397 of the Government Code is amended to read:

19397. The board may provide by rule that time spent in the military service, including rehabilitation afforded by the United States Government following such military service, except for purely educational purposes, during the emergency period specified in Section 19390 by any person who has an absolute right to be restored to his former position in the State civil service may be considered as time spent in State service for the purpose of computing seniority rights for layoff purposes and rights to automatic salary adjustments at the time of return to State service.

Time spent
in military
service

SEC. 5. Sections 3 and 4 of this act become operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 152.5 and Section 152.6, as added by Chapter 260 of the Statutes of 1943, are hereby repealed.

Effect
Stats 1945,
Ch 123

CHAPTER 455

An act adding Sections 4.6, 4.7, 8.7, 8.8, 8.9, 12.2, 12.3, 12.4, 17 and 18 to, and amending Sections 4, 4.5, 11, 11.5, 12, and 14 of, an act entitled, "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special

Stats 1931,
p 477,
amended

tax," approved May 5, 1931, as amended, relating to county peace officers' retirement systems.

In effect
September
13, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945.]

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

Stats 1911,
p 2264

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

County peace
officers'
retirement
fund

Sec. 4. For the purpose of providing and maintaining a fund to meet the payments of demands drawn for the payment of pensions and the expenses of the retirement board, a fund is hereby created to be known as the "county peace officers' retirement fund." There shall be paid into said fund the following moneys, to wit:

Normal rate
of members'
contribution

(a) The normal rates of contribution of members shall be based on age at the nearest birthday at the time of entrance into the retirement system. The normal rates of contribution shall be such as will provide an average annuity at the lowest age at which the respective members shall be eligible for service retirement equal to one-half of terminal salary, according to the tables adopted by said board, subject to adjustment as provided for in subsection (f) of Section 3 hereof.

Table of
rates

(b) Until revised as a result of the actuarial investigation and valuation provided for in subsection (f) of Section 3 hereof, the rate of contribution of each member shall be that percentage of the salary actually paid to him, disregarding any portion thereof in excess of three hundred dollars (\$300) per month, shown in the following table according to age at the time of entry into said retirement system:

Age at entry into system	Contribution, percentage of salary
21	4.31
22	4.48
23	4.66
24	4.85
25	5.05
26	5.26
27	5.49
28	5.73
29	5.98
30	6.25
31	6.54
32	6.85
33	7.18
34	7.54
35	7.93
36	8.34
37	8.80
38	9.30
39	9.86
40	10.47

The normal rate of contribution established for age 40 shall be the rate for any member who has attained a greater age before entrance into said retirement system. In like manner the normal rate of contribution established for age 21 shall be the rate for any member who enters said retirement system at a lesser age.

(c) The rate of contribution of members shall apply to so much of the salary actually paid to them, plus the monetary value as determined by the board of retirement of board, lodging, fuel, laundry and other advantages of any nature furnished to him made in payment for his services as does not exceed three hundred dollars (\$300) per month, and shall be deducted by the county auditor or other officer charged with the duty of drawing salary or wage warrants from the first salary or wage warrant drawn in each month in favor of each member of said retirement system which shall be paid by such auditor or other officer to the county treasurer and placed to the credit of each individual member's account. Payment of salaries and wages less such contribution shall be full and complete discharge and acquittance of all claims and demands whatsoever for service rendered by such members during the period covered by such payment except their claims to the benefits to which they may be entitled as pensioners of such retirement system. Computation

(d) Upon election by any person to come within the provisions of this act, said person shall automatically be excluded from any other retirement system as aforementioned, and any sums due or to the credit of such person under such other system, shall be transferred to this pension system, to the credit of such person, in accordance with the law made and provided for such cases, it being the intention that the retirement system provided by this act shall be exclusive and that the persons, who having elected to come under the provisions of this act shall not participate in any other system now or hereafter provided by law for county or township officers or employees; provided, however, that where such person elects to come within the provisions of this act and elects to secure credit for prior service as a county peace officer under this act, and where the sum to the credit of such member so transferred from some other system to this system exceeds that necessary to entitle such member to credit for said prior service as a peace officer under this system, there shall be refunded to such member such portion of the sum so transferred to the credit of such member, as exceeds the amount necessary to entitle such member to the credit claimed for such prior service. Credit for
prior service

(e) An amount to be determined and appropriated each year by the board of supervisors. Said amount to be sufficient, together with the contribution of peace officers to meet all of the current demands, including interest, against said pension fund and shall in no event be less than the total amount which will be contributed by members during such year. County's
contribution

The board of supervisors may add to the appropriation an additional amount not to exceed the sum which would result

from a tax levy on all of the property in the county subject to taxation of one-half cent (\$.005) per one hundred dollars (\$100) of assessed valuation, to reduce or eliminate any deficit in the fund. The board shall monthly deposit all contributions received in the county treasury to the credit of said fund.

From and after the date any system created by this act becomes operative, the board of supervisors shall in the preparation and adoption of the county budget, add to the appropriation for salaries and wages and include therein an appropriation equal in amount to that determined upon, otherwise 8.70 per cent of the total salaries provided for those employees who are members of the retirement system.

Auditor's
certificate:

The county auditor shall certify to the board of supervisors at the end of each month the total amount of contributions paid by members to the retirement fund, and the board of supervisors shall thereupon transfer not less than a like amount for such appropriation to the retirement fund.

Interest on
deposits

(f) All contributions and deposits shall bear simple interest at a rate to be fixed by the board of retirement with the approval of the board of supervisors but the rate shall in no event be greater than 4 per cent per annum.

Interest shall be credited semiannually on June 30th and December 31st to all contributions in the retirement fund to the credit of each member which have been on deposit for six months immediately prior to such date.

New section

SEC. 2. Section 8.7 is hereby added to said act, to read as follows:

"Beneficiary"

Sec. 8.7. As used in this act, "beneficiary" means any person in receipt of a pension, or any other benefit provided by the retirement system.

New section

SEC. 3. Section 8.8 is hereby added to said act, to read as follows:

"Member"

Sec. 8.8. As used in this act, "member" means any person included in the membership of the system under Section 10 of this act who has not retired and who is not receiving any pension, or any other benefit provided by the retirement system.

New section

SEC. 4. Section 8.9 is hereby added to said act, to read as follows:

"Pensioner"

Sec. 8.9. As used in this act "pensioner" means a retired peace officer who is entitled, because of his former service as a member, to receive a pension as provided for in this act.

Stats 1943,
p 2794

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Service
connected
disability

Sec. 11. Any member shall be retired for disability regardless of age or amount of service, if incapacitated for the performance of duty as the result of an injury or disease occurring in and arising out of the course of his employment. Any member incapacitated for the performance of duty by reason of a cause not included in the immediately preceding sentence, shall be retired regardless of age but only after 10 years of service as a county peace officer as defined under Section 9 of this act. Incapacity for performance of duty shall be determined by the board.

Upon retirement of a member for service connected disability, such pensioner shall receive an annual pension, payable in monthly installments, equal to one-half of his terminal salary; provided, that such pension shall in no case be more than one hundred fifty dollars (\$150) per month.

Whenever any member or pensioner shall be killed, or die, as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement for service connected disability, an annual pension shall be paid in equal monthly installments to his widow in an amount equal to one-half of such member's or such pensioner's terminal salary; provided, that such pension shall in no case be more than one hundred fifty dollars (\$150) per month. Said pension shall be paid to the widow during her lifetime or until she remarries, and thereafter, or if there is no widow entitled to receive the same, the pension shall be paid to such of his children, through their guardian, as are under 18 years of age, to be equally divided among such children in the following amounts:

For one child.....	\$50
For two children.....	\$75
For three or more children.....	\$100

No widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least five years prior to the date of his retirement; and provided further, that if such widow, child or children shall marry, then the pension paid to the person so marrying shall cease.

Upon retirement of a member for nonservice connected disability such pensioner shall receive an annual pension, payable in monthly installments, as follows, dependent upon the aggregate length of his service:

- After 10 years but less than 12 years of service, the sum of fifty dollars (\$50) per month;
- After 12 years but less than 14 years of service, the sum of fifty-five dollars (\$55) per month;
- After 14 years but less than 16 years of service, the sum of sixty dollars (\$60) per month;
- After 16 years but less than 18 years of service, the sum of sixty-five dollars (\$65) per month;
- After 18 years but less than 20 years of service, the sum of seventy dollars (\$70) per month;
- After 20 years of service, the sum of seventy-five dollars (\$75) per month;

provided, that in no case shall any pension for nonservice connected disability exceed an amount equal to one-half of the terminal salary of such pensioner.

The board of retirement may, within its discretion, require any pensioner retired for disability, under the age of 50 years, to undergo medical examination. The examination shall be made by a physician or physicians, appointed by said board, at

the place of residence of the pensioner or other place mutually agreed upon. Upon the basis of such examination said board shall determine whether such pensioner is still incapacitated, physically or mentally, for service in the position held by him at the time of his retirement. If said board determines that such pensioner is not so incapacitated, his pension shall be canceled forthwith, and subject to rules and regulations which may have been adopted by the county for the reinstatement or re-employment of personnel he is eligible for reinstatement or re-employment in the county service.

Cancellation Should the pension of any such pensioner be canceled there shall be paid to him immediately out of said fund an amount equal to his accumulated contributions, as of the date of his retirement, together with all interest which shall have been credited to his account as provided for herein, less an amount equal to one-half of the pension payments made to him during the period of his retirement.

Reentry into county service Should such pensioner reenter county service and be eligible for membership in the retirement system, his rate of contribution for future years shall be that established for his age at the time of such reentry. He shall also receive credit for all service rendered by him prior to the time of his disability retirement; provided, that he shall have deposited into the fund within six months after his reinstatement or re-employment an amount equal to the amount paid to him upon the cancellation of his pension.

Stats 1941, p 2364 Sec. 6. Section 11.5 of said act is hereby amended to read as follows:

Options of beneficiary Sec. 11.5. At any time before the first payment on account of any pension is made, or within 60 days after the effective date of this section, a member or pensioner may elect to receive the actuarial equivalent at that time of his pension in a lesser pension payable throughout his life and that of his widow, if she survives him, in accordance with one or the other of the following options:

Option 1: Upon his death, such lesser pension shall be continued throughout the life of and paid to his widow.

Option 2: Upon his death one-half of such lesser pension shall be continued throughout the life of and paid to his widow.

New section Sec. 7. Section 12.2 is hereby added to said act, to read as follows:

Other awards for disability Sec. 12.2. If any beneficiary receives compensation from the county under any workmen's compensation act or by virtue of any judgment obtained against the county for the disability arising out of and in the course of the employment of any member or pensioner:

Same: Effect on pension (a) If the amount is paid in one sum or in installments equal to or greater than pension payments due under this act, such beneficiary shall not receive any retirement payments until the total amount of such retirement payments which would otherwise be paid would equal the total amount received by virtue of such award or judgment.

(b) If the amount is paid in installments less than pension payments due under this act, then the pension payments shall be reduced so that the total of pension payments plus such award or judgment will equal the pension payments which would otherwise be due.

SEC. 8. Section 12.3 is hereby added to said act, to read as follows:

Sec. 12.3. If any member or pensioner receives compensation from the county for disability under any workmen's compensation act or by virtue of any judgment obtained against the county for disability arising out of and in the course of his employment and dies before the amount of pension payments which would have been due to him had such award or judgment not been obtained equals the amount of such award or judgment, then the right of his widow, child, or children to receive pension payments shall be the same as if such widow, child, or children had received such an award or judgment in an amount equal to the difference between the amount of the award or judgment and the pension payments which such member or pensioner would have received had no such award or judgment been obtained.

New section

Other awards for disability Death

Pension to widow or child

SEC. 9. Section 12.4 is hereby added to said act, to read as follows:

Sec. 12.4. It is the intention of this act that pensions allowed for injury incurred in line of duty shall not be cumulative with the benefits under workmen's compensation which may be awarded for the same injury or disability.

New section

Pension Not cumulative with award

SEC. 10. Section 14 of said act is hereby amended to read as follows:

Sec. 14. (a) Any person who is eligible to participate in the pension system provided by this act and who does so participate and who is a member of or participant in or is eligible for membership or participation in any other pension system provided by law for county or township officers or employees shall upon his election to participate in the pension system provided by this act be ineligible for membership or participation in any other retirement or pension system provided by law for county or township officers or employees.

Stats 1935, p. 1161

Other retirement systems

(b) Upon election by any said person to come within the provisions of this act said person shall automatically be excluded from any other system as aforementioned and any sums due such person under such other system shall be paid to him as in the case of separation from the service, it being the intention that the retirement system provided by this act shall be exclusive and that the persons entitled thereto shall not participate in any other system now or hereafter provided by law for county or township officers or employees; provided, however, that where said person elects to come within the provisions of this act and elects to secure credit for prior service as a county peace officer under this act, and where such person has to his credit in any other pension system a sum exceeding that necessary to entitle said person to credit for said prior

Credit for prior service

service as a county peace officer, there shall be refunded to said person so electing to come within this system only such sum due said person under said other pension system as exceeds the amount necessary to entitle said person to credit claimed for prior service as a county peace officer.

SEC. 11. Section 17 is hereby added to said act, to read as follows:

Member of
board
Term of
office

Sec. 17. No amendment to this act shall shorten the term of any member of the board of retirement who was lawfully elected or appointed thereto, even if such person would not under such amendment be eligible for such election or appointment, but such person shall continue to be a member of the board of retirement until the expiration of the term for which he was appointed or elected. The pensioner shall not, by reason of being a pensioner, be ineligible to become a candidate for election to the board of retirement.

Notwithstanding any other provision of this act, a pensioner shall be eligible for membership on the board of retirement to the same extent as if he were a member, and for that purpose shall be considered to be a member of the retirement system.

SEC. 12. Section 18 is hereby added to said act, to read as follows:

Sec. 18. This act shall be known as the County Peace Officers' Retirement Law.

SEC. 13. Section 4.5 of said act is hereby amended to read as follows:

Separation
from service

Sec. 4.5. In any case where a member of said system shall have separated from the service of the county before retirement, and such separation is for any cause other than for death or permanent disability, there shall be paid to him all the money paid in by him as his contribution to the said fund, together with one-half of all interest which shall have been credited to his account as provided for herein.

SEC. 15. Section 4.6 is hereby added to said act, to read as follows:

Death before
retirement

Sec. 4.6. Upon the death before retirement, of any member, from any cause other than injury received during the performance of his duty, or sickness caused by the discharge of his duty, the retirement system shall pay to such person or persons as he has nominated, otherwise to his legal representative, an amount equal to all the money paid in by him as his contribution to the said fund, together with one-half of all interest which shall have been credited to his account as provided herein.

SEC. 15. Section 4.7 is hereby added to said act, to read as follows:

Sec. 4.7. Every member of the retirement system may file with the board of retirement a written statement nominating one or more beneficiaries, jointly, contingently, or both.

Where joint beneficiaries are named, the board of retirement may pay the amount due to any one of such beneficiaries and such payment shall be a complete discharge.

Nomination
of bene-
ficiaries

CHAPTER 456

An act to amend Section 4135 of the Business and Professions Code, relating to licentiates in pharmacy.

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 4135 of the Business and Professions Code is amended to read:

4135. Registration as a licentiate in pharmacy, class four, shall be granted to any person at least 21 years of age, who has been registered as an assistant pharmacist in this State prior to September 1, 1943 and who has successfully passed an examination under the direction of the State Board of Pharmacy

Licentiate in
pharmacy

CHAPTER 457

An act to amend Section 13 $\frac{3}{4}$ of the Los Angeles County Flood Control Act, relating to storm drain improvements and drainage systems.

Stats 1915,
p 1502,
amended

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 13 $\frac{3}{4}$ of the act cited in the title hereof is amended to read:

Stats 1943,
p 2505

Sec. 13 $\frac{3}{4}$. The board of supervisors of the Los Angeles County Flood Control District shall have power to accept on behalf of said district a transfer and conveyance of storm drain improvements and drainage systems lying within the territorial limits of said district and which have been constructed prior to July 1, 1945, whenever the governing body of any public agency owning or exercising jurisdiction over such storm drain and drainage improvements, by resolution describing them, requests the said Los Angeles County Flood Control District to accept the same or when the owner of such storm drain improvement or drainage system tenders a conveyance thereof. Upon such acceptance, the board of supervisors of said district shall thereupon assume sole control and jurisdiction over such storm drain and drainage systems and shall thereafter provide for the operation, maintenance, repair and improvement thereof, except that such flood control district shall not assume or be liable for any bonded indebtedness that may be against the said storm drain or drainage systems. Any city or county within whose limits any storm drain or drainage system has been constructed, and which storm drain or drainage system also lies within the territorial limits of said Los Angeles County Flood Control

Acceptance
of storm
drain im-
provements,
etc

Special tax

District, may, by a four-fifths vote of the legislative body of such city or county, transfer and convey to said flood control district any such storm drain or drainage systems for future operation, maintenance, repair and improvement, and upon acceptance of any storm drain improvement under this section the board of supervisors of said flood control district shall have power, and it shall be its duty, to levy a special tax each year upon the taxable real property in said district sufficient to pay the cost and expense of operating, maintaining, repairing and improving such storm drain and drainage systems so transferred and accepted, excepting only the payment of interest and principal on any outstanding bonds for which the said district shall not be liable. Said tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said flood control district and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to, the taxes authorized to be levied under Section 14 of this act, but may be levied with the taxes authorized under Section 13½ of this act.

CHAPTER 458

An act to add Section 131.5 to the Streets and Highways Code, relating to roadside parks.

In effect
September
15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945.]

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

SECTION 1. Section 131.5 is added to the Streets and Highways Code, to read:

Development,
etc., of road-
side parks

131.5. The department and any county having a park commission may enter into and carry out cooperative agreements for the grading, development, planting and maintenance of roadside areas along any State highway and within the right of way thereof and providing that the department be reimbursed for any expenditure incurred by it. Counties entering into such agreement are authorized to indicate such roadside parks and their approaches by suitable signs in the manner and to the extent provided in any such agreement. It is a misdemeanor for any person to park any house trailer in any such roadside park.

CHAPTER 459

An act to amend Section 582, to repeal Section 585 and to add Sections 584.1, 585 and 585.1 to the Vehicle Code, relating to the parking or leaving of vehicles on highways and the authority of officers to remove the same for safekeeping, for notices to be given before lien may be claimed for the cost of storage.

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945]

In effect September 15, 1945

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

SECTION 1. Section 582 of the Vehicle Code is amended to read:

582. Stopping, Standing or Parking Outside of Business or Residence Districts. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of the highway when it is practicable to stop, park or so leave such vehicle off such part or portion of said highway. This section shall not apply upon a highway where the roadway is bounded by adjacent curbs.

Stopping, standing or parking outside of business or residence district

SEC. 2. Section 584.1 is added to said code, to read:

584.1. Moving Vehicle From One Place to Another on a Highway. (a) Whenever any peace officer finds a vehicle standing upon a highway in violation of Section 582 or 583 hereof, such officer may move such vehicle or require the driver or other person in charge of the vehicle to move the same to the nearest available position off the paved or improved or main traveled portion of such highway.

Moving vehicle from one place to another on highway

(b) Any State, county or city authority charged with the maintenance of any highway may move any vehicle which is disabled or abandoned or which constitutes an obstruction to traffic from the place where located on a highway to the nearest available position on the same highway as may be necessary to keep the highway open or safe for public travel.

(c) Any peace officer may move a vehicle which is parked or left standing on a highway in violation of Section 586 to the nearest available position on the same highway where stopping or parking is not prohibited.

SEC. 3. Section 585 of said code is hereby repealed.

Repeal

SEC. 4. Section 585 is added to said code, to read:

585. When Officers Authorized to Remove Vehicles From Highways. (a) It is unlawful for any peace officer or any unauthorized person to remove any unattended vehicle from a highway to a garage or from said highway to any other place, except as provided in this section.

When officers authorized to remove vehicle from highways

(b) Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly

employed and salaried officer of a police department in a city in which a vehicle is located is hereby authorized to remove a vehicle from a highway to the nearest garage or other place of safety or to a garage designated or maintained by the governmental agency of which the officer is a member only under the circumstances hereinafter enumerated.

Conditions
for removal

(1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impracticable to move such vehicle from in front of the driveway to another point on the highway.

(3) When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled.

(4) When any such officer has reasonable ground to believe that any vehicle upon a highway has been abandoned.

(5) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injuries incapacitated to such an extent as to be unable to provide for its custody or removal.

(6) When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this code or other law required to take the person arrested immediately before a magistrate.

Notice to
owner

(c) Whenever an officer removes a vehicle from a highway as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle or from the registration records of the department the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the grounds thereof and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Owner
unknown:
Report to
department

(d) Whenever an officer removing a vehicle from a highway under this section does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of 120 hours, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the department at Sacramento and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such report shall be made on a form furnished by the department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for such removal and the name of the garage or place where the vehicle is stored.

(e) The department upon receiving a notice as hereinbefore provided of the removal of any vehicle from a highway shall notify the registered and legal owner in writing at the addresses of such persons as shown by the records of the department, if the vehicle is registered in this State, of the removal of such vehicle, and give the name of the police officer reporting such removal, the grounds upon which the removal was authorized and the location of the vehicle. If the vehicle is not registered in this State, the department shall make reasonable effort to notify the legal or registered owner of the removal and location of the vehicle.

Notification
by depart-
ment

(f) Whenever any vehicle has been removed to a garage under the provisions of this section and the keeper of such garage has received the notice or notices from the arresting officer as provided herein, said keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 90 days and, if said vehicle is not recovered by the owner within said 90 days or the owner is unknown, the keeper of said garage may satisfy his lien in the manner and after giving the notices required in Sections 427, 428, 428.5 and 429 of this code.

Removal to
garage

SEC. 5. Section 585.1 is added to said code, to read:

585.1. Local Impounding Ordinances. (a) Local authorities may by ordinance provide for the removal and storage of vehicles which have been parked or left standing upon a street or highway for 120 or more consecutive hours.

Local im-
pounding
ordinances

(b) In the event any officer removes a vehicle from a highway as authorized by any said local ordinance, such officer shall give the notices as provided in Section 585 and the keeper of any garage in which any such vehicle is stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle and may satisfy such lien upon compliance with and under the conditions stated in Section 585.

CHAPTER 460

An act to amend Section 4157.5 of the Political Code, relating to furnishing emergency ambulance service.

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 4157.5 of the Political Code is hereby amended to read:

4157.5. In addition to any other powers and duties conferred by law upon the sheriff he is hereby authorized to supply ambulance service within the county to any person if all of the following conditions exist:

Ambulance
service

(a) Such person has been rendered so desperately ill, whether by sudden sickness or accident, that immediate hospitalization is necessary in order to save life or limb.

(b) His condition is such that he is not able to himself arrange for ambulance transportation.

(c) No relatives or friends provide such services.

(d) Immediate transportation to the hospital can not be obtained, except by extending the credit of the county.

(e) Ambulance service is not available or can not be obtained within the time necessary in order to save life or limb, from any other department, bureau, or agency of the county which is authorized by law to furnish the same.

CHAPTER 461

An act to amend Section 459 of the Fish and Game Code, relating to general regulations.

In effect
September
15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945.]

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

SECTION 1. Section 459 of the Fish and Game Code is amended to read:

Killing
captive deer,
etc.

459. Except as provided in Article 8, Chapter 3, Part 3, Division 4, any deer, elk or bear kept in captivity may be killed only with approval of the commission, and under such rules and regulations as the commission may prescribe. The carcass, or part thereof, of any such mammal may not be sold, and must be disposed of in such manner as the commission may direct.

CHAPTER 462

An act to add Sections 1503.1 and 1503.2 to the Education Code, relating to the interdistrict attendance of pupils.

In effect
September
15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945.]

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

SECTION 1. Section 1503.1 is added to the Education Code, to read:

Pupil attend-
ing school
in another
district

1503.1. Where the county boards of education of the two counties concerned agree that it is for the best educational and health interest of the child, a school district located in one county shall admit to the schools or classes maintained by it any pupil who resides in a school district located in another county.

SEC. 2. Section 1503.2 is added to said code, to read:

Payment by
district in
which pupil
resides

1503.2. The governing board of the district in which a pupil resides shall not pay, or be required to pay, to another district

in which such pupil may be lawfully attending under this article, any amount in excess of the actual cost to the district of attendance for the education of such pupil, less State and Federal funds apportioned or allocated to the district on account of the attendance of the pupil.

CHAPTER 463

An act to amend Section 124 of the State Civil Service Act and Section 19141 of the Government Code, relating to reinstatement of State employees having permanent civil service status. Stats 1937,
p 2085,
amended

[Approved by Governor May 25, 1945 Filed with Secretary of State In effect
September
15, 1945
May 25, 1945]

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

SECTION 1. Section 124 of the State Civil Service Act is Stats 1939,
p 2506 amended to read:

Sec. 124. A permanent employee who has vacated a position to accept another position in a higher class under temporary appointment shall, if he so desires at the termination of such appointment, be reinstated in his former position. A permanent employee who has vacated a position to accept another position in a higher class and who is rejected during the probationary period shall be reinstated in the former position. A permanent employee who has vacated a position to accept appointment to an exempt position shall be reinstated to his former position, if he so desires, at any time within six months after vacating such position, and may, with the consent of the appointing power of the vacated position, be reinstated to such position at any time, provided, that any such employee holding such exempt position shall be so reinstated, if he so desires, at any time within six months after the effective date of this amendment; provided, further, that any employee who returns to a position which he had formerly vacated to accept an appointment to an exempt position and who within six months after such return again accepts appointment to an exempt position shall not thereafter be allowed to return to his former position. A permanent employee who has vacated a position to accept appointment by the Governor to an office to serve at his pleasure shall, if he so desires, at the termination of such appointment, be reinstated to his former position. When a permanent employee has vacated a position to accept appointment to an exempt position and is laid off from that position his name shall be placed upon all appropriate lay off lists, the same as if he had been laid off from the position which he vacated to accept appointment to such exempt position. A permanent employee who has vacated a position to accept appointment to an exempt position in the same department, board, commission, or State agency, shall, if he so desires, at the termination of such appointment, be reinstated to his former position. Reinstatement to former position

SEC. 2. Section 1914~~1~~ of the Government Code is amended to read:

Reinstatement to former position

1914~~1~~. (a) A permanent employee who has vacated a position to accept another position in a higher class under temporary appointment shall, if he so desires, at the termination of such appointment, be reinstated to his former position.

(b) A permanent employee who has vacated a position to accept another position in a higher class and who is rejected during the probationary period shall be reinstated to his former position.

(c) A permanent employee who has vacated a position to accept appointment to an exempt position shall be reinstated to his former position, if he so desires, at any time within six months after vacating such position, and may, with the consent of the appointing power of the vacated position, be reinstated to such position at any time, provided, that any such employee holding such exempt position shall be so reinstated, if he so desires, at any time within six months after the effective date of this amendment. Any employee who returns to a position which he had formerly vacated to accept an appointment to an exempt position and who within six months after such return again accepts appointment to an exempt position shall not thereafter be allowed to return to his former position.

(d) A permanent employee who has vacated a position to accept appointment by the Governor to an office to serve at his pleasure shall, if he so desires, at the termination of such appointment, be reinstated to his former position.

(e) When a permanent employee has vacated a position to accept appointment to an exempt position and is laid off from that position his name shall be placed upon all appropriate lay off lists the same as if he had been laid off from the position which he vacated to accept appointment to such exempt position.

(f) A permanent employee who has vacated a position to accept appointment to an exempt position in the same department, board, commission, or State agency, shall, if he so desires, at the termination of such appointment, be reinstated to his former position.

Effect
Stats 1943,
Ch. 123

SEC. 3. Section 2 of this act shall take effect only if Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and in such case, at the same time as such division of said code takes effect; at which time Section 124 of the State Civil Service Act as amended by this act is hereby repealed.

CHAPTER 464

An act to amend Section 11116 of the Insurance Code, relating to fraternal benefit societies.

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945] In effect September 15, 1945

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

SECTION 1. Section 11116 of the Insurance Code is amended to read:

11116. Every fraternal benefit society shall provide for the payments of benefits upon the death of its members, either within a term of years or at any time, and may provide for: Payment of benefits by fraternal societies

(a) Benefits payable upon its members reaching 70 years of age.

(b) The payment of benefits in case of total and permanent disability.

(c) The payment of benefits in the event of temporary disability.

CHAPTER 465

An act to add Section 10203.4 to, and to amend Section 10209 of, the Insurance Code, relating to group life insurance.

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945] In effect September 15, 1945

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

SECTION 1. Section 10203.4 is added to the Insurance Code, to read:

10203.4. Insurance under any group life insurance policy issued pursuant to Sections 10202, 10202.7 and 10203 may, if 75 per cent of the insured employees elect, be extended to insure the dependents, or any class or classes thereof, of each insured employee who so elects, in amounts in accordance with some plan which precludes individual selection and which shall not be in excess of 50 per cent of the insurance on the life of such insured employee or the amount shown in the schedule below, whichever is less. Group life insurance Dependents of employees

Age of Dependent at Death	Maximum Insurance
Under six months	One hundred dollars (\$100)
Six months and under two years	Two hundred dollars (\$200)
Two years and under three years	Four hundred dollars (\$400)
Three years and under four years	Six hundred dollars (\$600)
Four years and under five years	Eight hundred dollars (\$800)
Five years and over	One thousand dollars (\$1,000)

Dependents
defined

A dependent shall be the spouse or a child under 18 years of age of the insured employee. The premiums for the insurance on such dependents may be paid by the employer or by the employee or by the employer and employee jointly.

SEC. 2. Section 10209 of the Insurance Code is amended to read:

Certificate
of insurance
Contents

10209. Except as provided by Sections 10203.5 and 10203.6, the policy shall contain a provision that the insurer will issue to the employer for delivery to the insured employee an individual certificate setting forth:

(a) A statement as to the insurance protection to which the employee is entitled and to whom payable.

(b) A provision that if the employment terminates for any reason whatsoever and the employee applies to the insurer within 31 days after such termination, paying the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, he is entitled, without producing evidence of insurability, to the issue by the insurer of any individual life policy in any one of the forms, other than term insurance, customarily issued by the insurer. This provision shall apply to any insurance issued pursuant to Section 10203.4 on the life of the spouse of an employee.

(c) A statement that such policy in lieu of group insurance will be in an amount equal to the amount of his protection under such group insurance at the time of such termination.

CHAPTER 466

An act to amend Section 10203.5 of the Insurance Code, relating to group life insurance.

In effect
September
15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945.]

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

SECTION 1. Section 10203.5 of the Insurance Code shall be amended to read:

Borrower and
purchaser
groups

10203.5. (a) Life insurance conforming to all the following conditions is another form of group life insurance:

(1) Covering one of the following groups:

(A) All members are or become borrowers from one financial institution, including subsidiary or affiliated persons, under an agreement to repay the sum borrowed.

(B) All members are or become purchasers of securities, merchandise or other property under an agreement to pay the balance of the purchase price.

(2) The group numbers not less than 100 new entrants yearly.

(3) The amount insured on any one borrower or purchaser does not exceed the balance of the indebtedness to the institution or vendor and does not exceed ten thousand dollars (\$10,000) on any one life.

(4) The repayment or payment of purchase price is to be made, under the agreement of loan or purchase, in installments over a period not exceeding 20 years.

(5) The policy is issued upon application of and made payable to the institution, vendor, or a creditor to whom such vendor may transfer title to the indebtedness, as beneficiary, and the premiums are paid by or through the institution, vendor, or such creditor.

(b) A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

CHAPTER 467

An act to amend Section 10203 of the Insurance Code, relating to group life insurance.

[Approved by Governor May 25, 1945 Filed with Secretary of State
May 25, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 10203 of the Insurance Code shall be amended to read:

10203. Life insurance conforming to all the following conditions is another form of group life insurance:

Occupational
and employ-
ment groups

(a) Written under a policy covering, when issued, not less than 50 members of any of the following:

- (1) Any labor union.
- (2) The National Guard.
- (3) Any association of governmental or public employees.

(4) Any credit union organized and operating under the Federal Credit Union Act of 1934 or Chapter 36 of the California Statutes of 1927 as amended.

U S Code,
Tit 12,
Ch 14

(5) Any association of private employees of a common employer, formed for purposes other than obtaining insurance and having been in existence for two years or longer prior to issuance of the policy, and having a membership not less than 75 per cent of the number of employees eligible for membership in such association.

(b) Written under a policy issued to such union, credit union or association.

(c) The premium on the policy to be paid by the union, credit union, or association or by the union or association and the members thereof jointly or by the insured members alone.

(d) Insuring only members of such union who are actively engaged in the same occupation or members of such credit union or association.

(e) Insuring for amounts of insurance based upon some plan which will preclude individual selection.

(f) Insuring for the benefit of persons other than the union, credit union or association or its officials.

(g) Written under a policy insuring, when issued, not less than 75 per cent of all members eligible for insurance under the policy, or 75 per cent of such members of any class thereof reasonably determined by conditions pertaining to employment or of any established unit thereof not formed for the purpose of procuring insurance; provided, that if a group policy is intended to insure several such classes or units it may be issued as respects any such class or unit of which 75 per cent are covered and extended to other such units or classes as 75 per cent thereof express the desire to be covered. In such case, when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts of insurance. If any member fails to become insured under an existing policy when he becomes eligible and later wishes to become insured thereunder, the insurer may require satisfactory evidence of insurability before insurance is granted on such member.

(h) No policy of group life insurance shall be issued to an association of private employees of a common employer unless the employer consents in writing to deduct premiums from wages or salary of insured members.

CHAPTER 468

An act to add Section 44.2 to the Vehicle Code, relating to emergency utility vehicles.

In effect
September
15, 1945

[Approved by Governor May 25, 1945 Filed with Secretary of State
May 25, 1945]

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

SECTION 1. Section 44.2 is added to the Vehicle Code, to read:

Emergency
service util-
ity vehicles

44.2. "Emergency Service Utility Vehicles." Any emergency vehicle of a public utility, whether privately, municipally or publicly owned, used in responding to emergency calls for the repair or maintenance of its services, may be approved by the Chief of the California Highway Patrol for operation when equipped with a red light or lights for purposes of identification and without a siren, but any such vehicle not equipped with a siren shall be subject to provisions of this code applicable to the movement of vehicles and shall not be entitled to the exemptions granted authorized emergency vehicles by Section 454.

CHAPTER 469

An act to amend Sections 205, 206, 208 and 225 of the Vehicle Code, relating to special plates.

[Approved by Governor May 25, 1945 Filed with Secretary of State
May 25, 1945]

In effect
September
13, 1945

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

SECTION 1. Section 205 of the Vehicle Code is amended to read:

205. Operation of Vehicles Under Special Plates. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways solely for the purposes of testing, demonstrating, repairing, delivering, servicing, storing or selling the same without registering each such vehicle upon condition that any such vehicle display thereon in the manner prescribed in Section 158 hereof a special plate or plates issued to such owner as provided in this chapter.

(b) A transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery upon likewise displaying thereon like plates issued to him as provided in this chapter.

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 207.

(d) The provisions of this chapter do not apply to work or service vehicles owned by a manufacturer, transporter or dealer.

SEC. 2. Section 206 of the Vehicle Code is amended to read:

206. Application for and Issuance of Certificate and Special Plates. (a) Every manufacturer of, transporter of or dealer in vehicles of a type subject to registration shall make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more pair of special plates or single special plates as appropriate to various types of vehicles subject to registration hereunder. The applicant shall also submit proof of his status as a bona fide manufacturer, transporter or dealer as may reasonably be required by the department.

(b) The department upon granting any such application shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(c) The department shall also issue special plates as applied for which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate or pair of plates so issued shall also contain a number or symbol identifying the same from every other plate or pair of plates bearing a like general distinguishing number.

Expiration
of special
plates

SEC. 3. Section 208 of the Vehicle Code is amended to read:
208. Expiration of Special Plates. (a) Every special plate issued hereunder shall expire at midnight on the thirty-first day of December of each year and a new plate or plates for the ensuing year may be obtained by the person to whom any such expired plate or plates was issued upon application to the department and payment of the fee provided in this code.

(b) Every application for the renewal of a special plate or plates which expires on the date above mentioned shall be made by the person to whom issued between January 1st and midnight of February 4th following such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such plate or plates.

Suspending
or revoking
certificate
or special
plates

SEC. 4. Section 225 of the Vehicle Code is amended to read:
225. Suspending or Revoking Certificate or Special Plates. The department may suspend or revoke a certificate or the special plates issued to a manufacturer, transporter, or dealer upon determining that any said person is not lawfully entitled thereto or has made or knowingly or negligently permitted any illegal use of such plates or has committed fraud in the registration of vehicles or failed to give notices of transfers when and as required by this code or failed to deliver to a transferee lawfully entitled thereto a properly indorsed certificate of ownership. The department may also suspend or revoke the certificate and special plates issued to a dealer when such dealer has received as transferee a properly indorsed certificate of ownership and the registration card of a vehicle which he holds for resale if such dealer operates or moves the same on the highway without displaying thereon his special plates or without complying with Section 177.

CHAPTER 470

An act to amend Sections 231, 234 and 237 of the Vehicle Code, relating to motor vehicles.

In effect
September
15, 1945

[Approved by Governor May 25, 1945 Filed with Secretary of State
May 25, 1945]

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

Notice of
change of
address

SECTION 1. Section 231 of the Vehicle Code is amended to read:

231. Notice of Change of Address. (a) Whenever any person after making application for the registration of a vehicle required to be registered hereunder, or after obtaining registration either as owner or legal owner, shall move from the address named in the application or shown upon the certificate of ownership or registration card such person shall within 10 days thereafter notify the department in writing of his old and new address.

(b) Any registered owner of a vehicle who moves from the address shown upon the registration card issued for such vehicle shall within 10 days mark out the former address shown on the face of the card and with pen and ink write or type the new address on the face of the card immediately below the former address with the initials of such registered owner.

SEC. 2. Section 234 of the Vehicle Code is amended to read :

234. Altering or Changing Motor or Other Numbers. (a) No person shall with fraudulent intent deface, destroy, or alter the serial or motor number or other distinguishing number or identification mark of a vehicle, nor shall any person place or stamp any serial, motor or other number or mark upon a vehicle, except one assigned thereto by the department.

Altering or changing motor or other numbers

(b) This section does not prohibit the restoration by an owner of an original serial, motor, or other number or mark when such restoration is authorized by the department nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new motor vehicles or new parts thereof.

SEC. 3. Section 237 of the Vehicle Code is amended to read :

237. Operation of Vehicles Without Evidences of Registration. No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered hereunder unless there shall be attached thereto and displayed thereon when and as required by this code a valid registration card and license plate or plates or other evidence of registration issued therefor by the department for the current registration year or in lieu thereof a valid permit when and as required in this code.

Operation of vehicles without evidences of registration

CHAPTER 471

An act to amend Section 274 of the Code of Civil Procedure, relating to the compensation of phonographic reporters.

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945] In effect September 15, 1945

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

SECTION 1. Section 274 of the Code of Civil Procedure is amended to read :

274. For his services the official reporter shall receive the following fees, except in counties where a statute provides otherwise:

Fees of court reporters

For reporting testimony and proceedings, in contested cases, fifteen dollars (\$15) per day. For reporting each default or uncontested action or proceeding the reporter's fee shall be five dollars (\$5); provided, however, that if more than four defaults or uncontested matters are reported in any one day, or

two or more defaults are reported in conjunction with any contested case the reporter's fee shall be at the rate of twenty-five dollars (\$25) per day.

For transcription for one copy, twenty cents (\$0.20) per 100 words; for two copies made at one time, fifteen cents (\$0.15) each per 100 words; for three copies made at one time, eleven cents (\$0.11) each per 100 words; for four copies made at one time, nine cents (\$0.09) each per 100 words; and for five or more copies made at one time, eight cents (\$0.08) each per 100 words.

In criminal cases in which the court specifically so directs the fee for reporting and for a transcript ordered by the court to be made must be paid out of the county treasury on the order of the court, except that when a daily transcript is ordered as provided in Section 269 of this code then said section shall be applicable; provided, however, that in any case the court shall not order to be transcribed and paid for out of the county treasury any matter or material other than that reported by said reporter as prescribed in paragraph one of Section 269 of this code; and provided further, that when there is no official reporter in attendance, and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in like manner.

In civil cases the fees for reporting and for all other transcriptions ordered by the court to be made must be paid by the parties in equal proportion, and either party may, at his option, pay the whole thereof: and, in either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties must be paid by the party ordering the same. No reporter shall perform any service in a civil action other than transcriptions until his fee therefor has been deposited with the clerk of the court.

CHAPTER 472

An act to amend Sections 5961 and 5963 of the Education Code, relating to the accumulation and expenditure of special accumulative building funds by school districts.

In effect
September
15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945.]

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

SECTION 1. Section 5961 of the Education Code is amended to read:

Accumula-
tion of funds

5961. The governing board of a school district may, in the manner prescribed in this article, provide for the accumulation over a period not exceeding five school years of funds derived from the receipts of taxes levied for the district and from other sources, including balances, and not required to be used for other than capital outlay purposes.

SEC. 2. Section 5963 of said code is amended to read

5963. Upon request of the board, the Chief of the Division Establishment of fund of Schoolhouse Planning, with the written approval of the governing board of the district, the Superintendent of Public Instruction, and the county superintendent of schools having jurisdiction over the district, shall make and file with the auditor and treasurer of the county, the superintendent of schools of which has jurisdiction over the district, identical affidavits setting forth the total amount of money to be accumulated in the special accumulative building fund of the district, the school year in which the accumulation is to begin, and the amount to be paid into the fund for each school year. The affidavits when filed shall establish in the county treasury the special accumulative building fund of the district and shall become an order on the auditor and treasurer to transfer to the fund during each school year the amounts set forth therein.

The amounts set forth in said affidavits may be changed at any time and as often as desired pursuant to the provisions of Section 5965.

CHAPTER 473

An act to amend Sections 4152 and 4155 of Chapter 2, Part 7, Division 1, of the Revenue and Taxation Code, relating to redemption of a portion of a parcel of tax sold real estate.

[Approved by Governor May 25, 1945 Filed with Secretary of State In effect September 15, 1945
May 25, 1945]

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

SECTION 1. Section 4152 of the Revenue and Taxation Code is amended to read as follows:

4152. At the time of the application, the applicant shall pay a fee of one dollar (\$1) for each request, which shall be placed in the county general fund. Separate valuation Fees, etc

SEC 2. Section 4155 of the Revenue and Taxation Code is amended to read as follows:

4155. Except between the time when the second installment becomes delinquent and the time when property is sold to the State, if the parcel is not separately valued on the current roll, the assessor shall also transmit a separate valuation of the parcel to the officer having custody of the current roll, and the auditor shall place the valuation on the current roll and compute the taxes, penalties and costs thereon. Valuation on current roll

Current taxes and penalties on personal property and possessory interests which are a lien on the current roll on the whole assessment containing the property to be separately valued shall be paid before such separate valuations and computations of taxes, penalties, and costs are made.

CHAPTER 474

An act to amend Sections 3695.4, 3696.5, 3700 and 3791 of the Revenue and Taxation Code, and to repeal Section 3695.5 of the Revenue and Taxation Code, relating to the sale of tax-deeded property.

In effect
September
15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945.]

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

SECTION 1. Section 3791 of the Revenue and Taxation Code is amended to read:

Purchase by
taxing
agency

3791. Whenever tax-deeded property has been sold for taxes for two or more years or has been deeded for taxes to another taxing agency than the State, the governing body of the taxing agency may, as provided in this article, make an agreement with the board of supervisors of the county in which the property is situated for the purchase of, or for an option to purchase, all or any of the tax-deeded property or any part thereof including a right of way or other easement. When a part of a tax-deeded parcel is sold the balance continues subject to redemption, if the right of redemption has not been terminated, and shall be separately valued for the purpose of redemption in the manner provided by Chapter 2, Part 7, Division 1 of this code except that no application need be made.

SEC. 2. Section 3695.4 of the Revenue and Taxation Code is amended to read:

Objections to
tax sale

3695.4. In addition to the provisions in Section 3695 of this code relative to objections to sales, the State or city or any taxing agency or revenue district may file with the county tax collector and county board of supervisors written objection to the sale of such part of any property which is or may be needed for public use. Such written objection shall specify the description of the property needed, whether the fee or an easement is required, and the public purpose to which such property is intended to be devoted.

Same App l-
cation to
purchase

Such objection shall be accompanied by an application to purchase such part of the property under Chapter 8, Part 6, Division 1 of this code, which shall be filed with the board of supervisors and the tax collector before the date of the first publication of the notice of intended sale. The tax collector may proceed with such sale or may cancel such sale or may proceed to sell the portion of the parcel not included in the application of such State, city or other taxing agency or revenue district.

SEC. 3. Section 3696.5 of the Revenue and Taxation Code is amended to read:

Return of
deposit

3696.5. If a taxing agency objects to the sale, the tax collector shall so notify the applicant, and he may withdraw his

application before the sale. The entire deposit shall be returned to the applicant if:

(a) The property is redeemed or payments under an installment payment plan are commenced before the sale by other than the applicant or his representative.

(b) The applicant fails to secure the property on his bid at the sale.

(c) After the objection of a taxing agency to the sale, the applicant withdraws his application before the sale or the tax collector excludes the property from the sale.

(d) A taxing agency objects to the sale and before the date of sale applies to purchase the property under Chapter 8 of this part.

(e) A taxing agency or revenue district objects to the sale and applies to purchase a portion of the property; provided, however, that if the applicant in writing directs the tax collector to proceed with the sale of the remaining portion the tax collector shall do so and retain the deposit, in which event, if the publication of notice of intended sale has been commenced or the notice mailed, it shall not be necessary to publish or mail a new notice.

(f) The property is excluded from the sale by the tax collector, either before or after the notice is published.

SEC. 4. Section 3695.5 of the Revenue and Taxation Code is hereby repealed. Repeal

SEC. 5. Section 3700 of the Revenue and Taxation Code is amended to read:

3700. On receipt of the copy of the resolution approving the sale the tax collector shall forward a copy of it to: Copies of resolution approving sale

(a) The Controller for his authorization.

(b) The clerk or secretary of the governing board of each taxing agency, other than the county, having the right to levy taxes or assessments on the property. Such copy or copies shall be mailed or delivered at least 30 days before the first publication or posting of the notice of intended sale.

CHAPTER 475

An act to add Sections 23.2, 23.3, 23.4 and 23.5 to "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to voluntary and involuntary dissolution and merger. Stats 1927, p. 51, amended

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945.] In effect September 15, 1945

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

SECTION 1. Section 23.2 is added to the act cited in the title hereof, to read: New section

Sec. 23.2. Whenever the members of the board of directors by a three-fourths majority vote recommend the dissolution of Credit union. Dissolution

any credit union, the members of the credit union, at any meeting specially called to consider the subject, by the vote or written consent of a majority of members of the credit union, may elect to dissolve the credit union.

If the dissolution of the credit union is so voted, the members of the credit union shall thereupon elect a committee of three members to liquidate the assets of the credit union.

Certificate of
committee of
liquidation

The committee in charge of liquidation shall immediately execute a certificate, which shall be verified by their oath, stating that the credit union has elected to wind up and dissolve and showing by what vote or consent such election was made, signed and verified by the committee or a majority thereof. The certificate shall be filed in the office of the Secretary of State, and a copy thereof certified by the Secretary of State shall be filed with the Commissioner of Corporations and the county clerk of the county in which the principal office of the credit union is located.

After a vote to dissolve no business may be carried on by the credit union except in the proper course of liquidation.

Powers of
committee

The committee in charge of liquidation shall have power to sue in the name and on behalf of the credit union, and shall have power and authority to sell or otherwise dispose of the assets of the credit union, in whole or in part, at public or private sale, subject to confirmation by the board of directors.

After determining that all known debts and liabilities of the credit union have been paid or adequately provided for, the committee in charge of liquidation shall distribute all the remaining assets of the credit union among the members or shareholders, each share, according to the amount having been paid in thereon, being entitled to its proportionate amount of such assets.

Stats 1929,
p 19

For the purpose of taxation pursuant to the Bank and Corporation Franchise Tax Act, the corporate existence of any credit union shall be deemed to have terminated at the time of the filing of a certificate of election to dissolve with the Secretary of State.

Certificate of
liquidation

When a credit union has completely wound up, all of its known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit, and its known assets distributed, a majority of the committee in charge of liquidation shall sign and acknowledge a certificate stating that the credit union has been completely wound up, its known assets distributed, any tax or penalty due under the Bank and Corporation Franchise Tax Act paid, and its other known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit and that the credit union is dissolved. Such certificate shall be filed in the office of the Secretary of State and a copy, certified by him, shall be filed in the office of the Commissioner of Corporations and in the office of the county clerk of the county in which the principal office of the credit union is located.

SEC. 2. Section 23.3 is added to said act, to read :

New section

Sec. 23.3. If the credit union shall not be completely liquidated and its assets distributed within three years after the filing of a certificate of election to dissolve with the Secretary of State, the commissioner may take possession of the books, records and assets and proceed to complete the liquidation in the manner provided in the Bank Act. In the process of such liquidation the commissioner shall use the services of civil service employees of his office and the Department of Justice as legal counsel.

Period of liquidation

Stats 1909, p 87

SEC. 3. Section 23.4 is added to said act, to read :

New section

Sec. 23.4. If the commissioner shall find, after a hearing as provided in Section 15.4, that a credit union has impaired capital or is operating in an unsafe or unsound manner, he may notify such credit union to restore its capital in full or cease any unsafe or unsound practice. If such credit union does not comply with such order within 30 days after service thereof or present a satisfactory plan for future operation, the commissioner may notify such credit union to cease business and dissolve in the manner provided in Section 23.2. If, for a period of 30 days after said notice, the credit union does not proceed to put such plan into effect or does not commence proceedings to wind up and dissolve, or if thereafter, it does not diligently proceed with said plan or the liquidation, the commissioner may take possession of the business and assets of said credit union and maintain such possession until such time as he shall permit it to continue business, or its affairs are finally liquidated.

Credit union with impaired capital

Notice Failure to comply

Liquidation

On taking possession of the business and assets of any such credit union as provided in this section or in Section 23.3, the commissioner may proceed to liquidate the same in the manner provided by the Bank Act or he may appoint a liquidating committee of three members of the credit union to liquidate the business and assets of said credit union in the manner provided in Section 23.2. In the event the commissioner is unable to secure three members of the credit union able and willing to serve on such liquidating committee he may appoint any member of a State credit union to such committee. The commissioner shall supervise the acts of the liquidating committee and may remove any member thereof in his discretion. The members of the liquidating committee shall file with the commissioner a faithful performance bond in an amount to be determined by the commissioner. The premium for such bond shall be paid out of the assets of the credit union.

Same By commissioner

In the event the commissioner retains possession of the assets of such credit union for the purpose of liquidation, he shall use the services of civil service employees of his office and the Department of Justice shall render all necessary legal services.

SEC. 4. Section 23.5 is added to said act, to read :

New section

Sec. 23.5. Any credit union may, with the approval of the Commissioner of Corporations, and in accordance with such rules as the commissioner shall make, merge with another credit union of like community interest in membership, under the

Merger of credit unions

charter of such other credit union, pursuant to any plan agreed upon by the majority of the board of directors of each credit union joining in the merger, and approved by the affirmative vote of at least 75 per cent of the members of each such credit union, in person or by proxy, at meetings of the members duly called for that purpose.

Certificate

After such agreement by the directors and approval by the members of each credit union, a majority of the board of directors of each credit union shall execute a certificate, which shall be verified by their oath and shall set forth all of the following:

(a) The time and place of the meeting of the board of directors at which the plan was agreed upon, and a copy of the resolution or other action by which the plan was agreed upon.

(b) The vote in favor of adoption of the plan.

(c) The time and place of the meeting of the members at which the plan agreed upon was approved.

(d) A statement of the mailing of notice of the time, place, and purpose of the meeting of the members.

(e) The vote by which the plan was approved by the members.

(f) The plan of merger agreed upon, and the written approval thereof by the Commissioner of Corporations.

Same Filing

The certificate shall be filed in the office of the Secretary of State, and copies, certified by him, shall be filed in the office of the Commissioner of Corporations and in the office of the county clerk of the county in which the principal office of each credit union participating in the merger and consolidation is located.

Assumption of rights and liabilities by surviving credit union

Upon any such merger so effectuated, all property, property rights, and interests of the merged credit union shall vest in the surviving credit union, without deed, endorsement or other instruments of transfer, and all debts, obligations and liabilities of the merged credit union shall be deemed to have been assumed by the surviving credit union under whose charter the merger has been effected. Thereafter the charter of the merged credit union shall be void, and the existence of the merged credit union as a legal entity separate from the surviving credit union shall terminate.

CHAPTER 476

An act to amend Section 9609 of the Education Code, relating to special schools or classes for physically handicapped pupils.

In effect September 15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State May 25, 1945.]

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

SECTION 1. Section 9609 of the Education Code is amended to read:

Special classes for deaf and blind

9609. Deaf and blind minors and those suffering the effects of spastic paralysis and speech disorders and defects may be admitted at the age of three years to special schools or classes established for such minors.

CHAPTER 477

An act to amend Section 676 of the Vehicle Code, relating to windshields and windows.

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 676 of the Vehicle Code is amended to read:

676. Windshields and Windows. (a) No person shall drive any motor vehicle upon a highway with any sign, poster, card, sticker or other nontransparent material upon the front windshield, side wings, side or rear windows of the vehicle, except that such signs, posters, cards, stickers or other materials may be placed on said windshield within a seven-inch square in the lower corner farthest removed from the driver's position or upon the side windows of the vehicle to the rear of the driver and so placed that said materials will not obstruct the driver's clear view of approaching traffic.

(b) The provisions of this section shall not apply to direction, destination or termini signs upon a passenger common carrier motor vehicle.

(c) Every motor vehicle operating on a highway and equipped with a windshield shall also be equipped with a self-operating windshield wiper installed thereon which shall be maintained in good operating condition. Any windshield wiper as required herein to be installed on a vehicle shall provide clear vision through the windshield for the driver and shall be operated under conditions of fog or rain. This section shall not apply to snow removal equipment equipped with adequate manually operated windshield wipers.

CHAPTER 478

An act to amend Section 756 of the Revenue and Taxation Code, relating to assessment rolls of State assessed property.

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 25, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 756 of the Revenue and Taxation Code is amended to read:

756. Immediately after the third Monday in August the board shall transmit to each county auditor a roll showing the assessments made by the board in the county and in each city and revenue district in the county; provided, however, that the roll need not show the assessments made by the board in a revenue district which did not levy a tax or assessment during

Transmis-
sion of rolls
to county
auditors

the preceding year. If the roll does not show the assessments in a revenue district as herein provided and a notice of a proposed levy is furnished the board in writing, the board shall furnish an estimate of the total assessed value of State assessed property in the district and shall transmit thereafter to the county auditor a statement of roll change showing the assessments made by the board in the district. The estimate shall be regarded as establishing the total assessed value of State assessed property in the district for the purpose of determining the tax rate of the district.

CHAPTER 479

An act to repeal Part 2 of Division 6 of the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for the Bay of San Diego.

In effect
September
15, 1945

[Approved by Governor May 25, 1945. Filed with Secretary of State
May 27, 1945.]

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

Repeal

SECTION 1. Part 2 of Division 6 of the Harbors and Navigation Code is repealed.

CHAPTER 480

An act to amend Section 1645.5 of the Insurance Code, relating to insurance.

In effect
September
15, 1945

[Approved by Governor May 26, 1945. Filed with Secretary of State
May 26, 1945.]

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

SECTION 1. Section 1645.5 of the Insurance Code is amended to read:

Limited
partnership,
unincorpor-
ated asso-
ciations, and
nonprofit
corporations

1645.5. Limited partnerships, unincorporated associations and nonprofit corporations which do not possess a valid and unrevoked certificate of authority issued pursuant to Part 5, Division 2, of this code are not eligible for license or for renewal of license under this article unless all the members thereof possess individual licenses to transact insurance or are named and qualified to exercise the agency or brokership powers of such partnership, association or nonprofit corporation at all times, except that the commissioner may issue a license to a limited partnership, notwithstanding the provisions of this section, upon a showing by the applicant, to the satisfaction of the commissioner, that the partnership agreement is not in violation of the provisions of this code prohibiting rebates.

The license of a limited partnership, an association or nonprofit corporation may be revoked or suspended whenever it appears to the commissioner that the condition of its membership is such that it would not be eligible for license as a new applicant.

CHAPTER 481

An act to add Section 1c to the Annexation Act of 1913, relating to annexation of subdivisions.

Stats 1913,
p. 581,
amended

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1c is added to the act cited in the title hereof, to read:

New section

Sec. 1c. Territory already subdivided shall not be annexed to a municipality if the design of the subdivision, the construction of the buildings, or the public improvements thereon, do not comply with and are inferior to the standard of design of subdivisions, building construction requirements, or public improvements, required by the ordinances, regulations and laws of the municipality to which annexation is sought, unless consent is first obtained from the legislative body of such municipality. In municipalities having a planning commission, such consent shall not be given by the legislative body until such legislative body shall have received a report or recommendations from said planning commission. If the report or recommendations are not filed with the legislative body within forty (40) days from the date the matter is referred to said planning commission, the legislative body may act thereon without such report or recommendations. The consent of the legislative body must be obtained before any proceedings are commenced pursuant to the provisions of this act.

Annexation
of subdivi-
sion below
standards

CHAPTER 482

An act to amend Section 4321 of the Political Code, relating to inventories.

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 4321 of the Political Code is amended to read:

4321. On or before the tenth day of July in each year, each county official, elective or appointive, or person in charge of any office, department, service or institution of the county, each township officer, each judge, or the clerk, secretary or other administrative officer, of each court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the board of supervisors or for which the board of supervisors is ex officio the governing body, shall file with the county clerk, or with the county auditor,

Annual
inventory
by county
officers

according to the procedure prescribed by the board of supervisors of the particular county, an inventory under oath, showing in detail all county property in his possession, or in his charge, at the close of business on June 30th, next preceding. Said inventories shall be kept of record by said county clerk or county auditor for at least five years. Any such inventories that may have been on file for five years or more on September 15, 1945, may be destroyed. A true copy of said inventory shall be delivered by each of such officers or persons to their successors in office, who must receipt therefor, which receipt shall be filed with said county clerk or county auditor.

CHAPTER 483

An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to the blind.

In effect
September
15, 1945

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

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

See also
Stats 1945,
Ch. 1350
Order for
payment
of aid
Amount

SECTION 1. Section 3472 of the Welfare and Institutions Code is amended to read:

3472. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor. The amount of aid to which any applicant shall be entitled shall be, when added to the net income of the applicant from all other sources, fifty dollars (\$50) per month. Net income from any of the following sources of a combined total value not exceeding eight hundred dollars (\$800) per annum shall not be considered for any purpose:

Exempt
income

- (a) Income from applicant's labor or services;
- (b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;
- (c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;
- (d) The value of gifts;
- (e) The value of the use and occupancy of premises owned and occupied by the applicant;
- (f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income.

CHAPTER 484

An act to amend Section 771 of the Probate Code, relating to the sale of personal property.

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 771 of the Probate Code is amended to read:

771. Stocks, bonds, investment certificates and shares of building and loan associations, voting trust certificates, stock warrants or subscription rights, land trust certificates, certificates of beneficial interest in trusts, investment trust certificates, mortgage participation certificates, or any other securities, or certificates of deposit for any of the foregoing, may be sold and title thereto passed without the necessity for confirmation, upon obtaining an order of the court. A petition for such an order shall be filed with the clerk, who shall set the same for hearing by the court and shall give notice thereof for the period and in the manner required by Section 1200 of this code, but the court or judge may order the notice to be given for a shorter period or dispensed with. The order shall fix the terms and conditions of sale, and when the minimum selling price is fixed or when the securities are to be sold upon an established stock or bond exchange, no notice of sale need be given.

This section shall not be applicable to the sale of note or notes secured by a mortgage or deed of trust unless such note or notes have been authorized or permitted to be issued by the Commissioner of Corporations, or have been made by a public utility subject to the provisions of the Public Utilities Act.

CHAPTER 485

An act to amend Sections 131, 137, 138, 145, 146, 147, 159 and 159a of the Agricultural Code, relating to plant quarantine and pest control.

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 131 of the Agricultural Code is amended to read:

131. When any such notice is served concerning any property, the commissioner may cause a copy thereof to be recorded and may cause a copy thereof to be mailed to the person or persons who appear of record to be the owners of any encumbrance

Recording
pest abate-
ment notice

on said property, at the last known address of said encumbrancer, and if the address of said encumbrancer is unknown to said commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated.

Notice of
expense

In the event that the eradication, control, or destruction of said pests is undertaken by the commissioner as provided in Section 136 of this code, such notice shall be recorded, and from the date of recording shall constitute a lien against the property described in said notice for such expense as may be incurred by the county in the abatement of the nuisance referred to in said notice.

SEC. 2. Section 137 of the Agricultural Code is amended to read:

Expenses

137. The expense of such abatement shall be a county charge payable out of the general fund of the county.

Lien

The amount incurred or expended shall be a lien on the land against which the expense is chargeable, provided the notice to abate was recorded before the expense was incurred. In a case under Section 134 of this code, the total expense shall be prorated and chargeable against each parcel of land proportionate to the acreage thereof served by water from the canal or ditch.

A notice setting forth the amount expended shall be recorded within 30 days after the date of payment of the last item of expense of such abatement out of the general fund of the county, and such amount shall constitute such lien from the date of the recording of the notice as provided in Section 131 of this code.

Precedence
of lien

Such lien shall be superior to all encumbrances, existing and future, except liens for taxes and assessments, if a copy of the notice to abate nuisance shall have been recorded and a copy thereof served upon or mailed to the holder of any encumbrance of record in the manner provided in Section 131 of this code.

SEC. 3. Section 138 of the Agricultural Code is amended to read:

Penalties
Sale

138. If the sum secured by such lien is not repaid to the county within 80 days from the recording of the amount of the lien, there shall be added to the same and secured by such lien a penalty of 15 per cent. Except as provided in Section 131.5, an action to foreclose said lien shall be commenced within 120 days after recording the amount of the lien, by the district attorney in the name and for the benefit of the county making payment, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien, penalty and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he is known, and if not, into the court for his use when ascertained. Said lien shall cease to exist at the expiration of said period of 120 days unless an action to foreclose said lien shall have theretofore been commenced.

SEC. 4. Section 145 of the Agricultural Code is amended to read:

145. If the order of the superior court is not complied with ^{Abandoned plants, etc} within the time specified in the order, the commissioner shall ^{Removal} cause the removal or destruction of the neglected or abandoned plants or crops mentioned in the order of the court. In the event that such removal or destruction is undertaken by the commissioner he shall cause a notice of lien describing the land to be recorded which, from the date of recording, shall constitute a lien against the land described in said notice for such expense as may be incurred by the county in the abatement of the nuisance referred to in said notice. The commissioner shall keep an account of the cost of such removal or destruction and shall render an itemized report thereof to the board of supervisors.

SEC. 5. Section 146 of the Agricultural Code is amended to read:

146. The expense of such removal or destruction shall be a ^{Lien} county charge payable out of the general fund of the county. The amount incurred or expended therefor shall be a lien on the land against which the expense is chargeable, provided the notice of lien referred to in Section 145 of this code was recorded before the expense was incurred. A notice setting forth the amount expended shall be recorded within 30 days after the date of payment of the last item of expense so incurred out of the general fund of the county, and such amount shall constitute such lien from the date of recording of the notice as provided in Section 145 of this code.

Such lien shall be superior to all encumbrances, existing and ^{Precedence of lien} future, except liens for taxes and assessments, if a copy of the notice of lien shall have been recorded and a copy thereof served upon or mailed to the holder of any encumbrance of record, at the last known address of said encumbrancer; and if the address of said encumbrancer is unknown to said commissioner, then said fact shall be stated in said copy so mailed, and it shall be addressed to him at the county seat of the county wherein said property is situated.

SEC. 6. Section 147 of the Agricultural Code is amended to read:

147. If the sum secured by such lien is not repaid to the ^{Penalties - Sale} county within 80 days from the recording of the amount of lien, there shall be added to the same and secured by such lien, a penalty of 15 per cent. Except as provided in Section 143.5, an action to foreclose said lien shall be commenced within 120 days after recording the amount of the lien, by the district attorney in the name and for the benefit of the county making payment, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien, penalty and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he is known, and if not, into the court for his use when ascertained. Said lien shall cease to exist at the expiration of said period of

120 days unless an action to foreclose said lien shall have theretofore been commenced.

SEC. 7. Section 159 of the Agricultural Code is amended to read:

Camelthorn 159. Camelthorn is hereby declared a public nuisance and may be abated by summary action or otherwise under the provisions of law relating to the abatement of public nuisances.

Expense The director shall eradicate camelthorn wherever the same exists in this State. The expense thereof shall be borne one-third by the State, to be paid out of any sum appropriated for such purpose, one-third by the county in which the land is located on which such camelthorn exists, and one-third by the owner of such land. The board of supervisors may direct the commissioner to proceed with the abatement of the camelthorn in accordance with the provisions of Sections 129 to 138, both inclusive; and in that event the board of supervisors shall allow and pay the share of the county and the share of the owner of the land out of the general fund of the county. The share of the owner of the land shall be a lien on the land against which the expense is chargeable, and the provisions of Sections 137 and 138 of this code shall apply so far as pertinent to any lien created under the provisions of this section.

SEC. 8. Section 159a of the Agricultural Code is amended to read:

Austrian field cress 159a. Austrian field cress is hereby declared a public nuisance and may be abated by summary action or otherwise under the provisions of law relating to the abatement of public nuisances.

Expense The director shall eradicate Austrian field cress wherever the same exists in this State. The expense thereof shall be borne one-third by the State, to be paid out of any sum appropriated for such purpose, one-third by the county in which the land is located on which such Austrian field cress exists, and one-third by the owner of such land. The board of supervisors may direct the commissioner to proceed with the abatement of the Austrian field cress in accordance with the provisions of Sections 129 to 138, both inclusive; and in that event the board of supervisors shall allow and pay the share of the county and the share of the owner of the land out of the general fund of the county. The share of the owner of the land shall be a lien on the land against which the expense is chargeable, and the provisions of Sections 137 and 138 of this code shall apply so far as pertinent to any lien created under the provisions of this section.

CHAPTER 486

An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Stats 1933,
p 642,
amended

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945.] In effect immediately

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

SECTION 1. Section 1 of the act referred to in the title hereof is hereby amended to read as follows:

Stats 1943,
p 825

Section 1. All moneys belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, including all moneys collected by, or paid to the treasurer of any county, city and county, city, town, municipality, or other public or municipal corporation within the State, or other official having authority to collect or receive the same, for the payment of principal, interest or penalties of bonds required by law, ordinance or resolution, to be paid to, or collected by, such treasurer or other official, shall, so far as possible, be deposited in such State or National bank or banks in the State as the treasurer of the county, city and county, city, town, municipality or other public or municipal corporation, as the case may be, or other official having the legal custody thereof, shall select for safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the treasury of such county, city and county, city, town, municipality or other public or municipal corporation; provided, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; and said bank or banks are hereby empowered so to do. Such depositary bank or banks shall be selected from those agreeing to pay the highest rate of interest, not less than 2 per centum per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; provided, however, that until and including September 1, 1947, such treasurer may in the absence of a higher bid or bids deposit such moneys upon interest of not less than one-half of 1 per centum per annum on active deposits and one-half of 1 per centum per annum on inactive deposits; and provided further, that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus of any depositary bank. Any and all bids may be rejected by the treasurer and new bids asked for. The expenses of transportation of moneys to and from such depositaries shall be borne by such depositaries and they shall handle, collect and pay all checks,

Deposit of public funds

Selection of banks

Authority until September 1, 1947

Conditions of deposit

drafts and other exchange without cost to such county, city and county, city, town, municipality or other public or municipal corporation. Such deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the treasurer or other authorized official; provided, however, that all inactive deposits shall be subject to notice of at least 30 days for the payment thereof; and provided further, that the treasurer may, with the consent of the governing body of the county, city and county, city, town, municipality or other public or municipal corporation, deposit any part of such moneys for a definite term and may agree with any depository bank or banks as to the period of time of any deposit or deposits, but no such agreement shall provide for the deposit of any of said moneys for a longer period than one year; and provided further, that such treasurer is hereby authorized, under such conditions as he, with the approval of the governing body of such county, city and county, city, town, municipality or other public or municipal corporation may fix, to deposit moneys in any bank, or banks within or without this State, necessary for the payment of the principal and interest of bonds at the place or places at which the same are payable, and the requirements of this act shall not apply to deposits for such purposes.

Urgency **SEC. 2.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and shall, therefore, go into immediate effect. The facts constituting such necessity are as follows:

Unless this act becomes effective immediately, grave doubt may exist as to the validity of many millions of dollars of public funds which may be on deposit in banks on September 1, 1945, due to inability to effect deposits in compliance with the terms of the present law and unless this act is in effect on that date, treasurers of cities, counties, school districts, and other political subdivisions of this State may be compelled to withdraw from banks large sums of public money then on deposit at interest, and either hold the same in currency in their offices or deposit the same without interest. It is necessary that the withdrawal of such an amount of currency from circulation at one time, and the loss of interest thereon, be prevented, and that the radical and objectionable changes in the handling of public financial transactions that would immediately ensue as an inevitable consequence of such withdrawal and holding of currency be obviated, and that the means of deriving revenue from the deposit of such public funds be impeded as little as possible.

Withdrawals

**Payment of
bonds, etc**

CHAPTER 487

An act to amend Section 513 of the Code of Civil Procedure, relating to claim and delivery of personal property.

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 513 of the Code of Civil Procedure is amended to read:

513. The defendant may, within two days after the service of a copy of the affidavit and undertaking, give notice to the officer making the service that he excepts to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When the defendant excepts, the sureties must justify on notice in like manner as upon bail on arrest. If the defendant except to the sureties, he can not reclaim the property as provided in the next section.

Exception to
sureties

CHAPTER 488

An act to add Article 8.5, comprising Section 11160, to Chapter 10 of Part 2 of Division 2 of the Insurance Code, relating to agents of fraternal benefit societies.

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945]

In effect
September
15, 1945

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

SECTION 1. Article 8.5, comprising Section 11160, is added to Chapter 10 of Part 2 of Division 2 of the Insurance Code, to read:

Article 8.5. Agents

11160. Every fraternal benefit society operating under the provisions of this chapter and which issues a policy or certificate of insurance, may appoint agents to represent it.

Fraternal
benefit
societies
Agents

Agents who devote substantially full time to the sale of life or disability insurance, or both, shall be required within 90 days from the effective date hereof or within 90 days from the date of employment by a fraternal benefit society to qualify for a license pursuant to, and shall be subject to the provisions of, Article 2, Chapter 5, Part 2, Division 1 of this code, except that the examination requirement of subdivision (h) of Section 1706 shall not be applicable to all such agents who were in the service of a fraternal benefit society on March 1, 1945. All other agents employed by fraternal benefit societies need not obtain licenses but shall be registered with the commissioner within 90 days from the date their service commences. Such registration shall be a responsibility of the employing society. The commissioner shall furnish such forms as may be necessary to effectuate this purpose. The commissioner may charge a registration fee not

License

Registration
of agents

Fees

to exceed fifty cents (\$0.50) and may decline to register any person whose name is submitted for registration on the same grounds for which he might, for cause, refuse a license.

No person except a duly and regularly appointed, qualified, or registered agent shall sell or offer for sale any policy of life or disability insurance.

Solicitation of membership in any fraternal benefit society shall not be deemed a sale of life or disability insurance.

Penalty

Violation of this section is a misdemeanor.

CHAPTER 489

An act to add Section 4011.5 to the Penal Code, relating to emergency removal of prisoners to hospitals from jails.

In effect
September
15, 1945

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

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

SECTION 1. Section 4011.5 is added to the Penal Code, to read:

Removal of
prisoner to
hospital

4011.5. Whenever it appears to a sheriff or jailer that a prisoner in a county jail or a city jail under his charge is in need of immediate medical or hospital care, and that the health and welfare of the prisoner will be injuriously affected unless he is forthwith removed to a hospital, the sheriff or jailer may authorize the immediate removal of the prisoner under guard to a hospital, without first obtaining a court order as provided in Section 4011. In any such case, however, if the condition of the prisoner prevents his return to the jail within 48 hours from the time of his removal, the sheriff or jailer shall apply to a judge of the superior court for an order authorizing the continued absence of the prisoner from the jail in the manner provided in Section 4011. The provisions of Section 4011 governing the cost of medical and hospital care of prisoners and the liability therefor, shall apply to the cost of, and the liability for, medical or hospital care of prisoners removed from jail pursuant to this section.

CHAPTER 490

An act to amend Section 4840 of the Health and Safety Code, relating to joint operation agreements of county sanitation districts.

In effect
September
15, 1945

[Approved by Governor May 26, 1945. Filed with Secretary of State
May 26, 1945.]

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

SECTION 1. Section 4840 of the Health and Safety Code is amended to read:

Joint
operation by
districts

4840. Whenever two or more sanitation districts find and declare by resolution adopted by their respective district boards

that it is for the interest or advantage of the districts to do so, the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts.

Such agreement may also provide for participation by said sanitation districts in the State Employees' Retirement System of the State of California and for the payment of apportionments of costs and the collection, receipt and distribution of pension payments by one district designated for the purpose and acting on behalf of all districts participating in the agreement in the same manner as provided by Sections 4841 and 4842 of this code. When the agreement so provides, the designated district shall have all the powers and perform all the duties of a public agency for the purposes of the State Employees' Retirement Law, both in respect to the joint officers and employees of the participating districts and in respect to the officers and employees separately employed by the participating districts.

CHAPTER 491

An act to amend Section 1944.1 of the Labor Code, relating to the employment of certain aliens.

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1944.1 of the Labor Code is amended to read:

1944.1. The nationals of nations allied with the United States in the present war or the nationals of nations with which the United States is at peace, may be employed by the State of California or by any county, city and county, city, town, district or any other political subdivision thereof. No such employee shall acquire civil service or other permanent status, or pension or retirement rights because of such employment. No such employee may be employed on new construction.

Employment
of certain
aliens by
State or
political
subdivisions

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted, and such employees shall be discharged within six (6) months after the termination of this section.

Duration

CHAPTER 492

An act to amend Section 3695 of the Revenue and Taxation Code, relating to real property taxation.

In effect
September
15, 1945

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

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

SECTION 1. Section 3695 of the Revenue and Taxation Code is amended to read:

Consent
of other
agencies

3695. If the governing body of any taxing agency does not, before the date of sale, file with the tax collector and the board of supervisors certified copies of a resolution adopted by the governing body objecting to the sale, the taxing agency has consented to the sale. If the taxing agency consents to the sale the lien of its taxes or assessments and any rights which it may have to the property as a result of such taxes or assessments are canceled by a sale under this chapter and it is entitled to its proper share of the proceeds deposited in the delinquent tax sale trust fund. If the taxing agency does object to the sale, the lien of its taxes or assessments or any rights which the taxing agency may have to the property are not affected by a sale under this chapter. Provided, however, that any taxing agency which is also a revenue district may not object to a sale unless it files with such objection an executed proposed agreement under Chapter 8 of this part to purchase the property, but not including an option to purchase, at a price not less than the minimum bid.

Offer to
purchase

If a taxing agency which is not also a revenue district objects to the sale and before the date of sale applies in writing to the board of supervisors to purchase the property under Chapter 8 of this part at a price equal to that approved by the board of supervisors, or upon a pro rata division of the proceeds of a sale as may be provided under Chapter 8, the tax collector shall not proceed with the sale.

CHAPTER 493

An act to amend Sections 525, 531.5, 540, 551, 552 and 577 of the Vehicle Code, relating to rules of the road.

In effect
September
15, 1945

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

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

SECTION 1. Section 525 of the Vehicle Code is amended to read:

Drive on
right side of
roadway—
Exceptions

525. Drive on Right Side of Roadway—Exceptions. (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(2) When placing a vehicle in a lawful position for, and when such vehicle is lawfully making a left turn.

(3) When the right half of a roadway is closed to traffic while under construction or repair.

(4) Upon a roadway designated and signposted for one-way traffic.

(b) The State Department of Public Works shall by regulation determine a distinctive roadway marking which shall indicate no driving over such marking, and is authorized either by such marking or by signs and markings to designate any portion of a State highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and marking. When such markings or signs and markings are in place, the driver of a vehicle shall not drive along the highway to the left thereof, but this shall not prevent turning to the left across any such markings at any intersection or private driveway.

(c) It is unlawful to drive any vehicle upon any highway which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section of not less than two feet in width delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section, or to drive any vehicle over or across any such dividing section, or to make any left turn or semi-circular or U-turn on any such divided highway, except in a crossover or intersection.

SEC. 2. Section 531.5 of the Vehicle Code is amended to read:

531.5 Operation of Vehicles in Caravan. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorecade, whether or not towing other vehicles, shall be so operated as to allow sufficient space and in no event less than 100 feet between each such vehicle or combination of vehicles so as to enable any other vehicle to overtake or pass.

SEC. 3. Section 540 of the Vehicle Code is amended to read:

540. Required Position and Method of Turning at Intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a left turn shall be made from that portion of the roadway as close as practicable to the right-hand curb or edge of the highway.

(b) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered, unless otherwise directed by markers, buttons or signs.

(c) Local authorities in their respective jurisdictions may, by placing markers, buttons or signs within or adjacent to intersections, require and direct that a different course from that prescribed in this section be traveled by vehicles turning, and

when markers, buttons or signs are so placed no driver of a vehicle shall make a turn other than as directed and required by such markers, buttons or signs.

Vehicle turning left at intersection

SEC. 4. Section 551 of the Vehicle Code is amended to read :
 551. Vehicle Turning Left at Intersection. (a) The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(b) Said driver turning left having so yielded and having given a signal when and as required by this code may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the driver making the left turn.

Vehicle entering through highway

SEC. 5. Section 552 of the Vehicle Code is amended to read :
 552. Vehicle Entering Through Highway. (a) The driver of any vehicle which has stopped as required by this code at the entrance to a through highway shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard.

(b) Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right of way to the vehicle so about to enter or cross the through highway.

Vehicle must stop at through highways

SEC. 6. Section 577 of the Vehicle Code is amended to read :
 577. Vehicles Must Stop at Through Highways. The driver of any vehicle upon approaching any entrance of a highway or intersection signposted with a stop sign as provided in this code, except as otherwise permitted or directed in this code, shall stop

(a) Before entering the crosswalk on the near side of the intersection or, if none,

(b) Then at a limit line when marked, otherwise

(c) Before entering such highway or intersection.

CHAPTER 494

An act to add Section 596.4 to, and to amend Section 599 of, the Vehicle Code, relating to motor vehicles.

In effect September 15, 1945

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945.]

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

SECTION 1. Section 596.4 is added to the Vehicle Code, to read :

Interference with driver or mechanism of vehicle

596.4. Interference with Driver or Mechanism of Vehicle. No person shall wilfully interfere with the driver of a vehicle or with the mechanism thereof in such manner as to affect the driver's control of the vehicle.

SEC. 2. Section 599 of the Vehicle Code is amended to read:
 599. Signs on Vehicles Carrying Explosives, Inflammables or Poisonous Gases. (a) No person shall operate any motor vehicle, trailer or semitrailer transporting any explosive substance, inflammable liquids or poisonous gases as a cargo or part of a cargo unless at the time of such transportation there shall be displayed upon each side and the rear of the exterior of such vehicle a sign upon which shall appear the word "explosives," or "inflammables," or "poisonous gases," whichever may correctly designate such cargo, in letters not less than three inches in height upon a background of sharply contrasting color.

Signs on
vehicles
carrying
explosives,
inflammables
or poisonous
gases

(b) The provisions of this section shall have no application when any such explosive substance, inflammable liquids or poisonous gases are transported in a truck or in any trailer or semitrailer attached thereto when such truck, and each said trailer and semitrailer so attached thereto, has prominently displayed on each side and the rear of the exterior thereof a trade-mark, trade name, other designating mark, or a legend, substantially descriptive of the cargo of said truck, trailer or semitrailer and generally known to the public as being applied to such explosive substance, inflammable liquids or poisonous gases.

CHAPTER 495

An act to amend Sections 1326 and 1351 of, and to add Section 1350 5 to, the Insurance Code, relating to reciprocal insurers.

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945.] In effect September 15, 1945

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

SECTION 1. Section 1326 of the Insurance Code is amended to read:

1326. The attorney's bond shall be in the penal sum of fifty thousand dollars (\$50,000), conditioned that the attorney will faithfully account for all moneys and other property which come into his hands or are handled by him under the terms of the power of attorney and the rules of the exchange, and that he will neither withdraw nor cause to be withdrawn nor appropriate for his own use, from the funds of the exchange, anything of value to which he is not entitled under the terms of the power of attorney and the rules. Said bond shall provide that the surety or sureties may cancel the bond and be relieved of further liability thereunder by delivering 30 days' written notice to the principal and to the commissioner. Cancellation of such bond shall not affect any liability incurred or accrued thereunder prior to the termination of said 30-day period.

Attorney's
bond Penal
sum and
conditions

Substitution
of attorney

SEC. 2. Section 1350.5 is added to said code, to read:
1350.5. In the event of substitution of attorney or a change in any of the matters specified in the certificate of authority pursuant to Section 1350, the attorney shall apply to the commissioner for an amended certificate of authority.

Renewal of
certificate

SEC. 3. Section 1351 of said code is amended to read:
1351. Such certificate shall be renewed annually upon a showing that the required standard of solvency has been maintained and all fees and taxes required have been paid. For such renewal or for issuance of any amended certificate a fee of ten dollars (\$10) shall be paid.

CHAPTER 496

An act to amend Section 124 of the Labor Code, relating to salaries, payment, and expenses of Industrial Accident Commission.

In effect
September
15, 1945

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945.]

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

SECTION 1. Section 124 of the Labor Code is amended to read:

Compensa-
tion of
employees

124. All officers and employees of the commission shall receive the compensation fixed by the commission.

CHAPTER 497

An act to amend Section 383 of the Vehicle Code, relating to the return of fees.

In effect
September
15, 1945

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945.]

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

SECTION 1. Section 383 of the Vehicle Code is amended to read:

When fees
returnable

383. When Fees Returnable. (a) Except as provided in subdivision (c), whenever any application to the department is accompanied by any fee as required by law and such application is refused or rejected, the fees shall be returned to the applicant.

(b) Whenever the department collects any fee not required to be paid hereunder the same shall be refunded to the person paying the same upon application therefor or the department may without application refund the same within one year after the date of such payment.

(c) Whenever any application is made for the first set of special plates under subdivision (a) of Section 375, or for the certificate or license and the first set of special plates under subdivision (b) (1) of Section 248, and the application is refused or rejected, the sum of five dollars (\$5) only shall be returned to the applicant.

CHAPTER 498

An act to amend Section 68 of the Bank Act, relating to deposits by savings banks in other banks. Stats 1909, p 87, amended

[Approved by Governor May 26, 1915 Filed with Secretary of State May 26, 1945] In effect September 15, 1945

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

SECTION 1. Section 68 of the Bank Act is amended to read: Stats 1931, p 341

Sec. 68. Every savings bank or savings department of a bank shall at all times maintain total reserves equivalent to 5 per centum of the aggregate amount of its deposits, exclusive of United States, postal savings bank, State, county and municipal, and other public money deposits, which are secured as is required by law; at least 1 per centum of such deposits shall be maintained as reserves on hand, which shall consist of gold bullion, or any form of money or currency authorized by the laws of the United States, and 4 per centum of such deposits may be maintained as reserves on hand, which shall consist of bonds or interest-bearing obligations of the United States, of gold bullion, or any form of money or currency authorized by the laws of the United States or may be maintained as reserves on deposit subject to call with any reserve depository provided for in Sections 20 and 43 of this act; provided, however, that all or any part of the reserves may be deposited, subject to call, with a Federal Reserve Bank in the district in which such bank is located; provided, also, that no savings bank or savings department shall be required to maintain reserves on hand in excess of four hundred thousand dollars (\$400,000), and when such reserves on hand reach that amount, the balance of total reserves necessary to make up the 5 per centum may be kept as reserves on deposit, subject to call, with any reserve depository provided for in Sections 20 and 43 of this act. Savings bank Total reserves

If any savings bank shall have become a member of a Federal Reserve Bank, it shall comply with the reserve requirements of the Federal Reserve Act and its amendments, and its compliance therewith shall be in lieu of, and shall relieve such savings bank or savings department of a departmental bank from compliance with the provisions of this section. Federal Reserve members

If any savings bank shall fail to maintain its total reserves in the manner authorized by this section, it shall be subject to the penalty provided for in Section 20 of this act for commercial banks. Penalties

No new loan shall be made during any deficiency in the total reserves. Deposits with any commercial bank, or commercial department of a bank, on open account, as provided in this section, shall be permitted and shall not be construed as loans. Not more than 10 per centum of the deposits of any savings bank shall be deposited with any one bank, except with the consent of the Superintendent of Banks; provided, that any savings bank may deposit with any one bank not more than Deposits with other banks

twenty-five thousand dollars (\$25,000) without the permission of the Superintendent of Banks. Not more than 30 per centum of the deposits of any savings bank shall be deposited with all commercial banks, except with the consent of the Superintendent of Banks. No savings bank or savings department shall receive deposits of other banks other than savings deposits and such deposits shall not be treated or considered as a part of the reserves on deposit of such depositing bank; provided, however, that the sum so deposited shall not exceed 30 per centum of the paid-in capital and surplus of the depositing bank, nor more than 15 per centum of the paid-in capital and surplus of the depositary bank.

CHAPTER 499

Stats 1931,
p 483,
amended

A bill to amend the Building and Loan Association Act by amending Section 1.01 thereof, relating to definitions, Section 2.08 thereof, relating to qualifications of directors, Section 8.01 thereof, relating to voting rights, Section 10.03 thereof, relating to apportionment of profits of associations, Section 12.10 thereof, relating to forms, and by adding thereto a new section to be numbered 12 08 relating to membership of borrowers.

In effect
September
15, 1945

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945]

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

Stats 1937,
p 1497
See also
Stats 1945,
Ch 1202
Definitions

SECTION 1. Section 1.01 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 1.01. In General. The following terms, wherever used in this act, shall have the following meanings, except in cases where the context otherwise requires:

“Association” means a building and loan association, as defined in Section 1.02 of this act, and except where otherwise indicated includes both domestic and foreign associations. “Domestic association” means an association incorporated under the laws of this State, and “Foreign association” means any other association.

“Commissioner” means the Building and Loan Commissioner. “Shares” means withdrawable shares of an association; which shares shall constitute and may be designated membership shares. “Pledged shares” means shares pledged as security for the payment of a loan from the association issuing such shares. “Free shares” means all other shares. “Full paid shares,” “Installment shares” (including “serial” and “nonserial” installment shares), “Accumulative shares” and “Prepaid shares” are defined in Section 3.02 of this act.

“Stock” means guarantee stock of an association.

“Investment certificates” means instruments issued by an association, pursuant to Section 5.01 of this act, which expressly

state that the right of the holder thereof to withdraw funds evidenced thereby is subject to the provisions of Article VI of this act, and which otherwise conform to the provisions of this act applicable thereto. "Full paid investment certificate," "Installment investment certificate," "Accumulative investment certificate," "Definite term investment certificate," "Pre-paid investment certificate" and "Minimum term investment certificate" are defined in Section 5.01 of this act. The term "investment certificates," wherever used in this act, shall be deemed to include all unsecured notes heretofore issued by an association to savers or members of the public generally.

"Shareholder" and "member" are synonymous and mean the holder of one or more shares or of a fraction thereof provided, however, that in the case of any association which shall provide by its by-laws, pursuant to any provisions of this act, that every person, firm, copartnership, association or corporation holding a certificate of membership as a borrower from such association shall be a member thereof, each person, firm, copartnership, association or corporation holding such certificate of membership shall be a member thereof. "Stockholder" means the holder of stock. "Certificate holder" means the holder of one or more investment certificates. "Investor" includes shareholder, stockholder and certificate holder.

The "value" of shares or investment certificates means the amount paid in upon such shares or investment certificates, plus the accumulated earnings or interest accrued thereon, less any withdrawals therefrom and charges thereagainst. "The matured value" of a share shall be equal to the par value thereof.

"Redemption price" is defined in Section 5.06 of this act, and "withdrawal value" in Section 6.01 thereof.

The term "issuing" wherever used in this act with reference to an association issuing or not issuing shares, stock and investment certificates or any thereof, shall not be limited to issuance thereof at the particular time, but shall include prior issuance if such stock, shares and investment certificates or any thereof (as the case may be) are still outstanding.

"Advertisement" includes advertisement, circular, pamphlet, prospectus, circular letter, newspaper, and also oral statements broadcast by radio.

Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter, and in the neuter gender include the masculine and feminine; the singular number includes the plural, and the plural includes the singular; "writing" includes also printing and typewriting; "oath" includes also affirmation; and "county" includes also city and county.

SEC. 2. Section 2.08 of said act is hereby amended to read as follows:

Sec. 2.08. Qualifications of Directors. No person shall be eligible as director of an association unless he is a stockholder or shareholder of such association, owning, in his own right, stock

Stats 1931,
p 483

Directors.
Stock
ownership

thereof of the par value of at least five hundred dollars (\$500) or shares thereof of the value of at least one thousand dollars (\$1,000). Every director who shall sell or hypothecate all such stock or shares owned by him, or so much thereof that he shall cease to be the owner, in his own right free from encumbrances, of the amount of such stock or shares aforesaid, shall immediately notify the commissioner in writing of such sale or hypothecation and such director may be removed from the office of director by the commissioner; provided, however, that any executor, administrator, guardian or trustee, holding stock of an association of the par value of five hundred dollars (\$500) or shares of an association of the value of at least one thousand dollars (\$1,000) in his or her representative capacity, shall be eligible as director thereof. Solely for the purpose of this section a person who owns stock or shares as a joint tenant with one other person shall be deemed to own, in his own right, one-half of such stock or shares.

Stats 1931,
p 483

SEC. 3. Section 8.01 of said act is hereby amended to read as follows:

Voting
rights

Sec. 8.01. Voting Rights. Except as otherwise provided in the articles of incorporation or by-laws pursuant to this section, the shareholders and stockholders of domestic associations shall each have one vote for each one hundred dollars (\$100) par value of shares or stock held by them; provided, however, that associations authorized by their articles of incorporation or by-laws to issue both shares and stock may provide in their articles of incorporation or by-laws that a majority of the board of directors shall be elected by the stockholders; and provided further, that associations authorized to issue shares may provide in their articles of incorporation or by-laws that the holders of installment, accumulative or prepaid shares shall have lesser voting rights than holders of full paid shares and may provide the extent thereof which may vary according to the value of such installment, accumulative or prepaid shares. Certificate holders shall have no voting rights, except such voting rights, if any, as shall be expressly provided in the by-laws. Borrowing members shall be entitled to voting rights as provided in Section 12.08.

Stats 1933,
p 1089

Apportionment of
profits
Dividends
on shares

SEC. 4. Section 10.03 of said act is amended to read:

Sec. 10.03. Apportionment of Profits. Profits and losses shall be apportioned at least annually. In computing earnings or dividends on shares, the rate shall be applied to the value thereof, subject to regulations prescribed by the by-laws or directors in respect of payments on such shares since the last prior apportionment. Interest unpaid, although due or accrued, on debts owing to any association, shall not be included in calculation of its profits available for dividends; nor shall any association, except with the previous written consent of the commissioner, enter or at any time carry on its books any of its assets at a valuation exceeding its actual cost to such association. If the loan reserve mentioned in this section shall not equal 5 per cent of the aggregate unpaid principal amount

of the outstanding loans at the time of each apportionment of profits, the directors, before declaring any dividends, shall set aside as a loan reserve not less than 5 per cent of the net profits accruing since the last prior apportionment and shall continue so to do until said loan reserve shall amount to at least 5 per cent of the aggregate unpaid principal amount of the loans in force secured by real property. Such loan reserve shall be available at all times to meet any losses, whether arising from loans or otherwise, but the directors of any association at their option may charge losses against earnings, undivided profits or surplus. If at any time said loan reserve shall be in anywise impaired, it shall thereafter be restored in like manner. Said loan reserve shall include such sum, if any, as the directors of such association may transfer from its surplus or undivided profits to said loan reserve. Every association issuing stock may, in addition to a dividend on such stock at a rate equal to that declared and paid or credited on installment shares, if any, set aside from and out of the net profits, if any, at each annual distribution thereof an amount not exceeding 1 per cent per annum on the average loans in force during such period, or a proportionate amount at each semiannual, quarterly or other distribution, from which to declare additional dividends on its stock: provided, however, that at least one-tenth of the amount so set aside shall be carried to stock surplus until such surplus shall amount to at least 25 per cent of the par value of the outstanding stock, and if at any time thereafter such stock surplus shall be in anywise impaired, it shall thereafter be restored in like manner. Subject to the requirements of this section as to the loan reserve and stock surplus, and subject to the provisions of other sections of this act expressly restricting the declaration or payment of dividends, the directors of any association issuing stock and not issuing shares may make, declare and pay dividends on the stock of so much of the surplus profits arising from the business thereof as to them appears advisable.

Sec. 5. Said act is hereby amended by adding thereto a New section new section to be numbered 12.08, to read as follows:

Sec. 12.08. **Membership of Borrowers.** Any association may Membership of borrowers (but shall not be required to) provide in its by-laws that every person holding a certificate of membership as a borrower from such association shall be a member thereof, and in the case of any association having by-laws containing such provision every person holding a certificate of membership as a borrower from such association shall be a member thereof. Any applicant for a loan from any association having by-laws containing such provision, who is not a member of such association, may be permitted to become a member without purchasing or subscribing for shares of such association, upon application made to the association before or at the time of the filing of his loan application. A certificate of membership shall be issued to every such applicant accepted by such association as a member and at all meetings of the members of such association (or if persons other than members of such association shall also be

entitled to vote, then at all meetings of the members of such association and of such other persons as shall be entitled to vote), and on all matters of the association requiring the vote of shareholders, stockholders, or other persons entitled to vote, borrowing members, in person or by proxy, shall be entitled to cast one vote each; provided, however, that in the case of any association having by-laws containing the provision above referred to in this section where a loan is made to, or property securing a loan is owned by, two or more persons, each of such persons shall be a member, but such persons in the aggregate shall hold one certificate and have one vote, and such vote shall be cast by the majority of such persons present in person or by proxy at such meeting, or if only one of such persons is present in person or by proxy then by that one. Any person who shall be a member of an association solely by reason of holding a borrower's membership shall cease to be a member upon (a) full repayment of the loan including all advances or (b) the sale, exchange, transfer or other disposition of such loan by the association or (c) transfer of the property securing the loan to another person or persons, but from and after such transfer the person or persons acquiring such property shall become a member or members in lieu of the person or persons making such transfer upon being issued a certificate of membership as a borrower; provided, however, that the association, until it has notice of such transfer, shall be entitled for all purposes to treat the transferor as a member of the association. "Person," as used in this section, includes person, firm, copartnership, association and corporation.

Stats 1941,
p 2366

SEC. 6. Section 12.10 of said act is hereby amended to read as follows:

Forms

Sec. 12.10. Forms. All associations at least 10 days before issuing any stock, shares, investment certificates or borrowers' membership certificates and at least 10 days before making any loans evidenced or secured by notes, trust deeds or mortgages, shall file in the office of the commissioner copies of the forms of such instruments to be used; and in the event the commissioner within such period of 10 days shall notify such association in writing that, in his opinion, any such form is unauthorized and shall state the reason or reasons that such form is unauthorized, such association shall not thereafter use such form. Notwithstanding anything to the contrary contained in this section, any form of stock, shares, investment certificates, membership certificate, note, trust deed or mortgage may be used without delay if such form has been approved by the commissioner. All notes shall express the rate of interest to be paid thereon. No violation of any of the provisions of this section shall render invalid any stock, shares, investment certificate, membership certificate, note, trust deed or mortgage.

CHAPTER 500

An act to amend Sections 6459, 6812, and 6902 of the Revenue and Taxation Code, and to add Section 6488 to said code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945] In effect immediately

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

SECTION 1. Section 6459 of the Revenue and Taxation Code is amended to read:

6459. The board for good cause may extend for not to exceed one month the time for making any return or paying any amount required to be paid under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted. Extension of time

Any person to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 per cent per month, or fraction thereof, from the date on which the tax would have been due without the extension until the date of payment.

SEC. 2. Section 6488 is added to the Revenue and Taxation Code, to read:

6488. If before the expiration of the time prescribed in Section 6487 for the mailing of a notice of deficiency determination the taxpayer has consented in writing to the mailing of the notice after such time, the notice may be mailed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. Agreements for extending time

SEC. 3. Section 6812 of the Revenue and Taxation Code is amended to read:

6812. If the purchaser of a business or stock of goods fails to withhold purchase price as required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within 60 days after receiving a written request from the purchaser for a certificate, the board shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the board of the amount that must be paid as a condition of issuing the certificate. Failure of the board to mail the notice will release the purchaser from any further obligation to withhold purchase price as above provided. The time within which the obligation of the successor may be enforced shall start to run at the time the retailer sells Liability of purchaser

out his business or stock of goods or at the time that the determination against the retailer becomes final whichever event occurs the later.

SEC. 4. Section 6902 of the Revenue and Taxation Code is amended to read:

Filing claim

6902. No refund shall be allowed unless a claim therefor is filed with the board within three years from the fifteenth day after the close of the quarterly period for which the overpayment was made, or, with respect to determinations made under Articles 2 or 3 of Chapter 5 of this part, within six months after the determinations become final, or within six months from the date of overpayment, whichever period expires the later. No credit shall be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 6488.

Tax levy

SEC. 5. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution take effect immediately; provided, however, that the provisions hereof shall become operative on July 1, 1945.

Operative date

CHAPTER 501

An act to amend Sections 11271, 11315, 11336, 11572, 11576, 11577 and 11652 of the Revenue and Taxation Code, relating to reports, assessments, suits for refund, and records with respect to the tax imposed by the Private Car Tax Law.

In effect
September
15, 1945

[Approved by Governor May 26, 1945 Filed with Secretary of State
May 26, 1945.]

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

SECTION 1. Section 11271 of the Revenue and Taxation Code is hereby amended to read as follows:

Annual report

11271. Every person whose private cars are operated upon the railroads in this State at any time during a calendar year shall file with the board on or before the time fixed by the board a report under oath setting forth specifically the information prescribed by the board to enable it to make the assessment required in this part.

SEC. 2. Section 11315 of the Revenue and Taxation Code is hereby amended to read as follows:

Assessment of escaped property

11315. If any property required to be assessed escapes assessment for any year, the board shall assess the property when it is discovered. The assessment so made shall be included among the assessments to be completed on or before the first Monday in August following the discovery.

SEC. 3. Section 11336 of the Revenue and Taxation Code is hereby amended to read as follows:

11336. The board shall complete the assessment of all property required to be assessed on or before the first Monday in August of each year. Time for completing assessments

SEC. 4. Section 11572 of the Revenue and Taxation Code is hereby amended to read as follows:

11572. After payment of any amount under protest, duly verified and setting forth the grounds of objection to the legality thereof, the person making the payment may bring an action against the board in a court of competent jurisdiction in the County of Sacramento for the recovery of the amount so paid. Action to recover tax paid

SEC. 5. Section 11576 of the Revenue and Taxation Code is hereby amended to read as follows:

11576. In any judgment, interest shall be allowed at the rate of 6 per cent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board. Interest

SEC. 6. Section 11577 of the Revenue and Taxation Code is hereby amended to read as follows:

11577. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any amount paid when the action is brought by or in the name of an assignee of the person who paid the amount. Action by or in name of assignee

SEC. 7. Section 11652 of the Revenue and Taxation Code is hereby amended to read as follows:

11652. Every person whose property is subject to tax under this part shall keep such records and other pertinent data with respect to the operation of his private cars as the board requires. The board or its authorized representative may examine the records and data. Records

CHAPTER 502

An act to amend Section 618 of the Fish and Game Code, relating to trout.

[Approved by Governor May 26, 1945. Filed with Secretary of State May 26, 1945.] In effect September 15, 1945

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

SECTION 1. Section 618 of the Fish and Game Code is amended to read:

618. In the Truckee River, in Lake Tahoe, in Donner Lake, and in Boca Reservoir, trout and whitefish may be taken between May 1st and October 15th. Season for Truckee River, etc

CHAPTER 503

Stats 1909, *An act to amend Section 21 of the Bank Act, relating to*
 p 87 *maintenance of surplus account.*
 amended

In effect [Approved by Governor May 28, 1945. Filed with Secretary of State
 September May 28, 1945]
 15, 1945

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

Stats 1933, SECTION 1. Section 21 of the Bank Act is amended to read as
 p 1177 follows:

Dividends Sec. 21. The directors of any bank having a capital stock
 may, at certain times, and in such manner as its by-laws pre-
 scribe, declare and pay dividends to depositors and stockholders
 of so much of the profits of the bank, and of the interest arising
 from the capital, surplus and deposits, as may be appropriated
 for that purpose under its by-laws or under its agreements with
 depositors but every such bank shall before the declaration of
 any such dividend carry at least one-tenth of the net profit of
 the stockholders for the preceding half year, or for such period
 as is covered by the dividend, to its surplus until such surplus
 Surplus shall amount to 50 per centum of its paid-up capital stock,
 but in no event shall the directors declare or pay a dividend to
 the common stock shareholders, without the previous consent
 of the Superintendent of Banks, if surplus does not amount to
 at least 25 per centum of the paid-in capital. The whole or
 part of such surplus, if held as the exclusive property of the
 stockholders, may at any time be converted into paid-in capital
 in which event such surplus shall be restored in the manner
 above provided until it amounts to 50 per centum of the aggre-
 gate paid-up capital stock. However, no conversion of sur-
 plus into paid-up capital which will reduce the surplus below
 25 per centum of the aggregate paid-up capital stock shall be
 declared or made without the previous written approval of
 the Superintendent of Banks. Any losses sustained by any
 such bank in excess of its undivided profits may be charged
 to and paid from its surplus in which event, such surplus
 shall be restored in the manner above provided, to the amount
 required by law; except that no losses may be charged to sur-
 plus, without the previous permission of the Superintendent
 of Banks, if said charge would reduce surplus to an amount
 less than 25 per centum of the aggregate paid-up capital
 stock; provided, however, that any bank which has invested
 any portion of its surplus in its bank premises, furniture
 and fixtures, vaults, or safe deposit vaults and boxes neces-
 sary or proper to carry on its banking business shall not be per-
 mitted to charge any loss to that portion of its surplus so
 invested. A larger surplus may be created and nothing herein
 contained shall be construed as prohibitory thereof. The cap-
 ital and assets of any such bank are a security to depositors and
 stockholders, depositors having the priority of security over

Priorities

stockholders; provided, however, that any stockholder who is also a depositor and who has paid all assessments, debts or other obligations due from him to the bank, shall enjoy the same priority as other depositors.

CHAPTER 504

An act to repeal Sections 19 and 19.1 of the Bank Act relating to the ratio of the paid-up capital and surplus to deposits required to be maintained by banks.

Stats 1909,
p 87,
amended

[Approved by Governor May 28, 1945. Filed with Secretary of State
May 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Sections numbered 19 and 19.1 of the Bank Act are hereby repealed.

Stats 1933,
p 2708 and
1943,
p 2557

CHAPTER 505

An act to amend Section 446 of the Code of Civil Procedure, relating to the verification of pleadings.

[Approved by Governor May 28, 1945. Filed with Secretary of State
May 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 446 of the Code of Civil Procedure is amended to read:

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

Verification
of pleadings

Affidavit

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

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

CHAPTER 506

Stats 1936, p 1567, amended. *An act to amend Sections 1 and 11 of the Annexation of Uninhabited Territory Act of 1939, relating to the alteration of boundaries of municipalities.*

In effect September 15, 1945 [Approved by Governor May 28, 1945 Filed with Secretary of State May 28, 1945]

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

Stats 1936, p 1567 SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Procedure to annex uninhabited territory Uninhabited territory SECTION 1. The boundaries of any incorporated town or city may be altered and uninhabited territory annexed thereto, incorporated and included therein, upon proceedings being taken as in this act provided. For the purpose of this act, any territory wherein less than three qualified electors reside shall be deemed to be uninhabited territory. Any such territory so uninhabited at the time of the filing of the petition for annexation or of the institution of proceedings under this act by the legislative body of a municipality on its own motion, as the case may be, shall be deemed uninhabited for all purposes of this act.

Stats 1936, p 1567 SEC. 2. Section 11 of the act cited in the title hereof is amended to read:

Annexation of territory of another municipality SEC. 11. No territory, which, at the time of the presentation of a petition to the legislative body of any municipal corporation for the annexation of such territory thereto forms any part of any municipal corporation, shall be annexed under the provisions of this act, except as follows: The legislative body of any municipal corporation may by resolution consent to the detachment of any uninhabited area within its territorial boundaries for the purpose of annexation of such detached area to another municipal corporation. Before consenting to any such detachment of territory the legislative body shall require the written consent of at least two-thirds of the freeholders within such area, holding at least two-thirds in value of the real property. Any bonds or other obligations then a lien on such property shall remain thereon but no liability

shall be imposed on such property by the municipal corporation consenting to such detachment after the date of the consent to such detachment, where such property is annexed to another municipal corporation. If consent to such detachment is given, proceedings for the annexation of such uninhabited area shall be in accordance with the provisions of this act.

CHAPTER 507

An act to amend Section 4903 of the Labor Code, relating to liens for burial expense.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 4903 of the Labor Code is amended to read:

4903. The commission may determine, and allow as a lien against any amount to be paid as compensation:

Liens against workmen's compensation

(a) A reasonable attorney's fee for legal services pertaining to any claim for compensation either before the commission or before any of the appellate courts, and the reasonable disbursements in connection therewith.

(b) The reasonable expense incurred by or on behalf of the injured employee, as provided in Article 2 of Chapter 2 of Part 2 of this division.

(c) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(d) The reasonable burial expenses of the deceased employee, not to exceed the amount provided for by Section 4701.

(e) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family. Such expenses shall be allowed in such proportion as the commission deems proper, upon application of the wife or guardian of the minor children.

CHAPTER 508

An act to amend Section 498.5 of the Agricultural Code, relating to examination of applicants.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 498.5 of the Agricultural Code is hereby amended to read:

498.5. The State Personnel Board shall hold examinations in various parts of the State for the purpose of determining the qualifications of persons desiring to become employed by the department in the enforcement of the provisions of this division

Enforcement of provisions re milk and milk products Examination of applicants

and the rules and regulations of the director, and shall establish an eligible list therefor; provided, however, that persons in the employ of the State of California or any county or city or city and county in California may be eligible for employment by any county or city without being on such eligible list if such person was in the employ of the State of California or any county or city or city and county in California, and while so employed, enforcing laws, rules, regulations and ordinances pertaining to milk and milk products within two years immediately preceding date of such subsequent employment.

Qualifications
required

(a) No person shall be eligible to take such examination unless he possesses one of the following qualifications:

(1) One year of experience in the production, processing, or inspection of milk or milk products and education equivalent to graduation from an agricultural or veterinary college of recognized standing with specialization in studies relating to the dairy industry, or (2) three years of experience in the dairy industry involving work in dairy inspection, dairy bacteriology, marketing milk, or manufacturing milk products and education equivalent to completion of the twelfth grade supplemented by a nondegree course in an agricultural college of recognized standing with specialization in studies relating to the dairy industry, or (3) three years of experience in inspection and enforcement work pertaining to dairy farms or milk and milk products.

Certification
of eligible
list

(b) The State Personnel Board shall, upon the written request of any county or city, certify to it a complete list of all persons upon such eligible list. No person shall be hereafter employed by the department or any county or city for the purpose of the enforcement of the provisions of this division or the rules and regulations of the director or any ordinance of a county or city relating to the inspection of dairy farms, milk products plants, or milk products, unless he was at the time of such employment on such eligible list or previously employed as provided for in this section.

Qualifications
required
for county
or city
inspectors

(c) In case the employees of any county or city inspecting dairy farms, milk products plants, or milk products are subject to qualification by a civil service board or commission, it shall be a condition prerequisite to the taking of such examination that such person shall be upon such eligible list or previously employed as provided for in this section; in the event that a county or city charter provision requires local residence as a prerequisite to employment, and the number of persons upon such eligible list who can meet such residence requirement is less than three, or if there be less than three persons upon such eligible list, the State Personnel Board shall prepare and certify to each county and city requesting the same, a list of persons eligible for temporary appointment pending the establishment of a suitable eligible list.

Temporary
appointees

Special
training
courses

(d) The director shall from time to time conduct special training courses, not to exceed five days, at various convenient places in the State for the purpose of training persons in the

employ of the department and of each county and city in the enforcement of the provisions of this division, and the rules and regulations of the director, or the ordinance of any county or city relating to the inspection of dairy farms, milk products plants, or milk products, in dairy science, in uniform methods of enforcement of the provisions of this division, the rules and regulations of the director, ordinances of counties and cities, and other pertinent information concerning dairy farms, milk products plants, and milk products. Attendance at such training course shall be mandatory, in the discretion of the director, upon any or all persons employed by the department and each county and city in the inspection of dairy farms, milk products plants, and milk products.

(e) Any person employed by the department or any county or city, while attending such special training courses shall be paid his salary or compensation while so engaged.

(f) None of the provisions of this section shall apply to clerical employees, nor to any person employed in a laboratory.

CHAPTER 509

An act to amend Section 1597 of the Education Code and to add Section 1597.1 to said code, relating to the liability of school districts to taxation for bonded indebtedness.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1597 of the Education Code is amended to read:

1597. When school districts are created or abolished, or the boundaries thereof changed, the liability to taxation for the outstanding bonded indebtedness of the district is, when not otherwise prescribed by this code, as provided in this article. The authorities whose duty it is to levy taxes for the payment of principal and interest on the outstanding bonds, shall levy the taxes upon the districts affected in such proportions as are provided in or are determined under the authority of this article.

SEC. 2. Section 1597.1 is added to said code, to read:

1597.1. Notwithstanding any provision of this code to the contrary, no territory which comprises the whole or a part of a district and which is made a part of another district or of a new district through any proceeding involving any affirmative action taken by the residents of such territory shall be liable for any of the bonded indebtedness of the district of which it is made a part unless such liability is specifically authorized by a vote of two-thirds of the electors of the territory or district voting at an election called for that purpose in accordance with applicable provisions of this code.

CHAPTER 510

An act to amend Sections 1101, 1101.1, 1102, 1103, 1103.1, 1104.1, 1105.3, 1106.2 and 1107 of, and to renumber Sections 1105.1, 1103.4, 1105.5, 1105.6, 1105.7, 1105.8 and 1105.9 of, to be Sections 1103.2, 1103.5, 1105.4, 1105.5, 1105.6, 1105.7 and 1105.8 of, and to amend and renumber Sections 1102.2, 1102.1, 1103.2 and 1103.3 of, to be Sections 1102.1, 1102.2, 1103.3 and 1103.4 of, and to add Sections 1102.3, 1102.4, 1103.05 and 1108.1 to, and to repeal Section 1105.4 of, the Agricultural Code, relating to eggs.

[Approved by Governor May 28, 1945 Filed with Secretary of State
May 28, 1945.]

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

SECTION 1. Section 1101 of the Agricultural Code is amended to read:

Egg
definitions

1101. As used in this article with relation to eggs:

- (a) "Addled" or "white rot" means putrid or rotten.
- (b) "Adherent yolk" means the yolk has become fastened to the shell.
- (c) "Blood" means the presence of blood rings or blood veins due to embryo development, or blood diffused into the white.
- (d) "Candling" means the examination of the interior of eggs by the use of transmitted light.
- (e) "Clean" means that the egg shell is free from foreign substance and is free from stains and discolorations other than processing oil.
- (f) "Reasonably clean" means that no dirt or foreign substance may be adhering to the surface of the egg shell and no stain or discoloration other than that caused by processing oil, shall exceed an aggregate area of one-half inch in diameter.
- (g) "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.
- (h) "Moldy" or "black spot" or "black rot" means the presence of mold or bacteria inside the shell.
- (i) "Processed" means that the shell has been treated with oil or other preservative preparation.
- (j) "Sound" means that the shell is free from cracks.
- (k) "Uniform in size" means that the eggs in any one container shall not vary more than three-eighths of an ounce in weight.
- (l) "Visible germ development" means that there has been some development of the germ which is slightly visible as a deeper colored area on the yolk as shown by candling the egg.
- (m) "Firm white" means that the white is sufficiently thick or viscous to permit but little movement of the yolk from the center of the egg.
- (n) "Checks" are eggs with shells which are not sound as determined by candling, appearance, or other means, provided no exudation is present.

(o) "Dirties" are eggs with shells which are not reasonably clean as determined by appearance.

(p) "Inedible eggs" are eggs which as determined by candling or any other means contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks, sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, or otherwise unfit for human consumption in whole or in part.

(q) "Denatured" means eggs made unfit for human food by treatment or the addition of a foreign substance.

(r) "Clear white" means that the white is free from discoloration or foreign bodies.

SEC. 2. Section 1101.1 of said code is amended to read :

1101.1. As used in this article:

(a) "Agent" includes bailee, broker, commission merchant, factor, auctioneer, solicitor, consignee, and any other person acting upon the express or implied authority of another.

(b) "Container" means any box, case, basket, carton, sack, bag or other receptacle. "Subcontainer" means any container when being used within another container.

(c) "Deceptive" means any arrangement of the contents of any container, or subcontainer, or of any lot, load, or display, in which the eggs in the outer layer or in any portion exposed to view are in quality, size, condition, or in any other respect so superior to those in the interior or unexposed portion as to materially misrepresent the contents or any part thereof as to size, quality, condition or any other respects.

(d) "Marked" means plainly, legibly and conspicuously labeled, stamped, stenciled, printed or branded.

(e) "Mislabel" means the placing or presence of any false, deceptive or misleading mark, term, statement, design, devise, inscription or any other designation, upon any eggs or upon any container or subcontainer of eggs, or upon the label or lining or wrapper thereof, or upon any placard or sign used in connection therewith or in connection with any bulk lot or display having reference to eggs.

(f) "Retailer" means any person who sells eggs to a consumer.

(g) "Dealer" means any person who contracts for or obtains from the producer thereof or any other dealer, possession or control of any eggs, for the purpose of sale to another dealer or retailer.

(h) "Consumer" means a person who buys eggs for use as food and not for resale in any form.

SEC. 3. Section 1102 of said code is amended to read :

1102. As used in this article with relation to chicken eggs, the following standards of quality, as determined by candling, are hereby established :

(1) "Specials" or "Grade AA" : Shall consist of eggs which are clean; sound; with air cell localized and not over three-sixteenths inch in depth; whites shall be clear and firm; no visible germ development present.

General
definitions

Quality
standards
and designations

(2) "Grade A": Shall consist of eggs which are reasonably clear; sound, with air cell not over one-fourth inch in depth; whites shall be clear and firm; no visible germ development present. Checks or dirties, if so marked, may be present in this grade.

(3) "Grade B": Shall consist of eggs reasonably clean; sound, with air cell not over three-eighths inch in depth; visible germ development may be present. Checks or dirties, if so marked, may be present in this grade.

(4) "Grade C": Shall consist of eggs which in quality are below the requirements of "Grade B" and are not inedibles.

SEC. 4. Section 1102.2 of said code is renumbered to be Section 1102.1 and is amended to read:

Tolerances 1102.1. The tolerances for eggs in any container or bulk lot as determined by count, of the quality grades "Specials" or "Grade AA," "Grade A" and "Grade B," shall be as follows:

(a) "Specials" or "Grade AA": Eggs of this grade may contain 5 per cent of eggs which are not sound; and 10 per cent of the eggs may be of the quality "Grade A."

(b) "Grade A": Eggs of this grade may contain 5 per cent of eggs which are not reasonably clean or sound; 10 per cent of the eggs may be of the quality "Grade B."

(c) "Grade B": Eggs of this grade may contain 15 per cent of eggs which are not reasonably clean or sound.

SEC. 5. Section 1102.1 of said code is renumbered to be Section 1102.2 and is amended to read:

Sizes and weight standards 1102.2. As used in this article with relation to chicken eggs, the following standards of size as determined by weight are hereby established:

(a) "Extra Large": Eggs uniform in size weighing not less than 2 7/8 ounces each, and averaging not less than 26 ounces per dozen.

(b) "Large": Eggs uniform in size weighing not less than 1 7/8 ounces each, and averaging not less than 24 ounces per dozen.

(c) "Medium": Eggs uniform in size weighing not less than 1 3/8 ounces each, averaging not less than 21 ounces per dozen.

(d) "Small": Eggs weighing not less than 1 1/4 ounces each and averaging not less than 18 ounces per dozen.

(e) "Pewee": Eggs weighing less than 1 1/4 ounces each.

SEC. 6. Section 1102.3 is added to said code, to read:

Tolerances 1102.3. The tolerances for the Extra Large, Large, Medium and Small size standards of eggs shall be as follows: 2 per cent by count of eggs in any container or bulk lot may be eggs of the next lower size than that specified, provided, eggs of the quality Grade C need not be graded and marked as to size.

SEC. 7. Section 1102.4 is added to said code, to read:

Invoice or candling certificate 1102.4. Every person selling eggs to a retailer or manufacturer shall furnish an invoice or candling certificate showing the exact size and quality of such eggs according to the standards prescribed by this article.

No invoice shall be required on eggs: (1) sold or delivered by a producer to a dealer or retailer for candling and grading; (2) when packed for sale to the United States Navy or Army if labeled with the United States Department of Agriculture grades; (3) when the containers and subcontainers are packed and certified in accordance with the standards of grade and quality and the grading rules promulgated by the United States Department of Agriculture.

SEC. 8. Section 1103 of said code is amended to read:

1103. It is unlawful to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in bulk or in containers or subcontainers eggs:

(a) Unless each container and subcontainer of chicken eggs is marked with the full, correct and unabbreviated designation of size and quality of the eggs therein according to the standards as prescribed in this article together with the name and address of the producer, dealer, retailer, or agent by or for whom the eggs were graded or marked;

Container markings

(b) Which are mislabeled;

Unlawful acts

(c) Which are deceptive;

(d) That are or contain inedibles and which are not denatured, provided that not to exceed 5 per cent by count of inedibles shall be permitted when eggs are going to a dealer for candling and grading.

(e) Which have been in an incubator, unless the inedibles have been removed.

Only one description of the size and quality of eggs shall appear upon a container, subcontainer or placard required by this article, except that as to eggs placed in containers the markings may show different size and quality descriptions for specified quantities of eggs in the container.

Description of size and quality

Designations of size and quality required by this section to be marked upon containers of eggs shall be plainly and conspicuously marked in bold face type letters (1) not less than one-fourth inch in height on the outside top face of each container holding less than 15 dozen eggs and (2) not less than one-half inch in height on one outside end of any oblong container holding 15 dozen or more eggs and on one outside side of any other container holding 15 dozen or more eggs.

Size and quality designations

SEC. 9. Section 1103.05 is added to said code, to read:

1103.05. The owner or person in possession of eggs which fail to meet the requirements of subsections (b) and (c) of Section 1103 of this chapter, when such eggs are (1) in cold storage or (2) being transported from cold storage for candling and grading or (3) from cold storage and in the possession of a dealer for candling and grading, shall not be prosecuted hereunder by reason of failure of any of said eggs to conform to such provisions; provided, however, that such eggs shall be subject to the provisions of Section 1106.2.

Public nuisance

SEC. 10. Section 1103.1 of said code is amended to read:

1103.1. It is unlawful to sell to consumers, chicken eggs from bulk lots without displaying a plainly legible sign or placard

placard for bulk lots

conspicuously placed and posted in such a position as to clearly and accurately identify the eggs designated thereby, marked with the full, correct and unabbreviated designation of size and quality of such eggs in bold face type letters not less than one-half inch in height, according to the standards as prescribed in this article.

SEC. 11. Section 1105.4 of said code is renumbered to be Section 1103.2, to read:

Mixed eggs

1103.2. It is unlawful to sell or represent as chicken eggs, eggs from any other species of fowl, or mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese, or any species of fowl other than chickens, without marking the containers and subcontainers of such eggs or otherwise indicating fully by sign, placard or other inscription the species of fowl from which such eggs were produced.

SEC. 12. Section 1103.2 of said code is renumbered to be Section 1103.3 and is amended to read:

Exemption from marking requirements on containers or subcontainers

1103.3. No markings are required on containers or subcontainers of eggs:

(a) When sold at retail from a properly marked bulk display and packaged in the presence of the purchaser for the immediate purpose of the sale;

(b) When packed for sale to the United States Navy or Army if labeled with United States Department of Agriculture grades;

(c) When packed for shipment or being shipped to points outside of California;

(d) When occasional sales are made without advertising, by the producer, from eggs produced on his own premises;

(e) When the containers and subcontainers are packed and certified in accordance with the standards of grade and quality and the grading rules promulgated by the United States Department of Agriculture;

(f) When being delivered from outside of the State to dealers in the State for candling and grading;

(g) When being delivered to or when in possession of a dealer for candling and grading, or when being delivered to cold storage, when in cold storage, or being removed therefrom, provided eggs which have been in an incubator shall be marked "Hatchery Test" together with the name and address of the hatchery of origin.

SEC. 13. Section 1103.3 of said code is renumbered to be Section 1103.4 and is amended to read:

Price advertisements Marking requirements

1103.4. It is unlawful to advertise by sign, placard or otherwise, the price at which chicken eggs are offered for sale without marking the full, correct and unabbreviated designation of size and quality of such eggs according to the standards as prescribed in this article, on such advertisement, in conjunction with the price. Such designations of size and quality or other descriptive terms used in such advertisement shall be in bold face type or other conspicuous letters and at least one-half the size of the letters or figures used to designate the price of such eggs.

SEC. 14. Section 1103.4 of said code is renumbered to be Section 1103.5 to read:

1103.5. When eggs are labeled in accordance with this article no other markings are required. Labeled eggs

SEC. 15. Section 1104.1 of said code is amended to read:

1104.1. It is unlawful to sell eggs of the quality grade of "Grade C" to retailers or consumers. Unlawful act

SEC. 16. Section 1105.3 of said code is amended to read:

1105.3. It is unlawful to sell cold storage eggs or eggs below the quality grade of Grade A as "fresh eggs," "ranch eggs," "farm eggs," or to represent the same to be fresh. Quality misrepresentation

SEC. 17. Section 1105.4 of said code is repealed. Repeal

SEC. 18. Section 1105.5 of said code is renumbered to be Section 1105.4 to read:

1105.4. It is unlawful to move any eggs or their containers to which any warning tag or notice has been affixed or to remove such warning tag or notice from the place where it may be affixed, except upon written permission or upon the specific direction of an enforcement officer. Warning tag or notice

SEC. 19. Section 1105.6 of said code is renumbered to be Section 1105.5 to read:

1105.5. (a) It is unlawful to fail to comply with any lawful order of an enforcement officer, or of any court, in any proceeding under the provisions of this article. Noncompliance

(b) It is unlawful to refuse to submit any eggs or any container, subcontainer, lot, load, or display of eggs to the inspection of any enforcement officer or to refuse to stop, at the request of any enforcement officer, any vehicle transporting eggs. Refusal of inspection

SEC. 20. Section 1105.7 of said code is renumbered to be Section 1105.6 to read:

1105.6. It is unlawful to fail to appear in court at the time and place designated in any written promise given after arrest in accordance with the provisions of this article, regardless of the disposition of the offense originally charged. Failure to appear in court

SEC. 21. Section 1105.8 of said code is renumbered to be Section 1105.7 to read:

1105.7. It is unlawful to make any statement, representation or assertion orally, by public outcry or proclamation, or in writing, or by any other manner or means whatever concerning the quality, size, weight, condition of, or any other matter relating to eggs, which is false, deceptive or misleading in any particular. False statements

SEC. 22. Section 1105.9 of said code is renumbered to be Section 1105.8 to read:

1105.8. It is unlawful to render any invoice, statement, or bill showing the standard of size, standard of quality, representation of freshness or any other description of eggs, which is false, deceptive, or misleading in any particular. False invoice, statement or bill

SEC. 23. Section 1106.2 of said code is amended to read:

1106.2. (a) Any eggs prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported or sold in violation of any of the provisions of this article, See also Stats 1945, Ch 407
Public nuisance

together with their containers, are a public nuisance, and such eggs shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of an enforcement officer.

Warning tag
or notice

(b) The enforcement officer may affix a warning tag or notice to such nuisance and may give notice of such violation to the producer, packer or owner, or any person in possession of such eggs. If such person, so notified, refuses or fails within 72 hours to commence and proceed with due diligence to recondition or re-mark the same so as to comply with all provisions of this article, such eggs and their containers may be seized by any enforcement officer. When the eggs are in cold storage the 72 hour period does not commence to run until they are removed from cold storage, and delivered to a dealer.

Action to
abate

(c) The district attorney of the county in which any such nuisance is found, on the relation of the director or of any enforcement officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or reconditioned, re-marked, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein the court may order disposal of the eggs and their containers or the sale thereof, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the eggs and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction
of court

(d) In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; justices' courts of class A shall have original jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less.

Penalty

SEC. 24. Section 1107 of said code is amended to read:

1107. Violation of any of the provisions of this article is a misdemeanor.

Violation by
transporting
agency

SEC. 25. Section 1108.1 is added to said code, to read:

1108.1. No person, forwarding company or common carrier transporting any eggs at the request of the shipper or owner thereof shall be deemed to be in violation of any provision of this chapter, unless such person, forwarding company or common carrier shall wilfully fail or refuse to stop the transporta-

tion thereof with reasonable dispatch after being notified in writing by any enforcing officer of this chapter that such eggs are found to be delivered for shipment in violation of this chapter.

CHAPTER 511

An act to amend Section 820 of the Streets and Highways Code, relating to assent to the provisions of the Federal Highway Act.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 820 of the Streets and Highways Code is amended to read:

820. The State of California assents to the provisions of the Federal Highway Act, as amended and supplemented. All work done under the provisions of said act or other acts of Congress relative to Federal aid, or other cooperative highway work, or to emergency construction of public highways with funds apportioned by the Government of the United States, shall be performed as required under acts of Congress and the rules and regulations promulgated thereunder. Laws of this State inconsistent with such laws, or rules and regulations of the United States, shall not apply to such work, to the extent of such inconsistency. This further reenactment of this section is for the purpose of bringing the assent of the State of California to the provisions of the applicable Federal statutes up to the effective date of this amendment.

Assent to
Federal
Highway Act
U S C.
Title 23,
Ch 1

CHAPTER 512

An act to add Section 29a to the Bank Act, providing for actions to determine claims to membership in banking corporations having no capital stock, or to any right or interest in their property or assets.

Stats 1909,
p 87,
amended

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 29a is added to the Bank Act, to read:

Sec. 29a. Any corporation created under the laws of this State, which has been doing a banking business therein continuously for at least 20 years prior to the commencement of the action hereinafter provided and which has no capital stock, may bring an action in the superior court of the county or city

New section
Action to
determine
membership,
etc

and county wherein its principal place of business is situated to determine the persons who are entitled to membership in the corporation or who have any right or interest in the property or assets thereof. The right to repayment of funds deposited with the corporation, with interest accrued or to accrue thereon, shall not be deemed to be a right or interest in the property or assets of the corporation within the meaning of this section. Said action shall be commenced by the filing of a verified complaint, and there shall be included as defendants in such action all persons appearing and designated upon the books and records of the corporation as members therein, and all other persons who are known to the plaintiff to claim to be members therein, or to claim any right or interest in the property or assets of the corporation, and other persons unknown claiming any such right of membership in the plaintiff corporation, or any right, title or interest in the property or assets of the plaintiff corporation. Such unknown defendants may be described in said complaint as follows: "also all other persons unknown claiming any right to membership in the plaintiff corporation or any right or interest in the property and assets of the plaintiff other than the right to repayment of funds deposited with the plaintiff, with interest accrued and to accrue thereon." Within one year after the filing of the complaint a summons must be issued which shall contain the matters required by Section 407 of the Code of Civil Procedure and in addition a statement of the object of the action. In said summons said unknown defendants shall be designated as in the complaint. Within thirty (30) days after the issuance of the summons, the plaintiff shall post or cause to be posted a copy thereof in a conspicuous place on the principal banking premises of the plaintiff and at the courthouse of the county or city and county where said action is pending, and shall record in the office of the recorder of the said county or city and county, a notice of the pendency of said action, containing the names of the parties and the object of said action. At any time after the issuance of the summons the plaintiff shall cause to be filed an affidavit of its president and of its secretary wherein there shall be stated the following matters:

- (a) The names of all the defendants who have been served personally, if any. If there is none, that fact shall be stated.
- (b) The names of the defendants who reside out of the State and their places of residence, if known to the plaintiff; and
- (c) The names of the defendants residing in or out of the State whose place of residence is unknown to the plaintiff.

Service

Each of the defendants residing in the State of California whose place of residence is known to the plaintiff shall be served personally with said summons; provided, that any person who conceals himself to avoid service of summons may be served as provided in Sections 412 and 413 of the Code of Civil Procedure. Upon the making and filing of the aforesaid affidavit, the court or a judge thereof shall make an order directing the said summons to be served upon the defendants

residing out of the State, whose place of residence is known to the plaintiff, and upon the defendants residing in or out of the State, whose place of residence is unknown to the plaintiff, and upon all of the unknown defendants as stated in the complaint and summons, by publication in some daily or weekly newspaper of general circulation, printed and published in the county or city and county where the principal place of business of the plaintiff is situated, and if there be no such paper in such county or city and county, then in some adjoining county, to be designated by the court or the judge thereof, which publication shall be once a week during four consecutive weeks, that is to say, there shall be at least four weekly insertions and publications of said summons in said newspaper. Within ten (10) days after the making of said order directing publication of summons, a copy of the summons and complaint, properly addressed and with the postage thereon fully prepaid, shall be mailed to each of the defendants whose names are known, who reside out of the State, at their place of residence, if known, and also to each of the defendants whose names are known, residing in or out of the State, whose place of residence is unknown to plaintiff, addressed to them at the county seat of the county or city and county where the action is commenced. All such unknown persons so served shall have the same rights as are provided by law in cases of all other defendants named, upon whom service is made by publication, or personally, and the action shall proceed against such unknown persons in the same manner as against the defendants who are named upon whom service is made by publication or personally, and with like effect; and any such unknown person who has or claims to have any right of membership in plaintiff or any right or interest in the property or assets of the plaintiff at the time of the commencement of the action, who has been duly served as aforesaid, and any one claiming under such unknown persons, shall be concluded by the judgment in such action as effectually as if the action was brought against the said person by his or her name and personal service of process was obtained, notwithstanding any such unknown person may be under legal disability. Service shall be deemed complete upon the completion of the mailing and publication. When the summons has been served as herein provided and the time for answering has expired, the court shall enter the default of all defendants who shall not have answered plaintiff's complaint. At any time after the entry of such default, the plaintiff may apply to the court for a judgment that the defaulting party has no membership and no right or interest in the property or assets of plaintiff and for such other relief to which plaintiff may be entitled. The allegations contained in the answer filed by each of said defendants shall be deemed to be controverted by the plaintiff and by each of the other defendants who appears and answers plaintiff's complaint to the extent that said answer conflicts with any claim of said plaintiff or said other defendants or any of them. Said answer shall

Default

Application
for judgment

Answer

be served in accord with the provisions of Sections 1011, 1012, 1013 and 1014 of the Code of Civil Procedure. Thereafter such proceedings shall be had in said action as provided by the laws of this State in the case of an ordinary civil action; and the issues of law and of fact arising in said action shall be disposed of in like manner as issues of law and fact are by said laws provided to be disposed of in ordinary civil actions, with a like right to a motion for a new trial and appeal; and the provisions of the Code of Civil Procedure regulating the mode of procedure for the trial of civil actions, the taking of depositions, the making of motions for a new trial, records on motions for a new trial and on appeal, the mode of taking and perfecting appeals, and the time within which such appeals shall be taken, shall be applicable thereto. All defenses available to said plaintiff and defendants with respect to said claims of plaintiff and defendants or any of them, which under the law of the State of California would be available to said plaintiff and said defendants in the event that said action was an ordinary civil action instituted by claimants to enforce such claims or any of them, including defenses based upon the statute of limitations as provided in the Code of Civil Procedure and the defense of laches, shall be and are hereby made available upon the trial to the plaintiff and each of said defendants, as defenses to such claims, with the same force and effect as if specifically pleaded as such defenses. The judgment after it has become final shall be conclusive against all of the persons named in the summons and complaint who have been served, and against all unknown persons, as stated in the complaint and summons, who have been served by publication, and said judgment shall have the effect of a judgment in rem.

The remedy provided by this section shall be cumulative and not exclusive of any other remedy, form or right of action or proceeding allowed by law, but where issues of law and fact or either thereof, shall have been litigated under the provisions of this act, the determination thereof, as herein provided, shall be conclusive in such action or proceeding; provided, however, that such determination shall not be conclusive as to any issue of law or fact in any action pending at the time of the institution of the action commenced hereunder and brought to establish or enforce any such claim, or as to any of the parties to such pending action, and the right to prosecute any such pending action to final judgment shall not be affected hereby.

Defenses

Effect of
final
judgmentRemedy
cumulative

CHAPTER 513

An act to amend Sections 10202 and 10210 of the Insurance Code, relating to group life insurance.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 10202 of the Insurance Code is amended to read:

10202. Life insurance conforming to all the following conditions is one form of group life insurance: Employees' groups

(a) Written under a policy covering when issued prior to October 1, 1949, not less than 25 public or private employees, and when issued on or after October 1, 1949, not less than 50 public or private employees.

(b) Written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employees jointly, and insuring either all of the employees or all of any class or classes thereof, determined by conditions pertaining to the employment; provided, that if a policy is intended to insure several such classes it may be issued to insure any such class of which 75 per cent are covered and extended to other classes as 75 per cent thereof express the desire to be covered.

(c) For amounts of insurance based upon some plan which will preclude individual selection.

(d) For the benefit of persons other than the employer.

(e) When the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, written under a policy insuring, when issued, not less than 75 per cent of such employees.

(f) Terminating if, subsequent to issue, (1) the number of employees insured falls below 25 lives (as to policies issued after the effective date of this amendment and prior to October 1, 1949) or 50 lives (as to policies issued on or after October 1, 1949) or 75 per cent of the number of employees eligible and, (2) the employee contributions, if the premiums for the insurance are on a renewable term insurance basis, exceed one dollar (\$1) per month per one thousand dollars (\$1,000) of insurance coverage plus an amount equal to any additional premium per one thousand dollars (\$1,000) of insurance coverage charged to cover one or more hazardous occupations.

Such insurance may be issued either with or without medical examinations.

SEC. 2. Section 10210 of the Insurance Code is amended to read:

10210. The policy shall contain a provision that to the groups or classes originally insured there will be added from time to time all new employees of the employer eligible for insurance in such groups or classes, except that the policy may Addition of new employees

provide that if the premium is paid by the employer and employees jointly any employee who fails to request insurance during the period of eligibility following his employment as prescribed by the policy shall not be insured until he has furnished evidence of insurability satisfactory to the insurer.

CHAPTER 514

An act to renumber and amend Section 258.1 of, and to amend Sections 259.1 and 269.1 of, the Vehicle Code, relating to operators and chauffeurs of motor vehicles.

In effect
September
15, 1945

[Approved by Governor May 28, 1945 Filed with Secretary of State
May 28, 1945.]

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

SECTION 1. Section 258.1 of the Vehicle Code is renumbered 258.2 and amended to read:

Temporary
chauffeurs'
licenses

258.2. Temporary Chauffeurs' Licenses. Temporary chauffeurs' licenses or permits may be issued at the discretion of the director to persons 16 years of age to permit such persons to drive motor vehicles with a load capacity of not more than four tons as chauffeurs during times of seasonal stress in transporting agricultural products and to transport war materials to or from war plants, and other merchandise vital to the war effort and necessary for the preservation of food and the transportation and delivery of heating fuel, upon furnishing the department with evidence that such temporary license or permit is necessary to facilitate the transportation of agricultural products and war material and to protect the health of the armed forces of the United States and the civilian population.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 2. Section 259.1 of the Vehicle Code is amended to read:

Duration
age limit
for driving
school bus

259.1. Age of School Bus Drivers During War Emergency. Age limit for driving school bus during war emergency. It is unlawful for any person under the age of 17 years to drive a school bus, transporting pupils to or from school.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede

Section 259 of this code; but Section 259 is not repealed by this section and after this section is no longer effective, Section 259 shall have the same force as though this section had not been enacted

SEC. 3. Section 269.1 of the Vehicle Code is amended to read:

269.1. Revocation of License for Three Convictions of Driving While Under the Influence of Intoxicating Liquor. The department shall revoke the operator's or chauffeur's license of any person who is convicted three times of operating a motor vehicle while under the influence of intoxicating liquor after December 31, 1941. In the event of such revocation the department shall not issue a new license to such person within the period of three years from the date of such revocation.

Revocation of license for drunken driving

Issuance of new license

CHAPTER 515

An act to amend Section 10240 of the Insurance Code, and to add Section 10242 thereto, relating to burial insurance.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 10240 of the Insurance Code is amended to read:

10240. A "burial contract" is a life policy embodying an agreement, for a valuable consideration, to embalm or dispose of or expressly to procure or pay or to provide funds for, in whole or in part, the embalming or disposal of the remains of any person living at the time of the issuance of such policy.

"Burial contract"

SEC. 2. Section 10242 is added to the Insurance Code, to read:

10242. The form of such "burial contract" or life policy shall be written or issued only by admitted life insurers issuing policies on a reserve basis, and no person shall sell or offer for sale any such burial contract or life policy unless he is licensed as a life agent.

Who may issue

The provisions of this chapter are expressly made applicable to societies operating under Chapter 10, Part 2, Division 2 of this code.

Applicable provisions

CHAPTER 516

An act to repeal Sections 3552.40 and 3728 and to add Sections 3728 and 3728.1 and to amend Section 3729 of the Revenue and Taxation Code, relating to suits involving the validity of tax deeds.

In effect
September
15, 1945

[Approved by Governor May 28, 1945. Filed with Secretary of State
May 28, 1945.]

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

Repeals

SECTION 1. Sections 3552.40 and 3728 of the Revenue and Taxation Code are hereby repealed.

SEC. 2. Section 3728 is hereby added to the Revenue and Taxation Code, to read:

Require-
ments before
declaring tax
deed void

3728. Before holding any tax deed heretofore or hereafter given under this chapter or Chapters 3, 4.3 or 8 of this part or former Political Code Sections 3897 and 3897d to be void the court shall determine the correct amount of taxes, penalties and costs that should be paid upon redemption to discharge the tax and assessment liens of all taxing agencies and revenue districts had the purported tax sale not been held and the court shall order the former owner or other party in interest to pay such amount within six months as follows:

Payments

(a) To the purchaser, the amount of taxes, penalties and costs expended by him as determined by the court in pursuit of the State's title to the property; and

(b) To the county tax collector, the balance, if any, of the correct amount as determined by the court that should be paid upon redemption, which shall be distributed by the county to the taxing agencies and revenue districts as redemption money.

If such amounts are not paid in accordance with such order the court shall not hold the tax deed void.

SEC. 3. Section 3728.1 is hereby added to the Revenue and Taxation Code, to read:

Nonpayment:
Issuance of
new tax deed

3728.1. If the amount required to be paid in accordance with Section 3728 of this code is not paid within such six months, the court shall order a new tax deed issued by the county tax collector to the original grantee or his successor in interest as designated in the order. The tax collector shall thereupon execute and deliver a new tax deed which in addition to the usual provisions of a deed conveying real property shall specify:

(a) The oldest year in which a tax lien attached which has not been discharged.

(b) That the court ordered the payment of the correct amount of taxes, penalties and costs, stating the title of the court, the number of the case, the date of the order and the total amount of such taxes, penalties and costs so ordered paid.

(c) That such payment has not been made as ordered by the court.

(d) If the original assessment description was erroneous, the correct description as determined by the court.

Upon proof of the execution and delivery of such tax deed the court shall quiet the title of the grantee and his successors in interest and after such judgment becomes final the tax deed shall be conclusively presumed valid against the claims of any parties to the lawsuit and their successors in interest.

Quiet title
of grantee

SEC. 4. Section 3729 of the Revenue and Taxation Code is amended to read:

3729. When a court holds a tax deed given under this chapter or Chapters 3, 4.3 or 8 of this part or under former Political Code Sections 3897 and 3897d void, the purchaser from the State is entitled to a refund from the county of the amount paid as purchase price in excess of the amount for which he has been reimbursed for taxes, penalties, and costs. The refund shall be made in the same manner as a refund of an overpayment of tax, except that the claim shall be presented within one year after the judgment becomes final.

Refunds
from county

CHAPTER 517

An act to amend Sections 1300.10, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15, 1300.16, 1300.17, 1300.19 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect
immediately

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

SECTION 1. Section 1300.10 of the Agricultural Code is amended to read:

1300.10. (a) It is hereby declared that the marketing of agricultural commodities in this State in excess of reasonable and normal market demands therefor; disorderly marketing of such commodities; improper preparation for market and lack of uniform grading and classification of agricultural commodities; unfair methods of competition in the marketing of such commodities; and the inability of individual producers to maintain present markets or to develop new or larger markets for California grown agricultural commodities, results in an unreasonable and unnecessary economic waste of the agricultural wealth of this State. Such conditions and the accompanying waste jeopardize the future continued production of adequate food supplies for the people of this and other States, and prevent agricultural producers from obtaining a fair return from their labor, their farms and the agricultural commodities which they produce. As a consequence, the purchasing power of such producers has been in the past, and may continue to be in the future, unless such conditions are remedied, low in relation to that of persons engaged in other gainful occupations within this State. Agricultural producers are thereby prevented from maintaining a proper standard of living and from

Legislative
declaration

contributing their fair share to the support of the necessary governmental and educational functions, thus tending to increase unfairly the tax burdens of other citizens of this State.

State policy

(b) These conditions vitally concern the health, peace, safety and general welfare of the people of this State. It is hereby declared to be the policy of this State to aid agricultural producers in preventing economic waste in the marketing of their agricultural commodities, to develop more efficient and equitable methods in the marketing of agricultural commodities and to aid agricultural producers in restoring and maintaining their purchasing power at a more adequate, equitable and reasonable level.

Public interest

(c) The marketing of agricultural commodities within this State is hereby declared to be affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this State for the purpose of protecting the health, peace, safety and general welfare of the people of this State.

Sec. 2. Section 1300.11 of the Agricultural Code is amended to read:

Purposes of chapter

1300.11. The purposes of this chapter are:

(a) To enable agricultural producers of this State, with the aid of the State, more effectively to correlate the marketing of their agricultural commodities with market demands therefor.

(b) To establish orderly marketing of agricultural commodities.

(c) To provide for uniform grading and proper preparation of agricultural commodities for market.

(d) To provide methods and means for the maintenance of present markets or for the development of new or larger markets for agricultural commodities grown within this State or for the prevention, modification or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market.

(e) To eliminate or reduce economic waste in the marketing of agricultural commodities, and

(f) To restore and maintain adequate purchasing power for the agricultural producers of this State.

Sec. 3. Section 1300.12 of the Agricultural Code is amended to read:

Definitions

1300.12. (a) "Cartwright Act" means the act passed by the Legislature of this State entitled "An act to define trust and to provide for criminal penalties and civil damages and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended.

(b) "Unfair Practices Act" means an act passed by the Legislature of this State entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal

and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended.

(c) "Agricultural commodity" means any and all agricultural, horticultural, viticultural (including wine) and vegetable products produced in this State, either in their natural state or as processed by a producer for the purpose of marketing; such product or by a processor as herein defined, and including bees and honey but not including timber or timber products.

(d) "Producer" means any person engaged within this State in the business of producing, or causing to be produced for market, any agricultural commodity as herein defined.

(e) "Handler" means any person engaged within this State as a distributor in the business of distributing an agricultural commodity in intrastate commerce, or any person engaged as a processor in the business of processing an agricultural commodity.

(f) "Processor" means any person engaged within this State, in the operation of receiving, grading, packing, canning, fermenting, distilling, extracting, preserving, grinding, crushing or changing the form of an agricultural commodity for the purpose of preparing such agricultural commodity for market or of marketing such commodity, or any other activities performed for the purpose of preparing such commodity for market or of marketing such commodity, but shall not include a person engaged in manufacturing from an agricultural commodity, so changed in form, another and different product.

(g) "Distributor" means any person who engages in the operation of selling, marketing or distributing, in intrastate commerce, an agricultural commodity which he has produced, or purchased or acquired from a producer or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer as herein defined except such retailer who purchases or acquires from, or handles on behalf of any producer, an agricultural commodity not theretofore subjected to regulation by the marketing order covering such commodity.

(h) "Retailer" means any person who purchases and/or acquires any agricultural commodity for resale at retail to the general public for consumption off the premises but such person shall also be included within the definition of distributor, as herein set forth, to the extent that he engages in the business of a distributor as herein defined.

(i) "Person" means an individual, firm, corporation, association or any other business unit.

(j) "Director" means the Director of Agriculture.

(k) "Marketing order" means an order issued by the Director of Agriculture, pursuant to this act, prescribing rules and regulations governing the processing, distributing or handling

in any manner of any agricultural commodity within this State during any specified period or periods.

(l) "To handle" means to engage in the business of a handler as herein defined.

(m) "To process" means to engage in the business of a processor as herein defined.

(n) "To distribute" means to engage in the business of a distributor as herein defined.

(o) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer in preparing for market, and shall include selling, delivering or disposing of for commercial purposes, to any handler as herein defined any agricultural commodity which he has produced.

(p) "Advertising and sales promotion" means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification or removal of trade barriers which restrict the free flow of agricultural commodities to market and may include the presentation of facts to and negotiations with State, Federal or foreign governmental agencies on matters which affect the marketing of any commodity or commodities included in any marketing order or marketing agreement made effective pursuant to the provisions of this chapter.

SEC. 4. Section 1300.13 of the Agricultural Code is amended to read:

Authority
of director

1300.13. (a) The Director of Agriculture shall administer and enforce the provisions of this act and shall have and may exercise any or all of the administrative powers conferred by Section 353 of the Political Code upon the head of a department of the State. In order to effectuate the declared purposes of this act, the Director of Agriculture is hereby authorized to issue, administer and enforce the provisions of marketing orders hereunder regulating producer marketing or the handling of agricultural commodities in intrastate commerce.

Marketing
order

(b) Whenever the director has reason to believe that the issuance of a marketing order, or amendments to an existing marketing order, will tend to effectuate the declared policy of this act with respect to any agricultural commodity, he shall, either upon his own motion or upon application of any producer or handler of such commodity, or any organization of such persons, give due notice of, and an opportunity for, a public hearing upon a proposed marketing order or such amendments to such existing marketing order.

Public
hearing

(c) (1) Notice of any hearing called for such purpose shall be given by the director by publishing a notice of such hearing for a period of not less than five (5) days in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. No such public hearing shall be held prior to five (5) days after the last day of such period of publication.

(2) The director shall also mail a copy of such notice of hearing and a copy of such proposed marketing order, or proposed amendments, to all producers or handlers of such agricultural commodity whose names and addresses appear upon lists of such persons, on file in the Department of Agriculture, who may be directly affected by the provisions of such proposed marketing order or such proposed amendments.

(3) Such notice of hearing shall set forth the date and place of said hearing, the agricultural commodity, and the area, covered by such proposed marketing order or such proposed amendments and a statement that the director will receive, at such hearing, in addition to testimony and evidence as to other necessary and relevant matters set forth in Section 1300.14 hereof, testimony and evidence with respect to the accuracy and sufficiency of lists on file with the director which show the names and addresses of producers or handlers of such agricultural commodity directly affected by such proposed marketing order or proposed amendments, and the quantities of such commodity delivered by such producers to handlers or handled by such handlers in the marketing season next preceding such hearing.

(4) Such hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearing shall be made and maintained on file in the office of the director. At such hearing the director shall receive, in addition to other necessary or relevant matters, testimony and evidence upon the matters set forth in Section 1300.14 hereof, and testimony and evidence with respect to the accuracy and sufficiency of the lists on file with the director which show the names of the producers or handlers of such agricultural commodity, directly affected by the provisions of such proposed marketing order or proposed amendments, and with respect to the quantities of such agricultural commodity delivered by such producers or handled by such handlers in the marketing season next preceding such hearing.

(d) (1) In order to provide the director with accurate and reliable information, in the event such information is not then on file in the Department of Agriculture, with respect to the persons who may be directly affected by the provisions of any proposed marketing order for any agricultural commodity, the director is hereby authorized and directed, whenever said director has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this act or upon receipt of a written application for a hearing pursuant to subsection (b) of this Section 1300.13, to notify all handlers of such agricultural commodity, by publication of a notice as hereinafter required, to file with the director within ten (10) days from the last date of such publication a report, properly certified, showing:

Director may
require
necessary
information
from
handlers

(a) The correct name and address of such handler;

(b) The quantities of the agricultural commodity, affected by such proposed marketing order, handled by such handler in the marketing season next preceding the filing of such report;

(c) The correct names and addresses of all producers of such agricultural commodity, who may be directly affected by the provisions of such proposed marketing order, from whom such handler received such agricultural commodity in the marketing season next preceding the filing of such report;

(d) The quantities of such agricultural commodity received by such handler from each such producer in the marketing season next preceding the filing of such report.

(2) Said notice to handlers requiring them to file said report shall be published by the director for a period of not less than five (5) days in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe.

The director shall also mail a copy of such notice to file such report to all handlers of such agricultural commodity whose names and addresses appear upon the lists on file in the Department of Agriculture who may be directly affected by the provisions of such proposed marketing order.

Filing of
report by
handlers

Each handler of such agricultural commodity, directly affected by the provisions of such proposed marketing order shall file such verified report with the director within the time specified herein. Failure or refusal of any handler to file such report as herein specified shall not invalidate any proceeding taken or marketing order issued hereunder. The director is authorized and directed to proceed upon the basis of such information and reports as may otherwise be available.

Use of
reports by
director

(3) From such reports so filed and the information so received or available to the director, including any proper corrections, the director shall prepare a list of the names and addresses of such producers and the volume of such commodity produced or marketed by all such producers and a list of the names and addresses of such handlers and the volume of such commodity handled by all such handlers, directly affected by the provisions of such proposed marketing order, or amendments thereto, in the preceding marketing season. Such lists shall constitute complete and conclusive lists for use in any finding made by the director pursuant to the provisions of Section 1300.16 (a) hereof and such findings shall be conclusive.

The information contained in the individual reports of handlers filed with the director pursuant to the provisions of this section shall not be made public by the director in such form but the information contained in such reports may be prepared in combined form for use by the director, his agents, or other interested persons, in the formulation, administration and enforcement of a marketing order, or may be made available pursuant to court order, but shall not be made available to any one for private purposes.

Marketing
agreements
and orders

(e) In order to effectuate the declared policy of this act, the director shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with processors, distributors, producers and others engaged in the handling of

any agricultural commodity, regulating the handling of such agricultural commodity which said marketing agreement shall be binding upon the signatories thereto exclusively. The execution of such marketing agreement shall in no manner affect the issuance, administration or enforcement of any marketing order provided for in this act. The director may issue such marketing order without executing a marketing agreement or may execute a marketing agreement without issuing a marketing order, or may execute a marketing agreement and issue a marketing order covering the same commodity. The director, in his discretion, may hold a concurrent hearing upon a proposed marketing agreement and proposed marketing order in the manner provided for giving due notice and opportunity for hearing for a marketing order as provided in this act.

SEC. 5. Section 1300.14 of the Agricultural Code is amended to read:

1300.14. (a) After such notice and hearing and before issuing a marketing order or amendments thereto for the written assent of producers or handlers, which contain provisions for correlating the supply of the agricultural commodity affected with market demands therefor by means of restrictions upon the total quantity of such commodity or restrictions upon the total quantity of any grade, size, quality or condition thereof which restrictions have the effect of limiting the total quantity of such commodity which may be marketed during any marketing season and which restricted portion of such commodity might otherwise be marketed by producers in compliance with other laws of this State or of the United States or in compliance with established commercial practice during such marketing season, the director shall find with respect to such marketing order or amendments thereto:

Governing
standards for
marketing
order

(1) That such provisions are necessary in order to effect a reasonable correlation of such supply of the agricultural commodity affected with market demands therefor and that such marketing order or amendments thereto will tend to reestablish or maintain such level of prices for such agricultural commodity as will provide a purchasing power for such agricultural commodity which is adequate to maintain in the business of producing such agricultural commodity such number of producers as is required to provide such supply of the quantities and qualities of such agricultural commodity as is necessary to fulfill the normal requirements of consumers thereof.

(2) That such marketing order or amendments thereto will tend to approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for such commodity.

(3) That such marketing order or amendments thereto are in conformity with the provisions of this chapter and within the applicable limitations and restrictions set forth therein and will tend to effectuate the declared purposes and policies of this chapter.

(4) That such marketing order or amendments thereto will protect the interests of consumers of such commodity, by exercising the powers of this chapter only to such extent as is necessary to establish the equality of purchasing power described in paragraph (1) of subsection (a) of this section.

Economic
factors

(b) In making the findings with respect to any or all of the objectives set forth in paragraph (a) of this section, the director shall, whenever any or all of the following economic factors are relevant, take into consideration any and all facts available to him with respect thereto:

(1) The quantity of such agricultural commodity available for distribution.

(2) The quantity of such agricultural commodity normally required by consumers.

(3) The cost of producing such agricultural commodity as determined by available statistics and surveys.

(4) The purchasing power of consumers as indicated by reports and indices.

(5) The level of prices of other commodities which compete with or are utilized as substitutes for such agricultural commodity.

(6) The level of prices of other commodities, services and articles which farmers commonly buy.

Orders
prescribing
standards for
marketing

(c) If the marketing order or amendments thereto contain provisions only for the purpose of regulating the flow of the commodity or any grade, size or condition thereof to market without directly restricting the total quantity which may be marketed during the marketing season, or if the marketing order or amendments thereto contain provisions only for the establishment of grade, size, quality or condition specifications or for uniform grading and inspection or the elimination of unfair trade practices or provisions for advertising or sales promotion, or for research, the director may issue such marketing order or amendments thereto if he finds:

(1) That such marketing order or amendments thereto are reasonably calculated to attain the objectives sought in such marketing order.

(2) That such marketing order or amendments thereto are in conformity with the provisions of this chapter and within the applicable limitations and restrictions set forth therein and will tend to effectuate the declared purposes and policies of this chapter.

(3) That the interests of consumers of such commodity are protected in that the powers of this chapter are being exercised only to the extent necessary to attain such objectives.

(d) In making any findings pursuant to paragraph (c) hereof the director shall base his findings upon the facts, testimony and evidence received at the public hearing together with any other relevant facts available to him from official publications or institutions of recognized standing.

(e) Any marketing order heretofore duly issued by the director pursuant to this chapter and now in effect shall continue in full force and effect and shall be conclusively presumed to be in conformity with the provisions of this section as amended unless the director, following a public hearing held in conformance with the provisions of this chapter, finds, within 90 days after the effective date of the amendments to this section, that such marketing order is not in conformity with the provisions of this section as amended.

Previous marketing orders

SEC. 6. Section 1300.15 of the Agricultural Code is amended to read:

1300.15. (a) (1) Any marketing order issued pursuant to this chapter shall provide for the establishment of an advisory board to assist the director in the administration of any marketing order. The members of the board shall be appointed by the director and may hold office at the pleasure of the director. If the marketing order affects directly only producers of a particular commodity the members of the board shall be producers. If the marketing order affects directly only handlers of a particular commodity the members of the board shall be handlers. If the marketing order affects directly both producers and handlers of a particular commodity, such board shall be composed of both producers and handlers. The number of producers or handlers upon any such board shall be of such number of producers or handlers as the director finds is necessary to assist properly in the administration of such order. Upon the recommendation of the board, the director may appoint one person who is neither a producer nor a handler to represent the Department of Agriculture or the public generally.

Advisory boards

(2) No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The director may authorize such board: To enter into contracts or agreements, to employ necessary personnel including attorneys engaged in the private practice of the law, fix their compensation and terms of employment; and to incur such expenses, to be paid by the director from moneys collected as herein provided, as the director may deem necessary and proper to enable such board properly to perform such of its duties as are authorized herein. The duties of any such board shall be administrative only and may include only the following:

Compensation

Duties of board

a. Subject to the approval of the director to administer such marketing order.

b. To recommend to the director administrative rules and regulations relating to the marketing order.

c. To receive and report to the director complaints of violations of the marketing order.

d. To recommend to the director amendments to the marketing order.

e. To assist the director in the assessment of members of the industry and in the collection of funds to cover expenses

incurred by the director in the administration of the marketing order.

f. To assist the director in the collection of such necessary information and data as the director may deem necessary to the proper administration of this chapter.

Provisions of
marketing
order

(b) Subject to the legislative restrictions and limitations set forth herein any marketing order issued by the director pursuant to this chapter may contain any or all of the following provisions for regulating or providing methods for regulating producer marketing or the handling or any of the operations of processing or distributing by handlers of any agricultural commodity within this State, but no others:

Surplus

(1) Provisions for determining the existence and extent of the surplus of any agricultural commodity, or of any grade, size or quality thereof, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers, processors, distributors or other handlers affected.

Limitation
on quantity
to be
marketed

(2) Provisions for limiting the total quantity of any agricultural commodity, or of any grade, size or quality thereof, which may be marketed by producers, processed, distributed or otherwise handled in intrastate commerce, during any specified period or periods, by any and all persons engaged in such producer marketing, processing, distributing or handling; provided, that any such limitation shall be applied under a uniform rule applicable to all such persons so regulated. The total quantity of any such commodity so regulated and permitted to be marketed by producers, processed, distributed or otherwise handled, shall not be less than the quantity which the director finds is reasonably necessary to supply the market demands of consumers of such commodity.

Allotment
of quantity
acquired
from
producer

(3) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may purchase or acquire from, or handle on behalf of, any and all producers thereof, in intrastate commerce, during any specified period or periods under a uniform rule, applicable to all handlers so regulated based upon the amounts produced or sold by such producers in a prior period which the director finds to be representative, or upon the current season's production or sales of such producers, or both, to the end that the total quantity of such commodity or of any grade, size or quality thereof, so purchased or handled in intrastate commerce shall be apportioned equitably among the producers thereof.

Allotment
of quantity
handled

(4) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may process, distribute or handle in intrastate commerce under a uniform rule, applicable to all handlers so regulated, based upon the quantities of such commodity or of any grade, size or quality thereof of the current season's crop which each such handler has available for such processing, distribution or handling, or upon the quantities of such commod-

ity or of any grade, size or quality thereof so processed, distributed or handled by each such handler in a prior period which the director finds to be representative, or based upon both, to the end that the total quantity of such commodity or any grade, size or quality thereof, processed, distributed or handled in intrastate commerce during any specified period or periods shall be equitably apportioned among all such handlers thereof.

(5) Provisions regulating the period, or periods, during which any agricultural commodity, or any grade, size or quality of such commodity, may be processed, distributed or otherwise marketed within this State by any and all persons engaged in such processing, distributing or marketing within this State; provided, that the total quantity of such commodity so regulated and permitted to be processed, distributed or otherwise marketed during such period or periods, shall not be less than the quantity which the director finds is necessary to reasonably supply the needs of consumers of such commodity.

Period for
handling or
marketing

(6) Provisions for the establishment of surplus, stabilization, or by-product pools for any agricultural commodity or of any grade, size, quality or condition thereof, and providing for the sale of the commodity in any such pool and for the equitable distribution among the persons participating therein of the net returns derived from the sale of such commodity. Whenever the marketing order authorizes the establishment of any such pool or pools the advisory board shall have power to receive such commodity from each producer or handler and to handle the same according to the grade, size, quality or condition thereof and to account to each producer or handler participating therein upon a pro rata basis for the net proceeds derived from the sale thereof.

Surplus,
stabilization,
or by-product
pools

Power of
advisory
board

The contents of any surplus pool shall not be marketed by the board in any form which would compete directly with that portion of the commodity which is marketed in regular channels of trade. However, any portion of any surplus pool may be transferred by the board upon any gratuitous basis to charitable organizations and other similar agencies under proper safeguards to insure that none of such commodity shall compete directly with the unrestricted portion of such commodity. The board may dispose of the contents of a stabilization pool in the regular marketing channels in such manner and at such times as the board deems advisable, consistent with the maintenance of stabilized marketing conditions for such commodity. The board may dispose of the contents of any by-product pool only for by-products or for other similar purposes under proper safeguards to prevent such portion of the commodity so disposed of from directly competing with that part of the commodity which is marketed in the usual form or in the regular channels of trade.

Surplus pool

Stabilization
pool

By-product
pool

Whenever the marketing order authorizes the establishment of a surplus, stabilization, or by-product pool, the board shall have authority to arrange for and operate any necessary facilities for storing, financing, etc.

Facilities for
storing, fi-
nancing, etc

ties for the storing, financing, grading, packing, servicing, processing, preparing for market, selling, and disposing of the contents of any pools provided for in this section; provided, however, the board shall not have authority to engage in commercial warehousing.

Pledge for
loans

The board shall have power to pledge all of the commodity in any such pools with banks or other lending agencies for the purpose of obtaining loans thereon. The board shall have title, for the purpose of financing and handling, to all of the commodity in any such pools.

Equalization
fund

Whenever the marketing order authorizes the establishment of any type of pool authorized in this section, the board shall have authority to create, by a uniform assessment upon producers, or upon some other uniform and equitable basis, maintain, and disburse an equalization fund to be used for the removal of any inequalities between producers or handlers participating in any pool resulting from errors in estimating production or surplus or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets or diverted to by-products, relief, or other noncompetitive purposes pursuant to the provisions of the marketing order.

Uniform
grading and
inspection

(7) Provisions for the establishment of uniform grading and inspection of any agricultural commodity delivered by producers to handlers or others engaging in the handling thereof and for the establishment of grading standards of quality, condition, size or pack for any agricultural commodity, and the inspection and grading of such commodity in accordance with such grading standards so established, such grading standards for any such commodity shall not be established below any minimum standards now prescribed by law for such commodity.

Advertising

(8) Provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for agricultural commodities grown in the State of California, or for the prevention, modification or removal of trade barriers which obstruct the free flow of agricultural commodities to market. The director is hereby authorized to prepare, issue, administer and enforce plans for promoting the sale of any agricultural commodity.

Provided, that any such plan shall be directed toward increasing the sale of such commodity without reference to a particular brand or trade name, and

Provided, further, that no advertising or sales promotion program shall be issued by the director which shall make use of false or unwarranted claims in behalf of any such product, or disparage the quality, value, sale or use of any other agricultural commodity.

Unfair trade
practices

(9) Provisions relating to the prohibition of unfair trade practices. In addition to the unfair trade practices, now prohibited by law, applicable to the processing, distribution or handling of agricultural commodities within this State, the

director is hereby authorized to include in any marketing order issued hereunder provisions designed to correct any trade practice affecting the processing, distributing or handling of any agricultural commodity within this State which the director finds, after a hearing thereupon in which all interested persons are given an opportunity to be heard, is unfair and detrimental to the effectuation of the declared purposes of this act.

(10) Provisions for the application for, review, certification and equitable payment of, production adjustment benefits to growers from funds collected for such purpose on a uniform basis from all commercial growers of any agricultural commodity in the State, for which production adjustment payments are made. Such funds may be supplemented by funds, if any, received from Federal, State or other agencies for such purpose.

Production
adjustment
benefits

No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by State or Federal agencies or such other data as the director deems to be representative and reliable.

(11) Provisions for carrying on research studies in the production, processing or distribution of any agricultural commodity and for the expenditure of moneys for such purposes. In any research in production or processing carried on hereunder, the Dean of the College of Agriculture of the University of California and the advisory board provided for in Section 1300.15 hereof shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said College of Agriculture, but if the dean of said college and the advisory board determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the advisory board.

Research
studies

SEC. 7. Section 1300.16 of the Agricultural Code is amended to read:

1300.16. (a) (1) No marketing order or amendment thereto, directly affecting handlers, issued pursuant to this chapter, shall become effective unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by the handlers engaged in the marketing activity or activities regulated by such marketing order who handle not less than sixty-five per cent (65%) of the volume of the agricultural commodity regulated thereby which is processed or distributed within the area defined in such marketing order or amendment thereto, or that such marketing order or amendment thereto has been assented to in writing by not less than

Handlers'
assent

sixty-five per cent (65%) of the number of handlers engaged in the marketing activity or activities regulated by such marketing order; provided, however, that any marketing order or amendment thereto directly affecting processors engaged in the operation of canning of fresh fruits or vegetables or canning or packing of dried fruits shall not be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto who processed not less than sixty-five per cent (65%) of the volume of such agricultural commodity which is processed within the area defined in such marketing order or amendment thereto and by sixty-five per cent (65%) of the number of such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto.

Producers'
assent

(2) No marketing order or amendment thereto, directly affecting producers or producer marketing, issued pursuant to this chapter, shall be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five per cent (65%) of the producers who are engaged, within the area specified in such marketing order or amendment thereto, in the production for market, or engaged in such producer marketing of not less than fifty-one per cent (51%) of the agricultural commodity specified therein in commercial quantities, or that such marketing order or amendment thereto has been assented to in writing by producers who produce not less than sixty-five per cent (65%) of the volume of such agricultural commodity and by fifty-one per cent (51%) of the total number of producers so engaged.

Assent by
cooperatives

(3) In finding whether such marketing order or amendment thereto is assented to in writing pursuant to the provisions of this chapter, the director shall consider the approval of any nonprofit agricultural cooperative marketing association, which is authorized by its members so to assent, as the approval of the producers who are members of, or stockholders in, such nonprofit agricultural cooperative marketing association.

Regulation
of producer
marketing,
etc

(b) Subject to the provisions, restrictions and limitations imposed herein, the director may issue marketing orders regulating producer marketing, the processing, distributing or handling in any manner of agricultural commodities by any and all persons engaged in such producer marketing, processing, distributing or handling of such agricultural commodities within this State.

Suspension
and termina-
tion of mar-
keting order

(c) The director shall suspend or terminate any marketing order, whenever he finds, after a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, that such marketing order is contrary to or does not tend to effectuate the declared purposes or provisions of this chapter within the standards and subject to the limitations and restrictions herein imposed; provided, that such suspension or

termination shall not become effective until the expiration of the marketing season then current. If the director finds that the termination of any marketing order is requested in writing by more than forty per cent (40%) of the producers, who are engaged within the State of California in the production for market of the agricultural commodity specified in such marketing order, and who produce forty per cent (40%) of the volume of such agricultural commodity produced within the State of California for market, and finds that the termination of such marketing order is requested in writing by handlers who handle more than forty per cent (40%) of the volume of the agricultural commodity covered thereby and by more than forty per cent (40%) of the number of handlers of the agricultural commodity covered thereby, the director shall, if he finds such marketing order is contrary to or does not tend to carry out the declared policy of this chapter, terminate such marketing order; provided, that such termination shall be effective only if announced on or before such date (prior to the end of the marketing period then current) as may be specified in such marketing order.

(d) The director may amend any marketing order if such amendments have been considered at a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, and after appropriate findings have been made by the director pursuant to Section 1300.14 of this chapter; and provided, that no such amendments shall be made effective until the director finds that such amendments have been assented to in writing in accordance with the provisions of this section. The director may amend any marketing order by approving minor amendments to such marketing order if such amendments are recommended to him by the advisory board concerned and if the director finds that such minor amendments conform with the applicable legislative standards set forth in Section 1300.14 of this chapter. A "minor amendment" shall mean and include only amendments for the purpose of clarifying the meaning of any provision of any marketing order without altering the purpose or the extent or degree of regulation of such provision and of such marketing order.

(e) Upon issuance of any order making effective a marketing order, or any suspension, amendment or termination thereof, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office and a copy of such notice shall be published in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. No marketing order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five (5) days from the date of such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said issuance to all persons, directly affected by the terms of such marketing order, suspension, amendment or termination, whose names and addresses may be on file in the

Amendment
of marketing
order. After
public
hearing

Same
Approval by
director of
minor
amendments

Public notice
of issuance,
suspension,
etc., of mar-
keting order

Effective
date

office of the director and to every person who files in the office of the director a written request for such notice.

Rules and
regulation:

(f) Upon recommendation by the advisory board concerned the director shall have power, consistent with this act, to establish such rules and regulations covering the operations of marketing orders as may be necessary to carry out the purposes and attain the objectives of this act or any marketing order issued thereunder. The provisions of subdivision (e) relative to posting, publication, and mailing of notice and time of taking effect shall be applicable to any rule or regulation established under this subdivision. The exercise of the powers granted to an advisory board in its administration of a marketing order made effective in accordance with the provisions of this act shall be subject to the approval of the director.

SEC. 8. Section 1300.17 of the Agricultural Code is amended to read:

Expense of
administra-
tion

1300.17. (a) For the purpose of providing funds to defray the necessary expenses incurred by the director in the formulation, issuance, administration and enforcement of any marketing order issued by the director hereunder, each and every person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any marketing order issued pursuant to this chapter, for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which in the case of producers will not exceed two and one-half per cent ($2\frac{1}{2}\%$) of the gross dollar volume of sales, of the commodity affected, by all such producers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed two and one-half per cent ($2\frac{1}{2}\%$) of the gross dollar volume of purchases of the commodity affected by the marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order. As used in this section the term "regulated" shall mean and include, in addition to any other methods of regulation authorized in this act,

Assessment

the levying of an assessment either for administrative purposes or for any advertising or sales promotion purposes or both.

The director may require each and every producer, processor, distributor or handler directly regulated by any marketing order to deposit with him in advance, an amount based upon the estimated number of units to be marketed by such producer or handled by such processor, distributor or handler, or upon any other uniform basis which the director determines to be reasonable and equitable, such bases to be applicable during the marketing season or seasons during which such marketing order is effective. At the close of each marketing season the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual number of units marketed by such producer or handled by such processor, distributor or handler, or upon the same uniform basis under which such funds were assessed by the director, during such marketing season. Advance deposit

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes. Adjustment

(b) For the purpose of providing funds to cover the costs of any plan for advertising or sales promotion authorized in any marketing order issued by the director pursuant to this chapter, each and every person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any such marketing order issued pursuant to this chapter for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an additional assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which will not exceed four per cent (4%) of the gross dollar volume of sales by all producers, or by all processors, distributors or other handlers of such agricultural commodity, regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order. Whenever both producers and processors, distributors or other handlers are regulated by a marketing order, the assessment for advertising or sales promotion may in the case of producers be based upon the form in which the agricultural commodity is delivered by producers to processors, distributors or other handlers and in the case of processors, Advertising expense

distributors and other handlers upon the processed form of such commodity as sold by processors, distributors or other handlers; provided, that no producer, processor, distributor or other handler shall be subject to such assessment for advertising or sales promotion covering the same agricultural commodity in more than one existing marketing order.

Advance
deposit

For the purpose of providing funds to cover the costs of such advertising or sales promotion plans incurred prior to the receipt of sufficient funds from assessments as provided herein, the director may require each person so assessed to deposit with him in advance an amount not exceeding twenty-five per cent (25%) of such assessment, based upon the estimated number of units of such commodity to be marketed or handled by such person, or upon any other uniform basis which the director determines to be reasonable and equitable, during such marketing season. At the close of such marketing season the sum so deposited by such person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment authorized herein.

Adjustment

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

Assessment
in lieu of
administra-
tive and
advertising
assessments

(c) In lieu of the assessments to defray the costs of formulation, issuance, administration and enforcement and advertising or sales promotion provided for in paragraphs (a) and (b) hereof, if the marketing order contains provisions for advertising or sales promotion as authorized in this chapter, the director may approve and fix one assessment not exceeding six and one-half per cent (6½%) of the gross dollar volume of sales of such commodity by all producers, or by all processors, distributors or other handlers of such agricultural commodity regulated by such marketing order during the marketing season or seasons during which such marketing order is effective. The method and manner of assessment and collection thereof, and the limitations and restrictions applicable thereupon, shall conform in all respects with the provisions of paragraph (b) hereof, except as to the maximum amount of such assessment. In such case the advisory board shall recommend and the director may approve the proportions of such assessments which may be expended to defray the costs of formulation, issuance, administration and enforcement of the marketing order and of such advertising or sales promotion program; provided, that, the proportion of such assessments which may be allocated in such manner to defray the costs of such administrative activities for such marketing order shall in no case exceed the maximum amount authorized in paragraph (a) of this section.

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

Disposition
of moneys

(d) Any moneys collected by the director pursuant to this act shall be deposited in a bank or banks, or other depository, approved by the Director of Finance, allocated to each

marketing order under which they are collected, and disbursed by the director only for the necessary expenses incurred by the advisory board and the director and approved by the director with respect to each such separate marketing order. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 669 of the Political Code. All such expenditures by the director shall be audited at least annually by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State treasury to the credit of the "State Marketing Act Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this paragraph.

Any moneys remaining in such fund, allocable to any particular agricultural commodity affected by a marketing order, at the discretion of the director, may be refunded at the close of any marketing season upon a pro rata basis, to all persons from whom assessments were collected, or such portion of such moneys as may be recommended by the board and approved by the director may be carried over into the next succeeding marketing season whenever the director finds that such moneys may be required to assist in defraying the costs of operating such marketing order in such succeeding marketing season; provided, that, upon termination by the director of any marketing order, any and all moneys remaining, and not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom assessments were collected; provided further however, that if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use the moneys in such fund to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity. Thereafter, if there are any such moneys remaining which have not been used by the director as hereinabove provided, same shall be withdrawn from the approved depository and paid into the State treasury as unclaimed trust moneys.

SEC. 9. Section 1300.19 of the Agricultural Code is amended to read:

1300.19. The Director of Agriculture shall be responsible for the administration and enforcement of this act.

The following penalties, remedies, procedures and actions shall apply in instances of violations and complaints of violations of the provisions of this act or of any marketing order or the rules and regulations issued by the director under the authority of this act or any marketing order issued and effective thereunder:

(a) Every person who violates any provision of this act or any provision of any marketing order duly issued by the

Penalty director hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), or by imprisonment of not less than 10 days nor more than six months, or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense.

Civil liability

(b) Any person who violates any provision of this act or any marketing order duly issued by the director and in effect hereunder, or who violates any rule or regulation issued by the director pursuant to the provisions of this act or of any marketing order duly issued by the director and effective hereunder, shall be liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars (\$500) for each and every violation thereof. Any moneys recovered pursuant to this paragraph shall be deposited in accordance with paragraph (d) of Section 1300.17.

Complaint charging violation

(c) The director on his own motion may or upon complaint of any interested party charging violation of any provision of this act or of any provision of any marketing order or any rule or regulation issued by the director and effective hereunder, shall either refer the matter directly to the Attorney General of this State or any district attorney of this State for the institution of legal proceedings thereupon, or, if the director deems it necessary or advisable, he shall immediately call an administrative hearing to consider the charges set forth in such verified complaint. In case the matter is referred directly by the director to the Attorney General or any district attorney, it shall be the duty of such officer, if, after examination of the complaint and evidence he believes that a violation has occurred, to thereupon bring an appropriate action or actions in a court or courts of competent jurisdiction in this State.

Hearing

(d) In case an administrative hearing is called by the director, the director shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon the person or persons named as respondent or respondents in such verified complaint. Such service shall be made at least 10 days before said hearing, which shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, or in the nearest office of the State Department of Agriculture, at the discretion of the director. At the time and place designated for such administrative hearing, the director or his agents shall hear the parties to said complaint and shall enter in the office of the director at Sacramento, his findings based upon the facts established at such hearing. If from the testimony and evidence adduced at said administrative hearing the director finds that no violation has occurred he shall forthwith dismiss such complaint and notify the parties to such complaint.

Prosecutor by director

(e) If the director finds from said administrative hearing that a violation has occurred he shall so enter his findings and notify the parties to such complaint. In his discretion the director

shall either refer the matter to the Attorney General for the institution of legal proceedings or he may notify such parties to cease and desist from further violation. Upon their refusal or failure to comply, or if he finds that the facts or circumstances warrant immediate prosecution, the director shall file a complaint with the Attorney General or any district attorney of this State requesting that such officer commence any or all actions authorized in this section against such respondent or respondents in a court of competent jurisdiction as set forth hereinafter.

(f) The Attorney General of this State, or any district attorney of this State, shall upon complaint by the director or any other person, or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action for criminal penalties in the name of the people of this State in any court of competent jurisdiction in the State of California against any person violating any provisions of this chapter or of any marketing order duly issued by the director and effective hereunder. Other court actions

(g) The Attorney General of this State shall upon complaint by the director or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action in the name of the people of this State in the superior court of the State of California for civil penalties or for an injunction, or both, against any person violating any provisions of this chapter or of any marketing order or any rule or regulation duly issued by the director hereunder.

(h) Upon compliance with Section 527 of the Code of Civil Procedure of the State of California, the court may issue a temporary restraining order and preliminary injunction as in other actions for injunctive relief and upon trial of such action, if judgment be in favor of plaintiff, the court shall permanently enjoin defendant from further violations. Injunction

(i) In any suit brought by the Attorney General to enforce any of the provisions of this act or of any marketing order issued by the director and effective hereunder or of any rule or regulation issued by the director pursuant to the provisions of any marketing order, the judgment, if in favor of the State, shall provide that the defendant pay to the director the costs incurred by the director and by the advisory board concerned with the administration of such marketing order in the prosecution of such action. Any moneys recovered shall be deposited in accordance with paragraph (d) of Section 1300.17. Costs of suit

(j) Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complained of occurred. Venue

(k) It shall be a misdemeanor for :

(1) Any person to wilfully render or furnish a false or fraudulent report, statement or record required by the director pursuant to the provisions of this act, or any marketing order effective thereunder ; Acts constituting misdemeanor

(2) Any person engaged in the wholesale or retail trade to fail or refuse to furnish to the director or his duly authorized

agents, upon request, information concerning the name and address of the person from whom he has received an agricultural commodity regulated by a marketing order issued and in effect hereunder, and the quantity of such commodity so received.

Penalties
and remedies
cumulative

(l) The penalties and remedies prescribed in this section with respect to any violation mentioned in this section shall be concurrent and alternative and neither singly nor combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal or administrative rights, remedies, forfeitures or penalties provided or allowed by law with respect to any such violation.

Urgency

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of this State, and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

The necessity for orderly and stabilized marketing of agricultural products is imperative as an aid to the remainder of the war effort and to prevent chaotic production and distribution of agricultural products under postwar conditions. By reason of changes in Government purchases and other factors producers in several large California agricultural industries face serious surplus conditions for the 1945 and subsequent crops. Orderly and stabilized marketing conditions will aid the war effort and assist agricultural producers in readjusting to peace-time levels of production and prices.

CHAPTER 518

An act to amend Sections 622, 637, 639, 645, 650.6 and 655 of, and to add Section 657 to, the Vehicle Code, relating to lamps and other devices.

In effect
September
15, 1945

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

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

SECTION 1. Section 622 of the Vehicle Code is amended to read:

Lamps on
bicycles

622. Lamps on Bicycles. Every bicycle at the times specified in Section 618 hereof shall be equipped with a lamp emitting a white light visible under normal atmospheric conditions from a distance of 300 feet in front of such bicycle and with a red reflector of a type approved by the department on the rear so designed and located as to be visible for at least 300 feet when directly in front of a motor vehicle displaying lawful undimmed headlights or with a rear lamp exhibiting a red light visible from a distance of 300 feet to the rear.

SEC. 2. Section 637 of the Vehicle Code is amended to read:

637. Signal Lamps and Signal Devices. (a) Any vehicle may be equipped and when required under Section 545 or 637.5 shall be equipped with the following signal lamps or devices: Signal lamps and signal devices

(1) A stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp. Such stop signal shall be plainly visible and understandable from a distance of 100 feet to the rear both during normal sunlight and at nighttime.

(2) A lamp or lamps or signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) Any lamp type signal device used to give a signal of intention to turn right or left shall project a flashing white or amber light visible to the front and red or amber flashing light visible to the rear. Such signal shall be plainly visible and understandable in normal sunlight and at nighttime from a distance of at least 100 feet to the front and rear of the vehicle.

(c) Any mechanical signal device on a vehicle shall be illuminated when in use at the times mentioned in Section 618 hereof either by a light or reflex mirrors rendering likewise visible the signals given thereby as specified in subdivision (b) of this section.

(d) The engineering requirements for signal devices shall be governed by specifications determined and publicized by the department.

SEC. 3. Section 639 of the Vehicle Code is amended to read:

639. Identification Lamps and Termini and Identification Signs. (a) Any passenger common carrier motor vehicle may be equipped with green identification lamps, clearance lamps, illuminated termini sign, identification sign or any said lamps which shall not project any glaring light. Identification lamps and termini and identification signs

(b) Any commercial vehicle, other than a passenger common carrier motor vehicle, shall not be equipped with an illuminated identification sign upon the front thereof which exceeds 24 inches in length or eight inches in width or which is lighted by other than a diffused white light which does not project any glaring light.

(c) Any commercial vehicle may be equipped with not more than three lamps mounted in a row not less than seven feet from the ground on the front or rear, which lamps shall not exceed three inches in diameter, equipped with bulbs not in excess of six candlepower and exhibiting to the front either amber, green or white light, or any combination thereof, and to the rear exhibiting red light.

SEC. 4. Section 645 of the Vehicle Code is amended to read:

645. What Lamps and Devices Must Be Tested and Approved Before Sale or Use. No person shall sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer or semitrailer, nor shall any person use upon any What lamps and devices must be tested and approved before sale or use

such vehicle any lamp or device referred to in this section unless of a type which has been submitted to and approved by the department.

This section shall apply to every electric headlamp, auxiliary driving or fog lamp, every rear or tail lamp, every signal lamp or signal device and any lamp equipment regulating the light emitted from any such lamp or the light source therein, also to clearance lamps, and reflectors required on any vehicle, including red reflectors for use on bicycles, except any rear or tail lamp or stop light in use on or prior to December 1, 1935.

No person shall sell or offer for sale for use upon any motor vehicle any special lamp or lighting device required for use in dimout areas or during air raid alarms unless of a type which has been submitted to and approved by the department.

SEC. 5. Section 650.6 of the Vehicle Code is amended to read :

Special restrictions on lamps

650.6. Special Restrictions on Lamps. (a) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, fog lamps, signal lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

Flashing lights

(b) Flashing lights are prohibited on motor vehicles except as a means of indicating right or left turn. Emergency vehicles shall be exempt from this regulation.

Lighting device equipment

(c) No vehicle shall be equipped with any lighting device not required or permitted in this code. Provisions of this section shall not apply to the exemptions under Section 623.5 or to interior lights or to lights needed in the operation or utilization of the vehicle.

Lamps for experimental purposes

(d) The department may issue a permit for the use of lamps or devices for experimental purposes. The use of any lamp or device under such permit shall not be deemed to be a violation of this code.

Approved name or trade-mark required

SEC. 6. Section 655 of the Vehicle Code is amended to read :

655. Approved Name or Trade-mark Required. No person shall sell or offer for sale either separately or as a part of the equipment of a new motor vehicle any lamp or device subject to approval and approved by the department unless such lamp or device bears thereon the trade-mark or name and type or model designation under which it is approved so as to be legible when installed and is accompanied by printed instructions when required by the department as to candlepower of the light source to be used therewith and any particular methods of mounting or adjustment as to focus or aim necessary for compliance with this code and any other instructions as determined by the department.

Purchase and testing by department of lamps or signal devices

SEC. 7. Section 657 is added to the Vehicle Code, to read :

657. Department Authorized to Purchase and Test Lamps and Signal Devices Subject to Approval. The department is

hereby authorized to purchase any lamps or signal devices sold for use on motor vehicles or any lamps or devices of a type for which the approval of the department is required under this code and to test the same as to conformance with the requirements of this code, and any expense incurred in such purchase and test shall be a legal charge against the Motor Vehicle Support Fund.

CHAPTER 519

An act to amend Section 694 of, and to add Section 700.5 to, the Vehicle Code, relating to vehicles and highways, including size and width of vehicles and obstruction in and damages to highways and highway structures.

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 694 of the Vehicle Code is amended to read:

694. Width of Vehicles. (a) The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this section. Width of
vehicles

(b) When any vehicle is equipped with pneumatic tires the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire shall not exceed 100 inches, but in such event the outside width of the body of such vehicle or the load thereon shall not exceed 96 inches.

(c) When any vehicle carries a load of loosely piled agricultural products such as hay, straw, or leguminous plants in bulk but not crated, baled, boxed or sacked, such load of loosely piled material and any loading racks retaining the same shall not exceed 120 inches in width.

(d) When any vehicle was registered in this State prior to August 31, 1923, the total outside width of such vehicle or the load thereon shall not exceed 102 inches but from and after December 31, 1942, any such vehicle shall be subject to the limitations of paragraph (a) of this section.

(e) The above limitations as to width shall not apply to implements of husbandry incidentally operated or moved over a highway or to special mobile equipment, nor to highway construction or maintenance equipment, but such special mobile equipment and highway construction or maintenance equipment shall not exceed a width of 120 inches.

(f) Any city organized under a freeholders' charter may by ordinance permit a total outside width of vehicle and load in excess of the limits set forth in this section when such vehicle is used exclusively within the boundary limits of such city.

(g) Motor coaches or buses operated by common carriers of passengers for hire in urban or suburban service may have a maximum outside width not exceeding 104 inches. Urban and suburban service referred to herein means a service similar to that performed by street cars in frequent stop service, or service performed as an extension of or in lieu of street car service, provided such service is performed in full or in part in an area either wholly within business or residential districts or municipalities, or between business districts, residential districts, and municipalities in close proximity; provided, however, the one-way route mileage of such service shall not be more than 25 miles.

SEC. 2. Section 700.5 is added to the Vehicle Code, to read:

Liability for damage to or obstruction in highway, including highway structures

700.5. Liability for Damage to or Obstruction in Highway, Including Highway Structures.

Any person who wilfully or negligently damages any street or highway, including appurtenances, such as guard rails, signs, traffic signals and similar facilities, is liable for the cost of the repair or replacement thereof.

The liability stated in this section shall apply to an owner of a vehicle operated with his permission, as provided in Section 402, and shall include liability for the cost of necessary safety precautions, such as warning traffic or providing detours.

The Department of Public Works and local authorities in respect to highways under their respective jurisdictions are authorized to present claims for liability under this section and to bring actions for recovery thereon, and to settle and compromise in their discretion claims arising hereunder.

CHAPTER 520

An act to repeal Section 4555 of the Labor Code and to add Sections 4555 and 4556, relating to attorneys' fees in workmen's compensation cases.

In effect September 15, 1945

[Approved by Governor May 28, 1945. Filed with Secretary of State May 28, 1945]

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

Repeals

SECTION 1. Section 4555 of the Labor Code is repealed.

Failure to secure payment of compensation: Award of attorney's fees

SEC. 2. Section 4555 is added to the Labor Code, to read:

4555. In case of failure by an employer to secure the payment of compensation, the commission may award a reasonable attorney's fee in addition to the amount of compensation recoverable. When a fee is awarded under this section no further fee shall be allowed under Section 4903 but the provisions of Section 4903 shall be applicable to secure the payment of any fee awarded under this section.

Effect of award

SEC. 3. Section 4556 is added to the Labor Code, to read:

4556. The increases provided for by this article shall not be limited by the provisions of Chapter 1 of this part relating to maximum amounts in the computation of average earnings.

CHAPTER 521

An act to amend Sections 1 and 2, and to amend and renumber Section 3 of, to repeal Section 1a of, and to add new Sections 3, 5, and 6 to, an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Stats 1927,
p 1119,
amended

[Approved by Governor May 29, 1945 Filed with Secretary of State
May 29, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Stats 1929,
p 848

Section 1. The extra compensation and expenses to which judges and justices of the peace sitting in superior courts under assignments thereto by the Chairman of the Judicial Council are entitled shall be paid in the following manner:

Manner of
paying extra
compensation
for sitting in
superior
court

(a) The State shall pay a portion of such extra compensation of a superior judge equal to the difference between the amount which the State pays toward the salary of such judge, and the amount which the State pays toward the salary of a judge of the superior court in the county to which such judge is assigned.

(b) The county to which a superior judge is assigned shall pay a portion of such extra compensation equal to the difference between the amount paid toward the salary of such judge by the county from which he is assigned, and the amount paid by the county toward the salary of a superior judge in the county to which he is assigned.

(c) The State shall pay the same proportion of the extra compensation of a justice of the peace or of a judge of a municipal or other court of lower jurisdiction than the superior court, assigned to a superior court, that it pays of the salary of a judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

SEC. 2. Section 2 of said act is amended to read:

Stats 1927,
p 1119
Judges and
justices
sitting in
lower courts

Sec. 2. The extra compensation of judges and justices of the peace sitting in courts of lower jurisdiction than superior courts, under assignments made by the Chairman of the Judicial Council, shall be paid by the city, city and county, or county which by law is charged with the payment of the compensation of the judge or judges of the court to which the assignment is made.

New sect on Expenses for travel, board and lodging

SEC. 3. Section 3 is added to said act, to read:
 Sec. 3. The expenses for travel, board and lodging of each judge or justice of the peace assigned to a superior court or court of lower jurisdiction than a superior court in a county or city and county other than that in which he regularly sits shall be borne by the county, city and county, or city chargeable with his extra compensation. The judge or justice of the peace is entitled to, and the county, city and county, or city shall pay a per diem allowance in lieu of expenses for board and lodging. The amounts payable under this section shall be the same as the amounts payable for such purposes to justices of the Supreme Court under the rules of the State Board of Control.

Stats 1927, p 1119

SEC. 4. Section 3 of said act is renumbered and amended to read:

Judges and justices sitting in Supreme Court

Sec. 4. The extra compensation and expenses for travel, board and lodging of justices and judges sitting in the Supreme Court and District Courts of Appeal, under assignments made by the Chairman of the Judicial Council, shall be paid by the State.

New section Payments by city or county

SEC. 5. Section 5 is added to said act, to read:
 Sec. 5. Upon the filing of a claim by the judge or justice of the peace the State Controller, the auditor of each county or city and county, and the auditing authority of each city shall be and are severally directed and authorized to draw their warrants for the payment of extra compensation or expenses as provided in this act.

New section Payments by State

SEC. 6. Section 6 is added to said act, to read:
 Sec. 6. The payments by the State toward the extra compensation and expenses provided in this act shall be made from the moneys appropriated for the support of the Judicial Council. The payments by the county, city and county, or city toward such extra compensation and expenses shall be made from the same funds as salaries and expenses of officers of the county, city and county, or city are made.

Stats 1943, p 1171

SEC. 7. Section 1a of said act is repealed.

CHAPTER 522

An act to amend Section 3401.5 of the Welfare and Institutions Code, relating to aid to the blind.

In effect September 15, 1945

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

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

SECTION 1. Section 3401.5 of the Welfare and Institutions Code is amended to read:

Person receiving aid not pauper

3401.5. No blind person shall be deemed a pauper because he receives aid under this chapter. This chapter shall be construed separate and apart from any provisions of law for the aid and relief of indigents. It is recognized that the needs of blind persons may be different from the needs of aged persons.

CHAPTER 523

An act to amend Section 3002 of the Welfare and Institutions Code, relating to aid to the needy blind.

[Approved by Governor May 29, 1945. Filed with Secretary of State
May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3002 of the Welfare and Institutions Code is amended to read:

3002. No blind person shall be deemed a pauper because he receives aid under this chapter. This chapter shall be construed separate and apart from any provisions of law for the aid and relief of indigents. It is recognized that the needs of blind persons may be different from the needs of aged persons.

Person
receiving aid
not pauper

CHAPTER 524

An act relating to the construction, installation, equipping, stocking and operation of vending stands in public buildings of the State counties, cities and counties, and cities, and providing for their operation by licensed blind persons.

[Approved by Governor May 29, 1945. Filed with Secretary of State
May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this act shall, except as otherwise provided in this act, be authorized to operate vending stands in any building owned or occupied by the State or any county, city and county or city for the vending of articles as hereinafter set forth.

Declaration
of purpose

SEC. 2. The Director of Finance may construct and install or permit the construction and installation of vending stands for operation by licensed blind persons in any building owned or occupied by the State. The board of supervisors of any county or city and county may likewise construct and install or permit the construction and installation of such vending stands for operation by such blind persons in any building owned or occupied by such county or city and county; and the governing board of any city may likewise construct and install or permit the construction and installation of such vending stands for operation by such blind persons in any building owned or occupied by such city.

Vending
stands
Construction
and installa-
tion by State
Same: By
local
authorities

SEC. 3. The Bureau of Vocational Rehabilitation in the State Department of Education, hereinafter referred to as the

Administra-
tion by
Bureau of
Vocational
Rehabilita-
tion

bureau, shall administer this act, subject to the direction of the Director of Education.

Powers and
duties

SEC. 4. The bureau shall:

(1) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings;

(2) Prescribe all necessary rules and regulations for the operation of said vending stands, and do all things necessary and proper to carry out the provisions of this act;

(3) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board or legislative body having the care, custody and control of such building;

(4) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States, 21 years of age or over, and who have resided in California at least five years immediately preceding date of application for license.

License
preference

In issuing licenses for the operation of vending stands, preference shall be given blind persons who are in need of employment. Licenses shall be issued only to applicants who are blind within the meaning of this section but who are able and qualified, in spite of such infirmity, to operate such stands.

"Blind
person"

As used in this section for issuance of licenses the term "blind person" means a person having not more than 10 per cent visual acuity in the better eye with correction. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye.

License
period

Each license shall be issued for an indefinite period, but may be terminated by the licensing agency when the said agency is satisfied that the stand is not being operated in accordance with the rules and regulations prescribed by it.

Articles
for sale

SEC. 5. A vending stand operated under the provisions of this act shall be used solely for the vending of newspapers, periodicals, candies, chewing gum, tobacco products, picture postcards and such other articles as may be approved by the bureau and by the person, governing board or legislative body having the care, custody and control of the building in which such stand is operated.

Local
licensing
ordinance

SEC. 6. The operator of each vending stand operated under the provisions of this act shall be subject to the provisions of any ordinance of the county, city, or city and county in which such stand is located requiring a license or permit for the conduct of such business, but any such license or permit shall be issued free of charge to a qualified blind person licensed under this act.

Approval or
disapproval
of operator

The person, governing board or legislative body having the care, custody and control of the building in which a vending stand is operated under the provisions of this act shall have the right to approve, disapprove, or withdraw approval of the person operating or who shall operate such stand.

Scope of act

SEC. 7. The provisions of this act shall not apply to, nor shall they be construed as authorizing the installation of vend-

ing stands in, any building wholly used by any educational institution of any type supported in whole or in part from public funds.

CHAPTER 525

An act to amend Section 278 of the Vehicle Code, relating to operator's and chauffeur's licenses.

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 278 of the Vehicle Code is amended to read:

278. Renewal of License. (a) Application for renewal of a license shall be made by the person to whom such license was issued upon such form as the department may require. The department may in its discretion require an examination of the applicant as upon an original application. The department may in its discretion limit an examination of an applicant for renewal of a chauffeur's license to an examination of physical condition only. (b) When the department has received notice from a court that any person has for a period of 15 or more days wilfully violated his written promise to appear given upon an arrest for any violation of this code as provided herein the department shall suspend the privilege of such person to operate a motor vehicle upon a highway and all operator's and chauffeur's licenses held by him. Such suspensior shall remain in effect until the department receives a certificate signed by the magistrate, or the clerk of the court, hearing the case in which such promise was given showing that said case has been adjudicated, but in any event the suspensior shall terminate at the end of one year from the date of suspension.

Renewal of
license

Suspension
of license

Period of
suspension

CHAPTER 526

An act to add Section 3013.5 to the Insurance Code, relating to the powers of fire or marine insurers incorporated under the laws of this State in any State, Territory or country in which they may be admitted to do business.

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3013.5 is added to the Insurance Code, to read:

3013.5. Subject to such limitations as may be contained in its articles of incorporation, any domestic incorporated fire or

Insurance
against risks
permitted by
another
State or
country

marine insurer may insure, in any State or country in which it may be authorized so to do, against any and all hazards or risks against which fire or marine insurers are permitted to insure by the laws of such State or country.

CHAPTER 527

An act to amend Sections 1299.18, 1299.19, 1300.1, and 1300.4a of, and to add Section 1300.1a to, the Agricultural Code, relating to processors of farm products.

In effect
September
15, 1945

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

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

SECTION 1. Section 1299.18 of the Agricultural Code is amended to read:

Definitions 1299.18. Definitions. As used in this chapter:

(a) The term "person" includes any individual, firm, association, partnership or corporation.

(b) The term "producer" designates any person engaged in the business of growing or producing any farm product.

(c) The term "farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, but shall not include timber and timber products, milk and milk products, hay, field grains, dried beans and seeds.

(d) The term "processor" means any person who buys, or otherwise takes title to or possession of, farm products from the producer thereof for the purpose of processing or manufacturing the same and selling, reselling or redelivering the same in dried, canned, extracted, fermented, distilled, frozen, or other preserved form.

Retail merchants having a fixed or established place of business in this State shall not be included within the term "processor"; provided, however, that such exemption shall apply only to retail merchants who do not also sell at wholesale farm products processed or manufactured by them.

(e) The term "agent" designates any person who on behalf of any processor contracts for or solicits any farm product from a producer thereof, or who negotiates the purchase of any farm product on behalf of any processor.

(f) The term "lender" includes any individual, firm, association, partnership or corporation who advances new value to a processor.

(g) The term "new value" includes new advances or loans, whether in money or other property, made by a lender to a processor, but shall not be construed to include extensions or renewals of existing obligations of the processor, nor obligations substituted for such existing obligations.

SEC. 2. Section 1299.19 of said code is amended to read:

1299.19. In all cases where farm products are sold to and purchased by processors on the basis of weight, such products shall be weighed by a public weighmaster, licensed under the laws of this State, and a certificate as to such weight issued by him to the seller, and settlement for such product shall be made on the weight shown thereby.

Weigh-
master's
certificate
required

SEC. 3. Section 1300.1 of said code is amended to read:

1300.1. No person shall act as a processor or agent without having first obtained a license as provided in this chapter. Every person, before acting as a processor, shall file an application with the director for a license to so act, and such application shall be accompanied by a license fee of twenty-five dollars (\$25).

License
required

Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

Every person before acting as an agent, shall file an application with the director for a license to so act, and such application shall be accompanied by a license fee of one dollar (\$1).

Processor: Each application shall state:

Processor's
application
for license

(a) The full name of the applicant;

(b) If the applicant be a firm, exchange, association or corporation the full name of each member of the firm, or the names of the officers of the exchange, association or corporation;

(c) The principal business address of the applicant in the State of California;

(d) The name or names of the person or persons authorized to receive and accept service of summons for the applicant.

Upon the filing of such application and the payment of such fee the director shall issue to such applicant a license entitling the applicant to conduct the business of processor within the State of California for a year from the date thereof, or until the same shall have been revoked in the manner and upon the grounds hereinafter specified.

Issuance of
license

Should any processor fail, refuse or neglect to apply for the renewal of a preexisting license within 30 days after expiration thereof, a penalty of 20 per cent shall apply to and be added to the original fee, and shall be paid by the applicant before the renewal license may be issued.

Renewal
penalty

Agent: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of the applicant, the name and address of the processor represented or sought to be represented by said agent, and the written endorsement or nomination of such processor.

Agent's
application
for license

Upon the filing of the application and fee as herein provided, the director shall issue to the applicant a license entitling the applicant to conduct the business described in the application. The license of an agent shall expire upon the date of expiration of the license of the processor for whom the agent acts, or until revoked in the manner and upon the grounds

Issuance of
license and
card

Expiration

hereinafter specified, whichever first occurs. The director may issue to each agent a separate license card for each processor represented by the agent. Any agent who displays a void or expired license card is guilty of a misdemeanor.

SEC. 4. Section 1300.1a is added to said code, to read:

Processor's
bond

1300.1a. Before any license is issued to any processor who buys or otherwise takes title to or possession of farm products from the producer thereof, except by payment to the producer at the time of obtaining such possession or control of the full agreed price in lawful money of the United States, the applicant shall execute and deliver to the director a surety bond in the sum of five thousand dollars (\$5,000) executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety.

Demand
against bond

Said bond shall be conditioned upon compliance with the provisions of the chapter and upon the faithful and honest handling of farm products in accordance with the terms of this chapter. Said bond shall be to the State in favor of every producer-creditor of farm products grown within the State of California. Any producer-creditor of farm products grown within the State of California claiming to be injured by the fraud, deceit or wilful negligence of any processor may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit or wilful negligence, or the failure to comply with the provisions of this chapter. In case of failure by a processor to pay producer-creditors for farm products received from said producer-creditors, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such processor, together with the amounts due and owing to them and each of them by such processor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known producer-creditor at his last known address. If a producer-creditor so addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within 90 days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said producer-creditor. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay the demand, the director shall thereupon bring an action on the bond in behalf of said producer-creditors. Upon any action being commenced on said bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such processor shall file a new bond and upon failure to file the same within 10 days in either case, such

failure shall constitute grounds for the suspension or revocation of his license.

SEC. 5. Section 1300.4a of said code is amended to read :

1300.4a. The director may refuse to grant a license and may revoke or suspend any license, as the case may require, when after a hearing as herein provided he is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter :

Additional
grounds for
revocation or
suspension
of license

(a) That the applicant, or licensee, has failed or refused to pay for farm products at the time and in the manner specified in the contract with the producer, or as otherwise in this chapter provided ;

(b) That the applicant, or licensee, has rejected, without reasonable cause, or has refused to accept, without reasonable cause, any farm product bought or contracted to be bought from a producer by such applicant or licensee ;

(c) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents ;

(d) That the applicant, or licensee, has otherwise violated any provision of this chapter or Chapter 6, Division 6, of the Agricultural Code.

CHAPTER 528

An act to amend Section 123, of Chapter 1, Part 1, Division 1, and Section 4104, of Chapter 1, Part 7, Division 1, of the Revenue and Taxation Code, relating to amounts payable on redemption of delinquent real estate taxes.

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 123 of the Revenue and Taxation Code is amended to read as follows :

123. "Amount of sold taxes" on property which has been sold to the State means the sum of the following amounts: "Amount of sold taxes"

(a) The amount of taxes which were a lien on the real estate at the time of the sale.

(b) All other unpaid taxes of every description which were a lien on the property for the year of sale and for each year since the sale, as shown on the delinquent lists for which the time of sale to the State is past, or, if the property was not assessed for any year, which would be shown on such delinquent list if it had been assessed in that year ; except that the unpaid taxes which would be shown on such delinquent list if the property had been assessed in any such year shall not be paid if the property was not assessed for any year because of having been

acquired by the State or other public agency other than by tax deed. The amount of taxes for any year not assessed shall be based on the valuation required to be made by the assessor on redemption of unassessed property.

SEC. 2. Section 4104 of the Revenue and Taxation Code is amended to read as follows:

Property not
on current
roll

4104. If the property is not on the current roll, the redemption officer may do either of the following:

(a) Require that the redemptioner pay the current taxes and penalties as if the property were originally on the current roll.

(b) Require the redemptioner to pay the current taxes, penalties, and costs along with the amount necessary to redeem. The redemption officer shall base his computation of the amount of these taxes on the valuation furnished him by the assessor.

This section is not applicable if the property is not on the current roll because of having been acquired by the State or other public agency other than by tax deed.

CHAPTER 529

An act to amend Sections 7051, 7052, 7053, 7054 and 7055 of, and to add Section 7056 to, the Public Resources Code, and to amend the chapter heading of Chapter 5 of Part 2 of Division 6 of said code, relating to oil and gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

In effect
September
15, 1945

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

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

SECTION 1. The chapter heading of Chapter 5 of Part 2 of Division 6 of the Public Resources Code is amended to read:

CHAPTER 5. OIL AND GAS AND MINERAL LEASES BY PUBLIC AGENCIES

SEC. 1.5. Section 7051 of the Public Resources Code is amended to read:

Oil, gas and
mineral
leases

7051. The board of supervisors, boards of trustees, directors or other governing body of any county or other public or quasi public corporation, body or agency authorized to acquire and hold real property pursuant to the statutory authority under which such county, corporation, body or agency is created may, under such limitations and restrictions as are prescribed by law, lease for the production of oil, gas and other hydrocarbons or for the mining of any other minerals whatsoever, any land owned by the county or such other public or quasi public corporation, body or agency, or include such land in a community lease embracing adjoining lands, or enter into

compensatory royalty agreements in lieu of making such lease, whenever, in the judgment of the governing body, the public use of such property shall not be substantially interfered with thereby. No land used, owned, dedicated, or acquired by purchase, condemnation, gift, or otherwise, as a public park, highway, street, walk, or public playground shall be so leased; and no land owned or under the jurisdiction of the county or such other public or quasi public corporation, body or agency lying within 300 feet above the line of high tide, or at any point below the line of high tide, of the Pacific Ocean, or any arm, bay or inlet of the Pacific Ocean shall be leased for the drilling for and production of petroleum products or other minerals.

SEC. 2. Section 7052 of the Public Resources Code is amended to read:

7052. Lands may be leased in tracts of such size and shape as the governing body may determine. Before executing a lease of any such property, the governing body shall in open meeting, by not less than a two-thirds vote of its members, adopt a resolution declaring its intention to lease the property. The resolution shall describe the property proposed to be leased in such manner as to identify it, specify the minimum rental and term for which it will be leased, and fix a time not less than three weeks thereafter and place for a public meeting of said governing body, at which meeting sealed proposals to lease will be received and considered. The resolution shall, before the date of such meeting, be published once a week for three successive weeks in one or more newspapers of general circulation in the county where the property is situated.

Resolution
of intention
to lease

SEC. 3. Section 7053 of the Public Resources Code is amended to read:

7053. At the time and place fixed in the resolution for the meeting, all sealed proposals which have been received shall in public session be opened, examined, and recorded by the governing body, and the property may be leased to the highest responsible bidder in the judgment of the governing body. The governing body may, should it deem such action for the best public interest, at any time reject any and all bids and withdraw the property from lease.

Opening
of bids

SEC. 4. Section 7054 of the Public Resources Code is amended to read:

7054. Any order to lease made by the governing body shall authorize and direct the execution and delivery by the chairman or other presiding officer of a lease to the lessee.

Execution
of lease

SEC. 5. Section 7055 of the Public Resources Code is amended to read:

7055. Any money accruing from leases under this chapter shall be paid into the general fund of the county or other public or quasi public corporation, body or agency for the use of the county or other public or quasi public corporation, body or agency, as the case may be.

Disposition
of money

SEC. 6. Section 7056 is added to the Public Resources Code, to read:

Application
of chapter

7056. The provisions of this chapter shall apply to all counties and to such public or quasi public corporations, bodies and agencies as are not otherwise authorized by law to lease for the production of oil, gas and other hydrocarbons, or for the mining of other minerals, lands owned by such public or quasi public corporation, body or agency, including, without limiting the generality of the foregoing, such of the following districts as are not otherwise authorized by law to lease land for such purposes, to wit: Mosquito abatement districts, pest abatement districts, county sanitation districts, sanitary districts, local health districts, public cemetery districts, fire protection districts, park and recreation districts, placer mining districts, soil conservation districts, harbor and port districts, veterans memorial districts, school districts, airport districts, conservancy districts, flood control districts, drainage districts, irrigation districts, levee districts, water districts, overflow districts, storm water districts and county power pumping districts.

CHAPTER 530

An act to amend Section 758 of the Political Code, relating to officers and employees of the District Courts of Appeal.

In effect
September
15, 1945

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

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

SECTION 1. Section 758 of the Political Code is amended to read:

Compensation
of officers First
District
Court of
Appeal

758. The First District Court of Appeal may appoint and employ the following officers of the court whose salaries shall be as follows: One clerk at six thousand dollars (\$6,000) per annum; two deputy clerks at four thousand eight hundred dollars (\$4,800) each per annum; phonographic reporters as provided in Section 759; and two bailiffs at three thousand six hundred dollars (\$3,600) each per annum; one deputy clerk, one phonographic reporter and one bailiff to be assigned to each division of the court.

Same Sec-
ond District
Court of
Appeal

The Second District Court of Appeal may appoint and employ the following officers of the court whose salaries shall be as follows: One clerk at six thousand dollars (\$6,000) per annum; two deputy clerks at four thousand eight hundred dollars (\$4,800) each per annum; phonographic reporters as provided in Section 759; and one bailiff at three thousand six hundred dollars (\$3,600) per annum;

Same Third
District
Court of
Appeal

The Third District Court of Appeal may appoint and employ the following officers of the court whose salaries shall be as follows: One clerk at six thousand dollars (\$6,000) per annum;

one deputy clerk at four thousand eight hundred dollars (\$4,800) per annum; phonographic reporter as provided in Section 759, and one bailiff at three thousand six hundred dollars (\$3,600) per annum;

The Fourth District Court of Appeal may appoint and employ the following officers of the court whose salaries shall be as follows: One clerk at six thousand dollars (\$6,000) per annum; three deputy clerks at four thousand eight hundred dollars (\$4,800) each per annum; phonographic reporter as provided in Section 759, and one bailiff at three thousand six hundred dollars (\$3,600) per annum.

Same
Fourth Dis-
trict Court
of Appeal

CHAPTER 531

An act to amend Sections 7305, 7353, 7401, 7407, 7660, 7699, 7700, 7714 and 8126, to repeal Section 8191, to amend and renumber Section 8192, to renumber Sections 8193 and 8194 and to amend the heading of Article 5, Chapter 7, Part 2, Division 2 of the Revenue and Taxation Code, relating to the definition of the term "distribution," exemptions from the motor vehicle fuel license tax and determinations and refunds of the tax, and providing that this act shall take effect immediately.

[Approved by Governor May 29, 1945 Filed with Secretary of State
May 29, 1945.]

In effect
immediately

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

SECTION 1. Section 7305 of the Revenue and Taxation Code is amended to read:

7305. "Distribution" includes any of the following:

"Distri-
bution"

(a) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this State, and the sale, donation, consignment for sale, barter, or use of the fuel in this State.

(b) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this State from petroleum products owned by another and the delivery of the fuel in this State to the owner thereof or to any person on his order.

(c) The importing of motor vehicle fuel into this State, and the sale, donation, consignment for sale, barter, or use of the fuel in this State unless the State is prohibited by the Constitution or laws of the United States from imposing a tax with respect to such sale, donation, consignment for sale, barter or use.

(d) The receiving in this State of motor vehicle fuel with respect to which there has been no prior taxable distribution and the sale, donation, consignment for sale, barter, or use of the fuel in this State.

SEC. 2. Section 7353 of the Revenue and Taxation Code is amended to read:

Revocation
or cancella-
tion of
license;
cessation of
business

7353. Upon revocation or cancellation of the license of the distributor or his cessation of business, all motor vehicle fuel remaining in his possession or ownership shall be deemed distributed and subject to jeopardy determination as provided in Section 7698 if, in the judgment of the board, this is necessary to insure payment of the tax with respect to distribution of such fuel.

SEC. 3. Section 7401 of the Revenue and Taxation Code is amended to read:

Exempt
transactions

7401. The provisions of this part requiring the payment of license taxes do not apply to any of the following:

(a) Natural gasoline distributed to a duly licensed distributor under such regulations as the board may prescribe.

(b) Motor vehicle fuel exported from this State by the distributor or delivered by the distributor to any vessel clearing from a port of this State for a port outside of this State and actually exported from this State in the vessel.

(c) Motor vehicle fuel distributed for the exclusive use of the United States to the United States or any agency or any instrumentality thereof, but this exemption shall not apply to any corporate agency or corporate instrumentality unless wholly owned by the United States or by a corporation wholly owned by the United States.

(d) Motor vehicle fuel distributed, or delivered on the order of the owner, to a distributor who has furnished bond and security in the maximum amount prescribed by Section 7454 and who has established to the satisfaction of the board that this bond, together with property to which the lien imposed by Section 7871 attaches, is sufficient security to assure payment of all license taxes as they may become due to the State from him under this part.

(e) Motor vehicle fuel distributed to the American National Red Cross, its chapters and branches for the exclusive use thereof.

Report

Every distributor claiming an exemption shall report the exports, sales or distributions to the board in such detail as the board may require; otherwise the exemption granted in this section shall be null and void and all the fuel shall be considered distributed in this State subject fully to the provisions of this part.

SEC. 4. Section 7407 of the Revenue and Taxation Code is amended to read:

Extension of
time to file
export
certificate

7407. The board may extend for good cause for not to exceed six months the time for filing certificates of export as fixed in Section 7403 and claims for exemption as fixed in Section 7405. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

SEC. 5. Section 7660 of the Revenue and Taxation Code is amended to read:

7660. If any distributor fails, neglects, or refuses to file the return within the time prescribed by this chapter, the board shall estimate the motor vehicle fuel distributions of the distributor for the period for which he made no return within the time required. Upon the basis of this estimate the board shall determine the license tax due from the distributor, and shall add to the license tax a penalty of 10 per cent thereof. Estimate by board of fuel distributions

SEC. 6. Section 7699 of the Revenue and Taxation Code is amended to read:

7699. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid within 10 days after service upon the distributor of notice of the determination, the determination becomes final, unless a petition for redetermination is filed within the 10 days, and the delinquency penalty and interest provided in Article 3.5 of this chapter shall attach to the amount specified. Finality of jeopardy determination

SEC. 7. Section 7700 of the Revenue and Taxation Code is amended to read:

7700. The distributor against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 3.5 of this chapter. He shall, however, file the petition for redetermination with the board within 10 days after the service upon him of notice of the determination. At the time of filing the petition for redetermination, the distributor shall deposit with the board such security as it may deem necessary to insure compliance with this part. Petition for redetermination

SEC. 8. Section 7714 of the Revenue and Taxation Code is amended to read:

7714. In making a determination the board may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments. The interest on the underpayments and overpayments shall be computed in the manner set forth in Sections 7674 and 8130. Offsets

SEC. 9. Section 8126 of the Revenue and Taxation Code is amended to read:

8126. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected and, if the State Board of Control approves, shall certify the amount to the Controller for credit or refund. Refunds

SEC. 10. Section 8191 of the Revenue and Taxation Code is hereby repealed. Repeal

SEC. 11. Section 8192 of the Revenue and Taxation Code is renumbered Section 8191 and amended to read:

8191. If the board determines that any amount has been illegally determined to be due from any person, the board shall Cancellation of illegal determination

set forth in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the Controller.

SEC. 12. Section 8193 of the Revenue and Taxation Code is renumbered Section 8130 to read:

Interest on
overpayment.

8130. Interest shall be paid upon any overpayment of any amount of tax at the rate of one-half of 1 per cent per month from the first day of the second calendar month following the monthly period for which the overpayment is made; but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, if the claimant files a claim on his own initiative or within 30 days after he is notified by the board that a claim may be filed, to the tenth day after the date upon which the claim is certified to the State Board of Control; otherwise to the thirtieth day after the date upon which claimant is notified by the board that the claim may be filed.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 13. Section 8194 of the Revenue and Taxation Code is renumbered Section 8131 to read:

When
interest not
allowed

8131. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

SEC. 14. The heading of Article 5, Chapter 7, Part 2, Division 2 of the Revenue and Taxation Code is amended to read:

Article 5. Cancellations

Tax levy

SEC. 15. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately; provided, however, that the provisions hereof amending, repealing and renumbering certain provisions of the Revenue and Taxation Code shall become operative on July 1, 1945.

Operative
date

CHAPTER 532

An act to add Section 2189.5 to the Revenue and Taxation Code, relating to tax on personalty as lien on gas and oil leasehold estate.

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2189.5 is added to the Revenue and Taxation Code, to read:

2189.5. Every tax on personal property and improvements, located upon or appurtenant to a leasehold estate for the production of gas, petroleum or other hydrocarbon substances from beneath the surface of the earth, and belonging to the owner of such leasehold estate, may be secured by such leasehold estate, when, in the opinion of the assessor, such leasehold estate is of sufficient value to constitute security for the payment of all taxes upon such personal property or improvements and upon such leasehold estate. In the event of delinquency in the payment of any such tax, such personal property, improvements and leasehold estate shall be subject to seizure and sale in the same manner as provided for the seizure and sale of unsecured personal property, in Sections 2914 to 2920, inclusive, at any time within one year after the delinquency. Suit may be brought against an assessee of such taxes in the event of delinquency in the payment thereof.

Personalty
tax lien on
gas, oil or
mineral
leasehold
estate

Delinquency

CHAPTER 533

An act to add Chapter 12 to Division 9 of the Education Code, relating to the establishment and maintenance of school farms.

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. Chapter 12 is added to Division 9 of the Education Code to read:

CHAPTER 12. SCHOOL FARMS

19621. The governing board of any district maintaining a secondary school, or schools, may, for the purpose of providing practical instruction in agriculture, establish one or more school farms for any one or more of such schools whenever in its judgment it is advisable to do so.

Power to
establish

- Costs** 19622. The cost of purchasing and equipping a school farm and all other costs not met from the receipts of the operation of the farm shall be a charge against the funds of the school district.
- Supervision** 19623. The governing board of the district may provide for the general supervision of the farm and the cost of the supervision may be a charge against the funds of the district.
- Disposition of money** 19624. All moneys received from the sale of produce and livestock shall be paid into the county treasury to the credit of the "school farm fund" of the district which fund is hereby authorized.
- "The school farm account"** 19625. The governing board of the school district may, at its discretion, establish an account for each such farm established in the district, or for all such farms established by the district, in one or more banks to be known as "the school farm account" of (insert name of district) District. If the account is established for one of several farms, it shall be known as "the school farm account of (insert name of school) School of (insert name of district) District." All receipts of the school farm, or farms, derived from the sale of produce, livestock, and other products, may be withdrawn from the farm fund in the same manner as other moneys may be withdrawn from funds of the district and deposited in the account for expenditure for the operation and maintenance of the farm, or farms, in accordance with the direction of the governing board.
- Custody of account** 19626. The governing board may designate an employee or employees of the district to have custody of the account or accounts, who shall be responsible for the payment into the account or accounts of all moneys received for or to be paid into the account or accounts, and for all expenditures therefrom, subject to such regulations as the governing board may prescribe.
- Annual audit** 19627. The governing board shall provide for an annual audit of each account. The cost of the audit shall be a charge against the funds of the district.
- Livestock, produce, etc** 19628. The governing board may at its discretion buy feed and livestock for a farm and may sell produce, livestock and other products of a farm without the limitations provided elsewhere in the Education Code.

CHAPTER 534

An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials. Stats 1925, p 648, amended

[Approved by Governor May 29, 1945. Filed with Secretary of State May 29, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 9 of the act cited in the title is amended to read: Stats 1943, p. 2482

Sec. 9. The municipal court in a city or city and county of the second and one-fourth class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows: Personnel and salaries in city of 2d class

(a) There shall be five judges, each of whom must be a registered and qualified elector of the city or city and county wherein they are to serve and must have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding their election or appointment, and each of whom shall receive seven thousand five hundred dollars (\$7,500) per annum, payable in equal monthly installments;

(b) There shall be one clerk, who shall also serve as secretary, to be appointed by the judges of the court, who shall receive a minimum of three hundred four dollars (\$304) and a maximum of three hundred eighty-five dollars (\$385) per month;

(c) The clerk may appoint the following:

One chief deputy, who shall receive a minimum of two hundred sixty-two dollars (\$262) and a maximum of three hundred forty-one dollars (\$341) per month;

Eight deputy clerks (court clerks), each of whom shall receive a minimum of two hundred seven dollars (\$207) and a maximum of two hundred seventy-two dollars (\$272) per month;

One deputy clerk (supervising clerk) who shall receive a minimum of two hundred seven dollars (\$207) and a maximum of two hundred seventy-two dollars (\$272) per month.

One deputy clerk (senior account clerk), who shall receive a minimum of one hundred eighty-six dollars (\$186) and a maximum of two hundred forty six dollars (\$246) per month;

Two deputy clerks (junior court clerks), each of whom shall receive a minimum of one hundred fifty-seven dollars (\$157) and a maximum of two hundred ten dollars (\$210) per month;

Four deputy clerks (bail clerks), each of whom shall receive a minimum of one hundred fifty-seven dollars (\$157) and a maximum of two hundred ten dollars (\$210) per month;

Four deputy clerks (general clerks), each of whom shall receive a minimum of one hundred forty-four dollars (\$144) and a maximum of one hundred ninety-three dollars (\$193) per month;

Seven deputy clerks (junior clerks), each of whom shall receive a minimum of one hundred twenty-three dollars (\$123) and a maximum of one hundred sixty-seven dollars (\$167) per month.

(d) There shall be one marshal to be appointed by the judges of the court who shall receive a minimum of three hundred four dollars (\$304) and a maximum of three hundred eighty-five dollars (\$385) per month;

(e) The marshal may appoint the following:

One assistant marshal, who shall receive a minimum of two hundred sixty-two dollars (\$262) and a maximum of three hundred forty-one dollars (\$341) per month;

One chief deputy marshal, who shall receive a minimum of two hundred sixty-two dollars (\$262) and a maximum of three hundred five dollars (\$305) per month.

Three deputy marshals, grade 1, each of whom shall receive a minimum of one hundred ninety-nine dollars (\$199) and a maximum of two hundred sixty-two dollars (\$262) per month;

Four deputy marshals, grade 2, each of whom shall receive a minimum of one hundred eighty-six dollars (\$186) and a maximum of two hundred forty-six dollars (\$246) per month;

One deputy marshal (female) who shall receive a minimum of one hundred eighty-six dollars (\$186) and a maximum of two hundred forty-six dollars (\$246) per month;

One deputy marshal (stenographer) who shall receive a minimum of one hundred fifty-seven dollars (\$157) and a maximum of two hundred ten dollars (\$210) per month;

(f) There shall be one court matron, who shall also serve as court probation officer, to be appointed by the judges of the court, who shall receive a minimum of one hundred fifty-seven dollars (\$157) and a maximum of two hundred ten dollars (\$210) per month;

Maximum
salary

Any person now in the same class for two and one-half years shall receive the maximum salary for that class.

Appointing
authority

The appointing authority, which appointing authority within the meaning of this section, is hereby defined to be the person having the power in the first instance to select the employee from an eligible list provided for that purpose, may fix the compensation of such employee, within the limits hereinbefore set forth for the position to which appointment is made, and may thereafter grant increases in compensation within such limits upon the basis of efficiency and seniority records, all in strict conformity with existing rules and regulations of the city civil service commission. The appointing authority shall further have the power to lay off and suspend an employee or employees because of lack of work requiring the service of the existing personnel of such office or department.

Forfeiture
of office

Any appointive officer or employee of the municipal court in cities and counties of the second and one-fourth class who becomes a candidate for election by the people to any other public office or position shall automatically forfeit such office or employment.

Whenever a municipal court is established in a city of the second and one-fourth class, the salaries of the judges, clerk, marshal, and other attaches, and the cost of all supplies, books, furniture and suitable quarters, for carrying out their duties, including supplies and equipment for the preparation and maintenance of duplicate records of the court, or a division thereof, when sessions are held at more than one place within the city wherein the court is established shall be paid by the county in which the court is situated out of its municipal court fund, if there be one, or if there be no such fund, out of the general fund.

Division
of costs

The city shall reimburse the county in the amount of 20 per cent of all costs of maintaining and operating the municipal court from such municipal court fines and forfeitures as by law would otherwise become the property of the city. The amount to be paid may be deducted and retained for the account of the county by the county auditor, as often as may be practicable, and at least semiannually, from the amounts payable to the city pursuant to Section 1463 of the Penal Code.

Reimburse-
ment to
county

The city in which the court is established shall provide and maintain suitable quarters for one department of the municipal court, including heating, light and janitorial service, and the city and county shall enter into an agreement providing for the payment of the rental thereof, including heat, light and janitor service, by the county out of the municipal court fund, if there be one, or if there be no such fund, out of the general fund.

Quarters

CHAPTER 535

An act to amend Section 204e of the Code of Civil Procedure, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

[Approved by Governor May 30, 1945. Filed with Secretary of State May 30, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 204e of the Code of Civil Procedure is amended to read:

204e. In any county or city and county where there is a secretary of the judges of the superior court in said county, or city and county, a majority of the said judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges shall be seven hundred dollars (\$700) per month, except in counties, or cities and counties, having a population of less than 600,000, but more than 300,000 as ascertained and determined in the manner provided by Section 4005c of the Political Code, in

Secretary of
superior
court, judges
as jury com-
missioner

which counties, or cities and counties, the salary of the secretary shall be six hundred dollars (\$600) per month. In counties having a population of less than 300,000 the salary shall be fixed by the board of supervisors of such counties.

Assistants

In counties, or cities and counties, of over 600,000 population, on the authorization of the judges in such a case, the secretary shall have three assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be three hundred fifty dollars (\$350) per month. In counties, or cities and counties, of more than 500,000 and less than 600,000, the secretary may have to assist him in the performance of his duties, a senior clerk, who shall receive a salary of not less than one hundred seventy-five dollars (\$175) nor more than two hundred dollars (\$200) per month, and a junior clerk, who shall receive not less than one hundred fifty dollars (\$150) nor more than one hundred seventy-five dollars (\$175) per month. Each such clerkship shall be exempt from civil service laws. The salaries of such clerks shall be fixed by the board of supervisors of such county or city and county. The salaries of such secretaries and of such assistants shall be paid by the county or city and county in which they serve.

CHAPTER 536

An act to amend Sections 261, 261a, and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

In effect
September
15, 1945

[Approved by Governor May 30, 1945. Filed with Secretary of State
May 30, 1945.]

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

SECTION 1. Section 261 of the Code of Civil Procedure is amended to read:

Court com-
missioners:
Salaries

261. In any county or city and county having a population of nine hundred thousand or over in which the superior court shall appoint eight court commissioners, each commissioner shall receive a salary of six thousand dollars (\$6,000) per annum. The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against said county or city and county are required by law to be allowed and audited.

SEC. 2. Section 261a of the Code of Civil Procedure is amended to read:

Employees of
the superior
court

261a. In each county, or city and county, having a population of 900,000 inhabitants and over, the judges of the superior court

in and for such county, or city and county, a majority thereof concurring therein, to assist the court in the transaction of the judicial business of said court, may appoint the following employees: Three stenographic secretaries, each at a salary of two thousand five hundred twenty dollars (\$2,520) per annum; twenty stenographers, each at a salary of two thousand two hundred eighty dollars (\$2,280) per annum; two investigators of domestic relations cases, each at a salary of three thousand dollars (\$3,000) per annum; two messengers, one at a salary of one thousand five hundred dollars (\$1,500) per annum, and the other at a salary of one thousand three hundred twenty dollars (\$1,320) per annum. All of the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office.

The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county, or city and county, are paid, and expenses in this section provided for shall be paid in monthly installments out of the general fund, and both salaries and expenses shall be allowed and audited in the same manner as other demands against the county, or city and county, are required by law to be allowed and audited.

SEC. 3. Section 1744 of the Code of Civil Procedure is amended to read:

1744. In each county having a population of 900,000 inhabitants or more, the superior court may appoint the following persons to assist the conciliation court in disposing of its business:

(a) One commissioner, who shall be known as the "director of conciliation," and shall receive a salary of four thousand two hundred dollars (\$4,200) per annum.

(b) One investigator, who shall receive a salary of three thousand dollars (\$3,000) per annum and necessary expenses while engaged in the discharge of his duties.

(c) Two stenographers, each of whom shall receive a salary of two thousand two hundred eighty dollars (\$2,280) per annum.

The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county, and may be made in addition to all other appointments of commissioners and other judicial attaches and employees otherwise authorized by law to be made in counties having a population of 900,000 inhabitants or more.

The salaries and expenses provided for in this section shall be paid in monthly installments out of the fund of the county from which salaries of county officers generally are paid, and shall be audited and allowed in the same manner as other salary demands against the county.

CHAPTER 537

An act to amend Section 1351 of the Labor Code, relating to working hours of female employecs.

In effect
September
15, 1945

[Approved by Governor May 30, 1945. Filed with Secretary of State
May 30, 1945.]

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

SECTION 1. Section 1351 of the Labor Code is amended to read:

Maximum
hours when
combined
with hours
of previous
employment

1351. No employer shall employ, cause to be employed, or permit any female to work any number of hours whatever, with knowledge that such female has theretofore been employed within the same day of 24 hours in any establishment or industry and by any previous employer for a period of time which will, combined with the period of time of employment by a previous employer, exceed eight hours in one day or 48 hours in one week. This provision shall not prevent the employment of any female in more than one establishment where the total number of hours worked by her does not exceed eight hours in any one day of 24 hours or 48 hours in one week.

CHAPTER 538

An act to add Section 1397.5 to the Labor Code, relating to employment of minors.

In effect
September
15, 1945

[Approved by Governor May 30, 1945. Filed with Secretary of State
May 30, 1945.]

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

SECTION 1. Section 1397.5 is added to the Labor Code, to read:

Penalty for
violation

1397.5. Any person, or the agent, manager, superintendent or officer thereof, employing either directly or indirectly through third persons, or any parent or guardian of a minor who employs, or permits any minor to be employed in violation of any of the provisions of Section 1394 (c) or 1395 is guilty of a misdemeanor.

CHAPTER 539

An act to amend Sections 1250, 1251 and 1252 of the Labor Code, relating to female employees.

[Approved by Governor May 30, 1945. Filed with Secretary of State May 30, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1250 of the Labor Code is amended to read:

1250. Objects weighing 50 pounds or over and which are to be moved by female employees shall be equipped with pulleys, casters, or contrivances connected with or upon which such objects are placed so that they can be moved easily from place to place. Objects - Aids
in moving

SEC. 2. Section 1251 of said code is amended to read:

1251. No female employee shall be requested or permitted to lift any object weighing 50 pounds or over. Same - When
lifting
prohibited

SEC. 3. Section 1252 of said code is amended to read:

1252. No female employee shall be requested or permitted to carry any object weighing 10 pounds or more up or down any stairway or series of stairways that rise for more than five feet from the base thereof. Same - When
carrying
prohibited

CHAPTER 540

An act to amend Section 556 of the Agricultural Code, relating to milk products.

[Approved by Governor May 30, 1945. Filed with Secretary of State May 30, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 556 of the Agricultural Code is amended to read:

556. Nonfat dry milk solids or defatted milk solids is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 per centum by weight of moisture. The fat content is not over 1½ per centum by weight unless otherwise indicated. Nonfat dry
milk solids
or defatted
milk solids

CHAPTER 541

An act to add Section 5630 to the Streets and Highways Code, relating to the maintenance and repair of sidewalks and the collection of the cost of such repairs.

In effect
September
15, 1945

[Approved by Governor May 30, 1945. Filed with Secretary of State
May 30, 1945.]

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

SECTION 1. Section 5630 is added to the Streets and Highways Code, to read:

Property and
sidewalk
within
different
jurisdiction,

5630. Whenever the property fronting on a sidewalk required to be maintained and repaired pursuant to the provisions of this chapter lies within one city or unincorporated territory of a county, and the sidewalk required to be so maintained and repaired lies within another city or unincorporated territory of a county, the superintendent of streets of the city or county having jurisdiction over the sidewalk shall have full authority to serve notices to repair and do all work contemplated by Articles 2 and 3 of this chapter, notwithstanding the fact that the property fronting on the sidewalk lies within another city or unincorporated territory of a county. The legislative body of the city or county within which the sidewalk has been repaired pursuant to the provisions of this chapter shall have jurisdiction to levy an assessment to pay the cost of any such sidewalk repairs against the parcel of property fronting on said sidewalk, notwithstanding the fact that said property lies within another city or unincorporated territory of a county and said assessment shall be a lien on said property for the amount thereof until the assessment and all interest thereon is paid or until it is discharged of record.

Authority
to repair
sidewalk

Assessment

Collection
and enforce-
ment of liens

The provisions of Sections 5628 and 5629 of this code shall be applicable to the collection and enforcement of all liens levied pursuant to the provisions of this section and the amount so collected shall be paid to the treasurer of the city or county as the case may be which conducted the proceedings.

CHAPTER 542

An act to amend Section 785 of the Agricultural Code, relating to the disposal of fruits, nuts, and vegetables not conforming to standardization requirements.

In effect
September
15, 1945

[Approved by Governor May 30, 1945. Filed with Secretary of State
May 30, 1945.]

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

SECTION 1. Section 785 of the Agricultural Code is amended to read:

Violation
a public
nuisance

785. (a) Any fruits, nuts or vegetables, packed, stored, delivered for shipment, loaded, shipped, or being transported or

sold in violation of this chapter, together with their containers, are a public nuisance and shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of an enforcing officer.

(b) The enforcing officer may affix a warning tag or notice to such nuisance, and may give notice of such violation to the packer or owner, or to any person in possession of such fruits, nuts or vegetables. If such person, so notified, refuses or fails within 24 hours to recondition or re-mark the same so as to comply with all requirements of this chapter and legally to dispose of such as do not comply with all requirements of this chapter, all such noncomplying lots of fruits, nuts or vegetables, together with their containers, may be seized by any enforcing officer.

Warning tag;
notice to
offender;
seizure

(c) The district attorney of the county in which any such nuisance is found, on relation of the director or of any enforcing officer, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or reconditioned, re-marked, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the fruits, nuts or vegetables and their containers, or the sale thereof, under such terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the fruits, nuts or vegetables and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Actions to
abate

(d) In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; justices' courts of Class A shall have original jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of Class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less.

Jurisdiction

(e) It is unlawful to fail to comply with the directions of any officer relating to the disposition of such fruits, nuts or vegetables, or with any order of court respecting the same.

CHAPTER 543

An act to amend Section 784.5 of the Agricultural Code, relating to the packing of fruits and vegetables.

In effect
September
15, 1945

[Approved by Governor May 30, 1945. Filed with Secretary of State
May 30, 1945.]

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

SECTION 1. Section 784.5 of the Agricultural Code is amended to read:

Layer court.

784.5. Except as otherwise provided, it is unlawful to pack any fruits, nuts, or vegetables in layers in containers having straight sides, unless there is approximately the same numerical

Tight pack

count in each layer. All packed fruits, nuts, or vegetables

Exception

must be so packed that they will not move in the container, provided, however, fruits or vegetables which, after having been in storage or after having been shipped, fail to meet this requirement due to unavoidable natural shrinkage occurring after packing, shall not be construed to be in violation of the requirements of this provision.

CHAPTER 544

Stats 1925,
p. 648,
amended

An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof.

In effect
September
15, 1945

[Approved by Governor May 30, 1945. Filed with Secretary of State
May 30, 1945.]

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

SECTION 1. Section 11 of the Municipal Court Act of 1925 is amended to read:

Stats. 1939,
p. 2454
See also
Stats 1945,
Ch 1522

Sec. 11. The municipal court in a city or city and county of the second and three-fourths class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

Personnel
and salaries
in cities of
3d class

(a) There shall be two judges, each of whom shall receive eight thousand five hundred dollars (\$8,500) per annum, payable in equal monthly installments;

(b) There shall be one clerk, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred seventy-three dollars (\$273) monthly, with annual increments of fifteen dollars (\$15), fifteen dollars (\$15), sixteen dollars (\$16), and eighteen dollars (\$18), to a maximum of three hundred thirty-seven dollars (\$337) monthly;

(c) The clerk may appoint the following:

One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen

dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred ninety dollars (\$190) monthly, with annual increments of ten dollars (\$10), eleven dollars (\$11), ten dollars (\$10) and twelve dollars (\$12), to a maximum of two hundred thirty-three dollars (\$233) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred fifty-seven dollars (\$157) monthly, with annual increments of eight dollars (\$8), eight dollars (\$8), eight dollars (\$8) and nine dollars (\$9), to a maximum of one hundred ninety dollars (\$190) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred forty-three dollars (\$143) monthly, with annual increments of seven dollars (\$7), seven dollars (\$7), eight dollars (\$8) and eight dollars (\$8), to a maximum of one hundred seventy-three dollars (\$173) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred twenty-five dollars (\$125) monthly, with annual increments of six dollars (\$6), six dollars (\$6), six dollars (\$6) and seven dollars (\$7), to a maximum of one hundred fifty dollars (\$150) monthly.

(d) There shall be one marshal, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred eighty-eight dollars (\$288) monthly, with annual increments of fifteen dollars (\$15), sixteen dollars (\$16), eighteen dollars (\$18) and eighteen dollars (\$18), to a maximum of three hundred fifty-five dollars (\$355) monthly;

(e) The marshal may appoint the following:

One chief deputy marshal, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of two hundred dollars (\$200) monthly, with annual increments of eleven dollars (\$11), ten dollars (\$10), twelve dollars (\$12) and thirteen dollars (\$13), to a maximum of two hundred forty-six dollars (\$246) monthly;

One deputy marshal, who shall receive a minimum salary of one hundred seventy-three dollars (\$173) monthly, with annual increments of eight dollars (\$8), nine dollars (\$9), ten dollars (\$10) and eleven dollars (\$11), to a maximum of two hundred eleven dollars (\$211) monthly;

Ten deputies (custodians) at the fee allowed by law for keeping property. The deputy marshals serving as custodians shall be paid only for their actual service as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Credit for
prior service

Persons employed in the service on the effective date of this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up to the maximum rate set. Changes of title created in establishing the municipal court shall not detract from said years of prior service.

New section

SEC. 2. Section 11d is added to said act, to read:

Personnel
and salaries
in city of
5th class

Sec. 11d. The municipal court in a city or city and county of the fifth class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

(a) There shall be two judges, each of whom shall receive eight thousand five hundred dollars (\$8,500) per annum, payable in equal monthly installments;

(b) There shall be one clerk, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred seventy-three dollars (\$273) monthly, with annual increments of fifteen dollars (\$15), fifteen dollars (\$15), sixteen dollars (\$16) and eighteen dollars (\$18), to a maximum of three hundred thirty-seven dollars (\$337) monthly;

(c) The clerk may appoint the following:

One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred ninety dollars (\$190) monthly, with annual increments of ten dollars (\$10), eleven dollars (\$11), ten dollars (\$10) and twelve dollars (\$12), to a maximum of two hundred thirty-three dollars (\$233) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred fifty-seven dollars (\$157) monthly, with annual increments of eight dollars (\$8), eight dollars (\$8), eight dollars (\$8), and nine dollars (\$9), to a maximum of one hundred ninety dollars (\$190) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred forty-three dollars (\$143) monthly, with annual increments of seven dollars (\$7), seven dollars (\$7), eight dollars (\$8) and eight dollars (\$8), to a maximum of one hundred seventy-three dollars (\$173) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred twenty-five dollars (\$125) monthly, with annual increments of six dollars (\$6), six dollars (\$6), six dollars (\$6) and seven dollars (\$7), to a maximum of one hundred fifty dollars (\$150) monthly.

(d) There shall be one marshal, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred eighty-eight dollars (\$288) monthly, with annual increments of fifteen dollars (\$15), sixteen dollars (\$16), eighteen dollars

(\$18) and eighteen dollars (\$18), to a maximum of three hundred fifty-five dollars (\$355) monthly;

(e) The marshal may appoint the following:

One chief deputy marshal, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of two hundred dollars (\$200) monthly, with annual increments of eleven dollars (\$11), ten dollars (\$10), twelve dollars (\$12) and thirteen dollars (\$13), to a maximum of two hundred forty-six dollars (\$246) monthly;

One deputy marshal, who shall receive a minimum salary of one hundred seventy-three dollars (\$173) monthly, with annual increments of eight dollars (\$8), nine dollars (\$9), ten dollars (\$10) and eleven dollars (\$11), to a maximum of two hundred eleven dollars (\$211) monthly;

Ten deputies (custodians) at the fee allowed by law for keeping property. The deputy marshals serving as custodians shall be paid only for their actual service as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Persons employed in the service on the effective date of this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up to the maximum rate set. Changes of title created in establishing the municipal court shall not detract from said years of prior service.

SEC. 3. Section 22.2 is added to the said act, to read:

Sec. 22.2. Except as herein otherwise provided, the marshals, assistants and deputies of municipal courts, excepting those designated herein as custodians, shall be allowed, in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses to be allowed at the rate per mile fixed by the county board of supervisors for the operation of automobiles actually used in performance of their business on public duty or to pay for such other mode of transportation as they may adopt.

CHAPTER 545

Stats 1935, p. 1226, amended *An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of employer therein.*

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

Stats. 1937,
p. 2055
See also
Stats 1945,
Ch 942

SECTION 1. Section 9 of the Unemployment Insurance Act is amended to read:

"Employer"

Sec. 9. "Employer" means:

(a) Any employing unit, which for some portion of a day, but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks are or were consecutive, has within the current calendar year or had within the preceding calendar year in employment four or more individuals, irrespective of whether the same individuals are or were employed in each such day; provided, that prior to January 1, 1938, employer means any employing unit which for some portion of a day, but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks are or were consecutive, has within the current calendar year or had within the preceding calendar year in employment eight or more individuals, irrespective of whether the same individuals are or were employed in each such day;

(b) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act; or which acquired any distinct severable portion of another employer which portion, if treated as a separate employing unit, would have been at the time of acquisition, an employer under subdivision (a) of this section.

(c) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof of another employing unit or which acquired any distinct severable portion of another employing unit, if the experience of such individual or employing unit subsequent to such acquisition, plus the experience of the acquired unit or severable portion thereof prior to such acquisition, both within the calendar year, would equal the experience necessary to constitute an employing unit an employer subject to this act under subdivision (a) of this section;

(d) Any employing unit which, having become an employer under this act has not, under Section 9.7, ceased to be an employer subject to said act;

(e) Any employing unit which has become an employer by electing coverage under this act for the effective period thereof;

(f) Any employing unit not an employer by reason of any other paragraph of this section for which services in employ-

ment as defined by this act are performed with respect to which employment such employing unit is liable for any Federal tax against which credit may be taken for contributions paid into the Unemployment Fund established by this act.

CHAPTER 546

An act to amend Section 9.2 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of unemployed contained therein. Stats 1935, p 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.] In effect September 15, 1945

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

SECTION 1. Section 9.2 of the Unemployment Insurance Act is amended to read: Stats 1939, p 2146

Sec. 9.2. An individual shall be deemed "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount. Authorized regulations as may be necessary shall be prescribed applicable to unemployed individuals making such distinctions as may be deemed necessary in the procedures as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work. Regulations

CHAPTER 547

An act to amend Section 9.5 of the Unemployment Insurance Act, relating to unemployment insurance and the status of employers thereunder. Stats 1935, p 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.] In effect September 15, 1945

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

SECTION 1. Section 9.5 of the Unemployment Insurance Act is amended to read as follows: Stats. 1937, p. 2052

Sec. 9.5. Any employing unit which is or becomes an employer subject to this act within any calendar year other than by the voluntary election of the employing unit shall be subject to this act during the whole of such calendar year. Duration of employer status

CHAPTER 548

Stats 1933,
p 1226,
amended *An act to amend Section 9.8 of the Unemployment Insurance Act, relating to unemployment insurance and the authorization of agents to act on behalf of employers.*

In effect
September
15, 1945

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

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

Stats 1932,
p. 2828 SECTION 1. Section 9.8 of the Unemployment Insurance Act is amended to read:

Employers'
agent Sec. 9.8. (a) Where a number of workers are normally employed in employment in the course of a year by several employers, such employers, with the approval of the commission, may appoint an agent who shall maintain such records and prepare and file such returns and reports as are required under this act in respect of such workers, including returns and reports of wages paid and payable to such workers, and may pay the employers' and workers' contributions levied under this act in respect of wages paid and payable to such workers and shall perform such other acts on behalf of such employers as the commission may authorize all in the same manner as though such agent were the employer of such workers.

Employment
experience (b) The manner of crediting to each such employer the employment experience of such group of employers who have appointed such agent with respect to such workers, for the purpose of any classification of employers made pursuant to this act for the determinations of future rates of employers' contributions may be prescribed by authorized regulations.

Separate
agents (c) Any of such employers who operate or do business in more than one place may, with the approval of the commission, appoint a separate agent in each such place.

Construction (d) Nothing contained in this section shall be construed to make such agent the employer of such workers, or relieve any employer of his obligations to comply with the terms of this act, except to the extent that such obligations are discharged by such agent.

CHAPTER 549

Stats 1935,
p 1226,
amended *An act to amend Section 11 of the Unemployment Insurance Act, relating to the definition of wages contained therein.*

In effect
September
13, 1945

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

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

Stats 1930,
p 3005
See also
Stats 1945,
Ch 1222 SECTION 1. Section 11 of the Unemployment Insurance Act is amended to read:

“Wages” Sec. 11. (a) Except as hereinafter in this section provided, the term “wages” means:

(1) All remuneration paid for personal services, whether by private agreement or consent or by force of statute, includ-

ing commissions and bonuses, and the cash value of all remuneration paid in any medium other than cash.

(2) If tips or gratuities are customarily received and retained by a worker in the course of his employment from persons other than his employing unit, and if (1) such tips or gratuities, or (2) such tips or gratuities plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities, constitute substantially the only wage payable to the worker, then such tips or gratuities shall for the purposes of this act be treated as wages paid by his employing unit.

(3) If the measurement of the remuneration of an individual is not based upon a fixed period or duration of time, the wages earned for any week for the purpose of computing an individual's right to unemployment benefits only shall be determined in such manner as may be prescribed by authorized regulations. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid on the basis of a weekly rate of pay.

(4) The reasonable cash value of remuneration paid in any medium other than cash shall be determined and the reasonable amount of tips or gratuities may be estimated in accordance with authorized regulations.

(b) The term "wages" does not include the actual amount of any required or necessary business expense incurred by an individual in connection with his employment, or, in lieu of the actual amount of such expenses, the reasonably estimated amount allowed therefor in accordance with such authorized regulations as may be prescribed. Exclusions

(c) If, when, and during such time as the definition of the term "wages," as contained in the Federal Unemployment Tax Act excludes from "wages" any one or more of the following types of payments, then such type or types of payments as are so excluded shall likewise be excluded from the definition of wages as contained in subsection (a) of this section: Exclusions
contingent
on changes in
Federal law

(1) That part of the remuneration which, after remuneration equal to three thousand dollars (\$3,000) has been paid to a worker by an employer with respect to employment during any calendar year, is paid to such worker by such employer with respect to employment during such calendar year;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or into a fund, to provide for any such payment), on account of (a) retirement, or (b) sickness or accident disability, or (c) medical and hospitalization expenses in connection with sickness or accident disability (d) or death, provided the employee (i) has not the option to receive, instead of provisions for such death benefits, any part of such payment, or if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by the

employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefits, to assign such benefits, or to receive a cash consideration in lieu of such benefits either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

(3) The payment by an employer (without deduction from the remuneration of the employee).

(a) Of the tax imposed upon such employee under Section 1400 of the Federal Internal Revenue Code, or

(b) Of any payment required from such employee under this act.

(4) Dismissal payments which the employer is not legally required to make.

CHAPTER 550

Stats. 1935,
p. 1226,
amended *An act to amend Section 12 of the Unemployment Insurance Act, relating to the definition of week contained therein.*

In effect
September
15, 1945 [Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

Stats. 1939,
p. 2146 SECTION 1. Section 12 of the Unemployment Insurance Act is amended to read:

"Week" Sec. 12. The term "week" as used in this act shall mean such period of seven consecutive days as may be prescribed by authorized regulation. Such regulation may prescribe that a week shall be deemed to be "in," "within," or "during" that benefit year which includes the greater part of such week.

CHAPTER 551

Stats. 1935,
p. 1226,
amended *An act to amend Sections 15 and 6.5 of the Unemployment Insurance Act, relating to unemployment insurance and the election to become subject thereto.*

In effect
September
15, 1945 [Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

Stats. 1943,
p. 3048 SECTION 1. Section 15 of the Unemployment Insurance Act is amended to read:

Election to
become
employer
subject
to act Sec. 15. (a) An employing unit, not otherwise subject to this act, which files with the commission its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the

commission, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1st of any calendar year subsequent to such two calendar years, notwithstanding anything elsewhere contained in this act, only if on or before the thirty-first day of January of such year, it has filed with the commission a written notice to that effect.

(b) Any employing unit for which services that do not constitute employment as defined in this act are performed, may file with the commission a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of this act for not less than two calendar years. Upon the written approval of such election by the commission, such services shall be deemed to constitute employment subject to this act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years, notwithstanding anything elsewhere contained in this act, only if on or before the thirty-first day of January of such year, such employing unit has filed with the commission a written notice to that effect.

(c) Services not included within the term "employment" and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other State or of the Federal Government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this State and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act. Such election shall be for the period, made in the manner, and subject to termination as provided in this section for other elections of coverage.

(d) Every employing unit which files an election to become an employer subject to this act or to cease to be an employer subject to this act, pursuant to the provisions of this section shall post and maintain printed notices of such election on his premises, as may be prescribed by authorized regulation. Individuals in the employ of any employing unit which files an election to become an employer subject to this act shall be given a reasonable opportunity to file objections thereto or be heard thereon prior to the commission's approval of such election.

(e) In no case shall the commission approve any such election under subdivisions (a) and (b) of this section unless and until it has been established to the satisfaction of the commission that such employing unit is normally and continuously engaged in a regular trade, business or occupation.

(f) The commission may for good cause waive the requirements of this section for termination of an elective coverage agreement.

Stats. 1931,
p. 2056
"Employ-
ment"

Included
services

SEC. 2. Section 6.5 of said act is amended to read:

Sec. 6.5. "Employment," subject to the other provisions of this act, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(a) The term "employment" shall include an individual's entire service, performed within or both within and without this State if:

1. The service is localized in this State; or
2. The service is not localized in any State but some of the service is performed in this State and (1) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (2) the base of operations or place from which such service is directed or controlled is not in any State in which some part of the service is performed, but the individual's residence is in this State.

(b) Service shall be deemed to be localized within a State if

1. The service is performed entirely within such State; or
2. The service is performed both within and without such State, but the service performed without such State is incidental to the individual's service within the State; for example, is temporary or transitory in nature, or consists of isolated transactions.

CHAPTER 552

Stats 1933,
p 1226,
amended

An act to amend Section 21 of the Unemployment Insurance Act, relating to the Unemployment Trust Fund.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

Stats 1933,
p 3015

SECTION 1. Section 21 of the Unemployment Insurance Act is amended to read:

Requisition
of moneys in
Unemploy-
ment Trust
Fund

Sec. 21. Moneys shall be requisitioned from this State's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with authorized regulations. The commission shall from time to time requisition from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to this State's account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the Treasurer shall deposit such moneys in the benefit account of the Unemployment Fund. All moneys requisitioned for the benefit account are hereby continuously appropriated without regard to fiscal years for payment of benefits as provided in this act. Any balance of moneys requisitioned from the Unemployment Trust Fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums

were requisitioned shall either be considered in preparing subsequent estimates and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the commission, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the Unemployment Trust Fund, as provided in Section 20.

CHAPTER 553

An act to repeal Sections 22.5 and 24.5 of the Unemployment Insurance Act, relating to unemployment insurance and adjustments with the Railroad Retirement Board authorized in said act. Stats 1935, p. 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.] In effect September 15, 1945

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

SECTION 1. Sections 22.5 and 24.5 of the Unemployment Insurance Act are repealed. Stats. 1941, p. 2913

CHAPTER 554

An act to amend Section 25 of the Unemployment Insurance Act, relating to the benefit payment account provided for therein. Stats 1935, p. 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.] In effect September 15, 1945

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

SECTION 1. Section 25 of the Unemployment Insurance Act is amended to read: Stats. 1930, p. 3015

Sec. 25. The commission shall, without presenting vouchers and itemized statements therefor, withdraw from the benefit account any sums which it deems necessary for the payment of benefits for a reasonable future period, and the Controller shall draw his warrant for any claim presented by the commission for the payment of benefits under this account and the Treasurer shall pay the same. Upon the withdrawal thereof, such sums shall be deposited in a benefit payment account in such bank or public depository and under such conditions as the commission determines, with the approval of the State Department of Finance. Such bank or public depository shall be one in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the benefit payment account. Moneys in the said benefit payment account shall be used solely to pay benefits by checks

Withdrawals from benefit account
Regulations governing withdrawals

drawn on the benefit payment account by the commission pursuant to authorized regulations and no other disbursement shall be made therefrom, provided however that amounts erroneously and illegally deposited in such account may be refunded therefrom. Such regulations shall be governed by and be consistent with this act and any applicable constitutional requirement, but the procedure prescribed by such regulations shall be deemed to satisfy and shall be in lieu of any and all statutory requirements of specific appropriation or other form of release by State officers of moneys in their custody prior to expenditure which might otherwise be applicable to withdrawals from the benefit payment account. Any balance of moneys withdrawn from the benefit account which remains unclaimed or unpaid in the benefit payment account after the expiration of the period for which such sums were withdrawn shall either be considered in preparing subsequent estimates and may be utilized for the payment of benefits during succeeding periods or, in the discretion of the commission, shall be redeposited in the benefit account.

CHAPTER 555

Stats. 1935,
p. 1226,
amended

An act to amend Sections 37 and 38 of the Unemployment Insurance Act, relating to unemployment insurance and employer contributions required by said act.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

Stats 1933,
p 2051

SECTION 1. Section 37 of the Unemployment Insurance Act is amended to read:

Employer
contributions

Sec. 37. (a) Employer contributions to the unemployment fund shall accrue and become payable by every employer for each calendar year in which he is subject to this act, with respect to wages paid for employment. Such contributions shall become due and be paid to the commission for the unemployment fund by each employer in accordance with this act and shall not be deducted in whole or in part, from the wages of individuals in his employ.

(b) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent (\$.01).

Stats 1939,
p 1872

SEC. 2. Section 38 of said act is amended to read:

Amounts of
contributions

Sec. 38. Every such employer shall pay into the unemployment fund contributions equal to the following amounts:

(a) During the year 1936, with respect to payments of wages made during that year, ninety one-hundredths per cent of all wages paid by him in employment subject to this act;

(b) For the year 1937, one and eighty one-hundredths per

cent of all wages payable by him during such year with respect to employment subject to this act;

(c) For the year 1938 and thereafter, two and seventy one-hundredths per cent of all wages with respect to which contributions become due and payable for employment subject to this act.

CHAPTER 556

An act to amend Section 41.1 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure for protesting benefit charges.

Stats 1935,
p 1226,
amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 41.1 of the Unemployment Insurance Act is amended to read:

Stats 1941,
p 2534

Sec. 41.1. (a) The commission shall furnish each employer with itemized statements showing the charges to his account and with statements showing the credits to his account, the net balance of his reserve and his contribution rate for the next succeeding rating period. Such statements shall be furnished not less frequently than annually. Such statement or statements of account shall be mailed to each employer at his last known address as shown on the records of the commission.

Statements
to employers

(b) The employer within 60 days after the date of mailing of any such statement, may protest any of the items shown thereon except charges for benefit payments where the employer was notified, as required by the act or authorized regulations, of the claimant's eligibility for such benefits. The commissioner may for good cause extend the time for the filing of any such protest. Unless such protest is filed within the period prescribed herein or within any extended period, such statement shall be conclusively presumed to be correct; provided, that the commission upon its own initiative after notice to the employer and opportunity for him to protest may amend any statement if it subsequently finds any entries thereon to be incorrect. A decision of the appeals board in any such protest proceeding shall be subject to judicial review, as provided by law, if an appropriate proceeding is filed by the employer within 60 days of the date of mailing of such decision; provided, however, that the commission may in writing extend the time for a period not exceeding two years from the time within which such proceeding may be instituted if written request for such extension is filed with the commission within the 60-day period.

Protest

(c) In the event that a protest proceeding is pending with respect to any statement provided for above when any contribution becomes due, the employer shall pay the contribution at

Refunds or
credit

the rate indicated by the commission's computation. If a determination indicating that a lesser contribution rate should have been computed is subsequently made in favor of the employer, the commission immediately either shall refund to the employer or credit to his account any amount so determined to have been paid in excess of the amount which he would have been required to pay had the computation been made correctly. Such refund or credit also shall be made to the employer if the commission on its own initiative finds that an excessive contribution rate was computed for the employer. An amendment by the commission on its own initiative shall not affect the contribution rate for any rating period preceding the rating period during which such amendment was made but if such amendment results in a determination that a different contribution rate should have been computed for the current rating period the commission shall compute the proper contribution rate which rate shall be effective for the current rating period. Any additional contributions thus required to be paid shall be assessed as provided in this act and shall be deemed to be due as contributions for the quarter in which the employer is notified of such determination and shall be considered as "contributions paid on his own behalf" if paid on or before the delinquent date for the quarter in which he is notified of the determination.

Additional
contributions

CHAPTER 557

Stats 1935,
p. 1226
amended

An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance and merit or experience rating.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

Stats. 1941,
p. 2534

SECTION 1. Section 42 of the Unemployment Insurance Act is amended to read:

"Computation date"

Sec. 42. (a) The term "computation date" as used herein means:

(1) The close of business on December 31, 1940, for the purpose of establishing contribution rates for the period January 1, 1941, to and including June 30, 1941.

(2) The close of business on June 30, 1941, for the purpose of establishing contribution rates for the period July 1, 1941, to and including December 31, 1941.

(3) Also the close of business on June 30, 1941, for the purpose of establishing contribution rates for the calendar year 1942.

(4) Thereafter, the close of business on June 30th, of each calendar year for the purpose of establishing contribution rates for the next succeeding calendar year.

(b) The term "rating period" as used herein means; "Rating period"

(1) The period from January 1, 1941, to and including June 30, 1941, with respect to the computation date provided for in subsection (a) (1) of this section.

(2) The period from July 1, 1941, to and including December 31, 1941, with respect to the computation date provided for in subsection (a) (2) of this section.

(3) The calendar year 1942 with respect to the contribution date provided in subsection (a) (3) of this section.

(4) The full calendar year next succeeding any computation date provided for in subsection (a) (4) of this section.

(c) The term "net balance of reserve" means the excess, if any, of credits required to be made to any employer's account as of any computation date over and above charges against such employer's account as of that computation date. "Net balance of reserve"

(d) The term "average base pay roll" means the quotient obtained by dividing by three the total amount of taxable wages payable or paid as the case may require, by an employer during the most recent period of three consecutive calendar years immediately preceding or ending on the computation date. "Average base pay roll"

(e) The term "contributions paid on his own behalf" as used herein, means all contributions paid to the Unemployment Fund on behalf of an employer with respect to taxable wages paid or payable (as the case may require) by him on or before the computation date for determining a reduced contribution rate for any rating period; provided, such contributions excluding additional amounts determined to be due as a result of an amendment under Section 41.1(c) and paid on or before the delinquent date for the quarter in which he is notified of the determination, had been paid on or before the end of the calendar month next succeeding such computation date. "Contributions paid on his own behalf"

(f) The charge of benefits to an employer's account required by Section 41 of this act shall be made in such manner as to include as of each computation date all benefit payments made on or before the computation date. "Charge of benefits to employer's account"

CHAPTER 558

An act to amend Section 44 of the Unemployment Insurance Act, relating to worker contributions required thereunder. Stats. 1935, p. 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.] In effect September 15, 1945

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

SECTION 1. Section 44 of the Unemployment Insurance Act is amended to read: Stats. 1943, p. 3055

Sec. 44. (a) Beginning on January 1, 1936, each worker, employed by one employer subject to this act, shall contribute Worker contributions

to the fund one-half of 1 per cent of his wages paid by an employer with respect to employment; and beginning on January 1, 1937, nine-tenths of 1 per cent of such wages and on and after January 1, 1938, and after his employer has satisfied the conditions set forth in this act with respect to becoming an employer, 1 per cent of such wages; except that the rate of contributions required of a worker shall not in any year exceed 50 per cent of the general rate required of employers. Each employer shall, notwithstanding any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his pay roll records, shall furnish each worker with a statement in writing showing the amount which has been deducted, in such form and at such times as may be prescribed, and shall transmit all such contributions to the fund, in addition to his own contributions, pursuant to authorized regulations.

Employer's
duties

Exempt from
execution,
etc

(b) Contributions by workers, payable to the commission as herein provided, shall be exempt from garnishment, attachment, execution or any other remedy for the collections of debts, and in the event of the insolvency or bankruptcy of the employer such contribution shall not be considered any part of the assets of the employer and shall be paid to the commission prior to the payment of any other claim against such employer.

Employer's
liability

(c) Each employer shall be liable for any and all contributions required to be made by his workers on account of wages paid to them by such employer regardless of whether or not such employer shall have made a deduction on account thereof from the workers' wages at the time such wages were paid; provided, however, that no employer shall be liable for contributions required on behalf of himself or of any of his employees with respect to wages payable or paid, as the case may require, while there is in effect at the time such wages became payable or were paid (whichever time is the time for determining contribution liability) a rule or regulation or interpretation of the commission or of the department that such wages were not subject to contributions imposed by this section. As used in this act, except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

"Contribu-
tions"

Operation
of rules

(d) The commission or the department may prescribe the extent, if any, to which any rule, regulation or interpretation issued or promulgated in accordance with the provisions of this act shall be applied without retroactive effect.

CHAPTER 559

An act to repeal Sections 44.6, 45, 45.3 and 45.4 of, and to add Section 45 to the Unemployment Insurance Act, relating to unemployment insurance, the time for reporting and penalties for delinquent payments.

Stats 1935,
p 1226,
amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

SECTION 1. Sections 44.6, 45, 45.3, and 45.4 of the Unemployment Insurance Act are repealed. Repeals

SEC. 2. Section 45 is added to said act, to read: New section

Sec. 45. (a) Contributions required under this act shall be due and payable on the first day of the calendar month following the close of each calendar quarter and shall become delinquent if not paid on or before the last day of such month. Due date of contributions

(b) Each employer shall file with the commission within the time herein required for payment of contributions, a return and a report of wages of his workers in such form and containing such information as the commission shall prescribe for the purpose of administering this act. Return

(c) The commission for good cause may extend for not to exceed 60 days the time for making a return or paying without penalty any amount required to be paid under this act. Any employer to whom an extension is granted and who pays the amount required within the period for which the extension is granted shall pay, in addition to the contributions, interest at the rate of three per cent (3%) per annum from the date on which the payment would have been delinquent without the extension until the date of payment. Extension of time

(d) Any employer who without good cause fails to pay any contributions required of him or any contributions required of his workers, except amounts assessed under Sections 45.5 and 45.6, within the time required shall pay a penalty of 10 per cent of the amount of the contributions plus interest on the contributions at the rate of one-half per cent ($\frac{1}{2}\%$) per month or fraction thereof from and after the date of delinquency until paid. Failure to pay Penalty

(e) Any employer without good cause failing within 10 days after specific written demand to file in the form and within the time required by this act or the authorized rules and regulations a report of wages of each of his workers shall pay in addition to other amounts required, for each unreported wage item a penalty of one dollar (\$1) per month or fraction thereof, up to a maximum of three months; provided, however, that no penalty assessed against an employer with respect to any calendar quarter under this subsection shall be less than four dollars (\$4) or in excess of two hundred fifty dollars (\$250). Failure to pay after demand. Penalty

CHAPTER 560

Stats. 1933,
p 1226,
amended *An act to repeal Section 45.2 and to amend Section 45.1 of the Unemployment Insurance Act, relating to unemployment insurance and civil action for collection of delinquencies.*

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945]

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

Stats 1939,
p 2051

SECTION 1. Section 45.1 of the Unemployment Insurance Act is amended to read:

Civil action
against
defaulting
employer

Sec. 45.1. The employer and worker contributions, interest and penalties required under this act shall be collectible by civil action against the defaulting employer, in addition to any other procedures prescribed by this act. At any time within three years after any amount shown to be due in a return filed by an employing unit or any assessment made by the commission becomes delinquent or within three years after the first recording of an abstract under Section 45.9 or of a certificate under Section 45.10, the commission may bring an action in the courts of this State, of any other State, or of the United States in the name of the people of the State of California to collect the amount delinquent together with penalties and interest.

Preference

In any civil action brought by or against the commission, all of the courts of this State shall give preference to such action on their calendar over all civil litigation except equity cases, cases involving extraordinary writs, or summary proceedings.

Evidence

In any such action a certificate attested to by the commission or its duly authorized agent showing the delinquency shall be prima facie evidence of the payment by the employing unit of the amount of wages for employment by employers set forth therein; of the levy of the contributions; of the delinquency; and of the compliance by the commission with all the provisions of this act in relation to the computation and levy of the contributions specified in such certificate.

Stats. 1943,
p 3054

SEC. 2. Section 45.2 of said act is repealed.

CHAPTER 561

An act to repeal Section 45.5 of, and to add Section 45.5 to the Unemployment Insurance Act, relating to assessments thereunder and administrative proceedings on petitions for reassessment.

Stats 1935,
p 1226,
amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 45.5 of the Unemployment Insurance Act is repealed. Stats. 1943,
p. 3054

SEC. 2. Section 45.5 is added to the Unemployment Insurance Act, to read: New section

Sec. 45.5. (a) If any employing unit fails to make a return as required by this act the commission shall make an estimate based upon any information in its possession or that may come into its possession of the amount of wages paid for employment in the period or periods for which no return was filed and upon the basis of such estimate shall compute and assess the amounts of employer and worker contributions payable by the employing unit, adding thereto a penalty of 10 per cent of the amount of contributions. Assessment
when no
return filed

Penalty

(b) If the commission is not satisfied with the return or returns made by any employing unit of the amount of employer or wage earner contributions, it may compute the amount required to be paid upon the basis of facts contained in the return or returns or upon the basis of any information in its possession or that may come into its possession and make an assessment of the amount of the deficiency. If any part of the deficiency is due to negligence or intentional disregard of this act or the authorized rules and regulations, a penalty of 10 per cent of the amount of the deficiency shall be added thereto. Unsatisfac-
tory return

Penalty for
negligence,
etc

(c) If the failure of the employing unit to file a return or if any part of the deficiency for which an assessment is made is due to fraud or an intent to evade this act or the authorized rules and regulations, a penalty of 25 per cent of the amount of contributions assessed shall be added thereto. Fraud, etc

(d) The amount of each assessment exclusive of penalty shall bear interest at the rate of one-half per cent ($\frac{1}{2}\%$) per month or fraction thereof from and after the last day of the month following the close of the calendar quarter for which the contributions should have been returned until the date of payment. Interest on
assessment

(e) One or more assessments may be made for the amount due for one or for more than one period and overpayments may be offset against underpayments. The commission shall give to the employing unit against whom an assessment is made a written notice of the assessment. The notice may be served personally or by mail; if by mail, service of the notice Notice of
assessment

of any assessment in excess of three hundred dollars (\$300) shall be made by registered mail, otherwise such service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the employing unit at its address as it appears in the records of the commission. In case of service by mail of any notice required by this section, the service is complete at the time of deposit in the United States post office.

Same Time
limit

(f) Except in the case of failure without good cause to file a return, fraud or intent to evade this act or the authorized rules and regulations, every notice of assessment shall be made within three years after the last day of the month following the close of the calendar quarter during which the contribution liability included in the assessment accrued or within three years after the deficient return is filed, whichever period expires the later. An employing unit, however, may waive the limitation period herein prescribed or may consent to its extension.

Petition for
reassessment

(g) Any employing unit against whom an assessment is made under this section or any person directly interested may petition for reassessment within 30 days after service of notice of the assessment, provided that an additional 30 days for the filing of a petition may for good cause be granted by the commission. If a petition for reassessment is not filed within the 30-day period, or within the additional period granted by the commission, the assessment becomes final at the expiration of the period. If a petition is filed within the time herein prescribed, the appeals board shall review the assessment and if requested by the petitioner shall, unless a hearing has previously been afforded petitioner on the same grounds as set forth in the petition for reassessment, grant a hearing before the appeals board or its duly authorized representative, giving 10 days notice of the time and place of the hearing. The appeals board may decrease or increase the amount of the assessment but the amount may be increased only if a 10-day notice of the increase is given by the appeals board with opportunity for hearing before the appeals board with respect to such increase. The order or decision of the appeals board upon the petition for reassessment and the assessment become final 30 days after service upon the petitioner of notice of the order or decision. Notices shall be served in the same manner as notices of assessment.

Delinquent
assessments
Penalty

(h) Assessments under this section become delinquent if not paid on or before the date they become final. There shall be added to the amount of each delinquent assessment a penalty of ten per cent (10%) of the amount thereof exclusive of interest and penalties.

CHAPTER 562

An act to amend Section 45.6 of the Unemployment Insurance Act, relating to jeopardy assessments thereunder.

Stats. 1935,
p 1226,
amended

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 45.6 of the Unemployment Insurance Act is amended to read:

Stats 1939,
p 2051

Sec. 45.6. If the commission finds that the collection of any contributions or assessments imposed by or under this act will be jeopardized in any case where an employing unit has left or is about to leave the State of California, has discontinued or is about to discontinue business at any of its known places of business, has concealed or is about to conceal or dispose of the assets of the business, it shall thereupon make an assessment of such contribution (noting that fact upon the assessment levied hereunder), and the amount of such assessment shall be immediately due and payable, whether or not the time otherwise allowed by law, or authorized regulations has expired. If the amount of contribution, interest and penalty specified in the jeopardy assessment is not paid within 10 days after the service upon the employer by registered letter of notice of the assessment, such assessment becomes final at the expiration of such 10 days, unless a petition for reassessment is filed with the appeals board within the time provided for in this section. The penalties and interest as provided in Section 45.5 of this act in respect to assessments shall attach to the amount of the contributions specified therein.

Jeopardy
assessments

The employer against whom a jeopardy assessment is levied hereunder may petition for the reassessment thereof; provided, however, that such petition for reassessment must be filed with the commission within 10 days after the service upon the employer by registered letter of notice of the assessment; and provided further, that the employer must within said 10 days after demand deposit with the commission such security as it may deem necessary to insure compliance with the provisions of this act.

Petition for
reassessment

Security

Such security may be sold by the commission at public sale if it becomes necessary so to do in order to recover any contributions, interest or penalty due. Notice of such sale may be served upon the person who deposited such securities personally or by mail; if by mail, service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure and addressed to the person at his address as the same appears in the records of the department. Upon any such sale, the surplus, if any, above the amounts due under this act shall be returned to the person who deposited the security.

Sale of
security

CHAPTER 563

Stats 1935, p 1226, amended *An act to amend Section 45.7 of the Unemployment Insurance Act, relating to unemployment insurance and successors in interest under said act.*

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

Stats 1939,
p 2051

SECTION 1. Section 45.7 of the Unemployment Insurance Act is amended to read:

Acquisition
of business,
Unpaid con-
tributions

Sec. 45.7. Any individual or employing unit which acquires the organization, trade or business, or substantially all the assets thereof, of an employer shall withhold in trust money or other property sufficient in amount or value to cover the amount of any contributions, interest and penalties due or unpaid from such employer until such employer shall produce a receipt from the department showing that all amounts owing have been paid, or a certificate stating that no contributions, interest or penalties are due. Any such individual or employing unit which fails to withhold money or other property as above provided shall be personally liable for the payment of the contributions, interest and penalties due from such employer up to but not exceeding the purchase price; provided, however, that upon request of either of the parties to such acquisition the commission shall within seven days issue its said certificate, or issue a statement showing the amount of contribution claimed to be due, and the failure of the department to issue such certificate or such statement within said period of seven days shall be deemed equivalent to the issuance of a certificate stating that no contributions, interest or penalties are due. The issuance of any such receipt or certificate, or the failure to issue such certificate or statement within said period of seven days shall in no event release the employer from liability on account of any contributions, interest and penalties then or thereafter determined to be due from him, but shall release the acquiring individual or employing unit from any further liability on account of any such contributions, interest and penalties.

Liability

Commission's
certificate

CHAPTER 564

An act to amend Section 45.8 of the Unemployment Insurance Act, relating to the withholding of credits of a delinquent employer. Stats 1935, p 1226, amended

[Approved by Governor May 31, 1945 Filed with Secretary of State May 31, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 45.8 of the Unemployment Insurance Act is amended to read: Stats. 1939, p. 2051

Sec. 45.8. If any employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this act, the commission may, not later than three years after the payment became delinquent or within three years of the first recording of an abstract under Section 45.9 or of a certificate under Section 45.10, give notice of the amount of such delinquency by registered mail, to all persons having in their possession or under their control any credits or other personal property belonging to such delinquent employing unit, or owing any debts to such employing unit at the time of the receipt of the registered notice. Any person so notified shall neither transfer nor make any disposition of such credits or other personal property or debts until the commission shall have consented to a transfer or disposition, or until 20 days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the commission of any and all such credits, other personal property or debts, in their possession, under their control, or owing by them, as the case may be. Assets in possession of third person

Person as used in this section includes this State, any county, city and county, municipality, district or other political subdivision thereof. "Person"

CHAPTER 565

An act to amend Section 45.9 of the Unemployment Insurance Act, relating to recording of summary judgments. Stats 1935, p 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 45.9 of the Unemployment Insurance Act is amended to read: Stats. 1943, p. 3043

Sec. 45.9. (a) If any employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this act, the commission may, not later than three years after the payment became delinquent or within three Judgment for payments due: Certificate

- years of the first recording of an abstract under this section or of a certificate under Section 45.10, file in the office of the County Clerk of Sacramento County, or with the county clerk of the county in which the employer has his principal place of business, a certificate specifying the amount of the contributions, interest and penalty due, the name and last known address of the employer liable for the same, that the commission has complied with all the provisions of this act in relation to the computation and levy of the contributions, interest and penalty, and a request that judgment be entered against the employer in the amount of the contributions, interest and penalty set forth in the certificate. The county clerk immediately upon the filing of such certificate shall enter a judgment for the commission against the employer in the amount of the contributions, interest, and penalty set forth in the certificate. Such judgment may be filed by the county clerk in a loose-leaf book entitled "Unemployment Contributions Judgments."
- Entry**
- Recordation** (b) An abstract of such judgment or a copy thereof may be recorded with the county recorder of any county and from the time of such recording, the amount of the contributions, interest and penalty therein set forth shall constitute a lien upon all the property of the employer in such county, owned by him or which he may afterwards and before the lien expires acquire, which lien shall have the force, effect and priority of a judgment lien. Execution shall issue upon such a judgment upon request of the commission in the same manner as execution may issue upon other judgments and sales shall be held under such execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the commission or its authorized agents shall be empowered to act on behalf of the people of the State of California.
- Execution**
- Remedy cumulative** (c) It is expressly provided that the foregoing remedy of the commission shall be cumulative and that no action taken by the commission shall be or be construed to be an election on the part of the commission to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.
- Hearing**
- Notice** (d) Prior to the filing by the commission of the certificate provided for in this section, the delinquent employer shall be given an opportunity for oral hearing before the appeals board or its duly authorized representative. Notice of the time and place of such hearing must be mailed at least 15 days in advance thereof, and may be sent by registered mail addressed to the last known address of the delinquent employer. In the event the delinquent employer or his representative does not appear at such hearing or if an appearance is made but the delinquent employer does not establish to the satisfaction of the appeals board or its duly authorized representative that the amount of contributions, interest and penalties claimed to be due is erroneous, the commission may proceed forthwith to file the certificate provided for in this section. The hearing provided in this section shall not be required before the filing by the commission
- When not required**

of a certificate in the event the employer has previously been afforded a full hearing before the appeals board; the employer may however file an affidavit setting forth new and additional evidence, to establish that the contributions, interest and penalties sought to be collected are erroneous, and the appeals board may grant an additional hearing as provided in this section. New evidence

(e) Whenever any such judgment has been entered, and if thereafter the contributions upon which such judgment is based are paid or found to be erroneous, the commission shall immediately cause a satisfaction of judgment to be filed with the clerk who issued such judgment and a certified copy thereof to be recorded with the county recorder of each county wherein said judgment or a copy thereof has been recorded. Satisfaction of judgment

(f) The commission may at any time release all or any portion of the property subject to the lien of such judgment from such lien or subordinate the lien of the judgment to other liens and encumbrances if it determines that the taxes, interest and penalties are sufficiently secured by a lien on other property or that the release or subordination of the judgment lien will not endanger or jeopardize the collection of such taxes, interest and penalties. A certificate by the commission to the effect that any property has been released from such judgment lien or that such judgment lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the judgment lien has been subordinated as provided in the certificate. Release of judgment lien
Certificate

CHAPTER 566

An act to repeal Sections 45.10 and 45.11 of and to add Sections 45.10 and 45.11 to the Unemployment Insurance Act, relating to unemployment insurance, and procedures for collection of delinquencies, claims for refund, and authorizing civil action against the commission for recovery. Stats 1935,
p. 1226,
amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 45.10 and 45.11 of the Unemployment Insurance Act are repealed. Repeals

SEC. 2. Section 45.10 is added to said act, to read:

Sec. 45.10. (a) If an employing unit is delinquent in a payment of any contributions, penalties or interest provided for in this act, the commission may, not later than three years after the payment became delinquent, file for record in the office of any county recorder a certificate specifying the amount of contributions, interest and penalties due, the name and address as it appears on the records of the commission of the employing New section
Lien on real property
Certificate recorded

unit liable for the same and the fact that the commission has complied with all provisions of this act in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for three years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within three years from the date of the filing of the certificate or within three years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for three years unless sooner released or otherwise discharged.

Judgment
lien

Extension

Warrant for
enforcement

Expenses of
levying
warrant

Collection
of expenses

New section

Credit or
refund of
overpayments

Conditions

(b) At any time within three years after any employing unit is delinquent in the payment of any amount required to be paid by this act, or within three years after the last recording of an abstract under Section 45.9 or of a certificate under this section, the commission or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State under this act. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The commission shall pay the sheriff, marshal or constable, upon the completion of his services pursuant to a warrant, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The commission, and not the court, shall approve the fees for publication in a newspaper. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this act and may be collected from him by virtue of the warrant or in any other manner provided in this act for the collection of the tax.

SEC. 36. Section 45.11 is added to said act, to read:

Sec. 45.11. (a) If the commission determines that any amount of contributions, penalty or interest has been erroneously or illegally collected it shall set forth in its records the amount collected in excess of the amount legally due and the name of the employing unit or other person by whom it was paid and shall if a claim has not already been filed give notice to such employing unit or other person of such amount. The excess amount shall be credited on any amounts then due from or accrued against the employing unit and the balance shall be refunded to the employing unit or its successor, administrators or executors. No refund or credit shall be allowed, however, unless

(1) A claim therefor is filed with the commission within three years from the last day of the calendar month following the close of the calendar quarter for which the overpayment was made or with respect to assessments made under Sections 45.5 or 45.6 of this act within six months after the assessments become final or within 60 days from the date of overpayment, whichever period expires the later, and

(2) The employing unit conforms to authorized rules and regulations with respect to the refund to workers entitled thereto of any moneys deducted by the employing unit under Section 44 of this act.

Every claim shall be in writing and shall state the specific grounds upon which the claim is founded. Failure to file a claim with the commission or after denial thereof by the commission, to file a petition for review with the appeals board within the time prescribed by this section constitutes a waiver of any demand against the State or the commission on account of overpayment.

Contents
of claim

Waiver of
demand

(b) The commission shall give notice to the claimant whenever it disallows any claim in whole or in part, notice to be served in the manner prescribed for service of notice of assessments under Section 45.5. Within 30 days of notice of disallowance, the claimant may file with the appeals board a petition for review of the claim. If the petition is filed within the time prescribed the appeal board shall review the claim and, if requested by the claimant, shall, unless a hearing has previously been afforded claimant on the same grounds on which the claim is based, grant a hearing before the board or its duly authorized representative, giving 10 days notice of the time and place of the hearing. Regardless of any prior proceedings, the claimant may file an affidavit setting forth new and additional evidence in support of his claim, and the appeals board may grant an additional hearing as provided in this section.

Disallowance
of claim

Petition for
review

(c) Interest shall be allowed and paid only to the extent that interest and penalties collected under this act are available therefor upon any overpayment of contributions at the rate of six per cent (6%) per annum from the date of overpayment to the date of the allowance of the refund or credit, provided, however that no interest shall be allowed if the commission determines that any overpayment has been made intentionally or by reason of negligence on the part of the employing unit.

Interest

(d) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding, in any court against this State or against any officer thereof to prevent or enjoin under this act the collection of any contribution sought to be collected. No suit or proceedings shall be maintained in any court for the recovery of any amount of contributions, interest or penalties alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been filed pursuant to this section. Within 90 days after the mailing of the notice of the action by the appeals board upon a claim filed pursuant to this section, the claimant may

Injunction
prohibited

Suit for
refund

Action to
recover
payment

Extension
of time

bring an action against the commission on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed, provided however that the commission may in writing extend for a period of not exceeding two years the time within which such action may be instituted if written request for such extension is filed with the commission within the 90-day period. Failure to bring action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments. If the commission fails within 60 days to mail notice of an action on a claim after the claim is filed the claimant may consider the claim denied and file a petition for review of the denial with the appeals board as set forth in this section. If the appeals board fails to mail notice of action on any petition for review within 90 days after such petition is filed with the appeals board the claimant may consider the claim disallowed and may bring an action against the commission as provided herein.

Judgment for
plaintiff:
Credit and
refund

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any contribution, interest and penalties due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed and paid only to the extent that interest and penalties collected under this act are available therefor, at the rate of 6 per cent per annum upon the amount of contributions found to have been illegally collected from the date of payment thereof to the date of such judgment.

CHAPTER 567

Stats 1935,
p 1226,
amended

An act to add Section 45.12 to the Unemployment Insurance Act, relating to the release or subordination of liens.

In effect
September
15, 1945

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

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

New section

SECTION 1. Section 45.12 is added to the Unemployment Insurance Act, to read:

Release of
property
subject to
judgment
lien

Sec. 45.12. The commission may at any time release all or any portion of the property subject to the lien of any judgment obtained under any provision of this act from such lien or subordinate the lien of the judgment to other liens and encumbrances if it determines that the taxes, interest and penalties are sufficiently secured by a lien on other property or that the release or subordination of the judgment lien will not endanger or jeopardize the collection of such taxes, interest and penalties.

Certificate

A certificate by the commission to the effect that any property

has been released from such judgment lien or that such judgment lien has been subordinated to other liens and shall be conclusive evidence that the property has been released or that the judgment lien has been subordinated as provided in the certificate.

CHAPTER 568

An act to repeal Section 46 of and to add Section 46 to the Unemployment Insurance Act, relating to priorities in insolvency proceedings.

Stats 1935,
p 1226,
amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 46 of the Unemployment Insurance Act is repealed.

Stats 1937,
p 2067

SEC. 2. Section 46 is added to said act to read:

New section

Sec. 46. The wage-earner and employer contributions required to be paid by any employing unit under this act, together with interest and penalties, shall be satisfied first in any of the following cases:

Preference:
Contribu-
tions, etc.

(a) Whenever the employing unit is insolvent.

(b) Whenever the employing unit makes a voluntary assignment of his assets.

(c) Whenever the estate of the employing unit in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent employing unit required to pay any amount under this act are levied upon by process of law.

This section does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

Exception

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

Claims for
personal
services

CHAPTER 569

An act to amend Section 52 of the Unemployment Insurance Act, relating to benefit payments thereunder.

Stats. 1935,
p 1226,
amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 52 of the Unemployment Insurance Act is amended to read:

Stats. 1939,
p. 2146

Sec. 52. Benefits shall be payable from the unemployment fund to unemployed individuals who are eligible under this act.

Payment of
benefits

Such benefits shall be paid through public employment offices or such other agency as may be prescribed by authorized regulations. Minors who are eligible for benefits may be paid and receive benefits in their own right, and a receipt signed by such minor shall be valid and binding.

CHAPTER 570

Stats 1935
p. 1226,
amended

An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amounts payable thereunder.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

Stats 1943,
p. 3061

SECTION 1. Section 54 of the Unemployment Insurance Act is amended to read:

“Weekly
benefit
amount”

Sec. 54. An individual's “weekly benefit amount” shall be the amount appearing in Column B in the table set forth in this section on the line of which in Column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his base period in which such wages were the highest.

Table

A	B
Amount of wages in highest quarter	Weekly benefit amount
\$75.00-\$199.99 -----	\$10
200.00- 219.99 -----	11
220.00- 239.99 -----	12
240.00- 259.99 -----	13
260.00- 279.99 -----	14
280.00- 299.99 -----	15
300.00- 319.99 -----	16
320.00- 339.99 -----	17
340.00- 359.99 -----	18
360.00- 379.99 -----	19
380.00-and over -----	20

CHAPTER 571

An act to repeal Section 56.7 of and to add Sections 56.7 and 56.8 to the Unemployment Insurance Act, relating to cooperation between State and Federal agencies, and reciprocal arrangements with foreign governments. Stats 1935, p 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 56.7 of the Unemployment Insurance Act is repealed. Stats 1943, p 3052

SEC. 2. Section 56.7 is added to said act, to read :

New section

Sec. 56.7. The administration of this act and of other State and Federal unemployment compensation and public employment service laws will be promoted by cooperation between this State and such other States and the appropriate Federal agencies in exchanging services, and making available facilities and information. The commission is authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as the commission deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law, and in like manner, to accept and utilize information, services and facilities made available to this State by the agency charged with the administration of any such other unemployment compensation or public employment service law. Cooperation with other States and Federal agencies

Acts
authorized

SEC. 3. Section 56.8 is added to said act, to read :

New section

Sec. 56.8. To the extent permissible under the laws and Constitution of the United States, the commission is authorized to enter into or cooperate in arrangements whereby facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims and the payment of benefits under the Employment Security Law of this State or under a similar law of such government. Cooperation with foreign governments

CHAPTER 572

Stats 1935
p 1226,
amended

An act to amend Section 57 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

Stats 1939,
p 2146
See also
Stats 1945
Ch 1222

SECTION 1. Section 57 of the Unemployment Insurance Act is amended to read:

Prerequisites:
to eligibility.

Sec. 57. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

Claim

(a) A claim for benefits with respect to such week has been made in accordance with such regulations as the commission may prescribe.

Registration

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the commission may approve, except that either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs.

Ability to
work

(c) He was able to work and available for work for such week.

Waiting
period

(d) He has been unemployed for a waiting period of one week during his current benefit year. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further that the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purpose of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (d) and Section 53.

(e) He has during his base year earned wages for employment by employers of not less than three hundred dollars (\$300).

CHAPTER 573

An act to amend Section 60 of the Unemployment Insurance Act, relating to unemployment insurance and benefits payable under said act. Stats 1935, p 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 60 of the Unemployment Insurance Act is amended to read: Stats 1939, p 2146

Sec. 60. Any waiver by any person of any benefit or right under this act shall be invalid. Benefits under this act are not subject to assignment, release or commutation, and are exempt from all claims of creditors and from all process of law except collection thereof by the person entitled thereto in his own right. Any agreement by any individual in the employ of any person or concern to pay all or any portion of the contributions required of that person or concern as an employer under this act shall be void. Benefits due a deceased or legally declared incompetent person may be paid to such person or persons as appears to the commission to be legally entitled thereto in accordance with such authorized regulations as may be prescribed. Such payment shall be made upon affidavit executed by the person or persons claiming to be entitled to said benefits and the receipt of such affidavit or affidavits shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this section and shall fully discharge the commission from any further liability with reference thereto without the necessity of inquiring into the truth of any of the facts stated in the affidavit. Benefits Acts for-bidden
Same Due deceased or incompetent person

CHAPTER 574

An act to amend Section 64 of the Unemployment Insurance Act, relating to overpayments to benefit claimants. Stats 1935, p 1226, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 64 of the Unemployment Insurance Act is amended to read: Stats 1943, p 3051

Sec. 64. (a) Any person who is overpaid any amount as benefits under this act to which he is not entitled shall become liable for such amount, provided that in the absence of fraud, misrepresentation or wilful nondisclosure, such person shall not be liable for an amount of overpayment received without fault on his part where the recovery thereof would be against Liability for overpayment

Notice of overpayment equity and good conscience. Written notice of the amount of the overpayment and the basis thereof shall be given to the liable person, provided that any such notice, in the absence of fraud, misrepresentation, or wilful nondisclosure shall be mailed or personally served not later than one year after the close of the benefit year in which the purported overpayment was made.

Hearing Within 10 days from the date of mailing or serving of such notice such person may request a hearing before the appeals board.

Determination of amount (b) The appeals board after affording the person a hearing shall review the matter and shall determine what amount, if any, shall be recovered.

Action to recover (c) The commission subject to the provisions of subsections (a) and (b) may recover the amount of overpayment by filing within one year after the notice of the overpayment a civil action, or by offsetting against any amount of benefits to which the liable person is entitled in any benefit year which begins during the one-year period next succeeding the date of such notice.

Offset

Benefits not recoverable (d) No person shall become liable for the amount of benefits received where such benefits were paid pursuant to a referee's decision which affirmed an initial determination or in accordance with a final decision of the appeals board, regardless of any further appeal. An employer's experience rating account shall not be charged with any benefits erroneously or unlawfully paid.

Experience rating

CHAPTER 575

Stats 1935, p. 1226, amended *An act to amend Sections 75, 90, 81 and 89 of the Unemployment Insurance Act, relating to unemployment insurance and the administration of said act.*

In effect September 15, 1945 [Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

Stats 1943, p. 3032 SECTION 1. Section 75 of the Unemployment Insurance Act is amended to read:

Adminis- tration Sec. 75. The Department of Employment is hereby created in the State Government, and the provisions of this act shall be administered by the California Employment Stabilization Commission, which is hereby created in said department. The commission may employ such assistance as seems to it necessary for the administration of this act subject to the provisions of the civil service laws and may delegate to any of its officers or employees such powers and duties as the commission may consider necessary for the proper administration of this act.

SEC. 2. Section 90 of said act is amended to read:

Sec. 90. (a) The commission, in addition to all other duties imposed and powers granted or implied by the provisions of this act:

Stats 1943,
p. 3032
Powers and
duties of
commission

(1) Shall keep such records of employment of eligible workers, contributions, penalties, claims, benefits, and payments as are necessary for the proper administration of this act, or advisable for proper understanding of its operation.

(2) May cause to be distributed to the public in any manner it determines feasible its rules, regulations and such other information as it considers desirable, and may advertise in newspapers of general circulation in this State for qualified applicants for work.

(3) May study and make recommendations as to the most effective methods of providing economic security through all forms of social insurance and to these ends carry on and publish the results of investigations and research studies.

(b) General and special rules and regulations for the administration of this act shall be adopted, amended or rescinded as follows:

Rules and
regulations

(1) Each chief of each division shall have the power and authority in the first instance to formulate rules and regulations or amendments or rescissions of rules and regulations pertaining to matters falling within the jurisdiction of that division. A general rule or regulation or the amendment or rescission of any general rule or regulation shall become effective 10 days after filing with the Secretary of State and publishing in one or more newspapers of general circulation in this State, unless an appeal is taken to the appeals board as hereinafter in this subsection provided. Special rules or amendments or rescissions of such rules shall become effective 10 days after mailing notice thereof to the last known address of the individual or concern affected thereby, unless an appeal is taken to the appeals board as hereinafter in this subsection provided.

(2) Prior to the filing with the Secretary of State or to the sending of notice referred to in the previous subparagraph of this subsection (b) the chief of such division shall hold a public hearing, of which proper notice has been given, at which any persons interested in such rule or regulation shall have an opportunity to be heard.

Same: Public
hearing

(3) If at any such hearing any person opposes the proposed rule or regulation or amendment or rescission thereof, or if either of the commissioners who are designated also as chiefs of divisions opposes it, any such person or such commissioner may request a hearing before the appeals board. If such hearing is requested the matter shall be heard by the appeals board within 30 days from the date of such request, and the proposed rule or regulation or amendment or rescission thereof shall not become effective until and unless the appeals board has finally approved the same. If it does finally so approve then notice shall be given and the rule or regulation or amendment or rescission thereof shall become effective in the same manner and after

Hearing be-
fore appeals
board

the same period as provided in subparagraph (1) of this subsection (b).

Power of
appeals
board

(4) The appeals board shall have the power and authority to promulgate rules or amend or rescind rules pertaining to hearing appeals and other matters falling within the jurisdiction of the appeals board. Such rules shall become effective upon adoption by the appeals board and filing with the Secretary of State.

Stats 1943,
p 3032

Appeals
board
Proceedings
and decisions

SEC. 3. Section 81 of said act is amended to read:

Sec. 81. All meetings, hearings, and proceedings of the appeals board shall be public, and all decisions and orders shall be in writing. Such decisions shall contain a statement of the facts upon which the decision is based, and a statement of the decision itself and the reasons therefor. Such decisions shall be available for public inspection, and shall be published from time to time in such manner as to make the same available for public use, provided that the commission may make such reasonable charge for publications as it may deem necessary to defray the cost of publication and distribution thereof.

Stats 1937,
p 1226

Expense of
adminis-
tration

SEC. 4. Section 89 of said act is amended to read:

Sec. 89. The expense of the administration of this act shall be paid out of the Unemployment Administration Fund, unless otherwise provided for in this act.

CHAPTER 576

Stats 1935,
p. 1226,
amended

An act to amend Sections 66, 70, 71 and 72 of the Unemployment Insurance Act, relating to unemployment insurance and proceedings on disputed claims.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

Stats 1931,
p 3009

See also
Stats 1943,
Ch 1176

Claims
Printed
statements

SECTION 1. Section 66 of the Unemployment Insurance Act is amended to read:

Sec. 66. Claims for benefits shall be made in accordance with authorized regulations. Each employer shall post and maintain in places readily accessible to individuals in his service printed statements concerning such regulations or such other matters as may be prescribed. Each employer shall supply such individuals with copies of such printed statements or materials relating to claims for benefits as may be regulation be prescribed. Such printed statements shall be supplied by the commission to each employer without cost to him.

Stats 1939,
p 3009

Disputed
claims
Regulations
governing
hearings, etc

SEC. 2. Section 70 of said act is amended to read:

Sec. 70. The manner in which disputed claims shall be presented, the reports required thereon from the claimant and from any employing unit and the conduct of hearings and appeals shall be in accordance with rules prescribed by the appeals

board. The appeals board or its representative and referees in hearings and appeals need not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure but may conduct the hearings and appeals in such manner as to ascertain the substantial rights of the parties. A full and complete record shall be kept of all proceedings in connection with disputed claims. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

In any proceeding, hearing, investigation or in the discharge of any duties imposed under this act any member of the commission and any duly authorized deputy, referee or employee designated by the commission shall have the power to administer oaths, take depositions, certify to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records.

Obedience to subpoenas issued in accordance with this section by any member of the commission or by any duly authorized deputy, referee or employee may be enforced by application to the superior court as set forth in Section 353 of the Political Code.

No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the deputy, referee, or any duly authorized representative of the commission, or the commission, or any obedience to the subpoena of any of them in any cause or proceeding before such persons on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or any thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 3. Section 71 of said act is amended to read:

Sec. 71. Witnesses subpoenaed pursuant to this act shall be allowed fees in accordance with the provisions prescribed in Section 4300 (g) of the Political Code relative to proceedings in justices' courts. Such fees and all expenses incurred in any proceeding, hearing, review or investigation by the commission, or its representative or the appeals board or its representative, excepting charges for services by counsel or other agent representing claimant, employer, or other interested person, shall be deemed a part of the expenses of administering this act, and no individual claiming benefits shall be charged by the appeals board, or its authorized representative, fees of any kind in any procedure under this act. Any individual claiming benefits in any proceedings before the appeals board or its authorized representative may be represented by counsel or

Record

Oaths, etc

Obedience to
subpoenasImmunity
from prosecutionStats 1939,
p 3009Witness fees
and other
expenses

Counsel

other duly authorized agent but no such counsel or agent shall charge or receive for such services more than an amount approved by the appeals board. Any person who violates any provision of this section shall for each such violation be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or be imprisoned not more than six months or both.

Penalty

Costs on appeal

Penalty

Head of department powers

Stats 1939, p 3009
See also Stats 1945, Ch 1370

Appeal from referee's decision

No cost shall be awarded in hearings on appeal by the appeals board, but if in the opinion of the appeals board, the claimant or an employer has acted in bad faith and without reasonable basis for appeal, a penalty not exceeding 10 per cent of the amount finally awarded on the appeal may be taxed against and deducted from the award by the appeals board and shall be placed in the unemployment fund. In those cases where a penalty is assessed against an employer his account, as maintained under this act, shall be debited with the amount of the penalty so assessed. The commission and its duly authorized representatives in the enforcement of this act shall have the powers of a head of a department as set forth in Article 2, of Chapter 3, Title 1, Part 3 of the Political Code. For the purpose of any investigation, hearing or proceeding under this act, the commission may delegate its power in relation thereto to any deputy, referee, or other person properly authorized in writing by it.

SEC. 4. Section 72 of said act is amended to read :

Sec. 72. Any party to a decision by a referee may appeal to the appeals board from such decision. The appeals board may on its own motion affirm, modify, or set aside any decision of a referee on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence. The appeals board may remove to itself or transfer to another referee the proceedings on any claim pending before a referee.

CHAPTER 577

Stats 1937, p 1898, amended

An act adding Section 97 to the County Employees Retirement Act of 1937, relating to contributions of members who have been in the armed forces of the United States, declaring the urgency thereof, and that this act shall take immediate effect.

In effect immediately

[Approved by Governor May 31, 1945 Filed with Secretary of State May 31, 1945.]

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

New section

SECTION 1. Section 97 is added to the County Employees Retirement Act, to read :

Past due contributions Elections Election not to deduct

Sec. 97. If any member resigns to enter and does enter the armed forces of the United States during war or National emergency proclaimed by the President or the Congress of the United States or enters into such service under act of Congress providing for peacetime induction or conscription, and within

90 days after the termination of such service, reenters county service, or if any member obtains a leave of absence to enter and does enter the armed forces of the United States under such circumstances, and within one year after the termination of such leave of absence reenters county service, and such member has not contributed to the retirement fund the total percentage of his compensation earnable due under this act for the entire period during which he was out of service, he may, not less than 90 days after his reentrance into county service file with the board his election that no further contributions be deducted from his compensation except contributions due because of current service.

Unless such person has reentered the service as a new member or unless such person has filed such election, the county auditor or other officer charged with the duty of drawing salary or wage warrants shall deduct past due contributions as provided in the by-laws or regulations of the board, or if there are no such by-laws or regulations, as provided in this act. The filing of an election shall apply only to salary or wage warrants delivered 30 or more days after the filing of such election, and no refund of any deduction legally made shall be due because of such election.

If such member files such election, the auditor or other officer charged with the duty of drawing salary or wage warrants shall deduct current contributions only from salary or wage warrants delivered 30 or more days after the filing of such election. Such current contributions shall be calculated as if the age of such member were his actual age upon his first entry into the retirement system plus one month for every month for which no contribution was deducted.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and as such shall go into immediate effect.

The following is a statement of facts constituting such necessity:

Although the war is not yet over, nevertheless many persons in the armed forces of the United States have been, and are now being discharged who have and are now reentering county service in those counties which have adopted the provisions of the County Employees Retirement Act of 1937, of which this act is an amendment. Many of such persons because of low pay received while in such armed forces, numerous obligations accruing during their service in such armed forces, and other reasons, were unable to contribute the required percentage of their compensation earnable to the retirement fund, and upon their return to service, are or will be unable to do so. Unless this act takes immediate effect such persons who reenter county service prior to the ninety-first day after the adjournment of the Legislature will be compelled to sacrifice all credit for service prior to their entrance into the armed forces.

CHAPTER 578

An act adding Section 457 to the Health and Safety Code, relating to the duties of the county health officer.

In effect
September
15, 1945

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 457 is added to the Health and Safety Code, to read:

Advice to
body
managing
retirement
system

457. The county health officer shall advise on medical matters any board or body in which is vested the management of any county pension or retirement system. He shall attend the meetings of such board or body when such board or body requests him so to do.

CHAPTER 579

An act to amend Sections 9754, 9756 and 9760 of the Elections Code, relating to elections.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 9754 of the Elections Code is amended to read:

5th and 6th
class cities
List of names
of nominees

9754. In case of a municipal election to fill offices, the city clerk shall publish a list of the names of the nominees, in alphabetical order, or in the order in which they appear on the ballot, and the respective offices for which they have been nominated at least twice before the day of election in one or more daily or weekly newspapers published in the city. If there is no newspaper published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within that time in at least three public places in the city. This list shall be headed, "Nominees for public office," in conspicuous type, and be substantially in the following form:

Nominees for Public Office

Notice is hereby given that the following persons have been nominated for the offices hereinafter mentioned to be filled at the general municipal election to be held in the _____ of _____, on _____ the _____ day of _____, 19____.
(Here follow with the list of nominees.)

Dated, _____

City Clerk

SEC. 2. Section 9756 of the Elections Code is amended to read:

9756. Candidates may be nominated for any of the elective offices of the city in the manner following: Same Nomination of candidates

Not earlier than the sixtieth day nor later than 12 o'clock noon on the fortieth day before a municipal election, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than five nor more than 10 voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office and in the event he does so his signature shall count only on the first nomination paper filed which contains his signature. Signing more than one nomination paper Nomination papers subsequently filed and containing his signature shall be considered as though his signature does not appear thereon. Each seat on the governing body is a separate office. Circulation Any person registered to vote at the election may circulate a nomination paper. Where there are full terms and short terms to be filled, the term shall be specified. Specification of term

SEC. 3. Section 9760 of the Elections Code is amended to read:

9760. All nomination papers shall be filed with the city clerk not later than 12 o'clock noon on the fortieth day before the election. Same Filing nomination papers

CHAPTER 580

An act to amend Section 5503 of the Elections Code, relating to elections.

[Approved by Governor May 31, 1945 Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5503 of the Elections Code is amended to read:

5503. The county clerk shall furnish to the election officers: Supplies furnished to election officers

- (a) Original books of affidavits of registration.
- (b) Printed copies of the indexes.
- (c) Necessary printed blanks for roster and tally lists, tally lists, lists of voters, oath, and returns.
- (d) Envelopes in which to enclose returns.

(e) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots on which shall be printed necessary instructions, and the provisions of Sections 5512, 5513, 5560, 5561, 5705, 5706, 5714, 5716, 5718, 5720, 5731, 5732, 5733, 7003, 7004, 7012, 7014, 7016, 7017, 7018, 11501.

(f) A digest of the election laws with any further instructions the county clerk may desire to make. One copy shall be furnished to each election officer at the time of his appointment.

CHAPTER 581

An act to add Section 11123 to the Elections Code, relating to elections.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 11123 is added to the Elections Code, to read:

Recall:
Eligibility
to office

11123. A person who has been recalled, or who has resigned from office while recall proceedings were pending against him shall not be a candidate for, nor appointed to, such office within one year after his resignation or recall.

CHAPTER 582

An act to amend Section 4536 of the Elections Code, relating to elections.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 4536 of the Elections Code is amended to read:

Issuance of
certificate of
nomination

4536. No officer shall issue any certificate of nomination or election to any person until his campaign statement has been filed. No other statement of expenses at a primary shall be required.

CHAPTER 583

An act to amend Section 3712 of the Elections Code, relating to elections.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 3712 of the Elections Code is amended to read:

Number of
ballots:
—Official

3712. The clerk shall provide one official ballot for each registered voter in the election precinct, and for absentee and emergency purposes shall provide such additional number of ballots as may be necessary.

—Party

The number of party ballots to be furnished to any precinct for a primary election shall be computed from the number of

voters registered in that precinct as intending to affiliate with a party, and the number of nonpartisan ballots to be furnished to any precinct shall be computed from the number of voters registered in that precinct without statement of intention to affiliate with any of the parties participating in the primary election.

—Non-partisan

CHAPTER 584

An act to amend Section 5552 of the Elections Code, relating to elections.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 5552 of the Elections Code is amended to read:

See also
Stats. 1945,
Ch. 819

5552. Before opening the polls the precinct board shall post in separate convenient places, at or near the polling place and easy of access to the voters not less than two of the copies of the index to the book of affidavits of registration furnished for that precinct.

Index to
precinct book
to be posted

CHAPTER 585

An act to amend Section 7201 of, and to repeal Sections 7881 and 7882 of, the Elections Code, relating to elections.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 7201 of the Elections Code is amended to read:

7201. The package containing the voted ballots shall be kept by the county clerk, unopened and unaltered, for six months subsequent to the date of the declaration of the result of the election by the body canvassing the returns thereof.

Voted ballots

If a contest is not commenced within the six months' period, which may involve the vote of the precinct from which the package has been received, he shall destroy it, or have it destroyed, without being opened or its contents examined. This section also shall apply to absentee ballots and identification envelopes.

Destruction
of ballots

SEC. 2. Sections 7881 and 7882 of the Elections Code are hereby repealed.

Repeals

CHAPTER 586

An act to add Section 2180.1 to the Welfare and Institutions Code, relating to applications for aid to the aged.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 2180.1 is added to the Welfare and Institutions Code, to read:

Application
prior to
minimum age
of eligibility

2180.1. Application for aid under this chapter may be made within 60 days prior to the date on which the applicant will attain the minimum age of eligibility for such aid, and the application shall be promptly investigated and acted upon; but in no event shall the aid, if granted, be commenced as of a date prior to the date on which the applicant attains the minimum age of eligibility therefor.

CHAPTER 587

An act to amend Section 2163.2 of the Welfare and Institutions Code, relating to aid to the aged in respect to property qualifications of applicants and recipients.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 2163.2 of the Welfare and Institutions Code is amended to read:

Personal
property

2163.2. For the purposes of this chapter the term personal property shall not include personal effects of the applicant or recipient. Personal effects include clothing, furniture, household equipment, foodstuffs, and fuel, but do not include jewelry and items of similar character of a net value in excess of two hundred dollars (\$200).

CHAPTER 588

An act to amend Section 698.1 of the Fish and Game Code, relating to District 22.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 698.1 of the Fish and Game Code is amended to read:

District 22:
Taking fish,
etc.

698.1. Notwithstanding any other provisions of this code, in District 22 the taking of fish, mollusks, crustaceans, reptiles,

or amphibians shall be subject to rules and regulations prescribed, from time to time, by the commission. In the Colorado River, in District 22, the commission may prescribe such rules and regulations in agreement with the proper authorities of the State of Arizona.

CHAPTER 589

An act to amend Section 136d of the Bank Act, relating to the disposition of property held as trustee or in safekeeping by a bank, title insurance or trust company in process of liquidation, providing for the escheat thereof, authorizing the State Treasurer to act as a trustee for a trust company, bank, or title insurance company in liquidation, and making an appropriation.

Stats 1909, p. 87, amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 136d of the Bank Act is amended to read:

Stats 1941, p. 2712

136d. Upon the liquidating of any trust company or any bank or trust department of any bank, or upon the discontinuance of trust business by any trust company, bank or title insurance company, if said trust company, bank or title insurance company has in its possession money or other property held by such trust company, bank or title insurance company, in trust or in safekeeping and the beneficiaries or persons entitled to such money or other property are unknown, or can not be found, upon the approval of the superior court of the county in which the liquidation proceedings are pending or the principal office of such trust company, bank or title insurance company is situated, it may:

Liquidation: Property held for unknown persons

(a) In the case of money, deliver the same to the State Treasurer;

Money to State Treasurer

(b) In the case of other property, deliver the same to the State Controller for deposit in the State treasury; and at the same time it shall furnish to the State Controller a certified copy of the court order approving the delivery and a notice stating the amount of money delivered to the State Treasurer. Upon the receipt of money or other property by the State Treasurer, he shall issue a receipt for the same and said receipt shall be deemed a voucher in favor of the bank, trust company or title insurance company the same as though executed by the beneficiary or other person entitled to said property.

Other property to Controller

All money received by the State Treasurer pursuant to this section shall be deposited in the School Land Fund. All money or other property deposited pursuant to this section shall be recorded and accounted for by the State Controller.

Deposit by State Treasurer

Any person who claims the money or property so deposited with the State Treasurer shall file a verified petition in the

Petition by claimant

Certificate

Superior Court in and for the County of Sacramento, stating facts necessary for the court to determine his right thereto. At least 20 days before the hearing of the petition, a copy of the petition and notice of hearing must be served on the Attorney General, who may answer the same at his discretion. If, upon trial of the issues, the court is satisfied of the claimant's right or title to the money or property claimed, it shall grant him a certificate to that effect under its seal. Upon presentation of such certificate, the State Controller shall draw his warrant on the State Treasurer for the amount of money covered thereby, and if the certificate covered any property, upon presentation of such certificate the State Controller shall direct the State Treasurer to deliver the property to the claimant, and the certificate shall serve as sufficient authority for the delivery of the property to the claimant.

Claim in lieu of petition

Whenever the money claimed by any person, or the total value of property, including money claimed, is less than three hundred dollars (\$300) any such claimant may, in lieu of filing such petition, present his claim for the money or other property to the State Board of Control, stating facts necessary for the board to determine his right thereto. The board may, in its discretion, upon recommendation of the Attorney General, allow and order paid such claim, or order the delivery of the property to the claimant. When payment has been made or the property has been delivered under this section to any claimant, no suit shall thereafter be maintained by any other claimant against the State or any officer thereof for or on account of such money or property.

Appropriation

There is hereby appropriated out of the School Land Fund such moneys as are necessary to pay the warrants drawn by the State Controller upon presentation of the certificate of the superior court, or upon the order of the State Board of Control for the payment of a claim allowed by it, all as provided for in this section.

Escheat

Money or other property deposited with the Treasurer under the provisions of this section, if not claimed by the person or persons entitled thereto within five (5) years from the date of such deposit, shall become the property of the State of California by escheat and the Attorney General shall commence a proceeding on behalf of the State in the Superior Court for Sacramento County in accordance with Section 1268 of the Code of Civil Procedure to have it adjudged that the title to such property has vested in the State.

Upon escheat of such money or other property, the money and proceeds from the property shall be disposed of in the same manner as is provided by law for the disposal of estates of deceased persons which have escheated.

State Treasurer is substituted trustee

Upon the liquidating of any trust company or any bank or trust department of any bank, or upon the discontinuance of trust business by any trust company, bank or title insurance company, if said trust company, bank or title insurance company has in its possession money or other property held by such

trust company, bank or title insurance company, in trust or in safekeeping, and a new or substituted trustee for such trust company, bank or title insurance company can not be obtained, the superior court of the county in which the liquidator proceedings are pending or the principal office of such trust company, bank or title insurance company is situated, may designate the State Treasurer to act as a new or substituted trustee for such trust company, bank or title insurance company.

CHAPTER 590

An act to amend Section 788 of the Probate Code, relating to the sale of real property in probate.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 788 of the Probate Code is amended to read:

788. If, after the confirmation, the purchaser neglects or refuses to comply with the terms of the sale, the court, on motion of the executor or administrator, and after notice to the purchaser, in the manner directed by the court, may vacate the order of confirmation and order a resale of the property. Notice of such resale shall be given and proceedings thereafter shall be taken as in this article provided in the same manner as required for such sale in the first instance. If the amount realized on such resale does not cover the bid and the expenses of the previous sale, the defaulting purchaser at such previous sale is liable to the estate for the deficiency.

Failure of
purchaser to
complete sale

CHAPTER 591

An act to add Section 459.4 to the Vehicle Code, relating to local regulation of traffic in subways, tubes, tunnels or upon bridges or viaducts.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 459.4 is added to the Vehicle Code, to read:

459.4. Local regulation of traffic in subways, tubes or tunnels or upon bridges or viaducts.

Local
regulation of
traffic in
subways, etc.

The provisions of this division shall not prevent local authorities within the reasonable exercise of the police power from adopting rules and regulations by ordinance or resolution regulating vehicular and pedestrian traffic in subways, tubes or

tunnels or upon bridges or viaducts. Any such ordinance or resolution shall not be effective as to any State highway until approved in writing by the Department of Public Works.

No such rule or regulation shall be effective until appropriate signs have been posted giving notice thereof to drivers and pedestrians approaching such highway structures.

CHAPTER 592

An act to amend Section 493 of the Fish and Game Code, relating to night fishing.

In effect
September
15, 1945

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 493 of the Fish and Game Code is amended to read:

Night fishing 493. In Districts 1, 1 $\frac{1}{2}$, 1 $\frac{3}{8}$, 1 $\frac{1}{2}$, 1 $\frac{3}{4}$, 2, 2 $\frac{1}{4}$, 2 $\frac{1}{2}$, 2 $\frac{3}{4}$, 3, 3 $\frac{1}{2}$, 4, 4 $\frac{1}{2}$, 4 $\frac{3}{4}$, 5, 12A, 22, 23, 25, 101, 102, 103.5, 103.6, 103.7, 103.9, Klamath River District, and Trinity and Klamath River District, it is unlawful to take fish for which a sporting fishing license is required, between one hour after sunset of any one day, and one hour before sunrise of the following day.

CHAPTER 593

An act to amend Section 1174 of the Code of Civil Procedure, relating to judgments in proceedings for forcible entry, forcible or unlawful detainer.

In effect
September
15, 1945

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 1174 of the Code of Civil Procedure is amended to read:

Judgment 1174. If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by Section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited.

The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or the forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and the rent found due, or for three times the amount so found. Damages

When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, and the notice required by Section 1161 has not stated the election of the landlord to declare the forfeiture thereof, the court may, and, if the lease or agreement is in writing, is for a term of more than one year, and does not contain a forfeiture clause, shall order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into the court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate. Execution stayed

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately. Satisfaction

CHAPTER 594

An act amending Sections 7103, 7136 and 8703 of, and adding Sections 8722.1 and 10502.1, to the Education Code, relating to continuation high schools.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 8703 of the Education Code is hereby amended to read as follows:

8703. The high schools of the State are designated as four-year high schools, junior high schools, senior high schools, continuation high schools, and evening high schools. Designation of high schools

SEC. 2. A new section is hereby added to the Education Code, to be numbered 8722.1, to read as follows:

8722.1. Each high school district may, in addition to the schools provided for in Section 8722, establish and maintain one or more continuation high schools. Continuation high schools

SEC. 3. A new section is hereby added to the Education Code, to be numbered 10502.1, to read as follows:

Continuation
high school
courses

10502.1. The course for continuation high schools shall be designed to fit the needs of minors who are required to attend part-time continuation classes.

See also
Stats 1947
Ch 1400
Apportionment
of
State High
School Fund
to high
school
district

SEC. 4. Section 7103 of said code is amended to read:

7103. He shall apportion to each high school district two thousand two hundred dollars (\$2,200) for each evening high school and for each continuation high school and one thousand one hundred dollars (\$1,100) for each evening junior college maintained during the preceding school year. The apportionment shall be made only for evening high schools and junior colleges and continuation high schools which comply with all requirements made by the State Board of Education.

See also
Stats 1945,
Ch. 1400
Apportionment
from
State General
Fund
for high
school
district

SEC. 5. Section 7136 of said code is amended to read:

7136. He shall allow for each high school district one thousand dollars (\$1,000) for each evening high school and for each continuation high school, and five hundred dollars (\$500) for each evening junior college maintained during the preceding school year. The apportionment shall be made only for evening high schools and junior colleges and continuation high schools which comply with all requirements made by the State Board of Education.

CHAPTER 595

An act amending Section 9032 of the Education Code, relating to continuation education classes.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

SECTION 1. Section 9032 of the Education Code is hereby amended to read as follows:

Mandatory
classes

9032. The governing board of each high school district shall establish and maintain special continuation education classes whenever there are any minors residing within the high school district who are subject to compulsory continuation education; provided that if there are less than 50 such minors, they may be enrolled in regular high school classes or in approved correspondence courses, home-study, or such other educational program as the governing board is authorized to, and may provide; and provided further that minors living more than two miles from the schoolhouse by the nearest traveled road may be exempted by the governing board of said district.

Number of
minors

Exempt
minors

CHAPTER 596

An act to amend Section 754.5 of the Probate Code, relating to the sale of personal and real property as a unit.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 754.5 of the Probate Code is amended to read:

754.5. When personal property has been used upon the premises of any parcel of real estate the executor or administrator may in his discretion sell both such personal property and the real estate as a unit and under one bid, except that no private sale of such personal property and of such real estate as a unit may be made for less than 90 per cent of the sum of the appraised value of such personal property and the appraised value of such real estate, appraised separately. Any such sale shall otherwise be made in the manner provided for the sale of real estate, the bid and sale to be subject to the limitations and restrictions established for the sale of real estate.

Sale of personal property and realty as unit

CHAPTER 597

An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1346 of the Fish and Game Code is amended to read:

1346. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the sex and total numbers that may be taken during any open season for the taking of antelope (*antilopocapra americana*) under such rules and regulations as the commission may prescribe from time to time. Only citizens and bona fide residents of the State of California, possessing a valid hunting license and over the age of sixteen (16) years may obtain a license for the taking of said antelope. The fee for said license is seven dollars (\$7). The fees provided herein shall be deposited in the Fish and Game Preservation Fund, and shall be expended in addition to moneys provided in the Budget for salaries of the Division of Fish and Game for the expense of enforcing the provisions of this section.

Antelope

The provisions of Section 1275.5 of this code shall apply to the possession of antelope meat.

CHAPTER 598

An act to amend Sections 407, 408 and 409 of the Fish and Game Code, relating to licenses.

In effect
January 1,
1946

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 407 of the Fish and Game Code is amended to read:

Credit
agents

407. The commission may issue and deliver licenses, for distribution, to any person except a fish and game commissioner or a person employed in the Division of Fish and Game without receiving full payment therefor, upon application of such person, and upon the giving of a bond as provided in this article, in which event such person shall be allowed as compensation of the Fish and Game Preservation Fund five (5) per cent of the amount accounted for.

SEC. 2. Section 408 of said code is amended to read:

Bond
required

408. Every person authorized to issue and sell licenses under the provisions of this article shall, when required by the commission, execute to the commission a bond in a sum equal to the value of the licenses delivered to such person. Said bond shall secure the faithful accounting and payment to the commission of the funds collected from the sale of the licenses and the faithful performance of the duties imposed upon him by this article. The commission may pay the premium on said bond out of the Fish and Game Preservation Fund.

SEC. 3. Section 409 of said code is amended to read:

Affidavit in
lieu of lost
or destroyed
licenses

409. The Division of Fish and Game or its authorized employees are authorized and permitted to accept from any bonded license agency an affidavit for settlement on its account in lieu of licenses that have been lost or destroyed. Such affidavits must show the value and classification of licenses, license numbers and causes of loss or destruction.

Effective
date

SEC. 4. This act shall take effect on January 1, 1946.

CHAPTER 599

An act to amend Section 5154 of the Public Resources Code, relating to use of parks and fair grounds for and expenditures for and revenues from fairs and expositions.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 5154 of the Public Resources Code is amended to read:

Granting
use, etc., of
park or fair
grounds for
exposition or
fair

5154. County boards of supervisors may grant the use, possession and management of any public park or fair grounds to any nonprofit corporation for the purpose of operating and managing, as agent of the county, any exposition or fair in aid

of which the granting of public money or other things of value has been authorized by the Constitution or laws of this State upon such terms and conditions and for such periods of time as the board may determine. The use, possession and management shall terminate not later than one year after the closing of the exposition or fair.

When such use, possession and management is granted the board may also allocate to such nonprofit corporation such sum of money it deems necessary to be used for advertising or promotional work in advance of holding such fair and for any other purpose incidental to the plans and preparation of the fair.

All funds received by such nonprofit corporation, except funds allocated for advertising, promotional work, or other incidental purposes pursuant to this section and funds specifically approved for disbursement by the board of supervisors, shall be deposited in the county treasury at the conclusion of the fair, and credited to a County Fair Fund. The moneys in the fund shall be used only for the purpose of conducting future fairs, and for capital outlay for fair grounds and fair ground facilities.

CHAPTER 600

An act to amend Section 1171 and to add Section 1184 to the Military and Veterans Code, relating to exemption of memorial districts from the provisions of the District Investigation Act of 1933.

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

Stats 1933,
p 2141
In effect
September
15, 1945

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

SECTION 1. Section 1171 of the Military and Veterans Code is amended to read:

1171. A memorial district may be established, maintained, governed, supported, and operated in the manner and for the purposes herein provided, and may exercise the powers and jurisdiction herein expressly granted or necessarily implied.

SEC. 2. Section 1184 is added to the Military and Veterans Code, to read:

1184. Any other provision of law to the contrary notwithstanding, no district formed or to be formed under the provisions of this chapter shall be subject to the District Investigation Act of 1933.

Formation,
etc. of
memorial
districts

Exempt from
District
Investigation
Act of 1933
Stats 1933,
p 2141

CHAPTER 601

An act to add Section 3300a to the Health and Safety Code, relating to State tuberculosis subsidies to counties.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 3300a is hereby added to the Health and Safety Code, to read:

Subsidy for
tuberculosis
wards and
hospitals

3300a. Each city, county, or group of counties that establishes and maintains a tuberculosis ward or hospital shall receive from the State the sum provided in Section 3300 of this code for each person suffering from tuberculosis, cared for at public expense in private hospitals or sanatoriums under contract with the city, county or group of counties, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the State for one year; except that the city, county, or group of counties is not entitled to receive this State aid unless the tuberculosis ward, hospital or sanatorium conforms to the regulations of and is approved by the Bureau of Tuberculosis.

Pay patients

The hospitals and sanatoriums shall be allowed to receive pay patients.

CHAPTER 602

An act to amend Sections 69 and 69a of the Civil Code and Section 10525 of the Health and Safety Code, relating to marriage.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 69 of the Civil Code is amended to read:

Marriage
licenses

69. All persons about to be joined in marriage must first obtain a license therefor, from a county clerk, which license must show:

1. The identity of the parties.
2. Their real and full names, and places of residence.
3. Their ages; and
4. Whether white, Mongolian, Negro, Malayan or mulatto.

Granting for-
bidden in
certain cases

No license must be granted when either of the parties, applicants therefor, is an imbecile, or insane, or is at the time of making the application, for said license, under the influence of any intoxicating liquor, or narcotic drug; and no license may be issued authorizing the marriage of a white person with a Negro, mulatto, Mongolian or member of the Malay race. If the male is under the age of 21 years, or the female is under the age of 18 years, and such person has not been previously

married, no license may be issued by the county clerk unless the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, is presented to him, duly verified by such parents, or parent, or guardian; and such consent must be filed by the clerk, and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters in this section enumerated, examine the applicants for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by them. Examination
of applicants

SEC. 2. Section 69a of said code is amended to read:

69a. All persons about to be joined in marriage must obtain from the county clerk of the county in which the license is issued, in addition to the license therefor provided for in Section 69 of the Civil Code, a certificate of registry as provided in Section 10526 of the Health and Safety Code which shall contain among other matters as near as can be ascertained, the race, color, age, name and surname, birthplace, residence of the parties to be married, number of marriage and condition of each, whether single, widowed, or divorced, the occupation of the parties, maiden name of the female, if previously married, the names and birthplaces of the parents of each, and the maiden name of the mother of each, which said certificate of registry shall be filled out as herein provided in the presence of the county clerk issuing the marriage license and shall then be presented to the person performing the ceremony and shall be filed by him with the county recorder of the county in which the license was issued within five days after the ceremony. Certificate
of registry

SEC. 3. Section 10525 of the Health and Safety Code is amended to read:

10525. Every person who performs a marriage ceremony in this State shall within five days after the ceremony file with the county recorder of the county in which the license was issued a certificate of registry of the marriage. Same

CHAPTER 603

An act to amend Section 154.3 of the Agricultural Code, relating to crop seed screenings.

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 154.3 of the Agricultural Code is hereby amended to read:

154.3. It is unlawful to move any seed screenings or cleanings from crop seed from the place they may be unless they first shall have been inspected by the commissioner and found to be free from the seed of any pest, or unless they have been processed by grinding, or otherwise, to render the seed of any pest Inspection
of seed
screenings

incapable of reproduction; said processing to be under the supervision of and to the satisfaction of the commissioner; provided further, that the commissioner may permit the movement of such seed screenings or cleanings for the purpose of destruction or processing. If upon inspection by the commissioner any seed screenings or cleanings from crop seed are found to contain the seed of any pest, the commissioner shall give notice thereof in writing to the person in possession requiring him within 60 days to process or destroy said screenings or cleanings as provided in this section. If the person so notified is not the owner of such screenings or cleanings, it shall be the duty of such person forthwith to transmit said notice to the owner, and to cause said screenings or cleanings to be processed or destroyed, as directed by the owner, in accordance with the provisions of this section. If the owner fails or neglects to direct the disposition of the screenings or cleanings within 10 days after the notice has been transmitted to him, the person in possession at his option may cause the screenings or cleanings to be processed, returning to the owner the value thereof less the cost of handling; or he may destroy the screenings or cleanings and shall not be held liable therefor by the owner.

**Public
nuisance**

Any lot of seed screenings or cleanings from crop seed containing the seed of any pest, together with its containers, is a public nuisance, and if not disposed of as provided in this section shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction.

**Abatement
action**

The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or denatured or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

Disposal

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal, or sale, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the seed screenings or cleanings from crop seed, or containers, which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; justices' courts of class A shall have original jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less.

CHAPTER 604

An act to amend Section 100 of the Agricultural Code, relating to quarantine and pest control definitions.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 100 of the Agricultural Code is hereby amended to read:

100. As used in this chapter:

Definitions

(a) "Pest" means any of the following that is or is liable to be dangerous or detrimental to the agricultural industry of the State:

"Pest"

(1) Any infectious, transmissible, or contagious disease of plants.

(2) Any form of animal life.

(3) Any form of vegetable life.

(b) "Plant" includes parts of plants, trees, plant products, shrubs, vines, fruits, vegetables, seeds, bulbs, stolons, tubers, corms, pips, cuttings, scions, buds, grafts, and fruit pits.

"Plant"

(c) "Nursery stock" means any plant for planting, propagation or ornamentation.

"Nursery
stock"

(d) "Shipment" means any article or thing, which may be, is being, or has been transported from one place to another place.

"Shipment"

(e) "Appliance" means any box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the growing, harvesting, handling, or transportation of any agricultural commodity.

"Appliance"

(f) "Crop seed" means the seed or seed-like fruits of grain, beans, flax, beets, onions or any other crop, whether or not intended for planting purposes.

"Crop seed"

CHAPTER 605

An act to add a new section, to be numbered 67, to the Agricultural Code, relating to duties of the director.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. A new section, to be numbered 67, is hereby added to the Agricultural Code, to read:

67. In those counties in which no commissioner has served, it shall be the duty of the director to perform the duties of commissioner in the same manner, to the same extent and with the

Duties of
director
where no
commissioner

same authority as if he had been the duly appointed commissioner therein. The board of supervisors of such counties shall reimburse the department for all expense incurred by the director, upon claim duly submitted, in fulfilling his responsibilities under the provisions of this section but not in excess of an amount established by agreement between the board of supervisors and the director in accordance with the provisions of Section 34 of this code or of Section 4041.11 of the Political Code.

CHAPTER 606

An act to amend Sections 52.5 and 53 of the Agricultural Code, relating to the appointment, qualification, authority, and employment of persons serving as commissioners and deputy commissioners.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 52.5 of the Agricultural Code is hereby amended to read :

Employment
by other
county

52.5. The board of supervisors of any county in which there is no commissioner may employ a qualified commissioner or a qualified deputy commissioner of an adjoining county to perform the duties of commissioner in the employing county, but only with the consent of the board of supervisors of such adjoining county.

A person so employed shall have such authority and powers as are conferred upon a commissioner by the provisions of this code and notwithstanding any other provision of law shall not be required to comply with residence or other qualification for office within the employing county.

The rate and manner of payment of salary for a person so employed shall be fixed by the board of supervisors of the employing county and for his expense, office, field equipment and supplies said board shall be governed by the provisions of Sections 63 and 64.

SEC. 2. Section 53 of the Agricultural Code is hereby amended to read :

Examinations

53. The director shall cause to be examined persons desiring to become commissioners and deputy commissioners and may prescribe rules and regulations governing such examinations. Successful candidates shall be given a certificate of eligibility as evidence of their qualification, which certificate shall be valid for five years unless revoked. No person shall be appointed to the office of commissioner unless he has a certificate of eligibility from the department except as otherwise provided in this article. Certificates of qualified incumbents shall be renewed without further examination.

CHAPTER 607

An act to amend Section 34 of the Agricultural Code, relating to cooperative agreements.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 34 of the Agricultural Code is hereby amended to read:

34. The director may enter into cooperative agreements with individuals, associations, boards of supervisors, and with departments, divisions, bureaus, boards or commissions of this State or of the United States for the purpose of eradicating, controlling or destroying infectious diseases or pests within this State, or with boards of supervisors for the purpose of administering and enforcing the provisions of this code.

CHAPTER 608

An act to amend Section 110 of the Agricultural Code, relating to permits for pest shipment.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 110 of the Agricultural Code is amended to read:

110. It is unlawful to import into or ship or transport within the State, any live insect, except honey bees, or any pest as such except weeds for the purpose of identification, unless such shipment or transportation is authorized prior to shipment under written permit and the regulations of the director or the United States Department of Agriculture. Any unauthorized shipment shall be immediately destroyed unless it is determined by the inspecting officer that the nature of the contents is such that no damage can be caused to agriculture in this State through shipment out of the State or return to point of origin. In such case shipment out of the State or return to point of origin shall be allowed at the expense of the owner or bailee within the time specified by the inspecting officer.

CHAPTER 609

An act to amend Section 221 and to repeal Sections 234.25, 234.5, 240.5, 249, 250, and 251, respectively, of the Agricultural Code, relating to bovine tuberculosis.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

SECTION 1. Section 221 of the Agricultural Code is hereby amended to read:

Definitions:

221. As used in this article:

(a) "Tuberculin" means the product of the growth of the tubercle bacillus from any source, used or intended to be used in diagnosing tuberculosis in cattle.

(b) "Tuberculin test" means the use of tuberculin for the purpose of diagnosing tuberculosis in cattle.

(c) "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a tuberculin test or that is adjudged tuberculous on physical examination by an approved veterinarian.

(d) "Accredited herd" means a herd of cattle for which the owner holds a valid certificate of accreditation, issued to him by the United States Department of Agriculture and the department.

(e) "Tuberculosis control area" means an area established and delimited as such by proclamation of the department.

(f) "Grade animal" means an animal not identified in the herd book of any breed record association recognized by the United States Department of Agriculture.

(g) "Purebred animal" means an animal identified in the herd book of a breed record association recognized by the United States Department of Agriculture.

(h) "Premises" means any place where cattle have been or are kept.

(i) "Modified accredited area" means an area so declared by the Federal and State departments of agriculture.

(j) "Cattle" and "bovine animals" means neat cattle.

(k) "Approved veterinarian" means a veterinarian who has been granted permission by the department to buy, possess, or use tuberculin.

Repeals

SEC. 2. Sections 234.25, 234.5, as enacted by Chapter 723, Statutes 1933, 240.5, 249, 250, and 251 of the Agricultural Code are repealed.

CHAPTER 610

An act to amend Section 471 of the Agricultural Code, relating to cream.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945]

In effect September 15, 1945

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

SECTION 1. Section 471 of the Agricultural Code is hereby amended to read:

471. (a) Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force. It shall be fresh and clear, and shall contain not less than 20 per cent of milk fat and not more than 7 1/10 per cent of milk solids not fat in cream containing 20 per cent of milk fat and correspondingly less solids for greater percentages of milk fat.

The ratio of fat and solids not fat in cream shall be in the following proportions:

Fat, per cent	Solids not fat, per cent, not more than
20.0 to 30.0-----	7.8
30.1 to 35.0-----	7.5
35.1 to 40.0-----	7.0
40.1 and above-----	6.5

(b) Cream which does not conform to the requirements of market cream is manufacturing cream and may be repasteurized once.

(c) Manufacturing cream shall be classified into the following grades:

(1) First grade manufacturing cream is cream which is clean, smooth, free from undesirable flavors or odors, sweet or acid not more than three-tenths of 1 per cent acid (figured as lactic acid), and contains at least 30 per cent of milk fat.

(2) Second grade manufacturing cream is cream which has begun to ferment, has developed slightly undesirable flavors or odors or contains more than three-tenths and not more than six-tenths of 1 per cent acid (figured as lactic acid).

(3) Third grade manufacturing cream is cream which may be slightly foamy or curdy, has a distinct off-flavor, is old or contains more than six-tenths of 1 per cent acid (figured as lactic acid).

(d) Manufacturing cream which does not conform to the minimum requirements for third grade cream is not fit for human consumption.

(e) Manufacturing cream, when pasteurized, may be sold by a milk products plant to persons from whom the milk products plant purchases cream, and such cream, so sold, shall not be considered market cream. Such cream shall not be resold by such purchasers.

CHAPTER 611

An act to amend Sections 466 and 476 of the Agricultural Code, relating to milk.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 466 of the Agricultural Code is hereby amended to read:

Milk

466. (a) Milk is the lacteal secretion obtained from the udders of cows.

(b) Milk shall be produced from nonreacting tuberculin tested cows and shall conform to the rules and regulations adopted by the department. Milk shall be obtained by the complete milking of healthy cows, properly fed and kept, and shall not be obtained for human consumption within 15 days prior to or 5 days after parturition. Milk must contain not less than 8.15 per cent of solids not fat and must contain and may be standardized to a uniform milk fat content of not less than 3 per cent.

(c) Milk which does not conform to the requirements of market milk is manufacturing milk. Manufacturing milk shall be free from foreign substances; shall not contain any undesirable flavors or odors; and shall not contain more than 2,000,000 individual bacteria per cubic centimeter as found by the direct microscopic count. Manufacturing milk may be repasteurized once.

(d) Goat's milk is the lacteal secretion obtained from the udders of goats. It must be obtained by the complete milking of healthy goats and shall not be obtained during the period when it contains colostrum.

(e) Sheep's milk is the lacteal secretion obtained from the udders of ewes. It must be obtained by the complete milking of healthy ewes, and shall not be obtained during the period when it contains colostrum.

(f) Milk, goat's milk, or sheep's milk which does not conform to the requirements respectively for milk, goat's milk or sheep's milk, or which has been produced or handled in an insanitary dairy farm or milk products plant, or other insanitary place, or handled in an insanitary manner is unfit for human consumption.

SEC. 2. Section 476 of the Agricultural Code is hereby amended to read:

"Market
milk"

476. (a) "Market milk" is milk which is supplied to the consumer in the fluid state. Market milk, except as provided in Article 2, Chapter 2, Division 4, shall contain not less than 3.3 per cent of milk fat and not more than 25,000 bacteria per milliliter, if raw, and not more than 100,000 bacteria per milliliter before pasteurization, and not more than 15,000 bacteria per milliliter at time of delivery to the consumer, if pasteurized.

Market milk produced for sale under the supervision of a milk inspection service approved by the director or established and conducted by the director shall be in conformity with the provisions for the respective grades as defined in Article 2, Chapter 2 of Division 4 of the Agricultural Code. "Market milk" includes "market cream" except as otherwise specifically provided.

(b) It is unlawful to sell or otherwise dispose of market milk to the retail trade, unless said milk is contained in standard milk bottles or single service containers which have been mechanically filled and capped or sealed in a milk room properly designed and equipped as approved by the department. All receptacles, except single service containers, used to contain market milk shall be properly washed and sterilized on the premises where filled, in a separate room designed and equipped for said washing and sterilizing. For the purpose of this section "single service containers" are those which are only used once and are not refilled, shall be made of sanitary material, in a sanitary manner and shall be kept in a sanitary condition free from contamination until actually filled with market milk. Transferring of any market milk or of any buttermilk from one receptacle to another upon any highway, any street or sidewalk, or upon any vehicle or in any place except a milk room as specified above or except in a place where market milk or buttermilk is served for consumption on the premises, is prohibited.

CHAPTER 612

An act to amend Section 483 of the Agricultural Code, relating to guaranteed milk.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 483 of the Agricultural Code is hereby amended to read:

483. (a) Guaranteed raw milk is market milk which conforms to the following minimum requirements:

(1) The health of the cows shall be determined by physical examination at least once each month by an official representative of a milk inspection service approved or established by the director;

(2) It shall be produced on dairy farms which score not less than 90 per cent on the dairy farm score card;

(3) It shall be bottled on the premises where produced and delivered in containers having the pouring lip completely protected from contamination;

(4) It shall be cooled immediately after being drawn from the cow to 50 degrees Fahrenheit or less, and so maintained

Bacteria
count

until delivered to the consumer, at which time it shall contain not more than 10,000 bacteria per milliliter, and not less than $3\frac{1}{2}$ per cent of milk fat;

(5) It must be sold to the consumer within 30 hours after production and labeled to indicate the date of sale to the consumer. All persons who come in contact with the raw guaranteed milk must exercise scrupulous cleanliness and not be afflicted with any communicable disease or in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or any other communicable disease liable to be conveyed by the milk. The absence of such germs in all such persons shall be determined by bacteriological and physical examination by a health department maintaining an approved milk inspection service, or other person or laboratory approved in writing by the department, conducted at the time of employment and every six months thereafter in a manner approved by the director.

Guaranteed
pasteurized
milk

(b) Guaranteed pasteurized milk shall conform to all the requirements for raw guaranteed milk, except it need not be bottled where produced and except it shall contain not more than 3,000 bacteria per milliliter at the time of delivery to the consumer.

CHAPTER 613

An act to amend Section 484 of the Agricultural Code, relating to grade A raw milk.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

SECTION 1. Section 484 of the Agricultural Code is hereby amended to read:

Grade A
raw milk

484. (a) Grade A raw milk is market milk which conforms to the following minimum requirements:

(1) The health of the cows and goats shall be determined by physical examination at least once in two months by an official representative of a milk inspection service approved or established by the director;

(2) It shall be produced on dairy farms that score not less than 80 per cent on the dairy farm score card;

(3) It shall be cooled immediately after being drawn from the cow or goats to 50 degrees Fahrenheit or less, and so maintained until delivered to the consumer, at which time it shall contain not more than 15,000 bacteria per milliliter. All persons who come in contact with grade A raw milk must exercise scrupulous cleanliness and must not be afflicted with any communicable disease or be in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or other communicable diseases liable to be conveyed by milk. The absence of

such germs in all such persons may at the discretion of an approved or established milk inspection service be determined by bacteriological and physical examination in such manner as may be prescribed by the director and by such person or laboratory approved in writing by the department, conducted at the time of employment and every six months thereafter in a manner approved by the director.

(b) Grade A pasteurized milk is market milk which conforms to the following minimum requirements: The health of the cows or goats shall be determined by physical examination at least once in six months by an official representative of an approved milk inspection service; it shall be produced on dairy farms that score not less than 70 per cent on the dairy farm score card adopted by the department and it shall contain not more than 75,000 bacteria per milliliter before pasteurization and not more than 15,000 bacteria per milliliter at the time of delivery to the consumer.

CHAPTER 614

An act to amend Section 485 of the Agricultural Code, relating to the sale of milk.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
13, 1945

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

SECTION 1. Section 485 of the Agricultural Code is hereby amended to read:

485. It is unlawful to sell any milk as, or under the representation of, guaranteed or grade A milk, except under the supervision of a milk inspection service approved by the director or established and conducted by the director. A person authorized to sell market milk within the jurisdiction of a milk inspection service may sell market milk from the same supply, of the same quality, in similar containers, and under the same label in territory outside the jurisdiction of any milk inspection service, if local ordinances, not in conflict with the provisions of this division, are not thereby violated, and also in territory within the jurisdiction of any other milk inspection service; provided, that a permit in accordance with Section 500.5 has been previously obtained from such other milk inspection service. It is unlawful to sell in any city or county or any combination of cities and counties, in which a milk inspection service has been established, either by or with the approval of the director, any market milk other than graded milk as provided in this division.

Restriction
on sale of
certain milk

CHAPTER 615

An act to add a new section to the Agricultural Code, to be numbered 207.8, relating to dourine.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. A new section, to be numbered 207.8, is hereby added to the Agricultural Code, to read:

Quarantine
of animals
affected with
dourine

207.8. Notwithstanding any of the provisions of Sections 182 and 207.7, horses, mules, or other animals affected with dourine may be held in quarantine under regulations promulgated by the director.

CHAPTER 616

An act to amend Section 500.5 of the Agricultural Code, relating to dairy farm permits.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 500.5 of the Agricultural Code is hereby amended to read:

Permit for
dairy, etc.

500.5. Every person, engaged in the business of producing, processing, selling or distributing market milk, shall obtain a permit from the director or from the approved milk inspection service in whose jurisdiction the market milk is sold for each separate dairy, milk plant or place of business. Upon receipt of application for such permit, the director or approved milk inspection service shall cause an investigation to be made of the dairy, milk plant or place of business where milk is produced, sold or distributed and, in the case of a dairy, of the herd producing the milk.

Construction
standards

Minimum construction standards for new dairies and extensive repairs to existing dairies shall not be less than the requirements established by the director in accordance with the provisions of subdivision (b) of Section 498.

Issuance of
permit

If the provisions of this division and the standards established by or adopted pursuant to the authority granted in this division are complied with a permit shall be issued by the director or the approved milk inspection service, if the applicant's milk is to be sold or distributed within a city or county or combination thereof maintaining an approved milk inspection service, to such dairy, milk plant or place of business. Such permit shall expire at the end of the calendar year in which it is issued.

Expiration

CHAPTER 617

An act to amend Section 181 of the Agricultural Code, relating to diseased animals.

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 181 of the Agricultural Code is amended to read:

181. It is unlawful for any licensed veterinarian upon gaining information thereof, to fail to immediately report in writing to the director, the location, description, and name and address of the owner or person in charge, if known, of any animal or animals affected with any one of the following diseases: Glanders, anthrax, hog cholera, sheep scab, apthous fever, Texas fever, anaplasmosis, bovine bacillary hemoglobinuria, John's disease, cattle scab, equine encephalomyelitis, infectious equine anemia (swamp fever), dourine, swine erysipelas, trichomoniasis, vesicular exanthema of swine, vesicular stomatitis, or any other animal disease specified by the department.

Reports of
diseased
animals

Diseases

CHAPTER 618

An act to amend Section 690 of the Agricultural Code, relating to disposition of moneys.

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 690 of the Agricultural Code is hereby amended to read:

690. Until September 30, 1947, any moneys in the Department of Agriculture Fund derived under any provisions of the Milk and Milk Products Act of 1941 may be expended for the enforcement of any or all of the provisions of said act, notwithstanding any other provision of law limiting the expenditure of any such moneys to some specific purpose or to the enforcement of some specific section, article or chapter of said act.

Disposition
of moneys

Ch 1 to 6.
Div. 4,
Ag. C.

CHAPTER 619

An act to amend and renumber Section 509 of the Agricultural Code, as added by Chapter 436, Statutes 1943, to be numbered 509.1 of said code, relating to frozen products standards.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 509 of the Agricultural Code, as added by Chapter 436, Statutes 1943, is hereby amended, to read:

Effective
period

Milk fat in
ice cream

509.1. Notwithstanding any of the provisions of the foregoing Sections 506, 507, 508, and 509, until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever shall occur first, ice cream shall contain not less than 8 per cent of milk fat and not less than 1.4 pounds of food solids per gallon; french custard ice cream, cooked ice cream, ice custard, parfais and all similar frozen products shall contain not less than 8 per cent of milk fat; and ice milk shall contain not less than 1.1 pounds of food solids per gallon.

CHAPTER 620

An act to amend Section 643.2 of the Agricultural Code, relating to milk rooms.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 643.2 of the Agricultural Code is hereby amended to read:

Effective
period

Cleaning
of milk
containers

643.2. Notwithstanding the provisions of Section 643, until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, it shall be lawful to handle, wash, and sterilize milk containers and milk handling equipment in the same room where milk is separated, cooled, mixed, canned, or kept.

CHAPTER 621

An act to amend Section 35 of the Agricultural Code, relating to temporary provisions, conditions, standards or prices.

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 35 of the Agricultural Code is hereby amended to read:

35. The Legislature hereby declares that in order to protect the agricultural interests of the people of this State and to conserve the agricultural wealth of the State and protect the health and general welfare of our citizens during the continuance of the wars in which the United States is now engaged, and in order to maintain or enforce State laws, orders or regulations prescribing conditions, standards or prices it is necessary that provision be made for the formulation of conditions, standards, or prices to take the place of those conditions, standards or prices which are rendered ineffectual or unenforceable by reason of any conflict with a Federal law, order or regulation made under the Federal war powers.

Temporary
measures to
comply with
Federal
wartime
orders, etc.

Whenever the director shall be notified in writing by the Attorney General of this State that any provision, condition, standard or price established by or under authority of this code is in conflict with a Federal law, order or regulation made under the Federal war powers, and is thereby rendered ineffectual and unenforceable, he shall prepare proposed new provisions, conditions, standards or prices to take the place of such provisions, conditions, standards or prices declared by the Attorney General to be in conflict as aforesaid, and shall as soon as reasonably possible call a public hearing to consider the same at a place within the State that he deems suitable.

Notice of such hearing shall be given at least five days prior thereto by publication in a newspaper of general circulation printed and published in the County of Sacramento and in a similar newspaper printed and published in the county where such hearing is held.

At such hearing the director shall receive and hear the evidence of all interested persons which shall be taken under oath, and all written evidence and exhibits introduced at such hearing shall be preserved and open to inspection by any interested person.

If from the evidence and data produced at such hearing and from such other knowledge and information as the director may have he shall find in writing:

1. That the conflict between the existing provision, condition, standard or price and the Federal law, order or regulation and the consequent unenforceability of such provision, condition, standard or price seriously impairs or prevents the effectuation of the purpose and intent of such provision, condition, standard or price or of the statute of which it is a part;

2. That the effectuation of the purpose and intent of such provision, condition, standard or price or of the statute of which it is a part will be best served by the adoption of such new provision, condition, standard or price as will remove such conflict with the Federal law, order or regulation;

3. That the new provision, condition, standard or price is as similar to the existing provision, condition, standard or price as is reasonably possible without being in conflict with such Federal law, order or regulation;

4. That the new provision, condition, standard or price will protect the agricultural interests of the people of this State and conserve the agricultural wealth of the State and protect the health and general welfare of our citizens during the life of the Federal law, order or regulation in conflict with the existing provision, condition, standard or price;

Recommen-
dations to
Governor

Then, and upon such findings, the director shall transmit his determination and recommendations thereon to the Governor. The Governor shall review the determination and recommendations so submitted and if he finds that the purposes and objectives of this section are to be attained thereby shall issue an order formulating and making effective such new provision, condition, standard or price.

Such new provisions, conditions, standards or prices so formulated and made effective shall continue in force and effect only during the life of such Federal law, order or regulation in conflict with the original existing provision, condition, standard or price, and while in force and effect shall supersede the original existing provision, condition, standard or price and be administered and enforced by the director in the same manner and to the same extent, and violations thereof shall be subject to the same penalties, as provided in the case of such original existing provisions, conditions, standards or prices.

Upon the termination of this act all provisions, conditions, standards and prices formulated and made effective hereunder shall immediately terminate and cease and be of no further force or effect and any and all original existing provisions, conditions, standards or prices so temporarily superseded shall be and become in full force and effect as though no new provision, condition, standard or price had been formulated and made effective hereunder. The same shall be true at any sooner time upon the expiration of the life of any such conflicting Federal law, order or regulation as to the particular provisions, conditions, standards or prices affected thereby.

As used in this section, "director" means Director of Agriculture, except with reference to Article 1 of Chapter 3 of Division 5 and Article 4 of Chapter 8 of Division 5 of this code; and as to those articles only, "director" means Director of Public Health.

Effective
period

This article shall remain in force until the ninety-first day after final adjournment of the Fifty-seventh Regular Session

of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

CHAPTER 622

An act to amend Sections 130 and 140 of, and to add Sections 146.1 and 146.2 to, the Vehicle Code, relating to the registration and records of the department.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 130 of the Vehicle Code is amended to read:

130. Records of Department. (a) All records of the department relating to the registration of vehicles and such information as is contained on an application for an operator's or chauffeur's license shall be open to public inspection during office hours. Other records of the department relating to the physical or mental condition of any person shall be confidential. Records of department

(b) The department may charge the sum of ten cents (\$.10) for each application received by it requesting information concerning the registration of any vehicle. The department may sell stamps or coupons in appropriate denominations for the convenient enforcement of this section. Such stamps or coupons may be used to accompany requests for information in lieu of cash, but otherwise shall be nonredeemable and shall be canceled by the department upon granting the request for information. This subdivision does not apply to statistical information of the type heretofore compiled and distributed by the department nor to information, the purpose of which relates to traffic accidents or traffic offenses or traffic enforcement.

(c) The department shall have the right to sell copies of all or any part of its records at a charge sufficient to pay the actual cost to the department of such copies, the charge for such records and the conditions under which they may be sold to be determined by the Director of Motor Vehicles, with the approval of the Department of Finance.

(d) The department shall not make any charge for any copies of records, or for information given out from its records, to any county, city, or city and county, or to any State department, or Federal Government.

SEC. 2. Section 140 of the Vehicle Code is amended to read:

140. Misdemeanor to Violate Registration Requirements. Misdemeanor to violate registration requirements
It is a misdemeanor for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any

highway any vehicle of a type required to be registered hereunder which is not registered or for which the appropriate fee has not been paid as required hereunder, subject to such exceptions as are stated in this code.

This section does not apply:

(a) To the moving or operating of a vehicle not previously registered from a dealer's, distributor's, or manufacturer's place of business to a place where essential parts of the vehicle are to be altered or supplied.

(b) To the transportation of a vehicle upon a highway when no part of such vehicle is in contact with the highway.

(c) To the moving of a vehicle from a place of storage to another place of storage within a radius of 100 miles.

(d) To the moving of a vehicle which has been disabled as the result of an accident, for the purpose of repairs.

(e) To the moving or operating of a vehicle for the purpose of dismantling or wrecking the same and permanently removing it from the highways.

No vehicle shall be operated under the provisions of paragraphs (a), (c), (d) or (e) except under a special permit issued by the department.

SEC. 3. Section 146.1 is added to the Vehicle Code, to read:

146.1. Full Faith and Credit Granted Certificates of Title Issued by Other States. (a) Upon application for registration of a vehicle previously registered outside this State the department shall grant full faith and credit to the currently valid certificate of title describing such vehicle, the ownership thereof and any liens thereon, issued by the State in which the vehicle was last registered, provided the laws of such State provide for the notation upon such certificate of title of any and all liens and encumbrances other than those dependent upon possession.

(b) The acceptance by the department of a certificate of title issued by another State as herein provided in the absence of knowledge by the department that any said certificate is forged, fraudulent or void shall be a sufficient determination of the genuineness and regularity of such certificate and of the truth of the recitals therein and no liability shall be incurred by any officer or employee of the department by reason of so accepting any said certificate of title.

(c) In the event a certificate of title issued by another State shows any lien or encumbrance upon the vehicle therein described, then the department upon registering such vehicle in this State and upon issuing a certificate of ownership shall include therein the name of such lienholder as legal owner unless documents submitted with the foreign certificate of title establish that the lien or encumbrance has been fully satisfied.

(d) In the event application is made in California for registration of a vehicle from a State which issues only a registration card and does not issue a certificate of title and in the event the department is not satisfied as to the ownership of

Full faith
and credit
granted
certificates
of title
issued by
other States

the vehicle or the existence of foreign liens thereon, then the department may register the vehicle and issue a registration card of a distinctive color and license plates but shall withhold issuance of a California certificate of ownership unless and until the applicant shall present such documents as to reasonably satisfy the department of the applicant's ownership of the vehicle and as to any liens thereon or in the alternative the applicant shall file with the department a bond or securities in such form as determined by the department in an amount equal to the value of the vehicle, which bond or securities and the deposit thereof shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vehicle or person acquiring any lien thereon or the successor in interest of any said person against any loss or damage on account of any defect in or undisclosed encumbrance upon the right, title and interest of the applicant in and to the vehicle. Any such interested person shall have a right of action to recover on any such bond or securities for any breach of the conditions for which the same was deposited but the aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond. Such bond or securities shall be returned and surrendered at the end of three years or prior thereto in the event the vehicle is no longer registered in this State and the currently valid certificate of ownership is surrendered to the department.

SEC. 4. Section 146.2 is added to the Vehicle Code, to read:

146.2. Return of Documents When Registration Refused. In the event the department refuses to grant an application for registration in this State of a vehicle previously registered in another State the department shall immediately return to the applicant all documents submitted by the applicant with such application.

Return of
documents
when
registration
refused

CHAPTER 623

An act to amend Section 761.1 of the Agricultural Code, relating to canning tomato standards.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 761.1 of the Agricultural Code is amended to read:

761.1. The provisions of this article applying to tomatoes for canning purposes shall apply with like force and effect to tomatoes for dehydration, except as to requirements for minimum color or unless otherwise expressly distinguished.

Tomatoes for
dehydration

CHAPTER 624

An act to amend Sections 840 and 841 of the Fish and Game Code, relating to nets.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 840 of the Fish and Game Code is amended to read:

"Net"

840. As used in this code, "net" includes any gear made of any kind of twine, thread, string, rope, wire, wood or other materials used for the gilling, entangling, trapping, or impounding of fish, mollusks, or crustaceans.

SEC. 2. Section 841 of said code is amended to read:

"Set net"
and "set
line"

841. Any net or line that is made fast in any way and is not free to drift with the tide or current is a set net or set line. Any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore upon the receding of the tide is a set net. Fyke nets, shrimp nets or crab nets shall not be considered set nets.

CHAPTER 625

Stats. 1941,
p. 2732,
amended

An act to repeal Section 4 of an act entitled "An act to add Section 32.5 to the Insurance Code and to add Article 2.5 to Chapter 5, Part 2, Division 1 of said code, relating to life insurance and life insurance analysts," approved July 12, 1941, relating to insurance.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

Repeal

SECTION 1. Section 4 of the act cited in the title hereof is repealed.

CHAPTER 626

An act to amend Sections 10970, 11061, 11118, 11344, and 11345 of the Insurance Code, relating to fraternal benefit societies.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 10970 of the Insurance Code is amended to read:

Code
provisions
applicable to
fraternal
benefit
societies

10970. Fraternal benefit societies shall be governed by this chapter and shall be exempt from all other provisions of this code, except:

(a) Those provisions prior to Division 1 entitled "General Provisions."

(b) Section 10114.

(c) Articles 15, 16 and 17 of Chapter 1, Part 2, Division 1.

(d) Section 10112.

A statute relating to insurance shall not apply to them, unless they are expressly designated therein.

SEC. 2. Section 11118 of said code is amended to read:

11118. Every policy issued by any fraternal benefit society shall specify the amount of benefit provided by it, and shall provide that the following documents constitute the agreement between the society and the member:

(a) The policy.

(b) The corporation's charter or the association's articles of association, as the case may be.

(c) The constitution and laws of the society.

(d) The application for membership and medical examination, signed by the applicant. All statements purporting to be made by the member shall, in the absence of fraud, be representations and not warranties. Any waiver of this provision shall be void.

(e) All amendments to each such document.

SEC. 3. Section 11061 of said code is amended to read:

11061. For filing the application for each certificate of authority or renewal a domestic society shall pay the commissioner twenty dollars (\$20). A duly certified copy or duplicate of the certificate of authority is prima facie evidence that the licensee is a fraternal benefit society.

SEC. 4. Section 11344 of said code is amended to read:

11344. The value of the trustee assets referred to in Section 11343 shall be equal to the sum of

(a) All of the indebtedness of such society in the United States having a fixed maturity.

(b) The percentage, specified in subdivision (c), of that part of the tabular reserve specified in Section 11247, which is applicable to its United States business in force.

(c) If the valuation report prescribed by Section 11210 indicates that the degree of actuarial solvency of such society is 100 per cent or greater, the percentage prescribed in subdivision (b) is 100 per cent. Otherwise the percentage prescribed in subdivision (b) is that percentage, less than 100 per cent, which is indicated in such valuation report to be the degree of such society's actuarial solvency. Such society may maintain such trustee assets in excess of the value herein prescribed.

SEC. 5. Section 11345 of said code is amended to read:

11345. The provisions of Sections 1596 to 1598 inclusive shall apply to such society specified in Section 11343 and to the matters set forth in Sections 11343 and 11344.

CHAPTER 627

An act to amend Sections 1290, 1299, 1302, and 1307 of the Labor Code, relating to the employment of minors.

In effect
September
15, 1945

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 1290 of the Labor Code is amended to read:

Employment
of minors
under 16

1290. No minor under the age of 16 years shall be employed, permitted, or suffered to work in or in connection with any manufacturing establishment or other place of labor or employment at any time except as may be provided in this article or by the provisions of Division 8 of the Education Code.

SEC. 2. Section 1299 of said code is amended to read:

Records,
files, notices,
etc.

1299. Every person, or agent or officer thereof, employing either directly or indirectly through third persons minors under the age of 18 years, shall:

(a) Keep a separate register containing the names, ages, and addresses of such minor employees.

(b) Keep posted in a conspicuous place in every room where such minors are employed a notice stating the hours per day for each day of the week required of such minors.

(c) Keep on file all permits and certificates, either to work or to employ, issued under the provisions of this article or of Division 8 of the Education Code. Such records and files shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Statistics and Law Enforcement.

SEC. 3. Section 1302 of said code is amended to read:

Investiga-
tions by
attendance
or probation
officers

1302. The attendance officer of any county or school district in which any place of employment is situated, or the probation officer of such county, may at any time, enter such place of employment for the purpose of investigating violations of the provisions of this article or violations of the provisions of Division 8 of the Education Code. If an attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by the attendance or probation officer setting forth the fact that he has a good cause to believe that the provisions of this article or of Division 8 of the Education Code are being violated in such place of employment, issue an order directing the attendance or probation officer to enter the place of employment for the purpose of making such investigations.

SEC. 4. Section 1307 of said code is amended to read:

Custody of
minors
illegally at
work

1307. All minors coming within the provisions of Division 8 of the Education Code shall be placed or delivered into the custody of the school district authorities of the county or city in which they are found illegally at work.

CHAPTER 628

An act to amend the article heading of Article 2 of Chapter 1 of Part 1 of Division 2 and to repeal Sections 258 and 259 of the Labor Code, and to add Article 3, comprising Sections 270 to 272, inclusive, to said code, relating to payment of wages.

[Approved by Governor May 31, 1945 Filed with Secretary of State May 31, 1945.]

In effect September 15, 1945

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

SECTION 1. The article heading of Article 2 of Chapter 1 of Part 1 of Division 2 of the Labor Code is amended to read: Article heading

Article 2. Seasonal Labor

SEC. 2. Sections 258 and 259 of said code are repealed. Repeals

SEC. 3. Article 3, comprising Sections 270 to 272, inclusive, is added to Chapter 1 of Part 1 of Division 2 of said code, to read:

Article 3. Special Occupations

270. No person, or agent or officer thereof, engaged in the business of extracting or of extracting and refining or reducing minerals other than petroleum, except persons having a free and unencumbered title to the fee of the property being worked and except mining partnerships in respect to the members of the partnership, shall fail or neglect, before commencing work in any period for which a single payment of wages is made, to have on hand or on deposit with a bank or trust company, in the county where such property is located or if there is no bank or trust company in the county, then in the bank or trust company nearest the property, cash or readily salable securities of a market value sufficient to pay the wages of every person employed on the mining property, or in connection therewith, for such period. Wages in mining industries

Any person, or agent or officer thereof, who violates this section is guilty of a misdemeanor.

271. No person, or agent or officer thereof, engaged in the business of promoting a theatrical enterprise where living individuals are used or employed in the presentation, except persons having a free and unencumbered title to the fee of the property on which the theatrical enterprise is produced, shall fail or neglect, before producing such enterprise in any period for which a single payment of wages is made, to have on hand or on deposit with a bank or trust company, in the county in which such enterprise is to be produced, or if there is no bank or trust company in the county, then in the bank or trust company nearest the place where such enterprise is produced, cash Wages in theatrical enterprises

or readily salable securities of a market value sufficient to pay the wages of every individual used or employed in the production of such enterprise, or in connection therewith for such period. The provisions of this section shall not apply to the use or employment of individuals by a radio or television broadcasting enterprise; provided, there is on hand or on deposit with a bank or trust company in this State cash or readily salable securities of a market value sufficient to pay the wages of every individual used or employed in such enterprise, or in connection therewith.

Theatrical enterprise as used in this section means the production of any circus, vaudeville, carnival, revues, variety shows, musical comedies, operettas, opera, drama, theatrical, endurance contest, walkathon, marathon, derby, or other entertainments, exhibitions, or performances.

Penalty

Any person, or agent or officer thereof, who violates this section is guilty of a misdemeanor.

CHAPTER 629

An act to add Sections 3209.3, 3209.5 and 3209.6 to, the Labor Code, relating to workmen's compensation and insurance.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 3209.3 is added to the Labor Code, to read:

"Physician" 3209.3. Physician includes physicians and surgeons and osteopathic and chiropractic practitioners licensed by California State law and within the scope of their practice as defined by California State law.

SEC. 2. Section 3209.5 is added to said code, to read:

"Medical, surgical, and hospital treatment" 3209.5. Medical, surgical, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, includes but is not limited to services and supplies by osteopathic and chiropractic practitioners as licensed by California State law and within the scope of their practice as defined by law.

SEC. 3. Section 3209.6 is added to said code, to read:

Chiropractors 3209.6. The inclusion of chiropractors in Sections 3209.3 and 3209.5 does not imply any right or entitle any chiropractor to represent, advertise, or hold himself out as a physician.

CHAPTER 630

An act to amend Sections 6925, 6926, 6927, 6928, 6929, 6930, 6931, 6932, 6933, 6934, 6935, 6936, 6937, 6938, 6939, 6940, 6941, 6942, and 6943 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 6925 of the Business and Professions Code is amended to read: See also
Stats 1945,
Ch. 631

6925. The Secretary of State, the board, or any person aggrieved may file with the chief, the board or the Secretary of State, a written statement charging any licensee with specific acts of misconduct or violations of law. All such statements shall be referred to the chief for investigation and report. Charges
against
licensees

Upon completion of each investigation, the chief shall file the statement of charges together with his written findings thereon with the board.

It shall also be the duty of the chief to initiate and conduct investigations into the business and affairs of licensees on his own motion and report any evidence and findings of misconduct or violation of law to the board. Investi-
gations

SEC. 2. Section 6926 of said code is amended to read:

6926. If the board determines from the findings of the chief or otherwise, that substantial evidence exists of the guilt of the licensee charged, it shall prepare a written accusation setting forth in ordinary and concise language the acts or omissions with which the licensee is charged, to the end that the licensee will be able to identify the transaction and to prepare his defense. It shall specify the statutes and rules alleged to have been violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified by the presiding officer or by a majority of the board but may be verified upon information or belief. See also
Stats 1945,
Ch. 631
Formal
accusation

Should the board determine the evidence to be insufficient to warrant filing of a formal accusation it shall so order.

If the original statement of charges was filed by the Secretary of State or an aggrieved third person, a copy of the order shall be mailed to such complainant. If the accuser is dissatisfied with the order of the board, he may, within twenty (20) days after the mailing of the order, prepare and file with the board his own formal accusation against the licensee, which accusation shall conform to the requirements of an accusation prepared by the board except that it shall be verified by the accuser or someone in his behalf having personal knowledge of the facts alleged.

SEC. 3. Section 6927 of said code is amended to read:

6927. The board shall serve a copy of each formal accusation prepared by or filed with it on the licensee or licensees charged See also
Stats. 1945,
Ch 631
Service of
accusation

in the manner hereinafter provided. Each copy of the accusation shall be accompanied by a post card or other form entitled "Notice of Defense" which, when signed by or on behalf of the licensee and returned to the board, will acknowledge service of the accusation and constitute a notice of defense under Section 6928 of this chapter. The copy of the accusation shall include or be accompanied by a statement that the licensee may request a hearing by filing the notice of defense with the board within twenty (20) days after service of the accusation upon licensee and that failure to do so will constitute a waiver of the right to a hearing.

The accusation, notice and statement may be sent to the licensee by any means selected by the board. No order other than dismissal of the proceeding shall be made by the board in any case unless the licensee shall have been served personally or by registered mail with return receipt requested as hereafter provided, or unless he shall have filed a notice of defense or otherwise appeared. Personal service may be proved in the manner now or hereafter authorized in civil actions. Service by registered mail shall be effective if the notice is shown by a returned receipt to have been delivered to the licensee, or if the receipt shows that the licensee refused to receive the registered mail and if written notice of such refusal accompanied by the material originally sent is forthwith sent to licensee by ordinary mail. Service by registered mail shall be deemed complete on the date endorsed on the returned receipt by the post office as the date of delivery or the date of refusal.

See also
Stats. 1946,
Ch 631
Notice of
defense

SEC. 4. Section 6928 of said code is amended to read:

6928 Within twenty (20) days after service upon him of the accusation the licensee may file with the board a notice of defense in which he may:

- (1) Request a hearing;
- (2) Object to the accusation upon the ground that it does not state acts or omissions upon which the board may proceed;
- (3) Object to the form of the accusation on the ground that it is so indefinite or uncertain that he can not identify the transaction or prepare his defense.

Within the time specified licensee may file one or more notices of defense upon any or all of these grounds, but all such notices must be filed within that period unless the board in its discretion authorizes the filing of a later notice.

The licensee shall be entitled to a hearing on the merits if he files a notice of defense, and any such notice shall be deemed a specific denial of the accusation. Failure to file such notice shall constitute a waiver of licensee's right to a hearing, but the board in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in subsection (3) of this section, all objections to the form of the accusation shall be deemed waived.

The notice of defense shall be in writing but need not be verified or follow any particular form.

If the formal accusation was prepared and filed by any accuser other than the board, then the board shall forthwith mail a copy of the notice of defense to the accuser, and if the notice of defense objects to the sufficiency of the accusation pursuant to subsections (2) or (3) of this section, the board shall order the accuser to file an amended or supplemental accusation.

At any time before the matter is submitted for decision an amended or supplemental accusation may be filed and served in the same manner as the original accusation but without the notice of defense or statement required by Section 6927. If the amended or supplemental accusation presents new charges, the board may grant licensee a reasonable continuance to prepare his defense thereto, but he shall not be entitled to file a further pleading unless the board in its discretion so orders, in which event a copy of the further pleading shall be mailed to any third party accuser. Any new charges shall be deemed controverted and any objections to the amended or supplemental accusation may be made orally.

SEC. 5. Section 6929 of said code is amended to read:

6929. The board shall determine the time and place of hearing and shall have the power to grant continuances at any stage of the proceeding. The board shall deliver or mail a notice of hearing to the licensee at least ten (10) days prior to the hearing. The hearing shall not be prior to the expiration of the time within which the licensee is entitled to file a notice of defense.

In any case in which formal accusation was filed by a third party accuser, appropriate notice of the time and place of hearing shall likewise be given to such accuser who shall also be entitled to be present at the hearing, to be represented by counsel, to examine and cross-examine witnesses, present evidence and have subpoenas and subpoenas duces tecum issued in his behalf.

SEC. 6. Section 6930 of said code is amended to read:

6930. If the licensee fails to file a notice of defense or to appear at the hearing, the board may take disciplinary action based upon the licensee's express admissions or upon other evidence. Nothing herein shall be construed to deprive the licensee of the right to make any showing by way of mitigation.

SEC. 7. Section 6931 of said code is amended to read:

6931. Before the hearing has commenced any member of the board or the chief shall issue subpoenas and subpoenas duces tecum at the request of any party. After the hearing has commenced the board or the hearing officer may issue subpoenas and subpoenas duces tecum.

Such process shall extend to all parts of the State and may be served in the manner provided for service of accusations in Section 6927 of this chapter. No witness shall be obliged to attend at a place out of the county in which he resides unless the distance be less than one hundred (100) miles from his place of residence.

Amended
accusaton

See also
Stats 1945,
Ch 631
Notice of
hearing

See also
Stats 1945,
Ch 631
Default
hearings

See also
Stats 1945,
Ch 631
Witnesses

Each witness who shall appear at a hearing pursuant to subpoena or subpoena duces tecum, other than a party or an officer or employee of the State or any political subdivision thereof, shall receive fees and mileage in the same amount and under the same circumstances as are now or hereafter may be prescribed by law for witnesses in civil actions in a superior court. Fees shall be paid by the party at whose request the witness is subpoenaed.

See also
Stats 1945,
Ch. 631
Depositions

SEC. 8. Section 6932 of said code is amended to read:

6932. The board may, upon the verified petition of any party, or on its own motion, order that the testimony of any material witness residing within or without the State be taken by deposition in the manner now or hereafter prescribed by law for depositions in civil actions. The petition shall set forth the nature of the pending proceeding; the name and address of the witness whose testimony is desired; a showing of the materiality of his testimony; a showing that the witness will be unable or can not be compelled to attend; and shall request an order requiring the witness to appear and testify before an officer named in the petition for that purpose. Where the witness resides outside of the State and where the board has ordered the taking of his testimony by deposition, the board shall obtain an order of court to that effect by filing a petition therefor in the superior court. The proceedings thereon shall be in accordance with the provisions of Section 353 of the Political Code.

See also
Stats 1945,
Ch. 631
Hearing
officers

SEC. 9. Section 6933 of said code is amended to read:

6933. All contested cases shall be heard by the board and presided over by the hearing officer. The hearing officer shall rule on the admission and exclusion of evidence, conduct the order of hearing, and exercise such other powers relating to the hearing as may be expressly delegated to him by the board.

The hearing officer in any case shall be any member of the board who is also an attorney at law duly licensed to practice in this State, or any attorney at law licensed to practice in California who may be selected by the board to preside at a particular case in the event an attorney board member is not available.

Any hearing officer or board member shall voluntarily withdraw from any case in which he is subject to disqualification. Any party may request the disqualification of any hearing officer or board member by filing an affidavit, prior to the taking of evidence at a hearing, setting forth with particularity the grounds of the alleged disqualification. Where the request concerns a board member the question of qualification shall be determined by the other members of the board, and where the request concerns a hearing officer the issue shall be determined by the hearing officer. No board member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the existence of a quorum qualified to act in the particular case.

See also
Stats 1945,
Ch 631
Evidence

SEC. 10. Section 6934 of said code is amended to read:

6934. Oral evidence shall be taken only on oath or affirmation. Each party shall have these rights: To call and examine

witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If the licensee does not testify in his own behalf he may be called and examined as if under cross-examination.

In any case investigated by the chief, it shall be the duty of the chief to present any evidence known to him which is material and relevant to the issues and charges involved. The evidence and testimony presented by the chief shall be subject to the same rules as other evidence.

The board and hearing officer shall not be bound by technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless sufficient for that purpose in civil actions. The board shall give effect to the rules of privilege to the same extent that they are now or hereafter may be recognized in civil actions, and it shall exclude irrelevant and unduly repetitious evidence.

SEC. 11. Section 6935 of said code is amended to read:

6935. Evidence may be introduced in affidavit form in lieu of oral testimony, provided that the opposing party shall have the right, on request made prior to submission, to cross-examine the affiant. At the time the affidavit is introduced a copy shall be delivered to the opposing party.

See also
Stats. 1945,
Ch. 631
Amendments

Prior to the hearing the board may mail or deliver any affidavits to the licensee, together with a statement that it proposes to introduce such affidavits at the hearing in lieu of oral testimony, and that unless licensee, within ten (10) days after such mailing or delivery, or the expiration of the time to request a hearing, whichever is later, files a request to cross-examine an affiant, the affidavit of that affiant may be introduced in evidence only if the right to cross-examine him is afforded at the hearing.

If licensee fails to file a notice of defense or to appear at the hearing affidavits may be filed on behalf of the board or third party accuser and may thereupon be used as proof without any notice to licensee.

SEC. 12. Section 6936 of said code is amended to read:

6936. In reaching a decision the board may take official notice, either before or after submission of the case, of any generally accepted technical or scientific matter within its special field, and of any fact which may be judicially noticed by the courts of this State. Parties shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any party shall be

See also
Stats. 1945,
Ch 631
Judicial
notice

given reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board in its discretion.

See also
Stats 1945,
Ch 631
Disobedience
of witness

SEC. 13. Section 6937 of said code is amended to read:

6937. If any person in proceedings before the board disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the board shall certify the facts to the superior court in and for the county where the proceedings are held. The court shall thereupon issue an attachment in the form usual in the superior court, directed to the sheriff of the county, commanding the sheriff to attach such person, to deliver to him a copy of the certified statement of facts and forthwith to bring him before the court. On the return of the attachment and the production of the person attached the superior court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed, and the person charged may purge himself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action before a superior court.

SEC. 14. Section 6938 of said code is amended to read:

Amendment
of accusation

6938. The board may order amendment of the accusation after submission of the case for decision. The licensee shall be given notice of the intended amendment and the opportunity to show that he will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence in his behalf.

SEC. 15. Section 6939 of said code is amended to read:

Decision by
board

6939. In contested cases the decision shall be made by the board. The hearing officer who presided at the hearing shall be present during the consideration of the case to assist and advise the board at its request. No member of the board who has not heard the evidence shall have the right to vote on the decision.

If no oral evidence is introduced in an uncontested case, the pleadings and written evidence may be circulated among the members of the board, and each member may vote by mail.

SEC. 16. Section 6940 of said code is amended to read:

Decision

6940. If it be found upon the hearing, or from the evidence in uncontested cases, that the licensee has wilfully violated any of the provisions of this chapter, or the rules and regulations established under it, or that he has been guilty of fraud or misrepresentation, or any act or omission inconsistent with the faithful discharge of his duties or obligations, or that a final judgment of conviction of felony has been entered against him, or that he has violated or failed to comply with any conditions imposed upon him by a decision of the board, the board shall, within thirty (30) days after final submission of the case, render the decision which may:

(a) Order the revocation of the license or licenses of the licensee or licensees accused.

(b) Order the license or licenses suspended for such period of time as may be designated.

(c) Impose upon the licensee or licensees compliance with such just and reasonable conditions as may be specified.

(d) Dismiss the accusation as to any one or more of the licensees accused.

SEC. 17. Section 6941 of said code is amended to read:

6941. The decision shall contain findings of fact, a determination of guilt or innocence and the penalty, if any. The findings may be stated in the language of pleadings. The decision shall be in writing and signed by a member of the board. Contents of
decision

A copy of the decision shall be delivered to each licensee charged personally or sent to him by registered mail and a copy shall be delivered in the same manner to any third party accuser involved. Service

The decision shall become effective thirty (30) days after it is delivered or mailed to the licensee or licensees accused unless a stay of execution is granted, or unless within that time a reconsideration is ordered. At any time before the decision becomes effective a stay of execution may be granted by the board or by any hearing officer designated by it. Effective
date
Stay of
execution

In the event reconsideration is not ordered or granted within said thirty (30) day period, then immediately upon the lapse of said period, or in the event reconsideration is ordered or granted, then upon rendition of the decision upon reconsideration, a copy of the decision together with a copy of any order staying execution, shall be filed with the Secretary of State who shall forthwith make appropriate entries in his record showing the license or licenses revoked or suspended as of the effective date of the decision or stay of execution, or make such other appropriate entries as may be consistent with the decision. Entry of
record

SEC. 18. Section 6942 of said code is amended to read:

6942. The board may reduce the penalty or reinstate a suspended license at any time with or without a hearing. Within thirty (30) days after the delivery or mailing of a decision to the licensee or licensees the board may order a reconsideration of all or part of the case on its own motion or on petition of a licensee accused. Such petition may be filed within fifteen (15) days after the delivery or mailing of the decision to the accused. The petition may be granted or denied in whole or in part by the board but if no action is taken within the time allowed the petition shall be deemed denied. A case may be reconsidered by the board on the basis of the existing record and such additional evidence as may be permitted. Reconsid-
eration

If a hearing is ordered on reconsideration, a copy of any petition for reconsideration, a copy of the order and notice of hearing on reconsideration, and a copy of the decision upon reconsideration shall be delivered to any third party accuser in the same manner as the original notice of hearing.

SEC. 19. Section 6943 of said code is amended to read:

Writ of
mandate

6943. Within thirty (30) days after the last day on which reconsideration can be ordered a petition for a writ of mandate may be filed in accordance with the provisions of the Code of Civil Procedure. The right to petition shall not be affected by the failure to seek reconsideration before the agency. The record of the proceedings, or such parts thereof as are designated by the petitioner shall be prepared by the board and shall be delivered to the petitioner upon the payment of the expense of preparation and certification thereof.

Effect
Stats 1945,
Ch 867

SEC. 20. The provisions of this act amending the Business and Professions Code shall become operative only if Senate Bill No. 705 is not enacted by the Legislature at its Fifty-sixth Session.

CHAPTER 631

An act to amend Sections 6925, 6926, and 6930, and to repeal Sections 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

See also
Stats. 1945,
Ch. 630

Charges
against
licensees

SECTION 1. Section 6925 of the Business and Professions Code is amended to read:

6925. The Secretary of State, the board, or any person aggrieved may file with the chief, the board, or the Secretary of State, a written statement charging any licensee with specific acts of misconduct or violations of law. All such statements shall be referred to the chief for investigation and report.

Upon completion of each investigation, the chief shall file the statement of charges, together with his written findings thereon, with the board.

Investi-
gations

It shall also be the duty of the chief to initiate and conduct investigations into the business and affairs of licensees on his own motion and report any evidence and findings of misconduct or violations of law to the board.

See also
Stats. 1945,
Ch. 630

Formal
disciplinary
action

SEC. 2. Section 6926 of said code is amended to read:

6926. If the board determines from the findings of the chief or otherwise, that the evidence is insufficient to warrant formal disciplinary action, it shall so order. Should the board determine that substantial evidence exists of the guilt of the licensee charged, it shall authorize formal disciplinary action. The proceedings shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 3. Section 6930 of said code is amended to read :

6930. If it be found upon the hearing, or from the evidence in uncontested cases, that the licensee has wilfully violated any of the provisions of this chapter, or the rules and regulations established under it, or that he has been guilty of fraud or misrepresentation, or any act or omission inconsistent with the faithful discharge of his duties or obligations, or that a final conviction of a felony has been entered against him, or that he has violated or failed to comply with any conditions imposed upon him by a decision of the board or a hearing officer, the board or the hearing officer, as the case may be, shall, within thirty (30) days after final submission of the case, render the decision which may :

See also
Stats. 1945,
Ch. 630
Decision

(a) Order the revocation of the license or licenses of the licensee or licensees accused.

(b) Order the license or licenses suspended for such period of time as may be specified.

(c) Impose upon the licensee or licensees compliance with such just and reasonable conditions as may be specified.

(d) Dismiss the accusation as to any one or more of the licensees accused.

In the event reconsideration is not ordered or granted within the time allowed therefor, then immediately upon the lapse of such period, or in the event reconsideration is ordered or granted, then upon rendition of the decision upon reconsideration a copy of the decision together with a copy of any order staying execution shall be filed with the Secretary of State who shall forthwith make appropriate entries in his records showing the license or licenses revoked or suspended as of the effective date of the decision or stay of execution, or make such other appropriate entries as may be consistent with the decision.

SEC. 4. The following sections of said code are repealed: 6927, 6928, 6929, 6931, 6932, 6933, 6934, 6935, 6936, and 6937.

Repeals

SEC. 5. The provisions of this act amending and repealing sections of the Business and Professions Code shall become operative only if Senate Bill No. 705 is enacted at the Fifty-sixth Session.

Effect
Stats. 1945,
Ch. 867

CHAPTER 632

An act to add Section 1001 to the Business and Professions Code, relating to chiropractors.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1001 is added to the Business and Professions Code, to read :

1001. In each year, the State Board of Chiropractic Examiners shall compile and may thereafter publish and sell a complete directory of all persons within the State who hold unforfeited and unrevoked certificates to practice chiropractic, and

Directory of
chiropractors

whose certificate in any manner authorizes the treatment of human beings for diseases, injuries, deformities, or any other physical or mental conditions.

Contents

The directory shall contain:

- (a) The following information concerning each such person:
1. The name and address of such person.
 2. The names and symbols indicating his title.
 3. The school, attendance at which qualified him for examination or admission to practice.

4. The date of the issuance of his certificate.

(b) The annual report of the board for the prior year.

(c) Information relating to other laws of this State and the United States which the board determines to be of interest to persons licensed to practice chiropractic.

(d) Copies of opinions of the Attorney General relating to the practice of chiropractic.

(e) Copy of the provisions of this chapter and copy of the act cited in Section 1000.

Furnishing
information

The board may require the persons designated in this section to furnish such information as it may deem necessary to enable it to compile the directory. Every person so designated shall report immediately each and every change of residence, giving both his old and new address.

Evidence

The directory shall be evidence of the right of the persons named in it to practice unless his certificate to practice chiropractic has been canceled, suspended or revoked. The board

Cost

may collect from each person who voluntarily subscribes to or purchases a copy of the directory the cost of publication and distribution thereof.

CHAPTER 633

An act to amend Section 4653.1 of the Revenue and Taxation Code, relating to the distribution of the proceeds from the sale and redemption of tax-sold and tax-deeded property.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

SECTION 1. Section 4653.1 of the Revenue and Taxation Code is amended to read:

"State
Redemption
Tax Fund"

4653.1. There shall be distributed to the State of California to be placed in the "State Redemption Tax Fund," which fund is hereby created, the following sums:

(a) One dollar (\$1) for all or any portion of the property described in one tax deed or one sale to the State redeemed.

(b) One dollar (\$1) for all or any portion of the property described in one tax deed to the State, sold to private parties or to a taxing agency.

If property is deeded to a taxing agency under a pro rata division agreement it shall not be deemed "sold" until resold by the taxing agency to a private party.

The one dollar (\$1) for property sold shall be paid from the total amount to be distributed. If the total amount is insufficient the one dollar (\$1) shall be reduced accordingly. The one dollar (\$1) for property redeemed shall be paid from redemption penalties and interest for the oldest year of delinquency and, if that is insufficient, then from redemption penalties and interest for each of the succeeding years in order. If the amount of all redemption penalties and interest does not equal one dollar (\$1) then the balance shall be paid from delinquency penalties for the first year of delinquency. If the total amount of redemption penalties and interest and delinquency penalties is insufficient, the one dollar (\$1) shall be reduced accordingly.

CHAPTER 634

An act to add Sections 3086.1, 3087.5, and 3088.5 to, the Welfare and Institutions Code, relating to aid to the needy blind, and providing for procedures and actions in relation thereto.

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3086.1 is added to the Welfare and Institutions Code, to read:

3086.1. No filing fee shall be required from an applicant for or recipient of aid under this chapter for the filing of a petition in the superior court for a review of the proceedings in his case. Court review

Within ten (10) days after being served with notice of the filing of the petition, the State Department of Social Welfare shall cause to be filed with the clerk of the court the record of the proceedings in the case, and no further pleadings shall be required to bring the matter to issue.

No bond shall be required in the case of any petition for review, nor in any appeal therefrom.

If the decision of the court is in favor of the applicant for or recipient of aid, aid shall be paid from the first of the month following date of application therefor, and the applicant or recipient shall be entitled to reasonable attorney's fees and costs.

SEC. 2. Section 3087.5 is added to said code, to read:

3087.5. The board shall immediately notify the applicant in writing of its decision, and that he may, upon application to the board within 30 days, appear before the board at a time to be fixed by the board, and show cause why the action of the board is not satisfactory. The hearing shall be held within 30 days from the time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering Hearing by
board of
supervisors

its previous action shall be rendered within 15 days after the hearing.

The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the State Social Welfare Board, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the State Social Welfare Board until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the State Social Welfare Board. An applicant who does not apply for hearing before the board of supervisors may appeal directly to the State Social Welfare Board as provided in Section 3086.

SEC. 3. Section 3088.5 is added to said code, to read :

3088.5. If any applicant or recipient is dissatisfied with the action of the board of supervisors, without the necessity of the filing of a claim with the board of supervisors, he shall, upon filing a petition with the State Department of Social Welfare, have the right of appeal and shall be accorded an opportunity for a fair hearing. The Social Welfare Department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. At such hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel.

The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The county board of supervisors shall then pay to such blind person the sum awarded without such blind person establishing a present need, if any, by the State Social Welfare Board, the payments, if awarded, to commence from the date the applicant was first entitled thereto.

Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in no event shall the aid commence prior to the date of application.

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or an order of the State Department of Social Welfare, or until the condition because of which his application was rejected has been eliminated.

If the applicant or recipient feels himself aggrieved by any decision of the State Welfare Board, he may file with the superior court of the county in which he resides, a petition, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review is a distinct and cumulative remedy. The State Social Welfare Board shall be the sole respondent in such proceedings.

Appeal
to State
Department
of Social
Welfare

Commence-
ment of
payments

New appli-
cation

Court review

CHAPTER 635

An act to amend Sections 6301 to 6306, inclusive, and Section 6334 of the Education Code, relating to school district budgets.

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 6301 of the Education Code is amended to read:

6301. (a) Prior to the first day of July in each year, the governing board of each school district shall file with the county superintendent of schools a tabulation, showing all the purposes for which the school district will need money and the estimated amount of money that will be needed for each purpose for the next ensuing school year. These purposes shall be classified to set forth the data by functions and objects of expenditure within the general classes of administration, instruction, operation of plant, maintenance of plant, auxiliary services, community services, fixed charges, capital outlay, and expenditures proposed to be made from bonds or other income not yet authorized. Within the general classes of administration, instruction operation of plant, maintenance of plant, auxiliary agencies, and community services there shall be set forth as separate entries the amount of proposed expenditures for salaries and wages and maintenance and operation. Proposed capital outlay appropriations shall be set forth by land, building, and equipment classifications. Wherever a district has a special accumulative building fund, as provided in Article 5 of this chapter, the amount in such fund at the end of the last preceding school year, and the amount to be added during the ensuing school year, shall be shown.

(b) The tabulation shall also contain an amount to be known as the general reserve in such sum as the governing board may deem sufficient, for the next succeeding school year, to meet the cash requirements to which the district's credit may be legally extended for that portion of said next succeeding school year until adequate proceeds of the taxes levied for, or apportionment of State funds made to, the district during such succeeding school year are available to the district.

(c) The tabulation may also contain an amount to be known as the undistributed reserve. The funds in the undistributed reserve shall be available for appropriation by a two-thirds vote of the members of the governing board, to cover expenditures that have not been provided for or that may have been insufficiently provided for, or for unforeseen requirements as they may arise.

SEC. 2. Section 6302 of the Education Code is amended to read:

6302. (a) From the records of the county auditor, the county superintendent of schools shall secure the cash balances of the district or shall make estimates thereof if information on

Tabulation of
expenditures

General
reserve

Undistrib-
uted reserve

Cash bal-
ances and
estimated
expenditures

Apportionment of State funds

actual cash balances is not available, and shall enter these, as well as the estimated expenditures for the last preceding fiscal year; these estimated expenditures shall be set forth for comparison with the estimated requirements of the district in the order by functions as prescribed in Section 6301 (a). The cash balances shall be exclusive of receipts from bond sales and gifts or donations by reason of bond sales. The tabulation also shall show estimated apportionments from the State School Fund, the State High School Fund, the State Junior College Fund, the State Vocational Education Fund, and the State General Fund for the ensuing fiscal year, the actual income from these sources for the last preceding fiscal year also shall be shown.

Estimate of revenues

(b) In addition to the above information the governing board shall furnish the county superintendent of schools with an estimate of the revenues from sources other than taxes on property anticipated during the year to which the budget is intended to apply, and the sources whence derived, compared with the estimated receipts from the same sources for the last preceding school year. Should the governing board fail to provide this information, it shall be supplied by the county superintendent of schools from his own records.

SEC. 3. Section 6303 of the Education Code is amended to read:

Form of budget

6303. The budget shall be made in quadruplicate in the form and upon the blanks prescribed by the Superintendent of Public Instruction. It shall be the duty of the Superintendent of Public Instruction to prepare standard forms and blanks necessary to show the budgeting items and comparisons required by Sections 6301 and 6302 of this code. Blanks shall be furnished to the school districts by the county superintendent of schools.

SEC. 4. Section 6304 of the Education Code is amended to read:

Duty of county superintendent of schools

6304. The county superintendent of schools shall examine the tabulation and after indicating thereon such changes as he deems desirable or necessary, shall return the tabulation to the governing board before the fifteenth day of July, adding such information as is necessary to determine the amounts necessary to be raised by taxes on property for the year to which the budget is intended to apply.

SEC. 5. Section 6305 of the Education Code is amended to read:

Preliminary school budget

6305. (a) The governing board shall make such changes in the tabulation as it deems desirable or necessary, and said tabulation, with such revisions, additions, and changes as have been made therein as provided in this article, shall constitute the preliminary school budget for the period to which it is intended to apply. The budget shall be returned to the county superintendent of schools not later than the twentieth day of July. A copy of all preliminary school budgets shall be sent to the county auditor in such form.

SEC. 6. Section 6306 of the Education Code is amended to read:

6306. (a) On or before the eighth day of August, the governing board of each school district in which a public hearing is required in Section 6334 of this code shall finally adopt and file such budget with the county superintendent of schools, the county auditor, and the county board of supervisors. In the case of districts which are not required to hold a public hearing, the preliminary budget as approved by the governing board shall be filed with the county superintendent of schools county auditor, and the county board of supervisors immediately after its approval.

(b) The county superintendent of schools shall approve the budget for each school district as officially adopted and submitted by its governing board and, not later than the fifteenth day of August, shall file one copy of the approved budget of each school district with the board of supervisors and one copy with the auditor of his county, together with a statement showing the amount of school district taxes required by each school district of the county.

SEC. 7. Section 6334 of the Education Code is amended to read:

6334. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the preliminary budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the State as required to be tabulated in Sections 6301-6302 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the preliminary budget is intended to apply and for the last preceding school year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no newspaper in the district, then in a newspaper published nearest to the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, during the first week of August, at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such preliminary budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held.

CHAPTER 636

An act to add Section 2611 to the Welfare and Institutions Code, relating to public assistance, and providing limitations on the taking of security for aid granted to indigent persons.

In effect
September
15, 1945

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 2611 is added to Article 4 of Chapter 2 of Division 4 of the Welfare and Institutions Code, to read:

Exempt
property

2611. There shall be exempt from the transfers and grants authorized by Section 2601 and from attachment and execution on claims under Section 2603 against property acquired by persons for the support of whom public moneys have been expended all of the following property:

(a) Insurance policies to the actual cash surrender value of two hundred fifty dollars (\$250).

(b) Cash to the amount of fifty dollars (\$50).

(c) Personal effects and household furniture to the value of five hundred dollars (\$500).

No county shall withhold emergency medical or hospital care from any person pending his signature or execution of any document or paper giving security for reimbursement to the county for the care or hospitalization to be provided to him.

CHAPTER 637

An act to amend Sections 3620 and 3637 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of a tax sale or tax deed, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 3620 of the Revenue and Taxation Code is amended to read:

Person
bringing
action

3620. The owner of any real property deeded to the State for taxes, or sold to the State by operation of law prior to July 1, 1939, or any other person who may redeem such property, may bring an action in the superior court of the county wherein the real property is located, to contest the validity of the tax sale or the tax deed to the State.

SEC. 2. Section 3637 of said code is amended to read:

Time
limitation

3637. Any proceedings brought in accordance with the provisions of this chapter can only be commenced within one year after the date of execution of the tax deed, or within one year after January 2, 1947, whichever is later.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Thousands of parcels of property, because of the inability of taxpayers to pay their taxes were sold or tax deeded in the years prior to 1939, before we emerged out of the countrywide depression. The appellate courts of this State have heretofore determined that many of said tax deeds or taxes were and are invalid. To permit an action by the taxpayer to contest the validity of tax sales and tax deeds would not only determine the validity of said tax sales and said tax deeds for the benefit of the State, but would also immediately restore properties to the tax rolls and thereby add to the needed revenue for the operation and maintenance of government.

CHAPTER 638

An act to amend Sections 1011, 1012, and 1013 of, and to add Sections 1010, 1012.5 and 1012.6 to, the Agricultural Code, relating to spray residue.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.] In effect September 15, 1945

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

SECTION 1. Section 1010 is hereby added to the Agricultural Code, to read:

1010. As used in this article:

(a) "Spray residue" means those certain deleterious ingredients mentioned in Section 1011 or mixtures or derivatives thereof and shall include other added deleterious ingredients for which a tolerance has been declared or established by the Federal Security Agency or by a Federal agency having authority to establish maximum quantities or permissible tolerances for spray residue or for any other added deleterious ingredient. "Spray residue"

(b) "Produce" means any fresh or dried fruits or vegetables when in such form as to indicate the same are intended for consumer use without any or further processing. The phrase "fresh or dried fruits or vegetables" shall be construed to be interchangeable with the term "produce." "Produce"

SEC. 2. Section 1011 of the Agricultural Code is amended to read:

1011. It is unlawful to pack, ship, or sell any fresh or dried fruits or vegetables carrying spray residue or other added deleterious ingredients in excess of the maximum quantity or permissible tolerance established in accordance with the provisions of this section. Limitation on residue

Permitted
quantities

Until a different maximum quantity or permissible tolerance is established as hereinafter provided, the maximum quantity of certain deleterious ingredients per pound of fruit or vegetable is as follows: Fluorine, 0.049 grain per pound; arsenic, expressed as arsenic trioxide, 0.025 grain per pound; lead, 0.050 grain per pound.

Modification
of permis-
sible residue

The director after investigation may establish by proclamation a different maximum quantity or permissible tolerance in excess of the amounts hereinbefore stated, but any maximum quantity or permissible tolerance for spray residue established by proclamation of the director shall not be greater than that prescribed by the Federal Security Agency, or by any Federal agency having authority to establish maximum quantities or permissible tolerances for spray residues or other deleterious ingredients upon fresh or dried fruits or vegetables moving in interstate commerce.

Any maximum quantity or permissible tolerance established by the director shall be effective upon the date of proclamation.

SEC. 3. Section 1012 of the Agricultural Code is amended to read:

1012. The director may:

Authority of
director

(a) Enter every place within the State where fresh or dried fruits or vegetables are produced, packed, stored, shipped, transported, delivered for shipment, or sold, and inspect all fresh or dried fruits or vegetables found therein or in transit.

(b) Seize and hold any or all lots of fresh or dried fruits or vegetables which carry or show indication of spray residue or other added deleterious ingredients. Upon the seizure of any such lot of produce, the director shall issue to the owner or bailee a hold order or notice, and may affix to such lot a warning tag or tags stating that the lot is so held. Any lot of produce in respect to which a hold order or notice has been issued shall be held by the owner or bailee thereof and shall not be disturbed or moved from the place where it may be, except under the specific direction of the director, pending final disposition as hereinafter provided. This provision shall not be construed to prevent the owner or bailee from inspecting any produce so seized, nor from taking therefrom, in the presence of a person designated by the director, a reasonable sample for evidence.

SEC. 4. A new section to be numbered Section 1012.5 is hereby added to the Agricultural Code, to read:

Analysis of
residue

1012.5. (a) Any lot of produce which has been seized and held in accordance with the provisions of Section 1012, unless previously analyzed by the director, shall be sampled and analyzed within 24 hours after such seizure for the purpose of determining the amount of spray residue thereon and the owner or bailee of the produce shall be immediately notified in person or by telegram by the director that the analysis of said sample shows that the lot of produce does or does not carry spray residue or other added deleterious ingredients in excess of the maximum quantity or permissible tolerance established in accordance with the provisions of this article. Upon demand of the owner or

bailee at or prior to the time of sampling, the sample so drawn shall be divided into two approximately equal parts, one part of which shall be sealed and left with the owner or bailee and one part taken for analysis by the director.

(b) If the lot, as determined by the director's chemical analysis, does not carry spray residue in excess of any maximum provided by this article or in excess of a permissible tolerance, the director shall forthwith release the lot from the seizure and remove the hold order or tag. Release

(c) If the lot of produce is found to carry spray residue in excess of any maximum provided by this article or in excess of a permissible tolerance, it shall be permitted by the director, upon request of the owner, to be reconditioned or to be disposed of for by-products purposes. Upon demand of the owner or bailee for permission to remove the produce for reconditioning or use for by-products, the director shall release the produce to the custody of the agricultural commissioner of any county designated by the owner or bailee, provided such commissioner shall have advised the director that facilities for reconditioning or for converting into by-products are available in such county and that such commissioner will supervise the reconditioning or conversion into by-products of the lot to be released. The produce after reconditioning is subject to all the provisions of this article pending final release by the director under the provisions of paragraph (b) of this section. Disposition

(d) Whenever the lot or lots of produce seized and held are found to carry excess spray residue, the owner or bailee thereof may appeal the result of the examination to the director by letter, telegram, or other writing, within three days of the notice to said owner or bailee provided for in paragraph (a). Upon receipt of such appeal, then, upon reasonable notice to the owner if known, and if not known then to the bailee, a further sample shall be taken by the director and submitted under an individual lot number to the headquarters laboratory of the department at Sacramento for an appeal chemical analysis. The owner shall be permitted to be present in person or by his representative at the taking of the sample to be submitted for such appeal chemical analysis. The cost of such sampling and analysis shall be at the expense of the owner or bailee. The findings from such analysis shall be binding on both parties. Appeal
analysis

(e) After seizure by the director under authority of this article of any lot of produce upon which an appeal analysis is to be made, the director upon request shall permit the owner or bailee to move said produce to a specified commercial cold storage warehouse suited for preserving same against deterioration; subject, however, to the terms of any hold order or notice issued under the provisions of Section 1012. Preservation

(f) If the determination made by the appeal analysis shows the lot of produce to carry spray residue in excess of any maximum provided in this article or in excess of a permissible tolerance, then disposition may be made in accordance with the provisions of paragraph (c) of this section. Disposition

If the determination made by the appeal analysis shows that the lot of produce does not carry spray residue in excess of any maximum provided by this article or in excess of a permissible tolerance, the director shall forthwith release the lot from the seizure and remove the hold order or tag.

SEC. 5. A new section to be numbered 1012.6 is hereby added to the Agricultural Code, to read:

Rules and regulations

1012.6. The director shall make rules and regulations for the purpose of carrying out the provisions of this article.

SEC. 6. Section 1013 of the Agricultural Code is amended to read:

Public nuisance

1013. Any lot of produce found to carry spray residue in excess of any maximum provided in this article or in excess of a permissible tolerance, together with its containers, is a public nuisance, and if not disposed of as provided in Section 1012.5 shall be subject to disposal on complaint of the director to a court of competent jurisdiction.

Action

The district attorney of the county in which any such nuisance is found, on the relation of the director, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or denatured or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

Disposition by court

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal, or sale, under such terms and conditions as the court may prescribe, by the director, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the produce or containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; justices' courts of Class A shall have original jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of Class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less.

CHAPTER 639

An act to amend Sections 1014, 1015, 1128, 1151, 1175, 1710, 1723, 1742, 1752, 1752.5, 1752.6, 1752.7, 1753, 1754, 1757, 1760, 1760.5, 1760.6, 1760.7, and 1768 of the Welfare and Institutions Code, to repeal Section 1725 thereof and to add Sections 899, 1000.7, 1725, and 1726 thereto, and to amend Section 6002 of the Penal Code, relating to the Youth Authority, redefining the organization, powers, and duties of the Youth Authority and the officers and employees thereof and the rights, liabilities, powers, and duties of other agencies and persons in relation thereto.

[Approved by Governor May 31, 1945 Filed with Secretary of State
May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1710 of the Welfare and Institutions Code is amended to read:

1710. There is hereby created a Youth Authority for this State, hereinafter called "the Authority." Youth
Authority

SEC. 2. Section 1723 of said code is amended to read:

1723. The Governor shall designate one of the members of the Authority as Director of the Youth Authority, and the director shall be chairman of the Authority. He shall continue to serve as such during his term of office and until the appointment and qualification of his successor. No member shall be ineligible to serve as director and chairman by reason of any previous service as director and chairman. As used in this chapter, "director" means the person designated Director of the Youth Authority pursuant to this section. Director

SEC. 3. Section 1725 of said code is repealed.

SEC. 4. Section 1725 is added to said code, to read:

1725. The powers and duties of the Authority in respect to classification, segregation, and parole of persons committed to the Authority or to or for placement in correctional schools shall be exercised and performed by the Authority as such, and shall not be delegated by it to, nor exercised or performed by any individual member. All other powers, duties, and functions granted to or imposed upon the Authority by any provision of law shall be exercised and performed by the director. The director may make and enforce all rules appropriate to the proper accomplishment of his functions. Exercise of
powers

The director may delegate the powers and duties vested in him by this section, in accordance with Section 7 of this code. The director may also designate any officer or employee of the Authority as his representative to preside at the meetings of the Authority whenever his other duties prevent him from personally attending such meetings and to exercise his powers and perform his duties as a member of the Authority (other than his powers and duties as director).

SEC. 5. Section 1726 is added to said code, to read:

Property,
supplies and
personnel

1726. The director shall provide the Authority with such property, supplies, and personnel as may be necessary to enable the Authority properly to perform its duties.

SEC. 6. Section 1742 of said code is amended to read:

Cost of care
of persons
committed
to Authority

1742. (a) The county from which each person is committed to the Authority shall pay to the State the cost of the care of such person, for the time the person committed remains under the control of the Authority, to the extent and in the manner provided in this section.

(b) The director shall from time to time determine the monthly rate for the care of persons committed thereto, but in no case shall the rate exceed the rate of forty dollars (\$40) per month.

(c) The estate of the person committed, or the parents, guardian, or other person liable for the support of the person committed shall pay to the county the cost of the care of the person committed at the monthly rate therefor fixed by the director.

Inquiry into
financial
ability of
person
committed

At the time of commitment of any person to the Authority the committing court shall inquire into the earnings, property, and estate of the person committed, and into the ability of his parents, guardian, or other person liable for his support and maintenance, to pay for the expense of his support and maintenance, in the manner provided in Section 863 for inquiry in respect to the support of wards of the juvenile court. The committing court shall make orders for the payment of the cost of the support of the committed person to the county, with the same powers and in the same manner as is provided for orders for the support of wards of the juvenile court. All of the provisions of Sections 863 to 868.10, inclusive, of this code, relating to the support of wards of the juvenile court and the reimbursement of the county therefor, shall apply to the support of persons committed to the Authority and the reimbursement of the county therefor, to the same extent and in the same manner as if said sections were set forth in this section, and all references in said sections to "ward or other minor person" and to the "juvenile court" shall be deemed to refer to "person committed to the Authority" and to the "committing court," respectively.

Upon request of the board of supervisors, the district attorney or other civil legal officer of the county shall, on behalf of the county, maintain an action in the superior court against the estate of the person committed, or the parents, guardian, or other person liable for his support, to recover for the county such portion of the cost of care of the person committed as the estate, parents, guardian, or other person liable for support is able to pay, and to secure an order requiring the payment to the county of any sums which may become due in the future for which the defendant may be liable.

(d) If the county collects from the estate of the person committed, or from the parents, guardian, or other person liable

for the support of the person committed, the full amount of the cost of care of the person at the monthly rate therefor fixed by the director, the county shall pay to the State the full amount of the cost of the care of the person committed at the monthly rate therefor fixed by the director. If, however, the county can not collect from the estate, parents, guardian, or other person liable for the support of the person committed the full amount of the cost of the care of the person at the rate therefor fixed by the director, the county shall pay to the State any sums collected from said estate, parents, guardian, or other person, plus one-half of the difference between the sum so collected and the full amount of the cost of the care of the person committed at the monthly rate therefor fixed by the director; but in no event shall the county pay to the State from the funds of the county and without receiving reimbursement therefor from the estate of the person committed, or from the parents, guardian, or other person liable for his support, any sum greater than twenty dollars (\$20) per month.

(e) Each county auditor shall include in his State settlement report, rendered to the Controller in the months of June and January, the amount due to the State under the provisions of this section, and the county treasurer, at the time of the settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts so due.

(f) This section shall not apply to any person committed to the Authority and placed by it in a State prison while the person remains in the prison; but this section shall apply to all persons committed by a juvenile court to the Authority, and to all persons committed to or for placement in any correctional school. Application
of section

SEC. 7. Section 1752 of said code is amended to read:

1752. To the extent that necessary funds are available for the purposes, the director may Powers of
director

(a) Establish and operate a treatment and training service and such other services as are proper for the discharge of his duties;

(b) Create administrative districts suitable to the performance of his duties;

(c) Employ and discharge all such persons as may be needed for the proper execution of the duties of the Authority. Such employment and discharge shall be in accord with the civil service laws of this State.

SEC. 8. Section 1752.5 of said code is amended to read:

1752.5. The director may establish or assist in the establishment of any public council or committee, and may assist and cooperate with any existing agency, having as its object the prevention or decrease of delinquency among youths; and the director may cooperate with or participate in the work of any such councils, or any existing councils, including the improving of recreational, health and other conditions in the community affecting youths. Research

SEC. 9. Section 1752.6 of said code is amended to read:

Contracts
for research
purposes

1752.6. The director may, with the approval of the Director of Finance, enter into contracts with colleges, universities, and other organizations for the purposes of research in the field of delinquency and crime prevention and of training special workers, including teachers, institution employees, probation and parole officers, social workers and others engaged, whether as volunteers or for compensation, and whether part-time or full time, in the fields of education, recreation, mental hygiene, and treatment and prevention of delinquency.

SEC. 10. Section 1752.7 of said code is amended to read:

Collection of
statistics

1752.7. The director may collect statistics and information regarding juvenile delinquency, crimes reported and discovered, arrests made, complaints, informations, and indictments filed and the disposition made thereof, pleas, convictions, acquittals, probations granted or denied, commitments to and transfers and discharges from places of incarceration, and other data and information useful in determining the cause and amount of crime in this State, or in carrying out the powers and duties of the Authority.

All officers and employees of the State and of every county and city shall furnish to the director upon request such statistics and other information within their knowledge and control as the director deems necessary or proper to be collected pursuant to the provisions of this section.

SEC. 11. Section 1753 of said code is amended to read:

Cooperation

1753. For the purpose of carrying out its duties, the Authority and the director are authorized to make use of law enforcement, detention, probation, parole, medical, educational, correctional, segregative and other facilities, institutions and agencies, whether public or private, within the State. The director may enter into agreements with the appropriate public officials for separate care and special treatment in existing institutions of persons subject to the control of the Authority.

SEC. 12. Section 1754 of said code is amended to read:

Control of
facilities

1754. Nothing in this chapter shall be taken to give the Authority or the director control over existing facilities, institutions or agencies; or to require them to serve the Authority inconsistently with their functions, or with the authority of their officers, or with the laws and regulations governing their activities; or to give the Authority or the director power to make use of any private institution or agency without its consent; or to pay a private institution or agency for services which a public institution or agency is willing and able to perform.

SEC. 13. Section 1757 of said code is amended to read:

Inspection

1757. The director may inspect all public institutions and agencies whose facilities he and the Authority are authorized to utilize and all private institutions and agencies whose facilities he and the Authority are using. Every institution or agency, whether public or private, is required to afford the director reasonable opportunity to examine or consult with

persons committed to the Authority who are for the time being in the custody of the institution or agency.

SEC. 14. Section 1760 of said code is amended to read: Establishment of facilities

1760. The director is hereby authorized when necessary and when funds are available for such purposes to establish and operate

(a) Places for the detention, prior to examination and study, of all persons committed to the Authority;

(b) Places for examination and study of persons committed to the Authority;

(c) Places of confinement, educational institutions, hospitals and other correctional or segregative facilities, institutions and agencies, for the proper execution of the duties of the Authority;

(d) Agencies and facilities for the supervision, training and control of persons who have not been placed in confinement or who have been released from confinement by the Authority upon conditions, and for aiding such persons to find employment and assistance;

(e) Agencies and facilities designed to aid persons who have been discharged by the Authority from its control in finding employment and in leading a law-abiding existence.

SEC. 15. Section 1760.5 of said code is amended to read:

1760.5. The director may require persons committed to the Authority to perform work necessary and proper to be done by the Division of Forestry, the Division of Beaches and Parks, and the Division of Fish and Game in the Department of Natural Resources, by the Division of State Lands in the Department of Finance, by the United States Department of Agriculture, and by the Federal officials and departments in charge of National forests and parks within this State. For the purposes of this section, the director, with the approval of the Department of Finance, may enter into contracts with Federal and State officials and departments. All moneys received by the director pursuant to any such contract shall be paid into the State treasury to the credit and in augmentation of the current appropriation for the support of the Authority. Conservation work

SEC. 16. Section 1760.6 of said code is amended to read:

1760.6. (a) The director may require persons committed to the Authority to be employed in the rendering of such services and the production and manufacture of such articles, materials, and supplies as are now or may hereafter be needed by the Federal Government or any department, agency or corporation thereof until the termination of the present National emergency declared to exist by the President of the United States by his proclamation of September 8, 1939, or until the termination of the present war and six months thereafter, whichever of the foregoing first occurs. For the purposes of this section, the director, with the approval of the Department of Finance, may enter into contracts with the Federal Government or any department, agency, or corporation thereof. Employment during war

The director may also require persons committed to the Authority to assist with the growing, processing, and harvesting of crops, and in the protection of natural resources. To this end the director, with the approval of the Department of Finance, may enter into contracts with the State of California and with private corporations and individuals. Contracts made under this section shall provide for the payment to the Youth Authority of the wage prevailing for the same type of work in the community in which the work is to be performed.

(b) In order fully to effectuate the purposes of this section and Section 1760.5 the director may do any and all things he deems necessary to that end, including the making of rules and regulations governing the persons committed to the Authority who are employed pursuant to any contract contemplated by this section and Section 1760.5.

(c) The current support appropriations of the Authority and its correctional schools and other facilities may be used to meet the expenses necessary in the purchasing of material and equipment, for the maintenance and supervision of the work programs provided for by this section and Section 1760.5, and for making the payments provided for in this section. All money received by the Authority pursuant to any contracts entered into under either section shall be paid into the State treasury, and credited to the support appropriation of the Authority or of the correctional school or other facility rendering the service, in augmentation thereof. The appropriation to be credited shall be the appropriation current at the time of rendering the services. The Authority shall pay to each person committed to its custody and rendering services under contracts made pursuant to this section and Section 1760.5 such sum as the Authority deems proper and consistent with the purposes of this chapter. The Youth Authority may make such payments to each individual at such time as it may determine.

SEC. 17. Section 1760.7 of said code is amended to read:

Investigation
of probation

1760.7. The director shall investigate, examine, and make reports upon adult and juvenile probation.

SEC. 18. Section 1768 of said code is amended to read:

Correctional
activities

1768. As a means of correcting the socially harmful tendencies of a person committed to the Authority, the director may

(a) Require participation by him in vocational, physical, educational and corrective training and activities;

(b) Require such conduct and modes of life as seem best adapted to fit him for return to full liberty without danger to the public welfare;

(c) Make use of other methods of treatment conducive to the correction of the person and to the prevention of future public offenses by him.

SEC. 19. Section 899 is added to Article 12, Chapter 2, Part 1, Division 2 of said code, to read:

"Youth
Authority"

899. As used in this article, "Youth Authority" and "the Authority" mean and refer to the Director of the Youth Authority, except in references to persons committed to the

Youth Authority, references to and provisions governing commitments to the Youth Authority, and references to and provisions governing the classification, segregation, or parole of persons committed to the Youth Authority or to or for placement in correctional schools.

SEC. 20. Section 1000.7 is added to said code, to read:

1000.7. As used in this chapter, "Youth Authority" and "the Authority" mean and refer to the Director of the Youth Authority, except in Sections 1008, 1009, and 1129, in Article 8 relating to paroles and dismissals, and in references to persons committed to the Youth Authority, references to and provisions governing commitments to the Youth Authority, and references to and provisions governing the classification, segregation, or parole of persons committed to the Youth Authority or to or for placement in correctional schools.

SEC. 21. Section 1014 of said code is amended to read:

1014. The Director of the Youth Authority may deposit any funds of inmates in his possession in any bank in the State. With the consent of the owners of the funds or of their guardians, the director may deposit the interest accruing on such funds in a special fund, to be designated the "Benefit fund," of which he shall be the trustee. He may expend the moneys in any such fund for the education or entertainment of the inmates of the institution.

SEC. 22. Section 1015 of said code is amended to read:

1015. Whenever any person confined in any State institution subject to the jurisdiction of the Youth Authority dies, escapes, or is discharged or paroled from such institution, and any personal funds or property of such person remains in the hands of the Director of the Youth Authority, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, the director shall hold and dispose of such funds or property as follows: (a) Funds: The director shall hold the funds in a trust fund for a period of three years. If, at the end of three years, no demand has been made for the funds, the director shall turn the said funds over to the State Treasurer. The State Treasurer shall hold the funds for a period of five years and if, at the end of that five-year period, the funds have not been demanded by the owner or a legal representative, then the funds shall escheat to the State and shall become a part of the General Fund. (b) Miscellaneous personal property: The director shall hold all other miscellaneous personal property for a period of three years. At the end of that time if there has been no demand by the owner of the property or his legal representative, the director shall file with the county recorder of the county of commitment of said owner, all deeds, wills, contracts or assignments. The balance of the personal property shall be sold at auction and the funds turned over to the State Treasurer to be disposed of in the same manner as cash funds under the provisions above. If some of the property is of a type to be filed with the county recorder and is not salable at

"Youth Authority"

Deposit of funds of inmates

Disposal of funds of inmates

Trust fund

General Fund

Miscellaneous personal property

public auction, then the director shall hold the same for a period of one more year and if at the expiration of that time no demand has been made by the owner or his legal representative, the property shall be destroyed. Before any funds are turned over to the State Treasurer, under subdivision (a), and before any papers are filed with the county recorder, and before any personal property is sold at auction or disposed of under subdivision (b) of this section, notice of said intended disposition shall be posted at least 10 days prior to the disposition, in a public place at the institution where the disposition is to be made. A copy of such notice shall be mailed to the last known address of the owner of the property at least 10 days prior to the disposition of the property.

Notice

SEC. 23. Section 1128 of said code is amended to read :

Epileptics
or feeble-
minded:
Discharge
and recom-
mitment

1128. Any person committed to or placed in a correctional school who is epileptic or feeble-minded within the meaning of Section 5250 of this code may be discharged and recommitted for an indefinite period to the Pacific Colony, to the Sonoma State Home, or to any similar institution.

Application

Application for such discharge and recommitment may be made to the judge of the superior court of the county in which the person is, by the Director of the Youth Authority.

Notice

Notice of the application shall be served upon such relatives of the person, or upon such other persons as the judge deems necessary or proper, in such manner as the judge deems sufficient to enable them to be heard on the application.

Order

The order for such discharge and recommitment shall be made only if the findings of the court and the opinion of the Department of Institutions are the same as on the commitment and reception at a State home for the feeble-minded of other persons committed for placement therein.

SEC. 24. Section 1151 of said code is amended to read :

Arrest of
escaped
inmates

1151. Any fugitive from Preston School of Industry, from Ventura School for Girls, or from the persons to whom he has been paroled from either of such institutions, may be arrested and returned to such respective school by any person, upon written request or order of the Director of the Youth Authority.

SEC. 25. Section 1175 of said code is amended to read :

Parole head-
quarters

1175. The Director of the Youth Authority may establish and maintain parole headquarters for any State school out of funds made available for the use of such school and may pay rental and incidental expenses incurred in maintaining such headquarters. When so directed by the Youth Authority, he may also advance money to any boy or girl on leave of absence, parole, or discharge from any State school, and assist him in obtaining employment and in becoming established as a useful and law-abiding member of society.

SEC. 26. Section 6002 of the Penal Code is amended to read :

Supervision
and control

6002. Neither the Youth Authority nor the Director of the Youth Authority shall be subject to the supervision or control of the Director of Corrections.

CHAPTER 640

An act to amend Sections 6 and 10 of and to add Section 6a to the War Production Act, and to amend Section 1352 of the Labor Code, relating to employment, working hours, and working conditions of female employees.

Stats 1943,
p. 124,
amended

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 6 of the War Production Act is amended to read:

Stats 1943,
p. 124

Sec. 6. The Governor may at any time revoke, suspend or modify any permit. Upon proof being made that the terms and conditions of any such permit have been violated, or that the department which recommended the issuance of said permit finds that the same is no longer necessary in increasing production and furthering the war effort, it may recommend to the Governor that the permit be suspended, modified or revoked; provided, however, that no such recommendation shall be made until the employer has been given 15 days notice of the intention to make such recommendation.

Revocation,
suspension,
modification

SEC. 2. Section 6a is added to the War Production Act, to read:

New section

Sec. 6a. Every employer, or the agent or officer thereof, employing any female who violates any provision of the permit, or who employs, or permits any female to work in violation thereof, is guilty of a misdemeanor, punishable, for a first offense, by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100); and for a second or subsequent offense, by a fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250), or imprisonment for not more than sixty (60) days, or both.

Penalties for
violations

SEC. 3. Section 10 of the War Production Act is amended to read:

Stats. 1943,
p. 124

Sec. 10. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

Duration

SEC. 4. Section 1352 of the Labor Code is amended to read:
1352. The provisions of this article in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, nor the harvesting, curing, canning, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually

Exceptions
as to working
hours of
female
employees

engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or deterioration.

CHAPTER 641

An act to add Section 6007 to the Government Code, relating to newspapers of general circulation, declaring the urgency of this act, to take effect immediately.

In effect
immediately

[Approved by Governor May 31, 1945. Filed with Secretary of State
May 31, 1945.]

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

SECTION 1. Section 6007 is added to the Government Code, to read:

Discontinu-
ance due to
war condi-
tions

6007. The status of a newspaper of general circulation remains unchanged in the event that the publication of the newspaper is discontinued by reason of economic or other conditions induced by any war to which the United States is a party and the publication is then renewed either while the war is still pending or within a period of one year from and after the date on which hostilities officially terminate.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of California and as such shall take effect immediately. A statement of the facts constituting such necessity is as follows:

Because of war conditions various newspapers of general circulation have suspended publication and such newspapers and others which are likely to suspend publication because of the drafting of their owners will lose their status as newspapers of general circulation. Such status is valuable and the inequity of depriving persons of valuable assets because of war conditions is apparent. Inasmuch as the elimination of this situation will permit absent newspaper men to return to their former business after the war and in the meantime fulfill their war duties with peace of mind as to their business affairs at home, this act should take immediate effect.

CHAPTER 642

An act to add Section 563.1 to the Military and Veterans Code, relating to the minimum age for membership in the State Guard.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 563.1 is added to the Military and Veterans Code, to read:

563.1. The minimum age for membership in the State Guard is 17 years.

Minimum
age for
membership

CHAPTER 643

An act to amend Section 277 of the Vehicle Code, relating to chauffeur's licenses.

[Approved by Governor May 31, 1945. Filed with Secretary of State May 31, 1945.]

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

In effect
September
15, 1945

SECTION 1. Section 277 of the Vehicle Code is amended to read:

277. Expiration of Chauffeur's License. Every chauffeur's license hereafter issued shall expire four years after the date of issuance. Every chauffeur's license heretofore issued shall expire at the date fixed in the license as issued or six months after the cessation of hostilities in the present war in which the United States is engaged, as declared by the President or the Congress of the United States, whichever time is later. Every chauffeur's license issued during the year 1936 shall expire at midnight on March 31, 1938, and every chauffeur's license issued during the year 1937 prior to the effective date hereof shall expire at midnight on March 31, 1939.

Expiration of
chauffeur's
license

CHAPTER 644

"Budget Act of 1945" *An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.*

In effect
immediately

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 4, 1945]

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

Short title SECTION 1. This act shall be known and may be cited as the "Budget Act of 1945."

Budget ap- SEC. 2. The following sums of money, or so much thereof propriations: as may be necessary, are hereby appropriated for the use and support of the State of California for the Ninety-seventh and Ninety-eighth Fiscal Years and, unless otherwise herein provided, shall be paid out of the General Fund in the State treasury.

Special funds Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for all such purposes, and not from the General Fund, to the extent only of the amount herein appropriated unless otherwise stated herein.

Recurrent Appropriations for purposes not otherwise provided for appropriations herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

Items Whenever herein an appropriation is made for support it included in shall include salaries and all other proper expenses, including appropriations: repairs and equipment, incurred in connection with the Support institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Construction Whenever herein an appropriation is made for construction and im- and improvements and improvements, it shall include equipment necessary in connection with such construction or improvements.

Variance be- Wherever herein in any item of appropriation the amount tween words of such appropriation as set forth in words differs from the and figures amount thereof as set forth in figures, the lesser amount, whether in words or figures, is the amount appropriated by such item.

LEGISLATIVE

	Legislative
Item 1—For mileage of Lieutenant Governor, Senators, and statutory officers of the Senate -----	\$2,500.00
Item 2—For pay of the officers, clerks, and all other employees of the Senate for the Fifty-seventh Session-----	40,000.00
Item 3—For contingent expenses of Senate for the Fifty-seventh Session and legislative committees thereof whose personnel is composed in whole or in part of Members of the Senate, exempt from Section 6 of this act--	107,000.00
Item 4—For salaries of Senators-----	96,000.00
Item 5—For expenses of Members of the Senate -----	40,000.00
Item 6—For pay of officers, clerks, and all other employees of Assembly for Fifty-seventh Session-----	45,000.00
Item 7—For mileage of Assemblymen and statutory officers of the Assembly--	5,000.00
Item 8—For contingent expenses of the Assembly for the Fifty-seventh Session and legislative committees thereof whose personnel is composed in whole or in part of Members of the Assembly, exempt from Section 6 of this act-----	150,000.00
Item 9—For salaries of Assemblymen-----	192,000.00
Item 10—For expenses of Members of the Assembly -----	80,000.00
Item 11—For legislative printing, binding, etc., for Fifty-seventh Session-----	400,000.00
Item 12—For legislative mailing-----	3,000.00
Item 13—For support of Legislative Office at Los Angeles-----	6,400.00
Item 14—For support of Legislative Office at San Francisco-----	6,040.00
Item 15—For support of Legislative Office in Alameda County-----	5,746.00

Legislative Counsel	Item 16—For support of Legislative Counsel Bureau, in accordance with the following schedule -----	186,223.00
	and in addition thereto any amounts collected for services to other agencies which by law are available for support of said office.	
	Schedule:	
	(a) Salaries and Wages----	\$201,735.00
	(b) Operating Expenses ----	16,100.00
	(c) Equipment -----	688.00
	Total of schedule-----	\$218,523.00
	Less: Estimated abatements for services to other State agencies -----	3,500.00
	Estimated abatements for services to Code Commission -----	28,800.00
	Net appropriation -----	\$186,223.00
Code Com- mission	Item 17—For support of California Code Commission -----	29,450.00
Commission on Uniform State Laws	Item 18—For support of California Commission on Uniform State Laws-----	2,000.00

JUDICIAL

Supreme Court	Item 19—For support of Supreme Court----	530,080.00
Judicial Council	Item 20—For support of Judicial Council--	66,100.00
	Item 20.5—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council -----	50,000.00
District Courts of Appeal	Item 21—For support of the First District Court of Appeal-----	269,260.00
	Item 22—For support of the Second District Court of Appeal-----	380,140.00
	Item 23—For support of the Third District Court of Appeal-----	149,900.00
	Item 24—For support of the Fourth District Court of Appeal-----	182,280.00
Superior Courts	Item 25—For State's share of salaries of judges of superior courts-----	1,304,000.00

EXECUTIVE

Governor	Item 26—For support of the Governor and of the Governor's Office (exempt from provisions of Sections 433, 669, and 677.5 of the Political Code)-----	234,285.00
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Item 27—For special contingent expenses (secret service), Governor’s Office (exempt from provisions of Sections 433, 440, 669 and 677.5 of the Political Code) -----	15,000.00	
Item 28—For support of the Governor’s residence (exempt from provisions of Sections 433, 440, 669 and 677.5 of the Political Code) -----	24,000.00	
Item 29—For salary and support of Lieutenant Governor -----	29,586.00	Lieutenant Governor

GENERAL ADMINISTRATION

Item 30—For support of Codification Board, in accordance with the following schedule -----	55,961.00	Codification Board
Schedule:		
(a) Salaries and Wages -----	\$22,420.00	
(b) Operating Expenses -----	33,440.00	
(c) Equipment -----	101.00	

Total of schedule ----- \$55,961.00

Item 31—For support of Board of Administration of the State Employees’ Retirement System, in accordance with the following schedule ----- and in addition thereto any amounts collected for services which by law are available for support of said board.	146,817.00	Employees’ Retirement System
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Schedule:		
(a) Salaries and Wages -----	\$147,605.00	
(b) Operating Expenses -----	16,290.00	
(c) Equipment -----	5,822.00	

Total of schedule ----- \$169,717.00

Less: Estimated abatements for services to local agencies -----	22,900.00	
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Net appropriation ----- \$146,817.00

Item 32—For support of California Commission on Interstate Cooperation -----	38,000.00	Commission on Interstate Cooperation
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Personnel Board	<p>Item 33—For support of State Personnel Board, in accordance with the following schedule -----</p> <p style="text-align: right;">858,265.00</p> <p>and in addition thereto any amounts collected for services, which by law are available for support of said board.</p> <p>Schedule:</p> <p>(a) Salaries and Wages ----- \$789,710.00</p> <p>(b) Operating Expenses ----- 97,850.00</p> <p>(c) Equipment ----- 9,225.00</p> <hr/> <p>Total of schedule ----- \$896,785.00</p> <p>Less: Estimated abatements for services to other State agencies and units of local government ----- 38,520.00</p> <hr/> <p>Net appropriation ----- \$858,265.00</p>
Reconstruction and Reemployment Commission	<p>Item 34—For support of Reconstruction and Reemployment Commission, in accordance with the following schedule -----</p> <p style="text-align: right;">330,455.00</p> <p>Schedule:</p> <p>(a) Salaries and Wages ----- \$241,255.00</p> <p>(b) Operating Expenses ----- 82,200.00</p> <p>(c) Equipment ----- 7,000.00</p> <hr/> <p>Total of schedule ----- \$330,455.00</p>
Secretary of State	<p>Item 35—For support of Secretary of State, in accordance with the following schedule -----</p> <p style="text-align: right;">160,830.00</p> <p>and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said office.</p> <p>Schedule:</p> <p>(a) Salaries and Wages ----- \$126,330.00</p> <p>(b) Operating Expenses ----- 41,400.00</p> <p>(c) Equipment ----- 1,500.00</p> <hr/> <p>Total of schedule ----- \$169,230.00</p> <p>Less: Estimated abatements for services to other agencies ----- 8,400.00</p> <hr/> <p>Net appropriation ----- \$160,830.00</p>
	<p>Item 36—For printing constitutional amendments, Secretary of State's Office -----</p> <p style="text-align: right;">60,000.00</p>
	<p>Item 37—For printing Roster of Public Officials, Secretary of State -----</p> <p style="text-align: right;">3,000.00</p>

Item 38—For support of Collection Agency Division, Secretary of State’s Office, payable from the Collection Agency License Fund, in accordance with the following schedule ----- 45 900.00

Schedule:

(a) Salaries and Wages----- \$27,840.00
 (b) Operating Expenses ---- 16,460.00
 (c) Equipment ----- 1,600.00

Total of schedule----- \$45,900.00

AGRICULTURE

Item 39—For support of Department of Agriculture, in accordance with the following schedule ----- 3,118,133.00
 and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.

Department
of Agri-
culture

Schedule:

(a) Salaries and Wages---- \$2,566,735.00
 (b) Operating Expenses -- 619,713.00
 (c) Equipment ----- 77,404.00

Total of schedule----- \$3,263,852.00

Less: Estimated pro rata cost of administration chargeable to special fund and trust fund activities ----- 145,719.00

Net appropriation ----- \$3,118,133.00

Item 40—For construction, improvements, and equipment, Department of Agriculture ----- 14,160.00

Item 41—For support of Department of Agriculture, payable from the Department of Agriculture Fund, in accordance with the following schedule ----- 4,651,014.00

Schedule:

(a) Salaries and Wages---- \$3,109,969.00
 (a.a) Salary Restoration--- 139,453.00
 (b) Operating Expenses---- 1,307,140.00
 (c) Equipment ----- 94,452.00

Total of schedule----- \$4,651,014.00

Poultry
Improvement
Commission

Item 42—	For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund-----	19,591.00
	and in addition thereto any amounts collected for services to employees which by law are available for support of said commission. Said appropriation, together with the amount appropriated by Item 43 hereof, shall be expended in accordance with the following schedule:	
	Schedule:	
	(a) Salaries and Wages---	\$16,920.00
	(b) Operating Expenses---	13,575.00
	(c) Equipment -----	220.00
	Total of schedule-----	\$30,715.00
Less:	Estimated refunds for maintenance furnished employees ---	1,200.00
	Amounts payable from appropriation for additional support (Item 43) -----	9,924.00
	Net appropriation -----	\$19,591.00
Item 43—	For additional support of Poultry Improvement Commission payable from any moneys in the Fair and Exposition Fund available for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, allocated by Section 19626 of the Business and Professions Code -----	9,924.00
Item 44—	For construction, improvements, and equipment, Poultry Improvement Commission payable from any moneys in the Fair and Exposition Fund available for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, allocated by Section 19626 of the Business and Professions Code	300.00

CORRECTIONS

Item 45—For support of Departmental Administration, Department of Corrections, in accordance with the following schedule -----	Department of Corrections	166,570.00
and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said department.		
Schedule:		
(a) Salaries and Wages---		\$144,530.00
(b) Operating Expenses---		27,710.00
(c) Equipment -----		3,430.00
		<hr/>
Total of schedule-----		\$175,670.00
Less: Estimated abatements for medical and other services to other State agencies -----		9,100.00
		<hr/>
Net appropriation-----		\$166,570.00
Item 46—For transportation of prisoners to and between State Prisons-----		175,000.00
Item 47—For deportation from California of aliens and citizens of other States convicted of felonies, Department of Corrections -----		3,000.00
Item 48—For expenses of returning fugitives from justice from outside the State-----		125,000.00
Item 49—For support of Folsom State Prison, Department of Corrections, in accordance with the following schedule -----	Folsom State Prison	2,146,230.00
and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said prison.		
Schedule:		
(a) Salaries and Wages --		\$1,152,410.00
(b) Operating Expenses --		981,330.00
(c) Equipment -----		53,160.00
		<hr/>
Total of schedule ----		\$2,186,900.00
Less: Estimated abatements for services to employees and sale of surplus products --		40,670.00
		<hr/>
Net appropriation -----		\$2,146,230.00

	Item 50—For construction, improvements, repairs, and equipment, Folsom State Prison, Department of Corrections	20,045.00
California Institution for Men	Item 51—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees, from sale of surplus products, and from inmate work projects, which by law are available for support of said institutor.	957,904.00

Schedule:

(a) Salaries and Wages --	\$674,924.00
(b) Operating Expenses -	561,900.00
(c) Equipment -----	13,510.00
(d) Inmate Pay-work Projects -----	224,100.00

Total of schedule ---- \$1,474,434.00

Less: Estimated abatements for services to employees and sale of surplus products ---	25,400.00
Estimated abatements from inmate work projects -----	491,130.00

Net appropriation ----- \$957,904.00

California Institution for Women	Item 52—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said agency.	274,274.00
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Schedule:

(a) Salaries and Wages --	\$164,564.00
(b) Operating Expenses --	119,605.00
(c) Equipment -----	5,205.00

Total of schedule ---- \$289,374.00

Less: Estimated abatements for services to employees and sale of surplus products ----	15,100.00
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Net appropriation ----- \$274,274.00

Item 53—For construction, improvements, repairs, and equipment, California Institution for Women, Department of Corrections -----	2,100.00	
Item 54—For support of San Quentin Prison, Department of Corrections, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees, from sale of surplus products, and for services to manufacturing units, which by law are available for support of said prison.		San Quentin Prison
	3,395,570.00	
Schedule:		
(a) Salaries and Wages --	\$1,703,530.00	
(b) Operating Expenses --	1,774,890.00	
(c) Equipment -----	61,350.00	
	<hr/>	
Total of schedule ---	\$3,539,770.00	
Less: Estimated abatements for services to employees and sale of surplus products --	117,200.00	
Estimated abatements for services to manufacturing units ----	27,000.00	
	<hr/>	
Net appropriation -----	\$3,395,570.00	
Item 55—For construction, improvements, repairs, and equipment, San Quentin Prison, Department of Corrections -----	40,610.00	
Item 56—For support of Adult Authority, Department of Corrections, in accordance with the following schedule -----		Adult Authority
	664,576.00	
Schedule:		
(a) Salaries and Wages---	\$499,051.00	
(b) Operating Expenses --	131,060.00	
(c) Equipment -----	34,465.00	
	<hr/>	
Total of schedule -----	\$664,576.00	

Board of Trustees, California Institution for Women

Item 57—For support of Board of Trustees, California Institution for Women, Department of Corrections, in accordance with the following schedule ----- 43,780.00
of which not more than \$12,000 shall be expended for per diems of board members pursuant to Section 3305 of the Penal Code.

Schedule:

(a) Salaries and Wages --- \$32,250.00
(b) Operating Expenses -- 11,280.00
(c) Equipment ----- 250.00

Total of schedule ----- \$43,780.00

Youth Authority

Item 58—For support Departmental Administration, Youth Authority, in accordance with the following schedule ----- 977,040.00

Schedule:

(a) Salaries and Wages --- \$590,843.00
(b) Operating Expenses -- 360,307.00
(c) Equipment ----- 25,890.00

Total of schedule ----- \$977,040.00

Item 59—For transportation of persons committed to the Youth Authority or between its facilities ----- 117,500.00

Item 60—For deportation of non-residents committed to the Youth Authority 50,000.00

Item 61—For support of Work Camps, Youth Authority, exempt from Section 6 of this act ----- 63,267.00

to be used for defraying expenditures of such camps pending receipt of reimbursement for services rendered by inmates to agencies of the State or Federal Government. This appropriation shall be augmented by any amounts collected by the Youth Authority for such services which by law are available for support of said Authority.

Item 62—For construction, improvements, repairs, and equipment at Youth Authority Work Camps, Youth Authority ----- 1,000.00

<p>Item 63—For support of Fricot Ranch School for Boys, Youth Authority, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees, which by law are available for support of said school.</p> <p>Schedule:</p> <p>(a) Salaries and Wages --- \$139,075.00 (b) Operating Expenses -- 124,560.00 (c) Equipment ----- 10,525.00</p> <p>Total of schedule ----- \$274,160.00</p> <p>Less: Estimated abatements for services to employees ----- 8,000.00</p> <p>Net appropriation ----- \$266,160.00</p>	<p>Fricot Ranch School</p> <p>266,160.00</p>
<p>Item 64—For purchase of real property in Calaveras County, Youth Authority, subject to the approval of the Department of Finance-----</p>	<p>60,000.00</p>
<p>Item 65—For construction, improvements, repairs, and equipment at Fricot Ranch School for Boys, Youth Authority -----</p>	<p>167,800.00</p>
<p>Item 66—For support of the Fred C. Nelles School for Boys, Youth Authority, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said school.</p> <p>Schedule:</p> <p>(a) Salaries and Wages --- \$561,724.00 (b) Operating Expenses -- 261,852.00 (c) Equipment ----- 42,471.00</p> <p>Total of schedule----- \$866,047.00</p> <p>Less: Estimated abatements for services to employees and sale of surplus products ---- 82,000.00</p> <p>Net appropriation ----- \$784,047.00</p>	<p>Fred C. Nelles School</p> <p>784,047.00</p>
<p>Item 67—For construction, improvements, repairs, and equipment, Fred C. Nelles School for Boys, Youth Authority -----</p>	<p>25,908.00</p>

Preston
School of
Industry

Item 68—For support of Preston School of Industry, Youth Authority, in accordance with the following schedule ----- 1,475,694.00
and in addition thereto any amounts collected for services to other agencies, services to employees, and from sale of surplus products, which by law are available for support of said school.

Schedule:

(a) Salaries and Wages --- \$1,009,522.00
(b) Operating Expenses --- 483,970.00
(c) Equipment ----- 32,602.00

Total of schedule ----- \$1,526,094.00

Less: Estimated abatements for services to other agencies ----- 5,400.00

Estimated abatements for services to employees and sale of surplus products --- 45,000.00

Net appropriation ----- \$1,475,694.00

Item 69—For construction, improvements, repairs, and equipment, Preston School of Industry, Youth Authority ----- 157,180.00

Los Guilucos
School

Item 70—For support of Los Guilucos School for Girls, Youth Authority, in accordance with the following schedule and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said school. ----- 254,716.00

Schedule:

(a) Salaries and Wages --- \$165,286.00
(b) Operating Expenses --- 108,530.00
(c) Equipment ----- 2,900.00

Total of schedule ----- \$276,716.00

Less: Estimated abatements for services to employees and sale of surplus products --- 22,000.00

Net appropriation ----- \$254,716.00

Item 71—For purchase of real property in Sonoma County, Youth Authority, subject to the approval of the Department of Finance.....	150,000.00	
Item 72—For construction, improvements, repairs, and equipment at Los Guilucos School for Girls, Youth Authority	88,310.00	
Item 73—For support of Ventura School for Girls, Youth Authority, in accordance with the following schedule	494,973.00	Ventura School
and in addition thereto any amounts collected for services to employees and from sale of surplus products which by law are available for support of said school.		

Schedule:

(a) Salaries and Wages.....	\$330,418.00
(b) Operating Expenses	166,500.00
(c) Equipment	25,355.00

Total of schedule..... \$522,273.00

Less: Estimated abatements for services to employees and sale of surplus products	27,300.00
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Net appropriation

\$494,973.00	
Item 74—For construction, improvements, repairs, and equipment, Ventura School for Girls, Youth Authority..	9,500.00

EDUCATION

Item 75—For support of the State Board of Education	4,000.00	Department of Education
Item 76—For support of Department of Education and Superintendent of Public Instruction, California State Historical Association, exclusive of the State Board of Education, in accordance with the following schedule	692,376.00	
and in addition thereto any amounts collected for services to activities supported out of other funds, for sale of bulletins, and for services to local school districts, which by law are available for support of said department.		

Schedule:

(a) Salaries and Wages --	\$536,150.00
(b) Operating Expenses --	148,844.00
(c) Equipment -----	34,532.00

Total of schedule ----- \$719,526.00

Less: Estimated abatements for services to activi- ties supported out of other funds -----	19,750.00
Estimated abatements for sale of bulletins --	3,400.00
Estimated abatements for services to local school districts -----	4,000.00

Net appropriation ----- \$692,376.00

Vocational education	Item 77—For vocational education, Department of Education, in addition to the amounts appropriated under the provisions of Section 5705, Education Code ----- to be transferred to the Vocational Education Fund upon order of the State Controller.	421,896.00
Vocational rehabilita- tion	Item 78—For vocational rehabilitation, Department of Education, in addition to the amounts appropriated under the provisions of Education Code Sections 5803-5804 ----- to be transferred to the Vocational Rehabilitation Fund, upon order of the State Controller, in such amounts as will provide therein the sums necessary to meet the State's matching requirements under the Federal act or acts relating to vocational rehabilitation.	240,000.00
State Library	Item 79—For support of California State Library, Department of Education, in accordance with the following schedule ----- and in addition thereto any amounts collected for services, which by law are available for support of said agency.	428,492.00

Schedule:

(a) Salaries and Wages --	\$328,160.00
(b) Operating Expenses ---	36,977.00
(c) Equipment -----	63,475.00

Total of schedule ----- \$428,612.00

Less: Estimated abatements for photostat services	120.00	
Net appropriation -----	\$428,492.00	
Item 79.5—For publishing, purchasing, and shipping free textbooks, Depart- ment of Education, in accordance with the following schedule-----		Textbooks
and in addition thereto any amounts collected for sale of textbooks and bulletins, which by law are avail- able for support of said depart- ment.		1,614,058.00
Schedule:		
(a) Salaries and Wages---	\$67,268.00	
(b) Operating Expenses---	1,559,400.00	
(c) Equipment -----	2,390.00	
Total of schedule-----	\$1,629,058.00	
Less: Estimated abatements for sale of textbooks and bulletins -----	15,000.00	
Net appropriation -----	\$1,614,058.00	
Item 80—For support of Chico State College, in accordance with the following schedule -----		State Colleges Chico
and in addition thereto the amount of such fees as may otherwise be made available by law for support of said college.		427,141.00
Schedule:		
(a) Salaries and Wages---	\$397,773.00	
(b) Operating Expenses---	46,778.00	
(c) Equipment -----	18,590.00	
Total of schedule-----	\$463,141.00	
Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933 -----	36,000.00	
Net appropriation -----	\$427,141.00	
Item 81—For construction, improvements, re- pairs, and equipment, Chico State College -----		16,200.00

Fresno	Item 82—For support of Fresno State College, in accordance with the following schedule ----- and in addition thereto the amount of such fees as may otherwise be made available by law for support of said college.	788,412.00
	Schedule:	
	(a) Salaries and Wages----	\$765,745.00
	(b) Operating Expenses---	76,430.00
	(c) Equipment -----	31,737.00
	Total of schedule-----	\$873,912.00
	Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933 -----	85,500.00
	Net appropriation -----	\$788,412.00
	Item 83—For construction, improvements, repairs, and equipment, Fresno State College -----	86,092.00
Humboldt	Item 84—For support of Humboldt State College, in accordance with the following schedule ----- and in addition thereto the amount of such fees as may otherwise be made available by law for support of said college.	279,788.00
	Schedule:	
	(a) Salaries and Wages---	\$265,163.00
	(b) Operating Expenses---	23,400.00
	(c) Equipment -----	6,945.00
	Total of schedule-----	\$295,508.00
	Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933 -----	15,720.00
	Net appropriation -----	\$279,788.00
	Item 85—For construction, improvements, repairs, and equipment, Humboldt State College -----	11,500.00
San Diego	Item 86—For support of San Diego State College, in accordance with the following schedule ----- and in addition thereto the amount of such fees as may otherwise be made available by law for support of said college.	868,078.00

Schedule:

(a) Salaries and Wages---	\$830,047.00
(b) Operating Expenses---	85,027.00
(c) Equipment -----	49,004.00

Total of schedule----- \$964,078.00

Less: Estimated student fees
appropriated by
Chapter 819, Statutes
of 1933 ----- 96,000.00

Net appropriation ----- \$868,078.00

Item 87—For construction, improvements,
repairs, and equipment, San Diego
State College -----

20,500.00

Item 88—For support of San Francisco State
College, in accordance with the fol-
lowing schedule -----
and in addition thereto the amount
of such fees as may otherwise be
made available by law for support of
said college.

800,206.00

San
Francisco

Schedule:

(a) Salaries and Wages---	\$790,341.00
(b) Operating Expenses --	77,300.00
(c) Equipment -----	25,415.00

Total of schedule----- \$893,056.00

Less: Estimated student fees
appropriated by
Chapter 819, Statutes
of 1933 ----- 92,850.00

Net appropriation ----- \$800,206.00

Item 89—For construction, improvements,
repairs, and equipment, San Fran-
cisco State College-----

8,000.00

Item 90—For support of San Jose State
College, in accordance with the fol-
lowing schedule -----
and in addition thereto the amount
of such fees as may otherwise be
made available by law for support
of said college.

1,110,936.00

San Jose

Schedule:

(a) Salaries and Wages---	\$1,042,710.00
(b) Operating Expenses---	143,028.00
(c) Equipment -----	46,098.00

Total of schedule----- \$1,231,826.00

Less: Estimated student fees
appropriated by
Chapter 819, Statutes
of 1933 ----- 120,900.00

Net appropriation ----- \$1,110,936.00

Item 91—For construction, improvements,
repairs, and equipment, San Jose
State College ----- 73,911.00

California
School for
Blind

Item 92—For support of California School
for Blind at Berkeley, in accord-
ance with the following schedule...
and in addition thereto any amounts
collected for services to employees
and from sale of surplus products
which by law are available for sup-
port of said school. 341,433.00

Schedule:

(a) Salaries and Wages---	\$264,078.00
(b) Operating Expenses ---	95,800.00
(c) Equipment -----	15,305.00

Total of schedule----- \$375,183.00

Less: Estimated abatements
for services to em-
ployees and sale of
surplus products---- 33,750.00

Net appropriation ----- \$341,433.00

Item 93—For readers for blind college stu-
dents, California School for Blind
at Berkeley ----- 13,000.00

Item 94—For construction, improvements, re-
pairs, and equipment, California
School for Blind at Berkeley----- 11,500.00

California
School for
Deaf

Item 95—For support of California School for
Deaf at Berkeley, in accordance
with the following schedule----- 663,460.00
and in addition thereto any amounts
collected for services to employees
and from sale of surplus products,
which by law are available for sup-
port of said school.

Schedule :

(a) Salaries and Wages----	\$491,135.00
(b) Operating Expenses --	175,750.00
(c) Equipment -----	11,575.00

Total of schedule----- \$678,460.00

Less: Estimated abatements
for services to em-
ployees and sale of
surplus products---- 15,000.00

Net appropriation ----- \$663,460.00

Item 96—For expenses of deaf graduates at-
tending Gallaudet College, Califor-
nia School for Deaf at Berkeley-- 12,000.00

Item 97—For construction, improvements, re-
pairs, and equipment, California
School for Deaf at Berkeley----- 9,000.00

Item 98—For support of California Maritime
Academy ----- 238,858.00 California
Maritime
Academy

and in addition thereto any amounts
collected for services to employees
and the amount of such fees as may
otherwise be made available by law
for support of said academy. The
appropriation made by this item,
together with any funds made avail-
able for support of the Maritime
Academy by the Federal Govern-
ment, or any agency thereof, shall
be expended in accordance with the
following schedule:

Schedule :

(a) Salaries and Wages---	\$183,050.00
(b) Operating Expenses --	191,600.00
(c) Equipment -----	9,200.00

Total of schedule----- \$383,850.00

Less: Estimated services to
employees ----- 8,400.00

Estimated student fees
a p p r o p r i a t e d b y
Chapter 619, Stat-
utes of 1937----- 86,592.00

Estimated Federal Gov-
ernment contributions 50,000.00

Net appropriation ----- \$238,858.00

Item 99—For purchase of real property, Cali-
fornia Maritime Academy, subject
to the approval of the Department
of Finance ----- 15,000.00

California
Polytechnic
School

Item 100—For support California Polytechnic School, in accordance with the following schedule, payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code and in addition thereto any amounts collected for services to activities supported out of other funds, services to employees, from sale of surplus products, and the amount of such fees or Federal contributions as may otherwise be made available by law for support of said school.

570,324.00

Schedule:

(a) Salaries and Wages---	\$634,286.00
(a.a) Salary Restoration --	9,844.00
(b) Operating Expenses---	142,753.00
(c) Equipment -----	31,201.00

Total of schedule ----- \$818,084.00

Less: Estimated abatements for services to agencies supported out of other funds -----	71,424.00
Estimated abatements for services to employees -----	7,000.00
Estimated abatements for sale of surplus products -----	31,000.00
Estimated student fees appropriated by Chapter 819, Statutes of 1933 -----	21,750.00
Estimated contributions from Federal Government for training programs -----	116,586.00

Net appropriation ----- \$570,324.00

Item 101—For support of drug and oil plant program, California Polytechnic School, in accordance with the following schedule -----

35,000.00

Schedule:

(a) Salaries and Wages---	\$20,860.00
(b) Operating Expenses --	13,940.00
(c) Equipment -----	200.00

Total of schedule ----- \$35,000.00

Item 102—For support of Teachers' Retirement System, in accordance with the following schedule -----	159,500.00	Teachers' Retirement System
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Schedule:

- | | |
|---------------------------|--------------|
| (a) Salaries and Wages--- | \$107,110.00 |
| (b) Operating Expenses--- | 42,450.00 |
| (c) Equipment ----- | 9,940.00 |

Total of schedule-----	\$159,500.00
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Item 102.5—For transfer by the State Controller to the Teachers' Permanent Fund for operation of the State Teachers' Retirement System ---- provided, that of this amount three million five hundred five thousand dollars (\$3,505,000) shall be transferred during the Ninety-seventh Fiscal Year and three million eight hundred ten thousand dollars (\$3,810,000) during the Ninety-eighth Fiscal Year.	7,315,300.00
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Item 102.6—For transfer by the State Controller to the Retirement Annuity Fund for operation of the State Teachers' Retirement System ---- provided, that of this amount ninety thousand dollars (\$90,000) shall be transferred during the Ninety-seventh Fiscal Year and two hundred five thousand dollars (\$205,000.00) during the Ninety-eighth Fiscal Year.	295,000.00
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Item 103—For support of University of California ----- exempt from Section 5 of this act, provided, that not more than one-twentieth of such amount shall be expended during any one month and not more than one-half of such amount shall be expended during the Ninety-seventh Fiscal Year.	22,383,451.00	University of California
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Item 103.5—For construction, improvements, repairs, and equipment, University of California -----	47,480.00
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Item 103.7—For the purchase of land for the campus of the University of California at Santa Barbara, University of California -----	32,000.00
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Item 104—For support of Hastings College of the Law -----	69,403.00	Hastings College of Law
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EMPLOYMENT

Department of Employ- ment	Item 105—For support of Department of Em- ployment, to match contributions to the State of California from the Federal Government under the pro- visions of the Wagner-Peyser Act... provided, that any sums withdrawn from this item shall be reimbursed from the Department of Employ- ment Contingent Fund. The State Controller shall transfer from said fund in reimbursement of the expenditures made from this item, such amounts and at such times as the Director of Finance may by exec- utive order direct.	312,380.00
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FISCAL AFFAIRS

Board of Control	Item 106—For support of State Board of Control, in accordance with the fol- lowing schedule -----	31,760.00
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Schedule:

(a) Salaries and Wages---	\$15,480.00
(b) Operating Expenses---	15,880.00
(c) Equipment -----	400.00

Total of schedule-----	\$31,760.00
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Controller	Item 107—For support of State Controller, in accordance with the following schedule -----	1,106,008.00
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Schedule:

(a) Salaries and Wages---	\$876,515.00
(b) Operating Expenses---	190,781.00
(c) Equipment -----	38,712.00

Total of schedule-----	\$1,106,008.00
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•	Item 108—For support of Motor Vehicle Fuel Tax Refund Division, State Con- troller, payable from the Motor Vehicle Fuel Fund, in accordance with the following schedule-----	182,863.00
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Schedule:

(a) Salaries and Wages---	\$118,360.00
(a.a) Salary Restoration---	18,265.00
(b) Operating Expenses---	36,598.00
(c) Equipment -----	9,640.00

Total of schedule-----	\$182,863.00
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Item 109—For support of Redemption Tax Division, State Controller, payable from the Redemption Tax Fund, in accordance with the following schedule ----- 351,473.00

Schedule:

- (a) Salaries and Wages--- \$264,590.00
- (a.a) Salary Restoration--- 6,300.00
- (b) Operating Expenses--- 76,450.00
- (c) Equipment ----- 4,133.00

Total of schedule----- \$351,473.00

Item 110—For support of State Controller, payable from the State Controller’s S.R.A. Restitution Fund to be used for the auditing and collection of refunds under, and administrative expenses in connection with, the “California Unemployment Relief Act of 1935,” in accordance with the following schedule----- 60,420 00

Schedule:

- (a) Salaries and Wages --- \$41,880.00
- (b) Operating Expenses--- 18,540.00

Total of schedule----- \$60,420.00

provided, that any amount in the State Controller’s S.R.A. Restitution Fund on July 1, 1945, in excess of the amount appropriated by this item shall be transferred by the State Controller to the credit of the General Fund.

Item 111—For support of State Board of Equalization, in accordance with the following schedule ----- 1,426,456.00

Board of Equalization

and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.

Schedule:

- (a) Salaries and Wages --- \$1,045,855.00
- (b) Operating Expenses--- 373,753.00
- (c) Equipment ----- 17,528.00

Total of schedule----- \$1,437,136.00

Less: Estimated abatements for services to activities supported out of other funds ----- 10,680.00

Net appropriation ----- \$1,426,456.00

Item 112—For support of Retail Sales Tax Division of the State Board of Equalization, in accordance with the following schedule----- 6,000,049.00
 and in addition thereto any amounts collected for services to other divisions of the State Board of Equalization which by law are available for support of said board.

Schedule:

- (a) Salaries and Wages --- \$5,438,766.00
- (b) Operating Expenses--- 793,237.00
- (c) Equipment ----- 54,561.00

Total of schedule----- \$6,286,564.00

Less: Estimated abatements for services to other divisions of board-- 286,515.00

Net appropriation----- \$6,000,049.00

Item 113—For support of Alcoholic Beverage Control Division of the State Board of Equalization, in accordance with the following schedule ----- 2,650,650.00

Schedule:

- (a) Salaries and Wages --- \$2,111,809.00
- (b) Operating Expenses--- 499,957.00
- (c) Equipment ----- 38,884.00

Total of schedule----- \$2,650,650.00

Item 114—For support of Motor Vehicle Fuel Tax Division, State Board of Equalization, payable from the Motor Vehicle Fuel Fund, in accordance with the following schedule----- 396,330.00

Schedule:

- (a) Salaries and Wages --- \$279,315.00
- (a.a) Salary Restoration--- 22,980.00
- (b) Operating Expenses--- 88,396.00
- (c) Equipment ----- 5,639.00

Total of schedule ----- \$396,330.00

Department of Finance

Item 115—For support of Department of Finance, exclusive of Bureau of Buildings and Grounds ----- 1,386,460.00
 and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said department. Said appropriation, together with the amount appropriated by Item 126 hereof, shall be expended in accordance with the following schedule:

Schedule:

(a) Salaries and Wages---	\$1,319,565.00
(b) Operating Expenses---	163,940.00
(c) Equipment -----	12,145.00

Total of schedule----- \$1,495,650.00

Less: Estimated abatements
for services to other
agencies and/or divi-
sions of said depart-
ment ----- 59,190.00

Amount payable from
Fair and Exposition
Fund (Item 126) ---- 50,000.00

Net appropriation ----- \$1,386,460.00

Item 116—For support of Bureau of Buildings
and Grounds, Division of Service
and Supply, Department of Finance
provided, that expenditures from
the Service Revolving Fund for
support of said bureau during the
Ninety-seventh and Ninety-eighth
Fiscal Years shall be made in ac-
cordance with the following sched-
ule:

Schedule:

(a) Salaries and Wages---	\$1,781,282.00
(b) Operating Expenses---	1,008,077.00
(c) Equipment -----	3,200.00

Total of schedule----- \$2,792,559.00

Less: Estimated charges to
other agencies for
building maintenance
and other services--- 1,008,076.00

Net appropriation from Gen-
eral Fund ----- \$1,784,483.00

Item 117—For alterations, repairs, and equip-
ment, State Capitol and State office
buildings, Department of Finance... 125,000.00

Item 118—For payment of automobile liability
claims and salaries and expenses in-
cident to investigation, adjustment
and defense thereof, or for premiums
for automobile liability insurance,
Department of Finance----- 70,000.00

Item 119—For official advertising, Department
of Finance ----- 2,000.00

	Item 120—For premiums on official bonds required by law for officers and employees whose salaries are paid from the General Fund, including premiums on official bonds required by Section 28 of the Unemployment Insurance Act, Department of Finance	9,000.00
	Item 121—For reclamation assessments on State-owned property, Department of Finance -----	150.00
	Item 122—For making refunds of payments of taxes, licenses and other fees, which payments have been paid erroneously into the General Fund and for the credit of the General Fund and for the refund of which no other provision is made by law, Department of Finance, provided that expenditures from this item shall be approved by the State Board of Control-----	5,000.00
	Item 123—For painting portrait of former Governors, Department of Finance----	1,500.00
	Item 124—For purchase of real property in the City and County of San Francisco, Department of Finance, to be expended under the provisions of the Property Acquisition Act-----	275,000.00
	Item 125—For purchase of real property in the City of Sacramento, Department of Finance -----	109,460.00
Division of Audits	Item 126—For support of the Division of Audits, State Department of Finance, payable from any moneys in the Fair and Exposition Fund available for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, allocated by Section 19626 of the Business and Professions Code-----	50,000.00
Division of Fairs and Expositions	Item 127—For support of the Division of Fairs and Expositions, State Department of Finance, payable from any moneys in the Fair and Exposition Fund heretofore or hereafter allocated to the Department of Finance under the provisions of Section 19621 of the Business and Professions Code, in accordance with the following schedule -----	42,105.00

Schedule :

- (a) Salaries and Wages---- \$33,010.00
- (b) Operating Expenses -- 6,945.00
- (c) Equipment ----- 2,150.00

Total of schedule----- \$42,105.00

Item 128—For support of State Agricultural Society, Division of Fairs and Expositions, Department of Finance, payable from the State Agricultural Society Contingent Fund, in accordance with the following schedule -----

State Agricultural Society

168,£20.00

Schedule :

- (a) Salaries and Wages---- \$134,270.00
- (b) Operating Expenses -- 29,050.00
- (c) Equipment ----- 5,000.00

Total of schedule----- \$168,320.00

Item 129—For the purchase of real property, State Agricultural Society, Department of Finance, payable from any moneys in the Fair and Exposition Fund available for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes allocated by Section 19626 of the Business and Professions Code, to be expended in accordance with the Property Acquisition Act -----

150,000.00

Item 130—For support of Sixth District Agricultural Association, Division of Fairs and Expositions, Department of Finance, payable from the Sixth District Agricultural Association Fund, in accordance with the following schedule-----

Sixth District Agricultural Association

86,538.00

Schedule :

- (a) Salaries and Wages---- \$76,450.00
- (b) Operating Expenses -- 8,728.00
- (c) Equipment ----- 1,360.00

Total of schedule----- \$86,538.00

Item 131—For support, Division of State Lands, State Lands Commission, Department of Finance, payable from the State Lands Act Fund, in accordance with the following schedule -----

Division of State Lands

301,8: 1.00

	Schedule:		
	(a) Salaries and Wages----	\$205,200.00	
	(a.a) Salary Restoration --	1,000.00	
	(b) Operating Expenses --	84,711.00	
	(c) Equipment -----	10,900.00	
	Total of schedule-----	\$301,811.00	
	Item 132—For the installation of public lands record system, Division of State Lands, Department of Finance, payable from the State Lands Act Fund -----		35,000.00
Napa State Farm	Item 133—For support of Napa State Farm, Department of Finance, in accordance with the following schedule--		51,833.00
	Schedule:		
	(a) Salaries and Wages----	\$18,720.00	
	(b) Operating Expenses --	18,100.00	
	(c) Equipment -----	15,013.00	
	Total of schedule-----	\$51,833.00	
Franchise Tax Commissioner	Item 134—For support of Franchise Tax Commissioner, in accordance with the following schedule -----		2,398,484.00
	Schedule:		
	(a) Salaries and Wages----	\$1,998,923.00	
	(b) Operating Expenses --	359,628.00	
	(c) Equipment -----	39,933.00	
	Total of schedule-----	\$2,398,484.00	
California Horse Racing Board	Item 135—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule -----		137,195.00
	Schedule:		
	(a) Salaries and Wages---	\$76,570.00	
	(b) Operating Expenses---	57,670.00	
	(c) Equipment -----	2,955.00	
	Total of schedule-----	\$137,195.00	
State Treasurer	Item 136—For support of the State Treasurer, in accordance with the following schedule -----		189,445.00
	Schedule:		
	(a) Salaries and Wages---	\$137,425.00	
	(b) Operating Expenses---	49,700.00	
	(c) Equipment -----	2,320.00	
	Total of schedule-----	\$189,445.00	

INDUSTRIAL RELATIONS

Item 137—For support, Departmental Administration, Department of Industrial Relations, in accordance with the following schedule-----	126,086.00	Department of Industrial Relations
and in addition thereto any amounts collected for services to activities supported out of other funds, which by law are available for support of said department.		
Schedule:		
(a) Salaries and Wages---	\$106,470.00	
(b) Operating Expenses---	20,437.00	
(c) Equipment -----	3,900.00	
	<hr/>	
Total of schedule-----	\$130,807.00	
Less: Estimated abatements for service to activities supported out of other funds -----	4,721.00	
	<hr/>	
Net appropriation -----	\$126,086.00	
Item 138—For support Division of Apprenticeship Training, Department of Industrial Relations, in accordance with the following schedule---	69,655.00	Apprentice training
Schedule:		
(a) Salaries and Wages---	\$52,510.00	
(b) Operating Expenses---	16,955.00	
(c) Equipment -----	190.00	
	<hr/>	
Total of schedule-----	\$69,655.00	
Item 139—For support of Division of Fire Safety, Department of Industrial Relations, in accordance with the following schedule -----	60,950.00	Fire Safety
Schedule:		
(a) Salaries and Wages---	\$44,700.00	
(b) Operating Expenses---	15,070.00	
(c) Equipment -----	1,180.00	
	<hr/>	
Total of schedule-----	\$60,950.00	
Item 140—For additional support of Division of Fire Safety, Department of Industrial Relations, payable from the Fire Marshal's Fund, in accordance with the following schedule	149,954.00	

Schedule:

(a) Salaries and Wages---	\$96,263.00
(b) Operating Expenses---	53,241.00
(c) Equipment -----	450.00

Total of schedule----- \$149,954.00

Immigration
and Housing

Item 141—For support of Division of Immigration and Housing, Department of Industrial Relations, in accordance with the following schedule---

245,359.00

Schedule:

(a) Salaries and Wages---	\$177,560.00
(b) Operating Expenses---	63,100.00
(c) Equipment -----	4,699.00

Total of schedule----- \$245,359.00

Industrial
Accidents
and Safety

Item 142—For support of Division of Industrial Accidents and Safety, Department of Industrial Relations, in accordance with the following schedule -----

2,156,509.00

Schedule:

(a) Salaries and Wages---	\$1,851,080.00
(b) Operating Expenses---	283,534.00
(c) Equipment -----	21,895.00

Total of schedule----- \$2,156,509.00

Industrial
Welfare

Item 143—For support of Division of Industrial Welfare, Department of Industrial Relations, in accordance with the following schedule-----

271,512.00

Schedule:

(a) Salaries and Wages ---	\$197,480.00
(b) Operating Expenses --	73,347.00
(c) Equipment -----	685.00

Total of schedule----- \$271,512.00

Labor
Statistics
and Law
Enforcement.

Item 144—For support of Division of Labor Statistics and Law Enforcement, Department of Industrial Relations, in accordance with the following schedule -----

603,436.00

Schedule:

(a) Salaries and Wages ----	\$491,720.00
(b) Operating Expenses---	99,800.00
(c) Equipment -----	11,916.00

Total of schedule----- \$603,436.00

INSTITUTIONS

Item 145—For support of Department of Institutions, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to guardianship estates, which by law are available for support of said department.	Department of Insti- tutions	513,671.00
Schedule:		
(a) Salaries and Wages-----		\$324,396.00
(b) Operating Expenses----		201,740.00
(c) Equipment -----		13,535.00
Total of schedule-----		\$539,671.00
Less: Estimated abatements from guardianship estates -----		26,000.00
Net appropriation -----		\$513,671.00
Item 146—For transportation of patients and other persons committed to State institutions of the Department of Institutions, Department of Institutions -----	Transporta- tion	103,800.00
Item 147—For support of the Langley-Porter Clinic at San Francisco, in accordance with the following schedule--	Langley- Porter Clinic	821,265.00
Schedule:		
(a) Salaries and Wages-----		\$561,215.00
(b) Operating Expenses----		249,900.00
(c) Equipment -----		10,150.00
Total of schedule-----		\$821,265.00
Item 148—For construction, improvements, repairs, and equipment at the Langley-Porter Clinic at San Francisco.		24,500.00
Item 149—For support of Out Patient Mental Hygiene Clinic at Los Angeles, Department of Institutions, in accordance with the following schedule -----	Out Patient Mental Hygiene Clinic	58,660.00
Schedule:		
(a) Salaries and Wages-----		\$43,620.00
(b) Operating Expenses----		12,000.00
(c) Equipment -----		3,040.00
Total of schedule-----		\$58,660.00

State
Hospitals
Agnews

Item 150—For support of Agnews State Hospital, in accordance with the following schedule _____ 3,041,715.00
and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages--- \$1,993,330.00
(b) Operating Expenses--- 1,121,250.00
(c) Equipment ----- 35,335.00

Total of schedule----- \$3,149,915.00

Less: Estimated abatements for services to employees and for sale of surplus products-- 108,200.00

Net appropriation----- \$3,041,715.00

Item 151—For construction, repairs, and equipment, improvements, Agnews State Hospital _____ 47,500.00

Camarillo

Item 152—For support of Camarillo State Hospital, in accordance with the following schedule _____ 3,596,495.00
and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages--- \$2,328,245.00
(b) Operating Expenses--- 1,348,720.00
(c) Equipment ----- 84,030.00

Total of schedule----- \$3,760,995.00

Less: Estimated abatements for services to employees and for sale of surplus products-- 164,500.00

Net appropriation ----- \$3,596,495.00

Item 153—For construction, improvements, repairs, and equipment, Camarillo State Hospital _____ 100,722.00

Item 154—For support of Mendocino State Hospital, in accordance with the following schedule ----- 2,563,485.00
 and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.

Mendocino

Schedule:

- (a) Salaries and Wages--- \$1,659,260.00
- (b) Operating Expenses--- 903,660.00
- (c) Equipment ----- 66,065.00

Total of schedule----- \$2,628,985.00

Less: Estimated abatements from services to employees and for sale of surplus products --- 65,500.00

Net appropriation ----- \$2,563,485.00

Item 155—For construction, improvements, repairs, and equipment, Mendocino State Hospital ----- 91,800.00

Item 156—For support of Napa State Hospital, in accordance with the following schedule ----- 3,286,291.00
 and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.

Napa

Schedule:

- (a) Salaries and Wages--- \$2,235,930.00
- (b) Operating Expenses -- 1,118,380.00
- (c) Equipment ----- 49,881.00

Total of schedule----- \$3,404,191.00

Less: Estimated abatements for services to employees and for sale of surplus products-- 117,900.00

Net appropriation ----- \$3,286,291.00

Item 157—For construction, improvements, repairs, and equipment, Napa State Hospital ----- 2,600.00

Norwalk	Item 158—For support of Norwalk State Hospital, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.	2,326,733.00
	Schedule:	
	(a) Salaries and Wages___ \$1,631,604.00	
	(b) Operating Expenses___ 718,150.00	
	(c) Equipment ----- 50,729.00	
	Total of schedule----- \$2,400,483.00	
	Less: Estimated abatements for services to employees and for sale of surplus products ---- 73,750.00	
	Net appropriation ----- \$2,326,733.00	
	Item 159—For construction, improvements, repairs, and equipment, Norwalk State Hospital -----	45,206.00
Patton	Item 160—For support of Patton State Hospital, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.	3,178,600.00
	Schedule:	
	(a) Salaries and Wages - \$2,170,380.00	
	(b) Operating Expenses - 1,058,520.00	
	(c) Equipment ----- 43,800.00	
	Total of schedule --- \$3,272,700.00	
	Less: Estimated abatements for services to employees and for sale of surplus products-- 94,100.00	
	Net appropriation ----- \$3,178,600.00	
	Item 161—For construction, improvements, repairs, and equipment, Patton State Hospital -----	99,900.00

Item 162—For support of Stockton State Hospital, in accordance with the following schedule ----- 3,705,905.00
 and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.

Schedule:

- (a) Salaries and Wages - \$2,488,560.00
- (b) Operating Expenses - 1,281,900.00
- (c) Equipment ----- 60,345.00

Total of schedule ---- \$3,830,805.00

Less: Estimated abatements for services to employees and for sale of surplus products 124,900.00

Net appropriation ----- \$3,705,905.00

Item 163—For construction, improvements, repairs, and equipment, Stockton State Hospital ----- 258,020.00

Item 164—For support of Pacific Colony, in accordance with the following schedule ----- 1,612,212.00
 and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.

Schedule:

- (a) Salaries and Wages - \$1,023,715.00
- (b) Operating Expenses - 603,970.00
- (c) Equipment ----- 35,427.00

Total of schedule ---- \$1,663,112.00

Less: Estimated abatements for services to employees and for sale of surplus products 50,900.00

Net appropriation ----- \$1,612,212.00

Item 165—For construction, improvements, repairs, and equipment, Pacific Colony ----- 54,810.00

Sonoma State Home	Item 166—For support of Sonoma State Home, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.	3,002,524.00
	Schedule:	
	(a) Salaries and Wages --- \$2,057,560.00	
	(b) Operating Expenses -- 981,050.00	
	(c) Equipment ----- 44,714.00	
	Total of schedule ----- \$3,083,324.00	
	Less: Estimated abatements for services to employees and for sale of surplus products-- 80,800.00	
	Net appropriation ----- \$3,002,524.00	
	Item 167—For construction, improvements, repairs, and equipment, Sonoma State Home -----	132,000.00
Industrial Home for Adult Blind	Item 168—For support of Industrial Home for Adult Blind, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to employees, which by law are available for support of said institution.	332,717.00
	Schedule:	
	(a) Salaries and Wages -- \$216,032.00	
	(b) Operating Expenses -- 119,140.00	
	(c) Equipment ----- 2,945.00	
	Total of schedule ----- \$338,117.00	
	Less: Estimated abatements for services to employees ----- 5,400.00	
	Net appropriation ----- \$332,717.00	
	Item 169—For construction, improvements, repairs, and equipment, Industrial Home for Adult Blind-----	22,600.00
Industrial Work Shop for Blind	Item 170—For support of Industrial Work Shop for the Blind, in accordance with the following schedule-----	78,988.00

Schedule:

(a) Salaries and Wages---	\$63,010.00
(b) Operating Expenses---	9,200.00
(c) Equipment -----	6,778.00

Total of schedule----- \$78,988.00

Item 171—For support of State Blind Shop,
in accordance with the following
schedule -----

State
Blind Shop

32,650.00

Schedule:

(a) Salaries and Wages---	\$22,910.00
(b) Operating Expenses ---	8,040.00
(c) Equipment -----	1,700.00

Total of schedule----- \$32,650.00

INVESTMENT

Item 172—For support of the Department of
Insurance, payable from the Insur-
ance Fund, in accordance with the
following schedule -----
and in addition thereto any amounts
collected for services to activities
which by law are available for sup-
port of said department.

Insurance

820,913.00

Schedule:

(a) Salaries and Wages---	\$664,410.00
(a.a) Salary Restoration---	13,753.00
(b) Operating Expenses --	198,479.00
(c) Equipment -----	4,779.00

Total of schedule----- \$881,421.00

Less: Estimated abatements

for services to insur-
ance companies in

liquidation ----- 60,508.00

Net appropriation ----- \$820,913.00

Item 173—For support of Division of Banking,
Department of Investment, payable
from the Banking Fund, in accord-
ance with the following schedule--

Banking

345,662.00

Schedule:

(a) Salaries and Wages---	\$230,710.00
(a.a) Salary Restoration---	36,616.00
(b) Operating Expenses --	77,236.00
(c) Equipment -----	1,100.00

Total of schedule----- \$345,662.00

Building
and Loan

Item 174—For support of Division of Building and Loan, Department of Investment, payable from the Building and Loan Inspection Fund, in accordance with the following schedule and in addition thereto any amounts collected for services to activities which by law are available for support of said division.

176,352.00

Schedule:

- (a) Salaries and Wages___ \$130,992.00
- (a.a) Salary Restoration__ 11,240.00
- (b) Operating Expenses -- 43,120.00
- (c) Equipment ----- 1,000.00

Total of schedule----- \$186,352.00

Less: Estimated abatements for services to building and loan associations in liquidation-- 10,000.00

Net appropriation ----- \$176,352.00

Corporations

Item 175—For support of Division of Corporations, Department of Investment, in accordance with the following schedule -----

576,428.00

Schedule:

- (a) Salaries and Wages___ \$518,828.00
- (b) Operating Expenses --- 54,250.00
- (c) Equipment ----- 3,350.00

Total of schedule----- \$576,428.00

Real Estate

Item 176—For support of the Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule -----

444,867.00

Schedule:

- (a) Salaries and Wages --- \$302,035.00
- (a.a) Salary Restoration -- 15,960.00
- (b) Operating Expenses -- 123,042.00
- (c) Equipment ----- 3,830.00

Total of schedule----- \$444,867.00

Districts
Securities
Commission

Item 177—For support of California Districts Securities Commission, in accordance with the following schedule--

31,354.00

Schedule:

- (a) Salaries and Wages --- \$23,760.00
- (b) Operating Expenses --- 7,204.00
- (c) Equipment ----- 390.00

Total of schedule ----- \$31,354.00

JUSTICE

Item 178—For support of Department of Justice -----	1,603,024.00	Department of Justice
and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said department. Said appropriation, together with the amount appropriated by Item 178.5 hereof, shall be expended in accordance with the following schedule:		
Schedule:		
(a) Salaries and Wages__	\$1,483,827.00	
(b) Operating Expenses__	509,495.00	
(c) Equipment -----	40,092.00	
Total of schedule-----	\$2,033,414.00	
Less: Estimated abatements for teletype and fingerprinting services -	75,000.00	
Estimated abatements from special fund agencies for legal services -----	285,390.00	
Amount payable from appropriation for additional support (Item 178.5) -----	70,000.00	
Net appropriation -----	\$1,603,024.00	
Item 178.5—For additional support of Department of Justice, payable from the Motor Vehicle Fund -----	70,000.00	
Item 179—For fees to Special Counsel employed pursuant to Section 472 of the Political Code, Department of Justice -----	5,000.00	
Item 180—For litigation and legal services in connection with activities of the Colorado River Board, Department of Justice -----	20,000.00	
MILITARY AND VETERANS' AFFAIRS		
Item 181—For support of The Adjutant General, and the California State Guard, including rental of armories, in accordance with the following schedule -----	1,514,046.00	Adjutant General and State Guard

Schedule:

(a) Salaries and Wages ---	\$829,420.00
(b) Operating Expenses---	670,118.00
(c) Equipment -----	14,508.00

Total of schedule ----- \$1,514,046.00

High school
cadets

Item 181.5—For maintenance of high school cadets, The Adjutant General, in accordance with the following schedule ----- 224,020.00

Schedule:

(a) Salaries and Wages ---	\$41,320.00
(b) Operating Expenses---	136,500.00
(c) Equipment -----	46,200.00

Total of schedule----- \$224,020.00

Veterans'
Home of
California

Item 182—For support of Veterans' Home of California ----- 1,299,171.00
and in addition thereto any grants received from the Federal Government and any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said home. Said appropriation shall be expended in accordance with the following schedule:

Schedule:

(a) Salaries and Wages----	\$1,353,656.00
(b) Operating Expenses ---	671,175.00
(c) Equipment -----	12,140.00

Total of schedule----- \$2,036,971.00

Less: Estimated abatements for services to employees and for sale of surplus products-- 77,800.00
Estimated receipts from Federal Government 660,000.00

Net appropriation ----- \$1,299,171.00

Item 183—For construction, improvements, repairs, and equipment, Veterans' Home of California, payable from the Athletic Commission Fund----- 107,880.00

Woman's
Relief
Corps Home

Item 184—For support of Woman's Relief Corps Home, in accordance with the following schedule----- 106,263.00
and in addition thereto any amounts collected for services to employees, which by law are available for support of said home.

Schedule :

(a) Salaries and Wages----	\$74,480.00
(b) Operating Expenses --	32,620.00
(c) Equipment -----	2,063.00

Total of schedule----- \$109,163.00

Less: Estimated abatements
for services to em-
ployees ----- 2,900.00

Net appropriation ----- \$106,263.00

Item 185—For veterans' claims and rights serv-
ice, Veterans' Welfare Board, De-
partment of Military and Veterans'
Affairs, in accordance with the fol-
lowing schedule -----

Veterans'
claims and
rights
service

300,000.00

Schedule :

(a) Salaries and Wages----	\$8,070.00
(b) Operating Expenses --	291,930.00

Total of schedule----- \$300,000.00

Item 186—For support of State Athletic Com-
mission, payable from the Athletic
Commission Fund, in accordance
with the following schedule-----

State
Athletic
Commis-
sion

171,260.00

Schedule :

(a) Salaries and Wages----	\$106,370.00
(b) Operating Expenses --	61,090.00
(c) Equipment -----	200.00
(d) Contributions to State Employees' Retire- ment System -----	3,600.00

Total of schedule----- \$171,260.00

MOTOR VEHICLES

Item 187—For support of Department of
Motor Vehicles, payable from the
Motor Vehicle Support Fund, in
accordance with the following
schedule -----

Department
of Motor
Vehicles

14,682,927.00

and in addition thereto any amounts
collected for services to other
agencies which by law are available
for support of said department.
Provided that vacancies in posi-
tions of traffic officer and motor ve-
hicle investigator in the California
Highway Patrol, may be filled only
by re-employment of members of the

Highway Patrol who return from military leave or by duration appointment.

Schedule:

Division of Administration and Division of Registration	
(a) Salaries and Wages ---	\$4,725,245.00
(b) Operating Expenses --	1,599,060.00
(c) Equipment -----	30,756.00
Division of Enforcement	
(a) Salaries and Wages ---	6,219,363.00
(b) Operating Expenses --	1,107,536.00
(c) Equipment -----	192,690.00
Division of Drivers' Licenses	
(a) Salaries and Wages ---	1,660,568.00
(b) Operating Expenses --	229,010.00
(c) Equipment -----	37,145.00
Land and Buildings	
(b) Operating Expenses --	169,626.00
(c) Equipment -----	28,800.00
Pedestrian Crossing Guards	
(a) Salaries and Wages ---	112,000.00
<hr/>	
Total of schedule-----	\$16,111,799.00
Less: Estimated abatements for pedestrian crossing guards -----	112,000.00
Estimated transfer from Motor Vehicle License Fee Fund (Item 188)	1,316,872.00
<hr/>	
Net appropriation -----	\$14,682,927.00
Item 187.2—For additional support, Department of Motor Vehicles, for salaries and wages, operating expenses, and equipment necessary to reemploy California Highway Patrol traffic officers who return from military leave, payable from the Motor Vehicle Support Fund-----	684,000.00
to be made available by executive order of the Director of Finance in augmentation of Item 187, herein. It is the intention of the Fifty-sixth Session of the Legislature that the employment of additional highway patrol officers who return from military service, for which the required appropriation is provided for in this item, or provided for in any other item in this act, shall not be considered to	

authorize the continued employment of more than 624 traffic officers. Therefore, whenever any traffic officer retires, resigns, or is separated from State service, his position is not to be refilled except by reemployment of members of the Highway Patrol who return from military service, until such time as the total number of traffic officers employed in the California Highway Patrol shall be less than 624.

Item 187.5—The State Controller, upon written authorization of the Director of Finance, shall transfer from time to time as a loan from the State Highway Fund's share of the Motor Vehicle Fund to the Motor Vehicle Support Fund such amounts during each fiscal year of the 1945-1947 biennium, not exceeding one million eight hundred eighty-four thousand six dollars (\$1,884,006.00) in each fiscal year, as are necessary to provide sufficient funds in the Motor Vehicle Support Fund to meet claims against the appropriation made by Item 187 herein. Said loan is to be repaid by transfer to be made by the State Controller upon executive order of the Director of Finance as soon as resources of the Motor Vehicle Support Fund exceed the amount necessary to meet obligations against said fund for the remainder of the registration year.

Item 188—For additional support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund--- to be transferred to the Motor Vehicle Support Fund in augmentation of Item 187 herein, in the amount of \$164,609.00 on the last day of each calendar quarter during the Ninety-seventh and Ninety-eighth Fiscal Years.

1,316,872.00

NATURAL RESOURCES

Department
of Natural
Resources

Item 189—For support of Departmental Administration, Department of Natural Resources, in accordance with the following schedule----- 154,975.00
and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.

Schedule:

(a) Salaries and Wages---- \$233,360.00
(b) Operating Expenses--- 23,100.00
(c) Equipment ----- 2,715.00

Total of schedule----- \$259,175.00

Less: Estimated abatements for services to activities supported out of other funds ----- 104,200.00

Net appropriation ----- \$154,975.00

Division of
Beaches
and Parks

Item 190—For support of Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Maintenance Fund, in accordance with the following schedule--- 852,286.00
and in addition thereto any amounts collected for services which by law are available for support of said division.

Schedule:

(a) Salaries and Wages --- \$499,374.00
(a.a) Salary Restoration--- 42,612.00
(b) Operating Expenses--- 266,240.00
(c) Equipment ----- 69,060.00

Total of schedule----- \$877,286.00

Less: Estimated abatements for services to employees 18,000.00

Estimated contributions from Santa Barbara County for La Purissima Mission maintenance ----- 7,000.00

Net appropriation ----- \$852,286.00

of which amount there shall be made available by transfer to the State Park Maintenance Fund by the State Controller the sum of four

hundred thirty-seven thousand four hundred sixty-seven dollars (\$437,467) from the State Park Fund, and one hundred seventy-two thousand five hundred ten dollars (\$172,510) from the State Beach Fund.

Item 193—For acquisition of additional redwood park areas in Humboldt and Del Norte Counties, Division of Beaches and Parks, Department of Natural Resources, subject to the approval of the Department of Finance, payable from the State Park Fund ----- 104,445.00 provided, that any amount withdrawn from this item must be matched by like amounts in money, property or lands received from private or other sources.

Item 194—For construction, improvements, repairs, and equipment of State parks, Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Fund ----- 155,950.00

Item 195—For construction, improvements, repairs, and equipment of State beaches, Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach Fund ----- 26,500.00

Item 196—For support of Division of Fish and Game, Department of Natural Resources, including license commissions, and for the maintenance and construction of fish screens and other stream improvements, payable from the Fish and Game Preservation Fund, in accordance with the following schedule----- 4,742,569.00 and in addition thereto any amounts collected for services which by law are available for support of said division. Division of Fish and Game

Schedule:

- (a) Salaries and Wages--- \$2,481,253.00
- (a.a) Salary Restoration-- 173,182.00
- (b) Operating Expenses--- 1,867,735.00
- (c) Equipment ----- 271,885.00

Total of schedule----- \$4,794,055.00

Less: Estimated abatements for services to em- ployees -----	20,790.00
Estimated abatements for services to the Federal Government, or any agency thereof, pursuant to activ- ities under the "Pitt- man-Robertson Act," a Federal statute----	30,696.00
Net appropriation-----	\$4,742,569.00
Item 197—For cooperation with the Federal Government in the purchase of land for game production, improve- ment of waterfowl areas and research in game management under the provisions of the Pitt- man-Robertson Act, Division of Fish and Game, Department of Natural Resources, payable from the Fish and Game Preservation Fund -----	50,000.00
Item 198—For purchase of real property for public shooting grounds, fish hatcheries, quail refuges, quail water holes, or game farms, Divi- sion of Fish and Game, Department of Natural Resources, subject to the approval of the Department of Finance, payable from the Fish and Game Preservation Fund ----- provided, that one-half of said sum shall be spent in each of the northern and southern halves of the State, and provided, further, the acquisi- tion of any lands for public shooting grounds under this item shall not be made unless a resolution is obtained from the board of supervisors of the county in which such land is situated that such board recom- mends that the State acquire such property; and provided, further, that to each county in which such real property is acquired for public shooting grounds, an amount equivalent to taxes levied by the county on similar land similarly sit- uated in the county shall be paid the county out of the appropriation for	674,000.00

the support of the Division of Fish and Game, Department of Natural Resources, between July 1st and July 31st of each year so long as the State continues to own the land. Determination of what constitutes similar land similarly situated shall be made by a committee consisting of the county assessor of the county in which the land is located, a representative of the State Board of Equalization and a representative of the Fish and Game Commission. The money received by any county under this provision may be expended by it for any proper State purpose not prohibited by the State Constitution.

Item 199—For construction, improvements, repairs, and equipment, Division of Fish and Game, Department of Natural Resources, payable from the Fish and Game Preservation Fund.

240,000.00

Item 200—For support of Division of Forestry, Department of Natural Resources, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to other agencies and to employees, which by law are available for support of said division.

Division of Forestry

6,100,847.00

Schedule:

(a) Salaries and Wages ---	\$5,394,366.00
(b) Operating Expenses --	1,523,330.00
(c) Equipment -----	563,787.00

Total of schedule----- \$7,481,483.00

Less: Estimated abatements for services to employees -----	585,396.00
Estimated abatements for services to counties under cooperative agreements-----	530,128.00
Estimated abatements for services to the Federal Government,	

or any agency thereof,
for fire services pur-
suant to contracts--- 265,112.00

Net appropriation ----- \$6,100,847.00
Item 200.5—For support of Forestry Work
Camps, Division of Forestry,
Department of Natural Resources-- 744,730.00
Item 201—For direct allotment to cooperating
counties for prevention and sup-
pression of forest fires on timber
and watershed lands, Division of
Forestry, Department of Natural
Resources, in accordance with the
following schedule ----- 726,655.00

Schedule :

(a) Los Angeles County--- \$206,000.00
(b) Marin County ----- 42,000.00
(c) San Mateo County---- 62,000.00
(d) Santa Barbara County_ 62,000.00
(e) Ventura County ----- 62,000.00
(f) To the above counties
in direct proportion
as they qualify in the
S t a t e qualifications
for Clarke-McNary
Funds, any amount
not qualified to revert
to the General Fund
of the State----- 292,655.00

Total of schedule----- \$726,655.00

provided, one-half of
the above amounts
shall be available for
allocation annually;
provided further, the
amounts appropriated
by Items 200 and 201,
herein, shall not be
augmented by funds
received from the Fed-
eral Government as
grants under the
Clarke - McNary Act
(June 7, 1924, Chap.
348, 43 Stat. 653).

Item 202—For direct allotment to the United
States Department of Agriculture,
for prevention and suppression of
forest fires on private and State-
owned lands located inside the

	boundaries of United States Forest Reserves within this State, Division of Forestry, Department of Natural Resources -----	418,000.00	
Item 202.5	—For manning and maintenance of State-owned emergency fire-fighting equipment assigned under agreements with counties and municipalities, pursuant to the State Fire Disaster Plan, Division of Forestry, Department of Natural Resources... exempt from Section 6 of this act.	157 380.00	
Item 203	—For white pine blister rust control protection, Division of Forestry, Department of Natural Resources provided, that any amount withdrawn from this item must be matched by an expenditure of a like amount by the Federal Government in this State for the same purpose.	150 000.00	
Item 203.5	—For pine beetle control protection, Division of Forestry, Department of Natural Resources, to be expended in accordance with Section 4455 of the Public Resources Code-----	50,000.00	
Item 204	—For emergency fire suppression, Division of Forestry, Department of Natural Resources, to be transferred to Item 200 upon executive order of the Director of Finance----	250,000.00	
Item 205	—For the purchase of real property, Division of Forestry, Department of Natural Resources, subject to the approval of the Department of Finance -----	55,200.00	
Item 205.5	—For construction, improvements, and equipment, Division of Forestry, Department of Natural Resources -----	72,618.00	
Item 206	—For support of Division of Mines, Department of Natural Resources, in accordance with the following schedule -----	302,499.00	DIVISION of Mines
Schedule:			
	(a) Salaries and Wages---	\$180,730.00	
	(b) Operating Expenses --	111,570.00	
	(c) Equipment -----	10,199.00	
	Total of schedule-----	\$302,499.00	
Item 207	—For geological exploration in cooperation with United States Geolog-		

	ical Survey, Division of Mines, Department of Natural Resources provided, that any amount with- drawn from this item must be matched by an expenditure of a like amount by the Federal Government in this State for this purpose.	100,000.00
Division of Oil and Gas	Item 208—For support of Division of Oil and Gas, Department of Natural Resources, payable from the Petro- leum and Gas Fund, in accordance with the following schedule-----	449,838.00
	Schedule:	
	(a) Salaries and Wages----	\$306,910.00
	(a.a) Salary Restoration---	34,570.00
	(b) Operating Expenses---	104,914.00
	(c) Equipment -----	3,444.00
	Total of schedule-----	\$449,838.00
	Item 208.5—For purchase of real property, Division of Oil and Gas, Depart- ment of Natural Resources, payable from the Petroleum and Gas Fund	750.00

PROFESSIONAL AND VOCATIONAL STANDARDS

Accountancy	Item 209—For support of State Board of Accountancy, payable from the Board of Accountancy Fund, in ac- cordance with the following schedule	28,996.00
	Schedule:	
	(a) Salaries and Wages---	\$14,320.00
	(b) Operating Expenses---	14,576.00
	(c) Equipment -----	100.00
	Total of schedule-----	\$28,996.00
Architecture	Item 210—For support of State Board of Architecture, payable from the Board of Architectural Examiners Fund, in accordance with the follow- ing schedule -----	24,958.00
	Schedule:	
	(a) Salaries and Wages---	\$12,082.00
	(b) Operating Expenses---	11,476.00
	(c) Equipment -----	1,400.00
	Total of schedule-----	\$24,958.00
Barbers	Item 211—For support of State Board of Bar- ber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the follow- ing schedule -----	107,614.00

Schedule:

(a) Salaries and Wages ---	\$64,890.00
(a.a) Salary Restoration---	4,440.00
(b) Operating Expenses---	34,484.00
(c) Equipment -----	3,800.00

Total of schedule----- \$107,614.00

Item 212—For support of Board of Registration for Civil Engineers, payable from the Civil Engineers' Fund, in accordance with the following schedule -----

66,057.00

Civil
Engineers

Schedule:

(a) Salaries and Wages ---	\$41,740.00
(b) Operating Expenses---	22,892.00
(c) Equipment -----	1,425.00

Total of schedule----- \$66,057.00

Item 213—For support of Contractors' License Board, payable from the Contractors' License Fund, in accordance with the following schedule---

406,954.00

Contractors

Schedule:

(a) Salaries and Wages ---	\$254,080.00
(a.a) Salary Restoration---	10,900.00
(b) Operating Expenses---	129,624.00
(c) Equipment -----	12,350.00

Total of schedule----- \$406,954.00

Item 214—For support of State Board of Cosmetology, payable from the Board of Cosmetology Contingent Fund, in accordance with the following schedule -----

181,694.00

Cosmetology

Schedule:

(a) Salaries and Wages ---	\$103,910.00
(a.a) Salary Restoration---	4,520.00
(b) Operating Expenses --	69,464.00
(c) Equipment -----	3,800.00

Total of schedule----- \$181,694.00

Item 215—For support of Board of Dental Examiners, payable from the Dentistry Fund, in accordance with the following schedule -----

72,152.00

Dentistry

Schedule:

(a) Salaries and Wages---	\$39,000.00
(a.a) Salary Restoration---	5,000.00
(b) Operating Expenses --	28,052.00
(c) Equipment -----	100.00

Total of schedule----- \$72,152.00

Detectives	Item 216—For support of Detective License Bureau, Department of Professional and Vocational Standards, payable from the Detective Agency Contingent Fund, in accordance with the following schedule -----	15,352.00
	Schedule: (a) Salaries and Wages --- \$4,740.00 (b) Operating Expenses--- 10,512.00 (c) Equipment ----- 100.00	
	Total of schedule----- \$15,352.00	
Funeral Directors and Embalmers	Item 217—For support of Bureau of Funeral Directors and Embalmers, payable from the Funeral Directors and Embalmers' Fund, in accordance with the following schedule-----	41,835.00
	Schedule: (a) Salaries and Wages--- \$20,202.00 (a.a) Salary Restoration--- 6,840.00 (b) Operating Expenses--- 13,793.00 (c) Equipment ----- 1,000.00	
	Total of schedule----- \$41,835.00	
Furniture and Bedding	Item 218—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule -----	208,808.00
	Schedule: (a) Salaries and Wages--- \$146,536.00 (a.a) Salary Restoration--- 2,880.00 (b) Operating Expenses--- 52,942.00 (c) Equipment ----- 6,450.00	
	Total of schedule----- \$208,808.00	
Medicine	Item 219—For support of State Board of Medical Examiners, payable from Medical Examiners' Contingent Fund, in accordance with the following schedule -----	161,009.00
	Schedule: (a) Salaries and Wages--- \$82,260.00 (b) Operating Expenses--- 77,274.00 (c) Equipment ----- 1,475.00	
	Total of schedule----- \$161,009.00	

Item 220—For support of Board of Nurse Examiners, payable from the Board of Nurse Examiners' Fund, in accordance with the following schedule--- 126,392.00

Nurses

Schedule:

- (a) Salaries and Wages--- \$41,730.00
- (a.a) Salary Restoration--- 24,630.00
- (b) Operating Expenses--- 59,682.00
- (c) Equipment ----- 350.00

Total of schedule----- \$126,392.00

Item 221—For support of State Board of Optometry, payable from the Board of Optometry Fund, in accordance with the following schedule----- 19,308.00

Optometry

Schedule:

- (a) Salaries and Wages--- \$10,640.00
- (b) Operating Expenses--- 8,618.00
- (c) Equipment ----- 50.00

Total of schedule----- \$19,308.00

Item 222—For support of State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule--- 121,071.00

Pharmacy

Schedule:

- (a) Salaries and Wages--- \$73,793.00
- (b) Operating Expenses--- 43,578.00
- (c) Equipment ----- 3,700.00

Total of schedule----- \$121,071.00

Item 223—For support of Structural Pest Control Board, payable from the Structural Pest Control Board Fund, in accordance with the following schedule ----- 28,868.00

Structural Pest Control

Schedule:

- (a) Salaries and Wages--- \$16,360.00
- (b) Operating Expenses--- 12,408.00
- (c) Equipment ----- 100.00

Total of schedule----- \$28,868.00

Item 224—For support of Board of Examiners in Veterinary Medicine, payable from the Veterinary Medicine Examiners' Contingent Fund, in accordance with the following schedule--- 13,010.00

Veterinary Medicine

Schedule:

- (a) Salaries and Wages--- \$7,040.00
- (b) Operating Expenses--- 5,930.00
- (c) Equipment ----- 40.00

Total of schedule----- \$13,010.00

Yacht and Ship Brokers	Item 225—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers Fund, in accordance with the following schedule -----	10,939.00
	Schedule:	
	(a) Salaries and Wages --- \$5,563.00	
	(b) Operating Expenses -- 5,336.00	
	(c) Equipment ----- 40.00	
	Total of schedule ----- \$10,939.00	
Chiro- practi- cians	Item 226—For support of Board of Chiropractic Examiners, payable from the Chiropractic Examiners' Fund, in accordance with the following schedule -----	33,703.00
	Schedule:	
	(a) Salaries and Wages --- \$20,290.00	
	(b) Operating Expenses --- 12,907.00	
	(c) Equipment ----- 506.00	
	Total of schedule ----- \$33,703.00	
Osteopaths	Item 227—For support of State Board of Osteopathic Examiners, payable from the Osteopathic Examiners' Contingent Fund, in accordance with the following schedule -----	30,795.00
	Schedule:	
	(a) Salaries and Wages --- \$22,285.00	
	(b) Operating Expenses --- 8,310.00	
	(c) Equipment ----- 200.00	
	Total of schedule ----- \$30,795.00	

PUBLIC HEALTH

Department of Public Health	Item 228—For support of Department of Public Health, exclusive of Bureau of Cannery Inspection -----	2,016,186.00
	Item 229—For subsidies, Bureau of Tuberculosis, Department of Public Health --	1,533,917.00
	Item 230—For additional support of Department of Public Health, payable from Public Health Fund -----	498,417.00
	and in addition thereto any amounts collected from sale of antigens, amounts deposited by the Federal Government, or any agency thereof, as grants for public health purposes, and amounts contributed by organizations for public health purposes,	

which by law are available for support of said department. Said appropriation, together with the appropriation made by Item 228 hereof, shall be expended in accordance with the following schedule:

Schedule:

(a) Salaries and Wages---	\$3,385,060.00
(a.a) Salary Restoration --	405,262.00
(b) Operating Expenses---	7,636,330.00
(c) Equipment -----	74,305.00

Total of schedule-----\$11,500,957.00

Less: Estimated abatements from sale of antigens	20,000.00
Estimated grants from the Federal Govern- ment or any agency thereof -----	8,919,383.00
Estimated contribu- tions for public health purpose from organizations -----	46,971.00
Estimated amount pay- able from appropria- tion made by Item 228 -----	2,016,186.00

Net appropriation ----- \$498,417.00

Item 231—For medical and physical care, hospitalization, appliances, and convalescent care for physically handicapped children, Department of Public Health ----- 200,000.00
provided, that all or any portion may be transferred to the Public Health Fund upon executive order of the Director of Finance.

PUBLIC UTILITIES

Item 232—For support of Railroad Commission
of the State of California, in accord-
ance with the following schedule-- 1,519,648.00

Railroad
Commission

Schedule:

(a) Salaries and Wages ---	\$1,330,488.00
(b) Operating Expenses---	176,480.00
(c) Equipment -----	12,680.00

Total of schedule--- \$1,519,648.00

Item 233—For support of Transportation Rate
Division, Railroad Commission of

the State of California, payable from the Transportation Rate Fund, in accordance with the following schedule -----

901,411.00

Schedule:

- (a) Salaries and Wages - \$650,806.00
- (a.a) Salary Restoration -- 62,510.00
- (b) Operating Expenses --- 175,914.00
- (c) Equipment ----- 12,181.00

Total of schedule ----- \$901,411.00

PUBLIC WORKS

Department of Public Works

Item 234—For pro rata support of Department of Public Works, exclusive of Division of Architecture, Division of Water Resources, Division of Highways, and Division of Contracts and Rights of Way, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.

63,498.00

Schedule:

- (a) Salaries and Wages -- \$174,335.00
- (b) Operating Expenses -- 40,815.00
- (c) Equipment ----- 475.00

Total of schedule ----- \$215,625.00

Less: Estimated abatements for services to activities supported out of other funds ----- 152,127.00

Net appropriation ----- \$63,498.00

Item 235—For support of Mileage Rationing Bureau, Department of Public Works -----

4,255.00

Division of Architecture

Item 237—For support of Division of Architecture, Department of Public Works, in accordance with the following schedule ----- and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said division.

408,900.00

Schedule:

(a) Salaries and Wages --	\$310,180.00
(b) Operating Expenses --	72,276.00
(c) Equipment -----	27,444.00

Total of schedule ----- \$409,900.00

Less: Estimated abatements
for services to activi-
ties supported out of
other funds ----- 1,000.00

Net appropriation ----- \$408,900.00

Item 238—For support of Division of Archi-
tecture, Department of Public
Works, payable from the Division
of Architecture Public Building
Fund, in accordance with the fol-
lowing schedule -----

174,894.00

Schedule:

(a) Salaries and Wages --	\$146,560.00
(b) Operating Expenses --	24,466.00
(c) Equipment -----	3,868.00

Total of schedule ----- \$174,894.00

Item 239—For support of supervision of out-
door advertising, Department of
Public Works, payable from Super-
vision of Outdoor Advertising Fund

Outdoor
Advertising

70,535.00

Item 240—For support of Division of Water
Resources, Department of Public
Works, including cooperative work
with other agencies-----

Division
of Water
Resources

1,014,505.00

and in addition thereto any amounts
collected for services to activities
supported out of other funds which
by law are available for support of
said division and/or department.
Said appropriation, together with
the amount appropriated by Item
242 hereof, shall be expended in
accordance with the following sched-
ule:

Schedule:

(a) Salaries and Wages---	\$673,070.00
(b) Operating Expenses --	344,906.00
(c) Equipment -----	29,385.00
(d) Contributions to Water- master Services ----	31,700.00

Total of schedule----- \$1,079,061.00

Less: Estimated abatements
for services to activ-

	ities supported out of other funds -----	2,536.00
	Estimated amount payable from Watermaster Service Fund (Item 242) -----	62,020.00
	Net appropriation -----	\$1,014,505.00
	Item 241—For investigation, study, and report on water resources of Salinas Valley provided, that any amount withdrawn from this item must be matched from sources other than the State -----	7,000.00
	Item 241.5—For construction, renewal, and repair of work for restraining, impounding, and control of debris resulting from mining operations, natural erosion, and other causes along the Yuba River, Department of Public Works, Division of Water Resources; provided, however, that the money herein appropriated shall be available subject to the provisions of Sections 2, 3 and 4 of Chapter 686, Statutes of 1935-----	60,000.00
	Item 242—For additional support of Division of Water Resources, Department of Public Works, payable from Watermaster Service Fund----- which sum is in addition to transfers made from the General Fund in accordance with Section 4360 of the Water Code.	30,320.00
Water Project Authority	Item 243—For support of the Water Project Authority, in furtherance of the Central Valley Project, in accordance with the following schedule--	128,576.00
	Schedule:	
	(a) Salaries and Wages--	\$111,793.00
	(b) Operating Expenses --	16,783.00
	Total of schedule-----	\$128,576.00
Colorado River Board	Item 244—For support of Colorado River Board, in accordance with the following schedule -----	106,762.00
	Schedule:	
	(a) Salaries and Wages ---	\$53,280.00
	(b) Operating Expenses---	47,982.00
	(c) Equipment -----	5,500.00
	Total of schedule-----	\$106,762.00

Item 244.5—For support of the Board of Harbor Commissioners for Humboldt Bay -----	5,000.00	Harbor Commissioners, Humboldt Bay
Item 245—For support of State Reclamation Board, in accordance with the following schedule -----	235,570.00	Reclamation Board
Schedule :		
(a) Salaries and Wages ---	\$197,590.00	
(b) Operating Expenses --	31,580.00	
(c) Equipment -----	6,400.00	
Total of schedule -----	\$235,570.00	
Item 246—For lands, rights of way, borrow pits, and easements for levees and flood control works to be constructed by the United States within the Sacramento River Flood Control Project, and for advances and payment to the United States for incidental construction items which are a right-of-way cost or obligation of the State in the construction of said levees and flood control works, and for materials and necessary construction or reconstruction of, or alterations to highways, bridges, power lines, pipe lines and other structures or facilities, and for flowage rights over lands in by-passes and channels created for the disposal of flood waters, and for flowage rights over lands in overflow areas, State Reclamation Board -----	750,000.00	
provided, that the amount provided herein shall not be transferred to any other State fund under control of the State Reclamation Board.		

SOCIAL WELFARE

Item 247—For support of Department of Social Welfare -----	1,130,727.00	Department of Social Welfare
to be transferred to the Social Welfare Fund under the provisions of Section 124 of the Welfare and Institutions Code; provided, however, that the limitations of subdivision (b) of Section 124 of the Welfare and Institutions Code on the rate of withdrawal do not apply to revolving fund withdrawals under Section 4 of this act. Such appropriation,		

together with any grants made available by the Federal Government for support of the Department of Social Welfare during the Ninety-seventh and Ninety-eighth Fiscal Years, shall be expended in accordance with the following schedule:

Schedule:

(a) Salaries and Wages---	\$2,020,330.00
(a.a) Salary Restoration---	119,600.00
(b) Operating Expenses---	541,192.00
(c) Equipment -----	12,571.00
(d) Contributions to State Employees' Retirement Fund -----	80,247.00

Total of schedule----- \$2,773,940.00

Less: Estimated amounts payable from Federal grants ----- 1,643,213.00

Net appropriation----- \$1,130,727.00

Item 248—For treatment or operations to prevent blindness or restore vision to applicants for, or recipients of, blind aid, Department of Social Welfare provided, that all or any portion may be transferred to the Social Welfare Fund upon executive order of the Director of Finance. 50,000.00

MISCELLANEOUS

Compensation benefits to State officers and employees

Item 249—For such proportion of the compensation benefits to State officers and employees as in each case the contribution out of the General Fund to the salary of such officer or employee, during the portion of the Ninety-seventh and Ninety-eighth Fiscal Years prior to the date when the benefit becomes payable, bears to the total salary of such officer or employee during the same period, or for officers and employees of the State paid in whole or in part from the Vocational Education Fund or Vocational Rehabilitation Fund; or for premiums on insurance therefor 300,000.00

Operation of motor vehicles

Item 250—For augmentation of the appropriations for support of State agencies supported from the General Fund-- 200,000.00

to be expended only on written authorization of the State Department of Finance, for purchase and operation of motor vehicles. In lieu of allocating funds from this item the Department of Finance may supply automotive transportation service or the use of automobiles to other State agencies and may expend the money appropriated hereby for the purchase and operation of motor vehicles for that purpose.

POSTWAR CONSTRUCTION

	Acquisition of prop- erty, etc.
Item 251—For the acquisition of real property as a site for a medium custody vocational and agricultural institution for young offenders, Department of Corrections, to be expended under the provisions of the Property Acquisition Act -----	300,000.00
Item 251.1—For the acquisition of real property for the campus of the Humboldt State College, Department of Education, to be expended under the provisions of the Property Acquisition Act -----	195,000.00
Item 252—For the acquisition of real property for use as a site for a prison medical center for the mentally ill, sexually abnormal, epileptic, drug addicted and chronically ill prisoners, Department of Corrections, to be expended under the provisions of the Property Acquisition Act -----	300,000.00
Item 253—For the acquisition of real property for use as a site for a medium custody institution for older prisoners, Department of Corrections, to be expended under the provisions of the Property Acquisition Act -----	300,000.00
Item 254—For construction, improvements, and equipment of Plant Quarantine Stations, Department of Agriculture -----	163,100.00
Item 255—For minor construction, improvements, repairs, and equipment, Department of Agriculture -----	40,000.00
Item 256—For construction, improvements, and equipment, Folsom State Prison, Department of Corrections -----	1,080,500.00

Item 257—For construction, improvements, and equipment, San Quentin State Prison, Department of Corrections.	106,000.00
Item 258—For construction, improvements, and equipment, California Institution for Men, Department of Corrections -----	99,000.00
Item 259—For construction, improvements, and equipment for intermediate vocational and agricultural institution, Department of Corrections.---	4,615,000.00
Item 260—For minor construction, improvements, repairs, and equipment, Department of Corrections, as may be allocated by the Director of Finance upon application by the Director of Corrections -----	250,000.00
Item 261—For minor construction, improvements, repairs, and equipment, Youth Authority, Department of Corrections, as may be allocated by the Director of Finance upon application by the Director of Youth Authority -----	100,000.00
Item 262—For construction, improvements, and equipment, School for the Deaf, Department of Education-----	468,000.00
Item 263—For minor construction, improvements, repairs, and equipment, Department of Education, as may be allocated by the Director of Finance upon application by the Director of Education -----	250,000.00
Item 264—For construction, improvements, and equipment, Agnews State Hospital, Department of Institutions.---	585,000.00
Item 265—For construction, improvements, and equipment, Camarillo State Hospital, Department of Institutions -----	299,000.00
Item 266—For construction, improvements, and equipment, Napa State Hospital, Department of Institutions.---	1,371,670.00
Item 267—For construction, improvements, and equipment, Norwalk State Hospital, Department of Institutions.---	119,600.00
Item 268—For construction, improvements, and equipment, Stockton State Hospital, Department of Institutions.---	1,021,600.00
Item 269—For construction, improvements, and equipment, Pacific Colony, Department of Institutions.-----	286,000.00

Item 270—For minor construction, improvements, repairs, and equipment, Department of Institutions, as may be allocated by the Director of Finance upon application by the Director of Institutions -----	500,000.00
Item 271—For construction, improvements, and equipment, Veterans' Home of California, Department of Military and Veterans' Affairs-----	748,000.00
Item 272—For minor construction, improvements, repairs, and equipment, Veterans' Home of California, Department of Military and Veterans' Affairs -----	100,000.00
Item 273—For construction, improvements, and equipment, Division of Forestry, Department of Natural Resources..	216,000.00
Item 274—For minor construction, improvements, repairs, and equipment, Division of Forestry, Department of Natural Resources-----	50,000.00

RESERVES FOR CONTINGENCIES

Item 275—For Emergency Fund, exempt from Section 6 of this act, to be expended only on written authorization of the State Department of Finance for emergencies; provided, that loans may be made from the Emergency Fund to State agencies which derive funds from sources other than the General Fund upon such terms and conditions for repayment as may be prescribed by the State Department of Finance -----	Emergency Fund	1,750,000.00
Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.		
Item 276.5—For Salary Restoration Fund for payment of salaries and wages, to be allocated on authorization of the Department of Finance to each State officer, department, board, bureau, commission, and other State agency, excluding The Regents of the University of California, in augmentation of the respective ap-	Salary Restoration Fund	

propriation for the support of each for the Ninety-seventh and Ninety-eighth Fiscal Years-----

2,836,167.00

Allocation

To receive an allocation from the Salary Restoration Fund or from the "Salary Restoration" category in the schedule applicable to a special fund appropriation, the officer, department, board, bureau, commission or other State agency, excluding The Regents of the University of California, shall demonstrate to the satisfaction of the Department of Finance that it is necessary and desirable to fill vacant positions; and it shall substantiate the request by presentation of such workload statistics, analyses of available man hours and other information as the Department of Finance may require. The Department of Finance shall certify that the need exists in respect to such request of any officer, department, board, bureau, commission or other State agency, and the authorization of the Department of Finance allocating any funds from the Salary Restoration Fund or from the "Salary Restoration" category in any schedule shall be sufficient evidence for the Controller to transfer said funds.

Salary Increase Fund

Item 276.6—For Salary Increase Fund to be allocated only on authorization of the State Department of Finance to the several State offices, departments, boards, bureaus, commissions, The Regents of the University of California, and other State agencies in augmentation of their respective appropriations for support for the Ninety-seventh and Ninety-eighth Fiscal Years in such amounts as will make sufficient money available during said fiscal years to be paid each State officer or employee in the State service whose compensation, or a portion thereof, is payable from the General Fund

- (a) The increase in compensation provided for in any increased salary range established by the Personnel

Board or other salary-fixing authority with the approval of the Department of Finance; provided, that in establishing such increased salary ranges the State Personnel Board, or other salary-fixing authority, may determine that the salary range theretofore established for any class of position became inequitable as of July 1, 1945, or as of any specified date subsequent thereto, and the change in salary range and the increased compensation payable shall be made effective as of such date;

- (b) An increase in compensation, in augmentation of the increase provided for in Section 14 of this act, in accordance with the following schedule:

Increase in compensation

- 1. To each officer or employee whose salary range has not been increased by the State Personnel Board or other salary-fixing authority since January 1, 1944, an increase of fifteen dollars (\$15) per month;
- 2. To each officer or employee whose salary range has been increased since January 1, 1944, by less than fifteen dollars (\$15) per month, an increase equal to the difference between the amount of the increase in salary range and fifteen dollars (\$15) per month; said difference to be measured by the difference in the minimum rates of the respective salary ranges -----

10,940,322.00

For State officers and employees whose compensation, or portion thereof, is payable from special funds, there is appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation for each such officer or employee in accordance with this item, which amount is to be made available by the Governor and Director of Finance under the provisions of Section 661 of the Political Code. To carry out the provisions of this item, the amount specified in Item 187.5 is hereby increased seven hundred ninety-eight thousand dollars (\$798,000) for the Ninety-seventh Fiscal Year and seven hundred ninety-eight thousand dollars (\$798,000) for the Ninety-eighth Fiscal Year.

Special fund agencies

The money appropriated by this item or made available under its provisions shall not be available to officers or employees

Prevailing rates of wages

whose compensation is fixed at or based upon prevailing rates of wages.

Minimum work week.

Except for officers and employees of the courts or of the University of California, or for members of the faculty as defined by the Director of Education in the State colleges, California School for the Deaf, California School for the Blind, and the California Polytechnic School, or for officers and employees of the Legislature, no money appropriated or made available by this item shall be paid to any State officer or employee unless the appointing power certifies on each pay roll that the officer or employee has worked on the basis of a minimum of 40 hours per week, except for such absences as may be authorized by law or by or in accord with rules of the State Personnel Board, whether the position be within or without the State civil service.

BOARD OF STATE HARBOR COMMISSIONERS

Board of Harbor Commissioners, San Francisco	Item 277—For support of Board of State Harbor Commissioners, San Francisco, payable from San Francisco Harbor Improvement Fund -----	7,086,805.00
	Item 278—For maintenance of fire boats, Board of State Harbor Commissioners, payable from San Francisco Harbor Improvement Fund -----	220,000.00
	Item 279—For services of City and County of San Francisco firemen, Board of State Harbor Commissioners, payable from San Francisco Harbor Improvement Fund -----	50,000.00
	Item 280—For construction and improvements of wharves, piers, sheds, bridges, tracks, and other construction, improvements, and equipment as needed, Board of State Harbor Commissioners, San Francisco, payable from San Francisco Harbor Improvement Fund -----	3,227,000.00

Limitation of expenditures to object categories

SEC. 2.5. In providing that certain appropriations in Section 2 of this act are to be expended in accordance with a schedule set forth after each such appropriation item, it is the intent of the Legislature, except as specifically provided in other sections of this act relating to the category "Salaries and Wages," to limit thereby the amount of money to be expended from each such appropriation item for certain specified object categories, such as, "Salaries and Wages," "Operating Expenses," or "Equipment," using in that connection the same terms as used in the detailed budget of the officer, department, division, bureau or other agency to whom the appropriation is made, as contained in that document entitled "State of California Budget for the

Biennium July 1, 1945 to June 30, 1947," submitted by the Governor to the Legislature at the Fifty-sixth Session. Each such schedule in this act is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in such schedules:

"Salaries and Wages" shall include all expenditures for payment of officers and employees of the State but does not include compensation of independent contractors rendering personal services to the State under contract. "Salaries and Wages"

"Operating Expenses" shall include all expenditures for purchase of materials, supplies (including expendable equipment), services (other than services of State officers and employees), and all other proper expenses (other than the acquisition of unexpendable tangible property). "Operating Expenses"

"Equipment" shall include all expenditures for the acquisition or replacement of non-expendable tangible property. "Equipment"

"Salary Restoration" shall include the provision made for the filling of vacant positions and shall be available only for allocation to the "Salaries and Wages" category as provided in Item 276.5. "Salary Restoration"

For the purpose of further interpreting the meaning of the words, terms, and phrases used in such schedules, reference is hereby made to the aforementioned budget document, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 677 of the Political Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every State agency to whom appropriations are made under this act. Interpretation

SEC. 2.6. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for an object category designated in any schedule set forth for such appropriation in Section 2 by transfer from any of the other designated object categories within the same schedule. The Director of Finance shall present to the Joint Legislative Budget Committee assembled in meeting a report on all authorizations given pursuant to this section during the preceding quarter. Transfers from object categories

SEC. 2.7. The Director of Finance may, upon request of an officer, department, division, bureau or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for an object category designated in any schedule set forth for such appropriation in Section 2 hereof in the amount of any funds which he estimates will be received by said officer, department, division, bureau or other agency during the Ninety-seventh and Ninety-eighth Fiscal Years from any other State agency, from any agency of Augmentation

local government or the Federal Government, from any appropriation made by the Legislature at the Fifty-sixth Session or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

Publications **SEC. 3.** When any State publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of Section 22041 of the Education Code of the State of California. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of Sections 669 and 677.5 of the Political Code; provided, that the State Controller shall not be required to draw such warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him. The sums herein appropriated for the expenses of the National Guard shall be audited by The Adjutant General, as required by Sections 190 and 192 of the Military and Veterans Code.

Legislative expenses

National Guard

Payments from appropriations

SEC. 4. The State Controller is hereby expressly prohibited from allowing any demands payable out of any appropriation herein contained, unless the same are presented in accordance with the provisions of Section 669 of the Political Code; provided, that in instances where the duties of any State officers or board make necessary the use of moneys for purposes of a confidential nature, the State Controller may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the fact surrounding the expenditure, which statement must be filed in the office of the State Controller; provided further, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars (\$2,000), except in the case of the Attorney General's office, whose expenditures for such confidential purposes shall be governed by Section 476 of the Political Code. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; provided, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatever, unless authorized thereto by law; and provided, that any officer, board, commission, or department for whom any appropriation is made herein, may, without at the time furnishing vouchers and itemized statements, draw from such appropriations a sum not to exceed 1 per cent of the total amount appropriated for any such officer, board, commission or department; and provided further, that any officer, board, commission or department for whom any appropriation is made herein, may with the permission and the approval of the Department of Finance, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of 1 per cent, but not to exceed 5 per cent of the

Vouchers and itemized statements

total amount appropriated for any such officer, board, commission or department; and provided further, that any officer, board, commission or department for whom any appropriation is made herein, may with the permission and approval of the Board of Control, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of 5 per cent of the total appropriated to such officer, board, commission or department.

Any sums drawn under the provisions of this section without at the time furnishing vouchers and itemized statements, shall be considered to have been withdrawn from the amount appropriated for the Ninety-eighth Fiscal Year and need not be returned at the close of the Ninety-seventh Fiscal Year, and shall be used as a revolving fund where payment of compensation earned, traveling expense advances, or other cash payments are necessary, and at the close of each biennium, or at any other time, upon the demand of the Department of Finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

Whenever an expenditure is authorized from the Emergency Fund, or from a special fund pursuant to Section 661 of the Political Code, in addition to an appropriation made by this act, such authorized expenditures shall, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 5. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 677.5 of the Political Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

Application
of Pol. C.
Sec. 677.5

The fiscal year budget shall set forth in such detail as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions whose establishment is authorized. No new position shall be established unless authorized by the Department of Finance in the fiscal year budget or in documents amendatory thereof.

Positions
established

Each fiscal year budget shall provide for a Salary Savings Reserve to which shall be transferred on a document initiated by the agency and approved by the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the Salary Savings Reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfers shall be approved only after it has been demonstrated

Salary
Savings
Reserve

to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any Salary Savings Reserve may be expended to pay increases in salary ranges established after July 1, 1945, unless the Department of Finance certifies to the State Personnel Board prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom.

A certification on a pay roll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the Controller that such expenditures comply with the provisions of this section.

Statement of
condition of
Salary
Restoration
Fund, etc

SEC 5.5. The Director of Finance shall present to the Joint Legislative Budget Committee assembled in meeting a statement of the condition of the Salary Restoration Fund and of each Salary Restoration category and Salary Savings Reserve, together with a report on all authorizations and transfers therefrom during the preceding quarter. The report shall contain such information regarding said authorizations and transfers as shall be sufficient to apprise the members of the committee as to the reasons and necessities therefor.

Acquisition
of motor
vehicles

SEC. 5.6. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

Ninety-
seventh
Fiscal Year

SEC. 6. Not more than one-half of the amount appropriated under this act for each office, board, commission, department, or institution for support shall be expended during the Ninety-seventh Fiscal Year, unless the same has been expressly authorized by this act, or by the State Board of Control.

Expenditures
in excess of
appropri-
ations

SEC. 7. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the State Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any State appropriation; provided, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the State Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person

or persons, firm or corporation to whom such indebtedness is owing.

SEC. 8. Notwithstanding anything in this act to the contrary, the appropriation provided for by Item 77 of this act is appropriated subject only to the provisions of Article 11 of Chapter 7 of Division 4 and of Chapter 6 of Division 3 of the Education Code. Of the sum so appropriated, two hundred ten thousand nine hundred forty-eight dollars (\$210,948) is appropriated for each of the Ninety-seventh and Ninety-eighth Fiscal Years, and of the sum appropriated for each such fiscal year there may be expended for use during such fiscal year thirty-five thousand dollars (\$35,000) for agricultural subjects, fifty-four thousand three hundred seven dollars (\$54,307) for trade and industrial subjects, forty thousand dollars (\$40,000) for homemaking subjects, thirty-three thousand four hundred thirty dollars (\$33,430) for distributive occupation subjects, and forty-eight thousand two hundred eleven dollars (\$48,211) for teacher training.

Item 77.
Vocational
Education

In making the appropriation contained in Item 77 of this act the people of the State of California do hereby accept the provisions of, and each and all of the funds provided by an act passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to provide for the further development of vocational education in the several States and Territories" and approved June 8, 1936. In accepting the benefits of said act the people of the State of California agree to comply with all of its provisions and to observe all of its requirements.

Acceptance
of U. S. C.,
Title 20,
Sec 15
et seq

SEC. 9. No money appropriated by this act shall be used to renew, or to pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the property of San Francisco Harbor, the University of California, and the property referred to in Section 6 of Chapter 264, Statutes of 1933.

Fire
Insurance

SEC. 10. The State Board of Control may with the recommendation of the Director of Finance, authorize the transfer of unneeded funds from an appropriation for support, or for construction, improvements, repairs, and equipment, for an institution, school or college within any of the following agencies to a similar appropriation for another institution, school or college within the same agency:

Transfer of
unneeded
funds

(a) Department of Corrections, exclusive of the Youth Authority, upon request of the Director of Corrections;

(b) California Youth Authority, upon request of the Director of the Youth Authority;

(c) Department of Education, upon request of the Director of Education;

(d) Department of Institutions, upon request of the Director of Institutions.

SEC. 11. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and

Effect of
Item veto

34 of Article IV of the Constitution while approving other portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

Transfer of
appropriations

SEC. 12. Whenever any of the duties, powers, purposes, responsibilities, or jurisdiction of any office, officer, board, commission, bureau or other agency of the State are transferred by law to any other office, officer, board, commission, bureau or other agency of the State, that portion of any appropriation herein made from the General Fund for the support of such office, officer, board, commission, bureau or other agency of the State, intended to be used and available for the performance of such duties, powers, purposes, responsibilities or jurisdiction, shall, by the State Controller, be transferred to, and the same shall become a part of, the funds available for the support of the office, officer, board, commission, bureau or other agency of the State, to which the duties, powers, purposes, responsibilities, or jurisdiction of such office, officer, board, commission, or other State agency have been transferred.

Reversion
of appropriations

SEC. 13. Whenever the duties, powers, purposes, responsibilities and jurisdiction of any office, board, commission or other State agency are abolished by law the appropriation herein made for the support of such office, board, commission, or other State agency shall upon the effective date of the act abolishing such office, board, commission or other State agency revert to and become a part of the unexpended balance of the fund from which such appropriation was made.

Change in
fund

SEC. 13.5. Whenever by law a change is made in the fund from which the support of any office, board, commission or other State agency is properly payable, any appropriation made herein for the support of such office, commission or other State agency, or the applicable portion thereof, shall become payable from the fund designated in that law. The State Board of Control shall determine the adjustments to be made in the appropriations provided for herein as a result of any such change in law and shall certify the same to the State Controller, who shall thereupon make the necessary entries upon his records.

Salary
increase

SEC. 14. Upon authorization of the State Department of Finance, out of the money appropriated under the provisions of this act or which may be made available by law, there may be paid during the Ninety-seventh and Ninety-eighth Fiscal Years to each State official or employee in the State's service, except to those officers or employees whose compensation is fixed by statute, or fixed at or based upon prevailing rates of wages, an increase in compensation in accordance with the following schedule:

(a) To each officer or employee whose monthly compensation does not exceed three hundred dollars (\$300), an increase of twenty-five dollars (\$25) per month.

(b) To each officer or employee whose monthly compensation exceeds three hundred dollars (\$300), an increase of twenty dollars (\$20) per month.

Except for officers and employees of the courts, or the University of California, or for members of the faculty as defined by the Director of Education in the State colleges, California School for the Blind, California School for the Deaf and the California Polytechnic School, or for officers and employees of the Legislature, the increase in compensation herein authorized shall not be paid unless the appointing power certifies on each pay roll that the officer or employee has worked on the basis of a minimum of 40 hours per week, except for such absences as may be authorized by law or by or in accord with rules of the State Personnel Board, whether the position be within or without the State's civil service.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality

SEC. 16. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, of Article IV of the Constitution of the State of California, take effect immediately. Current expenses

CHAPTER 645

An act to amend Sections 17010, 17107, 17125.5, 17254, 17256, 17310, 17318.4, 17318.5, 17320.7, 17322.5, 17324, 17324.9, 17324.13, 17324.14, 17330, 17333, 17337, 17342, 17343, 17344, 17345, 17346, 17347, 17348, 17349, 17349.5, 17350, 17354, 17506, 17508, 17511, 17513, 17514, 17516, 17521, 17559, 17560, 17560.7, 17561, 17562, 17564, 17677, 17679, 17680, 17682, 17684, 17713, 17714, 17715, 17716, 17716.5, 17721, 17723, 17724, 17747, 17784.5, 17786, 17811, 17812, 17813, 17817, 17951, 17952, 17954, 18103, 18104, 18132, 18135, 18156, 18159, 18163, 18172, 18175, 18401, 18402, 18405, 18431, 18434, 18473, 18474, 18475, 18477, 18478, 18479, 18581, 18582, 18590, 18641, 18643, 18648, 18649, 18651, 18691, 18863, 18864, 18882, 18883, 19053.5, 19055, 19083, 19286 of, and to add Sections 17017.1, 17058, 17059, 17136.1, 17157.1, 17320.9, 17676.1, 17686, 17687, 17725, 17726, 17743 1, 17817.1, 17952.1, 17980.1, 18173.1, 18205.1, 18431.1, 18691.1, 19061.1, 19206 to, and repeal Section 17356, as added by Chapters 47 and 147 of the Statutes of 1943, of the Revenue and Taxation Code, relating to personal income taxes, providing the Personal Income Tax Law shall take effect immediately, repealing the Personal Income Tax Act immediately, and providing that this act shall take effect immediately.

R & T. C.,
Div. 2
Pt. 10
Stats 1935,
p 1090,
repealed

In effect
immediate y

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

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

Repeal

Effect of
repeal

SECTION 1. Section 3 of Chapter 659 of the Statutes of 1943 is repealed. In repealing Section 3 it is intended that the remaining provisions, as amended, of Chapter 659 of the Statutes of 1943 shall take effect upon the effective date of this act.

SEC. 3. Section 1701C of the Revenue and Taxation Code is amended to read:

"Taxable
year"

17010. "Taxable year" means the calendar year or the fiscal year upon the basis of which the net income is computed under this part. If no fiscal year has been established, "taxable year" means the calendar year.

"Taxable year" means, in the case of a return made for a fractional part of a year under this part or under regulations prescribed by the commissioner, the period for which the return is made.

SEC. 7. Section 17058 is added to said code, to read:

Inclusion of
back pay

17058. If the amount of the back pay received or accrued by an individual during the taxable year exceeds 15 per centum of the gross income of the individual for such year, the part of the tax attributable to the inclusion of such back pay in gross income for the taxable year shall not be greater than the aggregate of the increases in the taxes which would have resulted from the inclusion of the respective portions of such back pay

in gross income for the taxable years to which such portions are respectively attributable, as determined under regulations prescribed by the commissioner.

SEC. 8. Section 17059 is added to said code, to read:

17059. For the purposes of Section 17058, "back pay" ^{"Back pay"} means (A) remuneration, including wages, salaries, retirement pay, and other similar compensation, which is received or accrued during the taxable year by an employee for services performed prior to the taxable year for his employer and which would have been paid prior to the taxable year except for the intervention of one of the following events: (i) bankruptcy or receivership of the employer; (ii) dispute as to the liability of the employer to pay such remuneration, which is determined after the commencement of court proceedings; (iii) if the employer is the United States, a State, a Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any of the foregoing, lack of funds appropriated to pay such remuneration; or (iv) any other event determined to be similar in nature under regulations prescribed by the commissioner; and (B) wages or salaries which are received or accrued during the taxable year by an employee for services performed prior to the taxable year for his employer and which constitute retroactive wage or salary increases ordered, recommended, or approved by any Federal or State agency, and made retroactive to any period prior to the taxable year; and (C) payments which are received or accrued during the taxable year as the result of an alleged violation by an employer of any State or Federal law relating to labor standards or practices, and which are determined under regulations prescribed by the commissioner to be attributable to a prior taxable year. Amounts not includible in gross income shall not constitute "back pay."

SEC. 9. Section 17107 of said code is amended to read:

17107. An installment payment shall be considered a ^{Installment as periodic payment} periodic payment for the purposes of Sections 17104 and 17105 if the principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than 10 years from the date of such decree or instrument. But it shall be considered a periodic payment only to the extent that the installment payment for the taxable year of the wife (or if more than one installment payment for the taxable year is received during the taxable year, the aggregate of these installment payments) does not exceed 10 per cent of the principal sum. For the purposes of Section 17106 and this section, the portion of a payment of the principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be considered an installment payment for the taxable year in which it is received.

SEC. 10. Section 17125.5 of said code is amended to read:

17125.5. If an annuity contract is purchased by an employer ^{Annuity contract} for an employee under a plan with respect to which the

employer's contribution is deductible under Article 1.5 of Chapter 4 of this part, or Section 8 (p) of the Bank and Corporation Franchise Tax Act or Section 7 (m) of the Corporation Income Tax Act, or if an annuity contract is purchased for an employee by an employer exempt under Section 4 (6) of the Bank and Corporation Franchise Tax Act, or Section 4 of the Corporation Income Tax Act, the employee shall include in his income the amounts received under such contract for the year received. If the employee paid any of the consideration for the annuity, the annuity shall be included in his income as provided in Sections 17123, 17124 and 17125. The consideration for the annuity is the amount contributed by the employee.

SEC. 11. Section 17136.1 is added to said code, to read:

Gross income 17136.1. (a) Gross income also does not include the salary, wages, bonuses, allowances, and other compensation received by an individual for his services as a member of the armed forces of the United States, including any auxiliary branch thereof, or the State Guard; and

(b) Gross income also does not include amounts received during the taxable year as mustering-out payments with respect to service in the military or naval forces of the United States.

SEC. 12. Section 17157.1 is added to said code, to read:

Distribution in partial liquidation 17157.1. In the case of amounts distributed (whether before January 1, 1934, or on or after such date) in partial liquidation (other than a distribution within the provisions of Section 17162 of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of Section 17153 for the purpose of determining the taxability of subsequent distributions by the corporation.

SEC. 12.5. Section 17254 of said code is amended to read:

Deduction allowable 17254. The amount of any deduction specified in Sections 17301, 17304, 17305, and 17305.5 (relating to deductions for expenses, interest and taxes), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed, in the taxable year when paid, to the estate of decedent. But if the estate of the decedent is not liable to discharge the obligation to which the deduction relates, the amount of the deduction shall be allowed to the person who, by reason of the death of the decedent or by bequest, devise, or inheritance acquires, subject to that obligation, from the decedent an interest in property of the decedent.

SEC. 13. Section 17256 of said code is amended to read:

Deduction allowable 17256. A person who includes an amount in gross income under Sections 17250 and 17251 shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the California inheritance tax attributable to the net value for inheritance tax purposes of all the items described in Section 17250 as the value for inheritance tax purposes of the items of gross income or portions thereof in respect of which

that person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for inheritance tax purposes of all the items described in Section 17250.

SEC. 14. Section 17310 of said code is amended to read:

17310. In computing net income there shall be allowed as a deduction debts which become worthless within the taxable year or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable only in part, the commissioner may allow the debt as a deduction in an amount not in excess of the part charged off within the taxable year as a deduction. If a debt was actually worthless prior to January 1, 1943, but was not ascertained to be worthless and charged off prior to that date, a deduction may be taken therefor during the first taxable year ending after December 31, 1942; if a portion of a debt is claimed and allowed as a deduction in any year no deduction shall be allowed in any subsequent year for any portion of the debt which was charged off, regardless of whether or not claimed as a deduction in any prior year. This section does not apply to a debt evidenced by a security as defined in Section 17312.

SEC. 15. Section 17318.4 of said code is amended to read:

17318.4. The determinations required under Sections 17318.2 and 17318.3 shall be made:

(a) In accordance with the method of amortizing bond premiums regularly employed by the holder of the bond, if that method is reasonable;

(b) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premiums, prescribed by the commissioner.

SEC. 16. Section 17318.5 of said code is amended to read:

17318.5. As used in Sections 17318.05 to 17318.4, and Section 17318.7, the term "bond" means any bond, debenture note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof) with interest coupons or in registered form, but does not include any obligation which constitutes stock in trade of the taxpayer or any obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

SEC. 17. Section 17320.7 of said code is amended to read:

17320.7. (a) In computing net income, there shall be allowed as a deduction in the case of a person described in Sections 17254 and 17255, the amount of the deductions in respect of a decedent to the extent allowed by those sections;

(b) In computing net income, there shall be allowed as a deduction in the case of a person described in Sections 17250 to 17253, the amount of the deductions in respect of a decedent to the extent allowed by Section 17256.

SEC. 18. Section 17320.9 is added to said code, to read:

Deduction
to blind
individual

17320.9. (a) In computing net income there shall be allowed as a deduction to a blind individual, five hundred dollars (\$500). For the purposes of this section, the status of the individual, insofar as it affects the application of this subsection to such individual, shall be determined as of July 1st of the taxable year, unless the taxable year does not include July 1st, in which case such status shall be determined as of the last day of the taxable year.

"Blind
individual"

(b) For the purposes of this section, the term "blind individual" means an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 19. Section 17322.5 of said code is amended to read:

Method of
accounting

17322.5. Sections 17321 to 17322.3, inclusive, shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the commissioner that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such case the payment, repayment, or disallowance shall be accounted for with respect to the taxable year provided for under that method.

SEC. 20. Section 17324 of said code is amended to read:

Employer's
stock bonus,
etc., plans

17324. In computing net income, if contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of the compensation, contributions or compensation shall not be deductible under Section 17301 but shall be deductible, if deductible under Section 17301 without regard to this article, under this article but only to the extent allowed under Sections 17324.1, to 17324.10, inclusive.

SEC. 21. Section 17324.9 of said code is amended to read:

Trusts
excluded

17324.9. As used in Sections 17324.6, 17324.7 and 17324.8 "stock bonus or profit-sharing trust," shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially. If the contributions are made to two or more stock bonus or profit-sharing trusts, these trusts shall be considered a single trust for the purposes of applying the limitations in Sections 17324.6, 17324.7, and 17324.8.

SEC. 22. Section 17324.13 of said code is amended to read:

Amounts
paid after
December
31, 1942

17324.13. Any amount paid into a trust or under annuity plans in a taxable year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under Section 17324.12, shall be deductible in the succeeding taxable years in order of time. The amount deductible under this section in any one succeeding taxable year together with the amount allowable under Section 17324.12 shall not exceed 30

per cent of the compensation otherwise paid or accrued during the taxable years to the beneficiaries under the trusts or plans.

SEC. 23. Section 17324.14 of said code is amended to read:

17324.14. Sections 17324.12 and 17324.13 shall not have the effect of reducing the amount otherwise deductible under the preceding sections of this article, except Sections 17324.10 and 17324.11, if no employee is a beneficiary under more than one trust, or a trust and an annuity plan.

Beneficiary
under two
or more
trusts, etc.

SEC. 24. Section 17330 of said code is amended to read:

17330. Any interest in, or with respect to, property described in Sections 17325, 17326, 17327, 17328 and 17329, including any interest represented by a security as defined in Section 17307 or Section 17312, which becomes worthless shall be considered to have been destroyed or seized, and the loss therefrom shall be considered a loss from the destruction or seizure. The destruction or seizure shall be deemed to occur on the date chosen by the taxpayer which falls between the dates specified in Sections 17326 to 17328, inclusive, or on the date prescribed in Section 17329, as the case may be, when the last property described in the applicable section to which the interest relates would be deemed destroyed or seized under the applicable section.

Worthless
securities

SEC. 25. Section 17333 of said code is amended to read:

17333. The taxpayer's choice of a date under Sections 17326, 17327, 17328 and 17330 shall be effective only if made within the time and in the manner as may be prescribed by regulations prescribed by the commissioner.

Regulations

SEC. 25.5. Section 17337 of said code is amended to read:

17337. Upon the recovery in the taxable year of any money or property in respect of property considered under this article as destroyed or seized in any prior taxable year, the amount of the recovery shall be included in gross income to the extent provided in Sections 17338 to 17343.

Recovery as
gross income

SEC. 26. Section 17342 of said code is amended to read:

17342. If for any previous taxable year the taxpayer chooses under Sections 17334, 17335 and 17336 to treat any obligations and liabilities as discharged or satisfied out of the property or interest described in Sections 17325 to 17333 inclusive, and if such obligations and liabilities were not so discharged or satisfied, the amount of such obligations and liabilities treated as discharged or satisfied under Sections 17334, 17335, and 17336 shall be considered for the purposes of this article as a deduction by reason of this article which did not result in a reduction of any tax of the taxpayer under this part.

Liabilities
treated as
discharged

SEC. 27. Section 17343 of said code is amended to read:

17343. For the purposes of Sections 17338, 17339, 17340, 17341, and 17342, an allowable deduction for any taxable year on account of the destruction or seizure of property described in Sections 17325 to 17333, inclusive, shall, to the extent not allowed in computing the tax of the taxpayer for the taxable year, be considered an allowable deduction which did not result in a reduction of any tax of the taxpayer under this part.

Deduction
disallowed

SEC. 28. Section 17344 of said code is amended to read:

Restoration
of value

17344. For the purposes of Sections 17337 to 17343, inclusive, the restoration in whole or in part of the value of any interest described in Sections 17330, 17331 and 17332 by reason of any recovery of money or property in respect of property to which the interest related and which was considered under Sections 17325 to 17329, inclusive, as destroyed or seized shall be deemed a recovery of property in respect of property considered under Sections 17325 to 17333, inclusive, as destroyed or seized.

SEC. 29. Section 17345 of said code is amended to read:

Unadjusted
basis. De-
termination

17345. The unadjusted basis of property recovered in respect of property considered destroyed or seized under Sections 17325 to 17333, inclusive, shall be determined under Sections 17346 and 17347.

SEC. 30. Section 17346 of said code is amended to read:

Amount

17346. The unadjusted basis shall be an amount equal to the fair market value of that property, determined as of the date of the recovery, reduced by an amount equal to the excess of the aggregate of the fair market value and the amounts of previous recoveries of money or property in respect of property considered under Sections 17325 to 17333, inclusive, as destroyed or seized over the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in Sections 17325 to 17333, inclusive, and increased by that portion of the amount of the recovery which under Section 17341 is treated as a recognized gain from the involuntary conversion of property.

SEC. 31. Section 17347 of said code is amended to read:

Allocation to
property
recovered

17347. Upon application of the taxpayer, the aggregate of the bases, determined under Section 17346, of any properties recovered, in respect of properties considered under Sections 17325 to 17333, inclusive, as destroyed or seized may be allocated among the properties so recovered in such manner as the commissioner may determine under regulations prescribed by him, and the amounts so allocated to any property so recovered shall be the unadjusted basis of the property in lieu of the unadjusted basis of the property determined under Section 17346.

SEC. 32. Section 17348 of said code is amended to read:

Corporate
liquidation

17348. If: (a) A taxpayer owns not less than 50 per cent of each class of stock of a corporation; and

(b) That corporation has property described in Sections 17325 to 17329, inclusive, as destroyed or seized; and

(c) The adjusted basis for determining loss of that property is at least 75 per cent of the adjusted basis for determining loss of all the property of that corporation; and

(d) That corporation completely liquidates within one year after that property is deemed to be destroyed or seized, or by December 31, 1943, whichever is later; and

(e) The liquidation is accomplished by distributing all the assets which it is able to distribute and all its rights to assets

which it is not able to distribute, including the right to the recovery of the property described in Sections 17325 to 17329, inclusive;

Then that part of the loss by the taxpayer on the liquidation which would be attributable to the destruction or seizure of the property, as established to the satisfaction of the commissioner, shall be treated for the purposes of this part as a loss by the taxpayer upon the destruction or seizure of the part of the stock or other interest of the taxpayer to which such loss is allocable. That part of the stock or other interest of the taxpayer shall be treated for the purposes of Sections 17334 to 17347, inclusive, as property described in Sections 17330, 17331 and 17332.

SEC. 33. Section 17349 of said code is amended to read:

17349. In determining the adjusted basis of all the property of the corporation, for the purposes of Section 17348, there shall be excluded money in the United States, bank deposits, the right to receive money from any person not situated in a country at war with the United States or in a territory under the control of that country, and obligations issued or guaranteed as to principal or interest by the United States, except that there shall not be excluded any property which is destroyed or seized as described in Sections 17325 to 17333, inclusive, within or before the taxable period.

SEC. 34. Section 17349.5 of said code is amended to read:

17349.5. The adjusted basis of property of the corporation shall be determined, for the purposes of Section 17348, as of the date immediately preceding the first date on which any property was destroyed or seized, as described in Sections 17325 to 17333, inclusive, or as of any later date falling within or before the taxable period on the basis of which the determination will produce a greater amount.

SEC. 35. Section 17350 of said code is amended to read:

17350. The determination, for the purposes of Section 17348, as to whether and to what extent an allowable deduction on account of the destruction or seizure of property described in Sections 17325 to 17333, inclusive, did or did not result in a reduction of any tax of the taxpayer under this chapter shall be made in accordance with regulations prescribed by the commissioner.

SEC. 36. Section 17354 of said code is amended to read:

17354. In computing net income no deduction shall be allowed under Section 17301, relating to expenses incurred, or under Section 17304, relating to interest accrued:

(a) If such expenses or interest are not paid within the taxable year or within two and one-half months after the close thereof; and

(b) If, by reason of the method of accounting of the person to whom the payment is to be made, the amount thereof is not, unless paid, includible in the gross income of that person for the taxable year in which or with which the taxable year of the taxpayer ends; and

(c) If, at the close of the taxable year of the taxpayer or at any time within two and one-half months thereafter, both the taxpayer and the person to whom the payment is to be made are persons between whom losses would be disallowed under Sections 17352 and 17353.

The amount of expenses incurred or interest accrued the deduction of which is disallowed under this section in the year incurred or accrued, may be deducted in the year paid.

Repeal

SEC. 36.5. Section 17356 of said code, as added by Chapters 47 and 147 of the Statutes of 1943, is repealed.

Change of
method of
accounting

SEC. 37. Section 17506 of said code is amended to read: 17506. If a taxpayer, having complied with Section 17503, uses the method described in Section 17502 for any taxable year, that method shall be used in all subsequent taxable years unless

(a) With the approval of the commissioner a change to a different method is authorized; or

(b) The commissioner determines that the taxpayer has used for any such subsequent taxable year some procedure other than that specified in subdivision (b) of Section 17502 in inventorying the goods specified in the application to ascertain the income, profit, or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year to shareholders, partners, or other proprietors, or beneficiaries, or for credit purposes, and requires a change to a method different from that prescribed in Section 17502 beginning with such subsequent taxable year or any taxable year thereafter.

In either of the above cases, the change to, and the use of, the different method shall be in accordance with such regulations as the commissioner may prescribe as necessary in order that the use of such method may clearly reflect income.

SEC. 38. Section 17508 of said code is amended to read:

Adjustments
of net
income

17508. The net income of the taxpayer otherwise determined for the year of involuntary liquidation shall be adjusted according to the provisions of Sections 17509 and 17510:

(a) If, for any taxable year beginning after December 31, 1942, and prior to the termination of the present war as proclaimed by the President of the United States, the closing inventory of a taxpayer inventorying goods under the method provided in this section reflects a decrease from the opening inventory of goods for this year; and

(b) If, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of this section apply and so notifies the commissioner; and

(c) If, at the time of such election, it is established to the satisfaction of the commissioner, in accordance with rules and regulations prescribed by the commissioner, that such decrease is attributable to the involuntary liquidation of the inventory as defined in Section 17507; and

(d) If the closing inventory of a subsequent taxable year, ending not more than three years after the termination of the present war as proclaimed by the President of the United States,

reflects a replacement, in whole or in part, of the goods so previously liquidated.

SEC. 39. Section 17511 of said code is amended to read :

17511. If, in the case of any taxpayer subject to the provisions of Section 17508, the closing inventory of the taxpayer for a taxable year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of the goods for the taxable year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation) and not previously replaced. If the liquidation was an involuntary liquidation, the goods reflecting the increase shall be taken into purchases and included in the closing inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

Increase over opening inventory

SEC. 40. Section 17513 of said code is amended to read :

17513. If the adjustments specified in Section 17509 are, with respect to any taxable year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within three years from such date, by any provision or rule of law (other than this section), such adjustments shall nevertheless be made if, in respect of the taxable year for which the adjustment is sought, a notice of proposed additional assessment is mailed or a claim for refund is filed, as the case may be, within three years after the date of the filing of the income tax return for the year of replacement.

Adjustments prevented by other law

SEC. 41. Section 17514 of said code is amended to read :

17514. If, at the time of the mailing of the notice of proposed additional assessment or the filing of the claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this article shall be limited to the increase or decrease of the tax imposed by this part previously determined for the taxable year which results solely from the effect of Sections 17508 to 17510, inclusive. The tax previously determined shall be ascertained in accordance with rules and regulations prescribed by the commissioner.

Same Limitation of adjustment

SEC. 42. Section 17516 of said code is amended to read :

17516. The amount of the adjustment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of Sections 17508 to 17510, inclusive. The amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of Sections 17508 to 17510, inclusive.

Credit, etc., against adjustment

SEC. 43. Section 17521 of said code is amended to read :

17521. In any case of two or more persons, organizations, trades, or businesses (whether or not incorporated, whether or not organized in this State, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the

Organizations owned by same interests

commissioner may distribute, apportion, or allocate gross income or deductions between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary (a) in order to prevent evasion of taxes of any taxpayer or (b) clearly to reflect the income of any of such persons, organizations, trades, or businesses where the income of any taxpayer is affected thereby in such manner as to permit evasion of taxes.

SEC. 44. Section 17559 of said code is amended to read :

Separate
return on
change in
accounting
period

17559. Where a separate return is made under Section 17558 on account of a change in the accounting period, and in all other cases where a separate return is required or permitted by regulations prescribed by the commissioner to be made for a fractional part of a year, the income shall be computed on the basis of the period for which the separate return is made.

SEC. 45. Section 17560 of said code is amended to read :

Separate
return for
"short
period"

17560. If a separate return is made under Section 17558 on account of a change in the accounting period, the net income, computed on the basis of the period for which the separate return is made, hereafter referred to as the "short period," shall be placed on an annual basis by multiplying the amount thereof by 12 and dividing by the number of months in the short period. The tax shall be such part of the tax computed on such annual basis as the number of months in the short period is of 12 months.

SEC. 46. Section 17560.7 of said code is amended to read :

Minimum
"short
period" tax

17560.7. The tax computed under Section 17560.3 shall in no case be less than the tax computed on the net income for the short period without placing the net income on an annual basis. The benefits of Section 17560.3 shall not be allowed unless the taxpayer makes application therefor in accordance with and at such time as regulations prescribed hereunder require, but not after the time prescribed for the filing of the return for the first taxable year which ends on or after 12 months after the beginning of the short period.

SEC. 47. Section 17561 of said code is amended to read :

Fractional
year return

17561. In the case of a return made for a fractional part of a year, under Section 18641, the personal exemption and the credit for dependents shall be reduced respectively to amounts which bear the same ratio to the full credits provided as the number of months in the period for which return is made bears to 12 months.

SEC. 48. Section 17562 of said code is amended to read :

Inclusion of
gross income
items

17562. The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer unless under the methods of accounting permitted under Sections 17556 and 17557 any such items are to be properly accounted for as of a different period. In the case of the death of a taxpayer, whose net income is computed upon the basis of the accrual method of accounting, amounts (except amounts includible in computing a partner's net income under Chapter 9 of this part) accrued only by

reason of the death of the taxpayer shall not be included in computing net income for the period in which falls the date of the taxpayer's death.

SEC. 49. Section 17564 of said code is amended to read:

17564. The tax for any period beginning in one calendar year ("first calendar year") and ending in the following calendar year ("second calendar year") where the law applicable to the computation of taxes for taxpayers reporting on a calendar year basis differs for the second calendar year from the law applicable to the first calendar year, shall (except as otherwise provided) be the sum of:

(a) The same proportion of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such year, which the portion of such period falling within the first calendar year is of the entire period, and

(b) The same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period.

SEC. 50. Section 17676.1 is added to said code, to read:

17676.1. No gain or loss shall be recognized if property of a corporation (other than a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended) is transferred in pursuance of an order of the court having jurisdiction of such corporation—(a) in a receivership, foreclosure, or similar proceeding, or (b) in a proceeding under Section 77B or Chapter X of the National Bankruptcy Act, as amended—to another corporation organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other corporation.

SEC. 51. Section 17677 of said code is amended to read:

17677. Where upon an exchange the taxpayer receives as part of the consideration property which would be permitted by Section 17676 or 17676.1 to be received without the recognition of gain if it were the sole consideration, and as part of the consideration another party to the exchange assumes a liability of the taxpayer or acquires from the taxpayer property subject to a liability, the assumption or acquisition shall not be considered as "other property or money" received by the taxpayer within the meaning of Sections 17682 and 17684 and shall not prevent the exchange from being within the provisions of Section 17676 or 17676.1; except that if, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition was a purpose to avoid State tax on the exchange, or, if not such purpose, was not a bona fide business purpose, the assumption or acquisition (in the amount of the liability) shall, for the

purposes of this article, be considered as money received by the taxpayer upon the exchange.

In any suit or proceeding where the burden is on the taxpayer to prove that the assumption or acquisition is not to be considered as money received by the taxpayer, the burden shall not be considered sustained unless the taxpayer sustains the burden by the clear preponderance of the evidence.

SEC. 52. Section 17679 of said code is amended to read:

"Reorganization"

17679. "Reorganization," as used in this article (other than Sections 17676.1 and 17686), and Articles 4 and 5, means any of the following:

(a) A statutory merger or consolidation.

(b) The acquisition by one corporation in exchange solely for all or a part of its voting stock: Of at least 80 per cent of the voting stock and at least 80 per cent of the total number of shares of all other classes of stock of another corporation; or of substantially all the properties of another corporation. In determining whether the exchange is solely for voting stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded.

(c) A transfer by a corporation of all or a part of its assets to another corporation, if immediately after the transfer the transferor or its shareholders or both are in control of the corporation to which the assets are transferred.

(d) A recapitalization.

(e) A mere change in identity, form, or place of organization, however effected.

SEC. 53. Section 17680 of said code is amended to read:

"Party to a reorganization"

17680. "A party to a reorganization," as used in Articles 4 and 5 and this article, includes a corporation resulting from a reorganization and includes both corporations in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

SEC. 54. Section 17682 of said code is amended to read:

Gain on exchange

17682. If an exchange would be within Sections 17674, 17675, 17676, 17678 or 17686 if it were not for the fact that the property received in exchange consists not only of property permitted by those sections to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

SEC. 55. Section 17684 of said code is amended to read:

Loss on exchange

17684. If an exchange would be within Sections 17674, 17675, 17676, 17678 or 17676.1 or within the provisions of 17686, if it were not for the fact that the property received in exchange consists not only of property permitted by those sections to be received without the recognition of gain or loss, but also of other property or money, no loss from the exchange shall be recognized.

SEC. 55.5. Section 17686 is added to said code, to read:

17686. No gain or loss shall be recognized upon an exchange consisting of the relinquishment or extinguishment of stock or securities in a corporation the plan of reorganization of which is approved by the court, in a proceeding described in Section 17676 1, in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate such plan of reorganization.

Exchange
approved
by court

SEC. 56. Section 17687 is added to said code, to read:

17687. If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate the policies of the commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of Section 17672. For the purposes of Section 17672 as made applicable by the provisions of this section, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, upon such sale or exchange to which Section 17672 is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss upon sale or exchange of property, of a character subject to the allowance for depreciation under Section 17313, remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the commissioner. Any election made by the taxpayer under this section shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place, and such election shall be binding for the taxable year and all subsequent taxable years.

Sale, etc.,
approved by
Federal Com-
munications
Commission

SEC. 57. Section 17713 of said code is amended to read:

17713. In determining the period for which the taxpayer has held property received on an exchange, for purposes of Section 17712, there shall be included the period for which he held the property exchanged, if under Articles 4 or 5 of this chapter, the property received has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged. For the purposes of this section, an involuntary conversion described in Section 17672 shall be considered an exchange of the property converted for the property acquired.

Exchanged
property

SEC. 58. Section 17714 of said code is amended to read:

17714. In determining the period for which the taxpayer has held property however acquired, for purposes of Section 17712, there shall be included the period for which the property was held by any other person, if under Articles 4 or 5 of this chapter the property has, for the purpose of determining gain

Period
for which
property
held

or loss from a sale or exchange, the same basis in whole or in part in his hands as it would have in the hands of the other person.

SEC. 59. Section 17715 of said code is amended to read :

Period for which securities held

17715. In determining the period for purposes of Section 17712 for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under the provisions of Section 112 (g) of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932, there shall be included the period for which he held the stock or securities in the distributing corporation prior to the receipt of the stock or securities upon the distribution.

SEC. 60. Section 17716 of said code is amended to read :

Same

17716. In determining the period for purposes of Section 17712 for which the taxpayer has held stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under Section 17309, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, there shall be included the period for which he held the stock or securities the loss from the sale or other disposition of which was not deductible.

SEC. 61. Section 17716.5 of said code is amended to read :

Period of stockholding

17716.5. In determining the period for purposes of Section 17712 for which the taxpayer has held stock or securities acquired from a corporation by the exercise of rights to acquire the stock or securities, there shall be included only the period beginning with the date upon which the right to acquire was exercised.

SEC. 62. Section 17721 of said code is amended to read :

"Property used in trade or business"

17721. For the purposes of this section and Section 17722, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Section 17313, and real property used in the trade or business, which is not

(a) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year. or

(b) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

Such term also includes timber with respect to which Sections 17725 and 17726 are applicable.

SEC. 63. Section 17723 of said code is amended to read :

Determination of gains over losses

17723. In determining, for purposes of Section 17722, whether gains exceed losses, the gains and losses described therein shall be included only if and to the extent taken into account in computing net income except that Sections 17712 and 17717 shall not apply.

SEC. 64. Section 17724 of said code is amended to read :

Losses upon destruction

17724. For purposes of Section 17722, losses upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of property used in the trade or business or capital assets shall be considered losses from a compulsory or involuntary conversion.

SEC. 65. Section 17725 is added to said code, to read :

17725. If the taxpayer so elects upon his return for a tax-able year, the cutting of timber (for sale or for use in the taxpayer's trade or business) during such year by the taxpayer who owns, or has a contract right to cut, such timber (providing he has owned such timber or has held such contract right for a period of more than six months prior to the beginning of such year) shall be considered as a sale or exchange of such timber cut during such year. In case such election has been made, gain or loss to the taxpayer shall be recognized in an amount equal to the difference between the adjusted basis for depletion of such timber in the hands of the taxpayer and the fair market value of such timber. Such fair market value shall be the fair market value as of the first day of the taxable year in which such timber is cut, and shall thereafter be considered as the cost of such cut timber to the taxpayer for all purposes for which such cost is a necessary factor. If a taxpayer makes an election under this section such election shall apply with respect to all timber which is owned by the taxpayer or which the taxpayer has a contract right to cut and shall be binding upon the taxpayer for the taxable year for which the election is made and for all subsequent years, unless the commissioner, on showing of undue hardship, permits the taxpayer to revoke his election; such revocation, however, shall preclude any further elections under this section except with the consent of the commissioner.

SEC. 66. Section 17726 is added to said code, to read :

17726. In the case of the disposal of timber (held for more than six months prior to such disposal) by the owner thereof under any form or type of contract by virtue of which the owner retains an economic interest in such timber, the difference between the amount received for such timber and the adjusted depletion basis thereof shall be considered as though it were a gain or loss, as the case may be, upon the sale of such timber.

SEC. 66.1. Section 17743.1 is added to said code, to read :

17743.1. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the commissioner shall, if possible, for purposes of Section 17743, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the commissioner finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the commissioner as of the date or approximate date at which, according to the best information that the commissioner is able to obtain, such property was acquired by such donor or last preceding owner.

SEC. 67. Section 17747 of said code is amended to read :

17747. If the property was acquired, after February 28, 1913, upon an exchange described in Sections 17673 to 17676, inclusive, Section 17678, and Sections 17682 to 17684, inclusive, or Section 17686, the basis shall be the same as in the

case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon the exchange under the law applicable to the year in which the exchange was made.

If the property so acquired consisted in part of the type of property permitted by Sections 17673 to 17676, inclusive, and Section 17678, or Section 17686 to be received without the recognition of gain or loss, and in part of other property, the basis provided in this section shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. Where, as part of the consideration to the taxpayer, another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this section, be considered as money received by the taxpayer upon the exchange.

SEC. 68. Section 17784.5 of said code is amended to read :

Adjustment
for exempt
interest
on bonds

17784.5. Proper adjustment in respect of the property shall in all cases also be made in the case of any bond (as defined in Section 17318.5) the interest on which is wholly exempt from the tax imposed by this part, to the extent of the amortizable bond premium disallowable as a deduction pursuant to Section 17318.1 (b), and in the case of any other bond (as defined in that section) to the extent of the deductions allowable pursuant to Section 17318.1 (a) with respect thereto.

SEC. 69. Section 17786 of said code is amended to read :

Adjustment
in substi-
tuted basis

17786. Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, the adjustments provided in Sections 17782 to 17784.5, inclusive, shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferer, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases.

SEC. 70. Section 17811 of said code is amended to read :

Obsoles-
cence, etc

17811. The basis upon which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in Sections 17781 to 17786, inclusive, for the purpose of determining the gain upon the sale or other disposition of the property.

SEC. 71. Section 17812 of said code is amended to read :

Depletion
Generally

17812. The basis upon which depletion is to be allowed in respect of any property shall be the adjusted basis provided in Sections 17781 to 17786, inclusive, for the purpose of determining the gain upon the sale or other disposition of such property, except as provided in the remainder of this article.

SEC. 72. Section 17813 of said code is amended to read:

17813. In the case of mines (other than metal, coal, fluor-spar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, potash, ball and sagger clay, rock asphalt or sulphur mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within 30 days thereafter, if the mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost.

Basis of
mine
depletion

SEC. 73. Section 17817 of said code is amended to read:

17817. The allowance for depletion under Section 17314 shall be, in the case of coal mines, 5 per cent, in the case of metal, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, ball and sagger clay or rock asphalt mines, and potash mines or deposits, 15 per cent, and, in the case of sulphur mines or deposits, 23 per cent, of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. The allowance shall not exceed 50 per cent of the net income of the taxpayer (computed without allowance for depletion) from the property, except in no case shall the depletion allowance under Section 17314 be less than it would be if computed without reference to this section.

Basis for
excepted
mines

SEC. 74. Section 17817.1 is added to said code, to read:

17817.1. As used in Section 17817, the term "gross income from the property" means the gross income from mining. The term "mining," as used herein, shall be considered to include not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products. The term "ordinary treatment processes," as used herein, shall include the following: (i) In the case of coal—cleaning, breaking, sizing, and loading for shipment; (ii) in the case of sulphur—pumping to vats, cooling, breaking, and loading for shipment; (iii) in the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment; and (iv) in the case of lead, zinc, copper, gold, silver, or fluorspar ores, potash, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including as an ordinary treatment process electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used

Gross income
from mining

in the separation or extraction of the product or products from the ore, including the furnacing of quicksilver ores.

See also
Stats 1947,
Ch 646

SEC. 75. Section 17951 of said code is amended to read:

Personal
exemption

17951. There shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of one thousand dollars (\$1,000), or, in the case of a head of a family or a married individual a personal exemption of two thousand five hundred dollars (\$2,500). A husband and wife shall receive but one personal exemption of two thousand five hundred dollars (\$2,500). If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

SEC. 76. Section 17952 of said code is amended to read:

Credit for
dependents

17952. There shall also be allowed as a credit four hundred dollars (\$400) for each dependent.

SEC. 77. Section 17952.1 is added to said code, to read:

"Dependent"

17952.1. As used in Section 17952 the term "dependent" means any of the following persons over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer:

(A) a son or daughter of the taxpayer, or a descendant of either,

(B) a stepson or stepdaughter of the taxpayer,

(C) a brother, sister, stepbrother, or stepsister of the taxpayer,

(D) the father or mother of the taxpayer, or an ancestor of either,

(E) a stepfather or stepmother of the taxpayer,

(F) a son or daughter of a brother or sister of the taxpayer,

(G) a brother or sister of the father or mother of the taxpayer,

(H) a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

As used in this section, the terms "brother" and "sister" include a brother or sister by the half-blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such person by blood. The term "dependent" does not include any individual who is a citizen or subject of a foreign country unless such individual is a resident of the United States or of a country contiguous to the United States. A payment to a wife which is includible under Sections 17104 to 17107, inclusive, or Sections 18172.3 to 18172.7, inclusive, in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent. If the taxpayer would not occupy the status of head of a family except by reason of there being one or more dependents for whom he would be entitled to credit under this section, the credit shall be disallowed with respect to one of the dependents.

SEC. 78. Section 17954 of said code is amended to read:

Change
of status

17954. For purposes of Sections 17951, 18401, 18402, and 18405, the determination of whether an individual is married

or is the head of a family shall be made as of the last day of the taxable year, except if an individual or his spouse dies during the taxable year, such determination shall be made as of the date of death.

SEC. 79. Section 17980.1 is added to said code, to read:

17980.1. (a) A member of a partnership who is taxable on the income thereof shall, subject to the conditions prescribed in (b) and (c), be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the partnership to another State or country on such income. Partnership credit

(b) Credit shall be allowed only for such proportion of the tax paid to such other State or country by the partnership as the income of the partnership which is taxable to the partner under this act and also taxed to the partnership in such other State or country bears to the entire income of the partnership upon which the taxes paid to such other State or country were imposed.

(c) The credit shall not exceed such proportion of the tax payable under this act as the income of the partnership which is taxable to the partner under this act and also taxed to the partnership in such other State or country bears to the partner's entire income upon which the tax is imposed by this act.

SEC. 80. Section 18103 of said code is amended to read:

18103. Where the taxability of income under this chapter depends on the residence of the fiduciary and there are two or more fiduciaries for the trust, the income taxable under Section 18102 shall be apportioned according to the number of fiduciaries resident in this State pursuant to rules and regulations prescribed by the commissioner. Apportionment of trust income
Two or more fiduciaries

SEC. 81. Section 18104 of said code is amended to read:

18104. Where the taxability of income under this chapter depends on the residence of the beneficiary and there are two or more beneficiaries of the trust, the income taxable under Section 18102 shall be apportioned according to the number and interest of beneficiaries resident in this State pursuant to rules and regulations prescribed by the commissioner. Two or more beneficiaries

SEC. 81.3. Section 18132 of said code is amended to read:

18132. There shall be allowed as a deduction (in lieu of the deduction for contributions authorized by Section 17315 and Section 17383) in computing the net income of the estate or trust, any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust is during the taxable year paid or permanently set aside for the purposes and in the manner specified in that section or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit. Income for charitable purposes

SEC. 81.7. Section 18135 of said code is amended to read :

When taxable year of trust and beneficiary differ

18135. If the taxable year of a legatee, heir or beneficiary is different from that of the estate or trust, the amount which he is required, under Section 18133 and Section 18137, to include in computing his net income shall be based upon the income of the estate or trust for any taxable year of the estate or trust ending within or with his taxable year.

SEC. 82. Section 18156 of said code is amended to read :

Nontaxable trusts

18156. A trust forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable under Chapter 8 and no other provision of this chapter shall apply with respect to such trust or to its beneficiary if the trust meets all of the conditions prescribed by Sections 18157, 18158, 18159 and 18160.

SEC. 82.5. Section 18159 of said code is amended to read :

Trusts for benefit of employees

18159. A trust described in Section 18156 is not taxable if the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this section which benefits either :

(a) Seventy per cent or more of all the employees, or 80 per cent or more of all the employees who are eligible to benefit under the plan if 70 per cent or more of all the employees are eligible to benefit under the plan. The percentages shall exclude in each case :

(1) Employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years; and

(2) Employees whose customary employment is for not more than 20 hours in any one week; and

(3) Employees whose customary employment is for not more than five months in any calendar year; or

(b) Employees who qualify under a classification set up by the employer which is found by the commissioner not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

SEC. 83. Section 18163 of said code is amended to read :

Taxation of distributions

18163. The amount actually distributed or made available to any distributee by any trust shall be taxable to him, in the year in which so distributed or made available, under Article 2 of Chapter 3 as if it were an annuity the consideration for which is the amount contributed by the employee, but if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's separation from the service, the amount of distribution to the extent exceeding the amounts contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than two years, but not more than five years.

SEC. 83.5. Section 18172 of said code is amended to read:

18172. Where any part of the income of a trust:

(a) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, held or accumulated for future distribution to the grantor; or

Where
income is
distributed
to grantor

(b) May, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or

(c) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in Section 17315 and Section 17383, relating to the so-called "charitable contribution" deduction); then such part of the income of the trust shall be included in computing the net income of the grantor if the grantor is a resident. If the grantor is a nonresident, such income shall be included in computing his income only to the extent it is derived from sources within this State; the balance of such income shall be taxable either to the trust or to the beneficiaries as provided in Articles 1 and 2 of this chapter.

SEC. 84. Section 18173.1 is added to said code, to read

18173.1. Income of a trust shall not be considered taxable to the grantor under Section 18172 or any other provision of this part merely because such income, in the discretion of another person, the trustee, or the grantor acting as trustee or cotrustee, may be applied or distributed for the support or maintenance of a beneficiary whom the grantor is legally obligated to support or maintain, except to the extent that such income is so applied or distributed. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income for the taxable year, such amounts shall be considered paid out of income to the extent of the income of the trust for such taxable year which is not paid, credited, or to be distributed under Sections 18131 to 18137, inclusive, and which is not otherwise taxable to the grantor.

Legal
obligation
of grantor

SEC. 85. Section 18175 of said code is amended to read:

18175. The notice required to be given by Section 18174 may be served upon the fiduciary personally, or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the fiduciary at his address as it appears in the records of the commissioner.

Notice

SEC. 86. Section 18205.1 is added to said code, to read:

18205.1. After filing a request pursuant to Section 18205, a fiduciary may consent in writing to waive the limitation prescribed by said Section 18205.

Waiver of
limitation

SEC. 87. Section 18401 of said code is amended to read:

18401. Every individual taxable under this part shall make a return to the commissioner, stating specifically the items of

See also
Stats 1945,
Ch 646

Returns
Generally

his gross income and the deductions and credits allowed by this part, if he has for the taxable year—

(a) A net income of one thousand dollars (\$1,000) or over, if single;

(b) A net income of two thousand five hundred dollars (\$2,500) or over, if married; or

(c) A gross income of five thousand dollars (\$5,000) or over, regardless of the amount of net income.

See also
Stats. 1915,
Ch. 646

Spouses

SEC. 88. Section 18402 of said code is amended to read:

18402. If a husband and wife have for the taxable year an aggregate net income of two thousand five hundred dollars (\$2,500) or over, or an aggregate gross income of five thousand dollars (\$5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. No joint return may be made if husband and wife have different taxable years.

See also
Stats. 1945,
Ch. 646

Returns by
fiduciaries

SEC. 89. Section 18405 of said code is amended to read:

18405. Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of one thousand dollars (\$1,000) or over, if single.

(b) Every individual having a net income for the taxable year of two thousand five hundred dollars (\$2,500) or over, if married.

(c) Every individual having a gross income for the taxable year of five thousand dollars (\$5,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand dollars (\$1,000) or over.

(e) Every trust the net income of which for the taxable year is one hundred dollars (\$100) or over.

(f) Every estate or trust the gross income of which for the taxable year is five thousand dollars (\$5,000) or over, regardless of the amount of the net income.

(g) Every decedent, for the year in which death occurred, and for prior years, if returns for such years should have been filed but have not been filed by the decedent, under such rules and regulations as the commissioner may prescribe.

SEC. 90. Section 18431 of said code is amended to read:

Form of
returns, etc

18431. Returns required by Sections 18401 and 18402 shall not be under oath but shall contain, or be verified by, a written declaration that they are made under the penalties of perjury. Such returns, and all other returns required by this part, shall be in such form as the commissioner may from time to time prescribe, and shall be filed with the commissioner at his main office or at any branch office which he may establish. The commis-

sioner shall prepare blank forms for the returns and shall distribute them throughout the State and furnish them upon application. Failure to receive or secure the form does not relieve any taxpayer from making any return required.

SEC. 91. Section 18431.1 is added to said code, to read :

18431.1. Any individual who wilfully makes and subscribes a return which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and upon conviction thereof, shall be subject to the penalties prescribed for perjury by the Penal Code of this State. Penalty for false returns

SEC. 92. Section 18434 of said code is amended to read :

18434. (a) In the case of a taxpayer who is serving as a member of the armed forces of the United States or any auxiliary branch thereof, or the Merchant Marine, beyond the boundaries of the continental United States, the commissioner shall automatically grant, without application being made therefor, an extension of time, free from interest and penalties, for filing the return, for payment of the tax, for taking any of the steps required by Sections 18590, 18593, 19053, 19057 and 19058 of the Revenue and Taxation Code, until 180 days after his discharge or release from active service therein or until 180 days after the termination of hostilities in which the United States is now engaged, whichever first occurs. Extension of time Members of armed forces

(b) "Continental United States," as used in subsection (a), means the 48 States of the United States and the District of Columbia. "Continental United States"

SEC. 93. Section 18473 of said code is amended to read :

18473. Notwithstanding the provisions of Section 18470, any action or proceeding authorized by Article 4, of Chapter 11 (regardless of the taxable year for which the tax arose), Article 5 of Chapter 8, Sections 18621 and 18622, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted. Proceedings permitted

SEC. 94. Section 18474 of said code is amended to read :

18474. In any other case in which the commissioner determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of Section 18470 shall not operate to stay collection of that amount by distraint or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this section the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under this article. Jeopardy collection

SEC. 95. Section 18475 of said code is amended to read :

18475. In any case to which Sections 18473 and 18474 relates, if the commissioner is required to give any notice to or make any demand upon any person, that requirement shall be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the commissioner is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the war, accepting mail for delivery at the time the notice or Notice or demand

demand is signed. In that case the notice or demand shall be deemed to have been given or made upon the date it is signed.

SEC. 95.5. Section 18477 of said code is amended to read:

Expiration
of time

18477. This article shall not operate to extend the time for performing any act specified in Section 18470 (g), (h), (i) or (j) if such time under the law in force prior to May 7, 1943, expired prior to that date.

SEC. 93. Section 18478 of said code is amended to read:

"Americas"

18478. (a) The term "Americas" means North, Central, and South America (including the West Indies but not Greenland), and the Hawaiian Islands.

Determina-
tion of time

(b) For the purpose of determining whether any act specified in Section 18470 (g), (h), (i) or (j) was performed within the time prescribed therefor, if any period of time is disregarded under this article by reason of any individual being outside the Americas or within an area of enemy action or control, that individual shall not, if he returns to the Americas or leaves the area after the date of enactment of this article, be deemed to have returned to the Americas or ceased to be within that area before the date upon which the commissioner receives from that individual a notice thereof in such form as the commissioner shall by regulations prescribe. A similar rule shall be applied in the case of a member of the military or naval forces of the United States with respect to whom a period of time is disregarded under this article by reason of being outside the States of the Union and the District of Columbia.

SEC. 97. Section 18479 of said code is amended to read:

Notice of
qualification

18479. For the purpose of determining whether any act specified in Section 18470 (g), (h), (i) or (j) was performed within the time prescribed therefor, the month in which an executor, administrator, or conservator qualifies, if he qualifies after the date of enactment of this article, shall be deemed to be the month in which the commissioner receives from him a notice thereof in such form as the commissioner shall by regulations prescribe.

SEC. 97.3. Section 18581 of said code is amended to read:

Power of
commissioner

18581. The commissioner may proceed under this article or Article 4 whether or not he requires a return or a supplementary return under Section 18451.

SEC. 97.7. Section 18582 of said code is amended to read:

Determina-
tion of tax

18582. As soon as practicable after the return is filed, the commissioner shall examine it and shall determine the correct amount of the tax.

SEC. 98. Section 18590 of said code is amended to read:

Protest

18590. Within 60 days after the mailing of the notice of a proposed deficiency assessment the taxpayer may file with the commissioner a written protest against the proposed assessment, specifying in the protest the grounds upon which it is based.

SEC. 99. Section 18641 of said code is amended to read:

Notice of
jeopardy
assessmen
etc.

18641. If the commissioner finds that the assessment or the collection of a tax or a deficiency for any year, current or past,

will be jeopardized in whole or in part by delay, he may mail or issue notice of his finding to the taxpayer, together with a demand for immediate payment of the tax or the deficiency declared to be in jeopardy, including interest and penalties and additions thereto.

SEC. 100. Section 18643 of said code is amended to read:

18643. A jeopardy assessment is immediately due and payable, and proceedings for collection may be commenced at once. The taxpayer, however, may stay collection and prevent the jeopardy assessment from becoming final by filing, within 10 days after the date of mailing or issuing the notice of jeopardy assessment, a petition for reassessment, accompanied by a bond or other security in such amount as the commissioner may deem necessary, not exceeding double the amount (including interest and penalties and additions thereto) as to which the stay is desired.

SEC. 100.5. Section 18648 of said code is amended to read:

18648. (a) If any taxpayer fails to file a return, or files a false or fraudulent return with intent to evade the tax, for any taxable year, the commissioner, at any time, may require a return or a supplementary return under oath, or may make an estimate of the net income, from any available information, and may propose to assess the amount of tax, interest, and penalties due under this act. All the provisions of this part relative to delinquent taxes shall be applicable to the tax, interest, and penalties due under this act.

(b) When any assessment is proposed under the preceding paragraph, the taxpayer shall have the right to protest the same and to have an oral hearing thereon if requested, and also to appeal to the board from the commissioner's action on the protest; the taxpayer must proceed in the manner and within the time prescribed by Sections 18590 to 18596, inclusive.

SEC. 101. Section 18649 of said code is amended to read:

18649. Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the commissioner in respect of a tax imposed by this part upon the taxpayer may be immediately assessed.

SEC. 102. Section 18651 of said code is amended to read:

18651. Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency pursuant to a petition to the board. No petition for a redetermination may be filed with the board after the adjudication of bankruptcy or the appointment of the receiver.

SEC. 103. Section 18691 of said code is amended to read:

Overpayment
credited on
deficiency

18691. (a) Where an overpayment is made by any taxpayer for any year, and a deficiency is owing from the same taxpayer for any other year, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which assessment of the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded to the taxpayer. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(b) The preceding paragraph is not intended, nor shall it be construed, as a limitation on the commissioner's right to offset or recoup barred assessments against overpayments.

SEC. 104. Section 18691.1 is added to said code, to read:

Same

18691.1. (a) When the correction of an erroneous inclusion or deduction of an item or items in the computation of income of a trust, estate or husband for any year results in an overpayment for such year by said trust, estate or husband, and also results in a deficiency for the same year for a grantor of such trust or beneficiary of such estate or trust, or the wife of said husband, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(b) When the correction of an erroneous inclusion or deduction of an item or items in the computation of income of a grantor of a trust, beneficiary of an estate or trust or a wife for any year results in an overpayment for such year by said grantor, beneficiary or wife, and also results in a deficiency for the same year for the grantor's or beneficiary's trust, the beneficiary's estate or the wife's husband, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

(c) Paragraphs (a) and (b) are not intended, nor shall they be construed as a limitation on the commissioner's right to offset or recoup barred assessments against overpayments.

SEC. 105. Section 18833 of said code is amended to read:

Judgment
lien

18833. An abstract or a copy of the judgment may be recorded with the county recorder of any county. From the time of the recording, the amount of the tax, penalty, and interest set forth constitutes a lien upon all property of the

taxpayer in the county, owned by him or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for five years from the date of the recording unless sooner released or otherwise discharged.

SEC. 106. Section 18864 of said code is amended to read:

18864. Within five years from the date of the recording or within five years from the date of the last extension of the lien in the manner provided in this section, the lien may be extended by recording in the office of the county recorder of any county an abstract or copy of the judgment. From the time of the recording the lien extends to the property in the county for five years unless sooner released or otherwise discharged.

SEC. 107. Section 18882 of said code is amended to read:

18882. From the time of the filing for recording the amount of the tax, interest, and penalty set forth constitutes a lien upon all property of the taxpayer in the county, owned by him or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for five years from the date of the recording unless sooner released or otherwise discharged.

SEC. 108. Section 18883 of said code is amended to read:

18883. Within five years from the date of the recording or within five years from the date of the last extension of the lien in the manner provided in this section, the lien may be extended by recording in the office of the county recorder of any county a new certificate. From the time of the recording the lien extends to the property in the county for five years unless sooner released or otherwise discharged.

SEC. 109. Section 19053.5 of said code is amended to read:

19053.5. The provisions of Section 19053.3 shall apply to any claim filed, or credit or refund allowed or made, before the execution of an agreement pursuant to Section 19053.

SEC. 110. Section 19055 of said code is amended to read:

19055. Every claim for refund shall be in writing and shall state the specific grounds upon which it is founded.

SEC. 111. Section 19061.1 is added to said code, to read:

19061.1. If, after filing a protest or an appeal to the State Board of Equalization pursuant to Article 2 of Chapter 11, a taxpayer pays the tax protested, before the commissioner acts upon the protest, or the board upon the appeal, the commissioner or board shall treat the protest or the appeal as a claim for refund or an appeal from the denial of a claim for refund filed under this section.

SEC. 113. Section 19083 of said code is amended to read:

19083. The action shall be filed within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, whichever period expires the later. No action may be filed for the recovery of a deficiency assessment unless the taxpayer has filed a protest with the commissioner against the assessment pursuant to Section

18590, or unless the taxpayer has filed a claim for refund for the tax in question under Article 1 of Chapter 13.

Determina-
tion of status

SEC. 120. Section 19206 is added to said code, to read:
19206. For the purposes of Sections 19201, 19203, 19204, and 19205 the determination of whether an individual is married or is the head of a family shall be made as of the last day of the taxable year, except if an individual or his spouse dies during the taxable year, such determination shall be made as of the date of death.

Current
expenses

SEC. 122. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Application
of act

SEC. 123. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for taxable years beginning after December 31, 1944, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall mean those affecting income, deductions, rates, method of calculating tax, exclusions, exemptions, and credits. Any amendment to any section of the Revenue and Taxation Code shall not, of itself, be taken as an indication that a change of meaning is intended.

Interpre-
tation

CHAPTER 646

Stats 1926,
p 19,
amended

Stats 1937,
p 2184,
amended

An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and to amend Section 5.5 of the Corporation Income Tax Act, and Sections 6051, 6201, 17053.5, 17316, 17319.3, 17319.5, 17951, 18401, 18402, 18405, 19200, and 19203 of, and to add Sections 17108, 17325, 17326, 17327, 17328, 17329, 18135.1, 18304.1, 19201.5, 19202.5, 19204.5, and 19205.5 to, the Revenue and Taxation Code, relating to State taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

In effect
immediate,

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945]

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

Stats 1943,
p 1579

SECTION 1. Section 7.5 of the Bank and Corporation Franchise Tax Act is amended to read:

Temporary
tax credit

Sec. 7.5. With respect to taxable years beginning after December 31, 1943, and before January 1, 1948, the amount of the tax that would have been payable, except for the existence of this section, shall be computed in the manner, at the rates and on the basis specified in this act, but the amount to be paid to the State under this act for such taxable years shall be eighty-five per cent (85%) of the amount so computed.

Of the proceeds of the tax levied by this act which are deposited in the Bank and Corporation Franchise Tax Fund pursuant to Section 23 of this act on and after July 1, 1943, and to and including December 31, 1945, one-tenth shall be transferred by the Controller to General Fund and set aside as a postwar employment reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

Postwar
employment
reserve

The money in the postwar employment reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the postwar employment reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the best interest of the State in effectuating the purposes of this section. The increment from such investment shall accrue to the General Fund.

SEC. 2. Section 5.5 of the Corporation Income Tax Act is amended to read:

Stats 1943,
p 1580

Sec. 5.5. With respect to taxable years beginning after December 31, 1942, and before January 1, 1947, the amount of the tax that would have been payable, except for the existence of this section, shall be computed in the manner, at the rates and on the basis specified in this act, but the amount to be paid to the State under this act for such taxable years shall be eighty-five per cent (85%) of the amount so computed.

Temporary
tax credit

Of the proceeds of the tax levied by this act which are deposited in the Bank and Corporation Franchise Tax Fund pursuant to Section 27 of this act on and after July 1, 1943, and to and including December 31, 1945, one-tenth shall be transferred by the Controller to General Fund and set aside as a postwar employment reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

Postwar
employment
reserve

The money in the postwar employment reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the postwar employment reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the

best interest of the State in effectuating the purposes of this section. The increment from such investments shall accrue to the General Fund.

SEC. 3. Section 6051 of the Revenue and Taxation Code is amended to read:

Sales tax
Rate

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of $2\frac{1}{2}$ per cent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this State on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 per cent thereafter, and at the rate of $2\frac{1}{2}$ per cent on and after July 1, 1943, and to and including June 30, 1947, and at the rate of 3 per cent thereafter.

Post war
employment
reserve

After payment of refunds, one-fifth the proceeds of such tax which are deposited in the Retail Sales Tax Fund on and after July 1, 1943, and to and including June 30, 1945, shall be transferred by the Controller to the General Fund and set aside as a postwar employment reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

The money in the postwar employment reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the postwar employment reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the best interests of the State in effectuating the purposes of this section. The increment from such investment shall accrue to the General Fund.

SEC. 4. Section 6201 of said code is amended to read:

Use tax
Rate

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this State of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this State at the rate of 3 per cent of the sales price of the property, and at the rate of $2\frac{1}{2}$ per cent on and after July 1, 1943, and to and including June 30, 1947, and at the rate of 3 per cent thereafter.

Postwar
employment
reserve

After payment of refunds, one-fifth the proceeds of such tax which are deposited in the Retail Sales Tax Fund on and after July 1, 1943, and to and including June 30, 1945, shall be transferred by the Controller to the General Fund and set aside as a postwar employment reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

The money in the postwar employment reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the postwar employment reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the best interest of the State in effectuating the purposes of this section. The increment from such investment shall accrue to the General Fund.

SEC. 5. Section 17053.5 of said code is amended to read:

17053.5. (a) With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, in lieu of the tax imposed under Section 17052, as limited by Sections 19200 and 19201 of this code, there shall be levied, collected and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than five thousand dollars (\$5,000) and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table:

See also
Stats 1945,
Ch 1133
Personal
Income Tax
Simplified
return

The tax shall be—				
If the gross income is over—	But not over—	Single person (not head of family)	Married person making separate return	(1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of family
\$2,200	\$2,250	\$0	\$0	\$0
2,250	2,300	0	0	0
2,300	2,350	0	0	0
2,350	2,400	0	0	0
2,400	2,450	0	.30	0
2,450	2,500	0	.77	0
2,500	2,550	0	1.24	0
2,550	2,600	0	1.71	0
2,600	2,650	0	2.18	0
2,650	2,700	0	2.65	0
2,700	2,750	0	3.12	0
2,750	2,800	0	3.59	0
2,800	2,850	0	4.06	0
2,850	2,900	0	4.53	0
2,900	2,950	0	5.00	0
2,950	3,000	0	5.47	0
3,000	3,050	0	5.94	0
3,050	3,100	0	6.41	0
3,100	3,150	0	6.88	0
3,150	3,200	0	7.35	0
3,200	3,250	.32	7.82	0

The tax shall be—				
If the gross income is over—	But not over—	Single per- son (not head of family)	Married per- son making separate return	(1) Mar- ried per- son whose spouse has no gross income, or (2) mar- ried person making joint return, or (3) head of family
\$3,250	\$3,300	\$.79	\$ 8.29	\$0
3,300	3,350	1.26	8.76	0
3,350	3,400	1.73	9.23	0
3,400	3,450	2.20	9.70	0
3,450	3,500	2.67	10.17	0
3,500	3,550	3.14	10.64	0
3,550	3,600	3.61	11.11	0
3,600	3,650	4.08	11.58	0
3,650	3,700	4.55	12.05	0
3,700	3,750	5.02	12.52	0
3,750	3,800	5.49	12.99	0
3,800	3,850	5.96	13.46	0
3,850	3,900	6.43	13.93	0
3,900	3,950	6.90	14.40	0
3,950	4,000	7.37	14.87	0
4,000	4,050	7.84	15.34	0
4,050	4,100	8.31	15.81	0
4,100	4,150	8.78	16.28	0
4,150	4,200	9.25	16.75	0
4,200	4,250	9.72	17.22	0
4,250	4,300	10.19	17.69	0
4,300	4,350	10.66	18.16	0
4,350	4,400	11.13	18.63	0
4,400	4,450	11.60	19.10	0
4,450	4,500	12.07	19.57	0
4,500	4,550	12.54	20.04	0
4,550	4,600	13.01	20.51	0
4,600	4,650	13.48	20.98	0
4,650	4,700	13.95	21.45	0
4,700	4,750	14.42	21.92	0
4,750	4,800	14.89	22.39	0
4,800	4,850	15.36	22.86	.36
4,850	4,900	15.83	23.33	.83
4,900	4,950	16.30	23.80	1.30
4,950	5,000	16.77	24.27	1.77
5,000	5,050	17.24	24.74	2.24

Dependents In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income four hundred dollars (\$400) for each such dependent.

(b) For the purpose of this section—

“Married person” (1) “Married person” means a married person on the last day of the taxable year, unless his spouse dies during the tax-

able year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under ^{"Dependent"} Section 17952.

(3) An individual not a head of a family or a married person ^{Single person} shall be treated as a single person.

(4) "Head of family" means a head of family on the last ^{"Head of family"} day of the taxable year, unless such person dies during the taxable year, in which case such determination shall be made as of the date of death.

(c) This section shall not apply to an estate or trust, an ^{Application of section} individual filing a return for a period of less than 12 months on account of a change in the accounting period, or to a married individual whose spouse files a return at any time during the taxable year, whose spouse files a return and computes the tax without regard to this section.

SEC. 5. Section 17108 is added to said code, to read:

17108. As used in this part the term "adjusted gross ^{"Adjusted gross income"} income" means the gross income minus—

(a) The deductions allowed by Article 1 of Chapter 4 which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(b) The deductions allowed by Article 1 of Chapter 4 which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee;

(c) The deductions allowed by Article 1 of Chapter 4 (other than expenses of travel, meals, and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer;

(d) The deductions (other than those provided in paragraphs (a), (e), or (f)) allowed by Article 1 of Chapter 4 which are attributable to property held for the production of rents or royalties;

(e) The deductions (other than those provided in paragraph (a)) for depreciation and depletion, allowed by Sections 17313 and 17314 to a life tenant of property or to an income beneficiary of property held in trust; and

(f) The deductions (other than those provided in paragraph (a)) allowed by Article 1 of Chapter 4 as losses from the sale or exchange of property.

SEC. 6. Section 17316 of said code is amended to read:

17316. Deductions for contributions or gifts shall be allowed ^{Limitations on charitable contributions} to an amount which in all cases listed in Section 17315 combined does not exceed 15 per centum of the taxpayer's adjusted gross income. The contributions or gifts shall be allowed as deductions only if verified under rules and regulations prescribed by the commissioner.

SEC. 7. Section 17319.3 of said code is amended to read :

Limits on
deduction
Joint return

17319.3. A husband and wife who file a joint return may deduct only those expenses as exceed 5 per cent of the aggregate adjusted gross income of the husband and wife, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars (\$2,500) in the case of husband and wife.

SEC. 8. Section 17319.5 of said code is amended to read :

Individual
return

17319.5. An individual who files a separate return may deduct only those expenses as exceed 5 per cent of the adjusted gross income of the taxpayer, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars (\$2,500) in the case of the head of a family, and not in excess of one thousand two hundred fifty dollars (\$1,250) in the case of all other individuals.

SEC. 9. Section 17325 is added to said code, to read :

Standard
deduction

17325. An individual, at his election, may deduct a standard deduction as follows :

(a) If his adjusted gross income is five thousand dollars (\$5,000) or more, the standard deduction shall be three hundred dollars (\$300) ;

(b) If his adjusted gross income is less than five thousand dollars (\$5,000), the standard deduction shall be an amount equal to 6 per centum of the adjusted gross income upon the basis of which the tax applicable to the adjusted gross income of the taxpayer is determined under the tax table provided in Section 17053.5.

SEC. 10. Section 17326 is added to said code, to read :

Same

17326. The standard deduction provided for in Section 17325 shall be in lieu of all deductions other than those which under Section 17103 are to be subtracted from gross income in computing adjusted gross income.

SEC. 11. Section 17327 is added to said code, to read :

Allowance
of standard
deduction

17327. (a) If the adjusted gross income shown on the return is five thousand dollars (\$5,000) or more, the standard deduction shall be allowed only if the taxpayer so elects in his return, and the commissioner shall by regulations prescribe the manner of signifying such election in the return.

(b) If the adjusted gross income shown on the return is less than five thousand dollars (\$5,000), the standard deduction shall be allowed only if the taxpayer elects in the manner prescribed in Section 17053.5 to pay the tax imposed by that section.

(c) If the taxpayer does not signify, in the manner prescribed by paragraphs (a) or (b), his election to take the standard deduction, it shall not be allowed. If he does so signify, such election shall be irrevocable.

(d) If the adjusted gross income shown on the return is five thousand dollars (\$5,000) or more, but the correct adjusted gross income is less than five thousand dollars (\$5,000), then an election by the taxpayer under paragraph (a) to take the standard deduction shall be considered as an election to pay the tax

imposed by Section 17053.5; and his failure to make under paragraph (a) an election to take the standard deduction shall be considered his election not to pay the tax imposed by Section 17053.5. If the adjusted gross income shown on the return is less than five thousand dollars (\$5,000) but the correct adjusted gross income is five thousand dollars (\$5,000) or more, then an election by the taxpayer under paragraph (b) to pay the tax imposed by Section 17053.5 shall be considered as his election to take the standard deduction; and his failure to elect under paragraph (b) to pay the tax imposed by Section 17053.5 shall be considered his election not to take the standard deduction.

SEC. 12. Section 17328 is added to said code, to read:

17328. In the case of a husband and wife, the standard deduction provided for in Section 17325 shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this paragraph the determination of whether an individual is married shall be made as of the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of such spouse's death.

Husband
and wife

SEC. 13. Section 17329 is added to said code, to read:

17329. The standard deduction provided for by Section 17325 shall not be allowed in the case of a taxable year of less than 12 months on account of a change in the accounting period.

Change in
accounting
period

SEC. 14. Section 18135.1 is added to said code, to read:

18135.1. The standard deduction provided in Section 17325 shall not be allowed in the case of estates and trusts.

Estates and
trusts

SEC. 15. Section 18304.1 is added to said code, to read:

18304.1. In computing the net income of a partnership, the standard deduction provided in Section 17325 shall not be allowed.

Partnership

SEC. 15.1. Section 17951 of said code is amended to read: See also Stats 1945, Ch 645

17951. There shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of two thousand dollars (\$2,000), or, in the case of a head of a family or a married individual, a personal exemption of three thousand five hundred dollars (\$3,500). A husband and wife shall receive but one personal exemption of three thousand five hundred dollars (\$3,500). If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

Personal
exemption

SEC. 15.3. Section 18401 of said code is amended to read: See also Stats 1945, Ch 645

18401. Every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year—

Returns
Generally

(a) A net income of two thousand dollars (\$2,000) or over, if single;

(b) A net income of three thousand five hundred dollars (\$3,500) or over, if married; or

(c) A gross income of five thousand dollars (\$5,000) or over, regardless of the amount of net income.

See also
Stats 1945,
Ch 645

Spouses

SEC. 15.5. Section 18402 of said code is amended to read: 18402. If a husband and wife have for the taxable year an aggregate net income of three thousand five hundred dollars (\$3,500) or over, or an aggregate gross income of five thousand dollars (\$5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. No joint return may be made if husband and wife have different taxable years

See also
Stats 1945,
Ch 645

Returns by
fiduciaries

SEC. 15.7. Section 18405 of said code is amended to read: 18405. Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of two thousand dollars (\$2,000) or over, if single.

(b) Every individual having a net income for the taxable year of three thousand five hundred dollars (\$3,500) or over, if married.

(c) Every individual having a gross income for the taxable year of five thousand dollars (\$5,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand dollars (\$1,000) or over.

(e) Every trust the net income of which for the taxable year is one hundred dollars (\$100) or over.

(f) Every estate or trust the gross income of which for the taxable year is five thousand dollars (\$5,000) or over, regardless of the amount of the net income.

(g) Every decedent, for the year in which death occurred, and for prior years, if returns for such years should have been filed but have not been filed by the decedent, under such rules and regulations as the commissioner may prescribe.

SEC. 16. Section 19200 of said code is amended to read:

Temporary
rate

19200. With respect to taxable years beginning after December 31, 1942, and before January 1, 1947, there shall be levied, collected, and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State:

Upon net incomes not in excess of ten thousand dollars (\$10,000), 1 per cent of such net incomes.

One hundred dollars (\$100) upon net incomes of ten thousand dollars (\$10,000); and upon net incomes in excess of ten thousand dollars (\$10,000) and not in excess of fifteen thousand dollars (\$15,000), 2 per cent in addition of such excess.

Two hundred dollars (\$200) upon net incomes of fifteen thousand dollars (\$15,000); and upon net incomes in excess of fifteen thousand dollars (\$15,000) and not in excess of twenty thousand dollars (\$20,000), 3 per cent in addition of such excess.

Three hundred fifty dollars (\$350) upon net incomes of twenty thousand dollars (\$20,000); and upon net incomes in excess of twenty thousand dollars (\$20,000) and not in excess of twenty-five thousand dollars (\$25,000), 4 per cent in addition of such excess.

Five hundred fifty dollars (\$550) upon net incomes of twenty-five thousand dollars (\$25,000); and upon net incomes in excess of twenty-five thousand dollars (\$25,000) and not in excess of thirty thousand dollars (\$30,000), 5 per cent in addition of such excess.

Eight hundred dollars (\$800) upon net incomes of thirty thousand dollars (\$30,000); and upon net incomes in excess of thirty thousand dollars (\$30,000), 6 per cent in addition of such excess.

SEC. 17. Section 19201.5 is added to said code, to read:

19201.5. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, there shall be allowed as a credit against net income, in the case of a single individual, a personal exemption of three thousand dollars (\$3,000), or, in the case of a head of a family or a married individual, a personal exemption of four thousand five hundred dollars (\$4,500). A husband and wife shall receive but one personal exemption of four thousand five hundred dollars (\$4,500). If the husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

Personal exemption

SEC. 18. Section 19202 of said code is amended to read:

19202. With respect to taxable years beginning after December 31, 1942, and before January 1, 1947, there shall be allowed as a credit against net income, in the case of an estate, an exemption of one thousand five hundred dollars (\$1,500) and, in the case of a trust, an exemption of one hundred dollars (\$100).

See also Stats 1945, Ch. 1133

Credit against net income of estates and trusts

SEC. 19. Section 19203.5 is added to said code, to read:

19203.5. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year

Individuals required to make returns

(a) A net income of three thousand dollars (\$3,000) or over, if single;

(b) A net income of four thousand five hundred dollars (\$4,500) or over, if married; or

(c) A gross income of six thousand dollars (\$6,000) or over, regardless of the amount of net income.

SEC. 20. Section 19204.5 is added to said code, to read:

Husband
and wife

19204.5. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, if a husband and wife have for the taxable year an aggregate net income of four thousand five hundred dollars (\$4,500) or over, or an aggregate gross income of six thousand dollars (\$6,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. No joint return may be made if husband and wife have different taxable years.

SEC. 21. Section 19205.5 is added to said code, to read:

Fiduciaries

19205.5. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make, under oath, a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of three thousand dollars (\$3,000) or over, if single.

(b) Every individual having a net income for the taxable year of four thousand five hundred dollars (\$4,500) or over, if married.

(c) Every individual having a gross income for the taxable year of six thousand dollars (\$6,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand five hundred dollars (\$1,500) or over.

Current
expenses

SEC. 22. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Operative
date

SEC. 23. This act shall become operative upon the taking effect of the Personal Income Tax Law, enacted by Chapter 659 of the Statutes of 1943, as amended, or upon the effective date of this act, whichever is later.

CHAPTER 647

An act relating to a public works construction program for the prevention of unemployment upon the relaxation of the war effort and during the postwar period of adjustment from a war economy to a peacetime economy, creating therefor the "Postwar Unemployment and Construction Fund" in the State treasury, declaring the policy of the Legislature and prescribing the powers and duties of public officers in respect thereto, and transferring moneys to said fund.

"The Post-war Unemployment and Construction Act"

[Approved by Governor June 5, 1945 Filed with Secretary of State June 5, 1945]

In effect September 15, 1945

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

SECTION 1. The termination of the present war will inevitably create serious economic problems for the people of this State. Declaration of policy

The change from a war economy to a peacetime economy and the tremendous and sudden increase in population in this State necessitate a corresponding increase in public works and facilities which is so widespread that it is a matter of State interest, necessary for the state-wide protection of the public health, safety and public welfare.

The prevention of unemployment and the relief of hardship and destitution due to and caused by postwar unemployment is a joint obligation and duty of the Nation and the State within the limits of their resources. Postwar unemployment and its attendant misfortunes can partially be averted and alleviated by the construction of an extensive program of public works to be constructed and engaged in during the period of postwar adjustment and until such time as private industry and commerce can provide employment for the men and women who will be discharged from the armed forces or who will be released from their present employment upon the termination of war-time activities. The experience of this State during the depression years of unemployment and its attendant hardships points to the necessity for a public works employment program. Failure to make provision for an adequate public works program in time to meet the economic problems which will rise upon termination of the war will require the State to expend large sums to provide direct relief to persons who might otherwise be usefully employed in constructing necessary public works.

The Legislature hereby declares that the State has a direct interest in the construction of public works projects and public improvements that will provide employment for citizens released from the armed forces and private enterprise following the relaxation of the war effort, and that the public works projects and public improvements contemplated by this act are a furtherance of its plans to provide employment for its citizens during the period of economic readjustment that will result upon the termination of the war or the substantial diminishing of war production in this State.

Pos war Un-
employment
and Con-
struction
Fund

SEC. 2. The sum of ninety million dollars (\$90,000,000) out of unappropriated moneys in the State treasury is hereby set aside and transferred in the State treasury to the Postwar Unemployment and Construction Fund, which fund is hereby created and established. No money shall be expended from or withdrawn from said fund except and only when appropriated by the Legislature for public works projects and public improvements which will provide employment of citizens released from the armed forces following the cessation of war, and which public works projects and public improvements will create employment in various parts of the State and thus prevent and alleviate unemployment in all parts of the State.

Allocation,
etc., of fund

SEC. 3. The Legislature shall have the exclusive power to allocate, appropriate and provide for the expenditure of all or any part of the fund hereby created for any public works projects or public improvements in which the State shall have an interest, and will aid in preventing or alleviating unemployment in all parts of the State following the cessation of the war.

Investment

SEC. 4. The moneys deposited in the "Postwar Unemployment and Construction Fund" shall be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, having maturity dates not more than three years from the date of investment, and such securities may be sold or exchanged by the Director of Finance if in his opinion such sale or exchange is in the best interests of the State in effectuating the purposes of this act. The increment from such investments shall accrue to the "Postwar Unemployment and Construction Fund."

Constitu-
tionality

SEC. 5. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application thereof to other persons or circumstances, shall not be affected thereby.

Short title

SEC. 6. This act shall be known and may be cited as "The Postwar Unemployment and Construction Act."

CHAPTER 648

An act to add Article 1 to, and an article heading for Article 2 of, Chapter 2 of Division 1 of the Fish and Game Code, relating to the regulation of the taking of fish and game.

In effect
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

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

SECTION 1. Article 1 is added to Chapter 2 of Division 1 of the Fish and Game Code, to read:

Article 1. General Regulatory Powers

Power of
commission

14. There is hereby delegated to the commission the power to regulate the taking of fish and game to the extent and in the

manner prescribed in this article. No power is delegated to the commission by this article to regulate the taking, processing or use of fish, mollusks, crustaceans, kelp or other aquatic plants for commercial purposes and none of the provisions of this code relating or applying thereto nor any order, rule, or regulation of the commission made pursuant to such provisions shall be affected by this article or any order made pursuant to this article.

14.1. The commission shall exercise its powers under this article by orders made and promulgated pursuant to this article.

Orders

14.2. In addition to any other regular or special meetings, the commission shall hold two meetings in January and two meetings in June of each year. The January meetings shall be devoted to determining what, if any, orders should be made pursuant to this article in relation to fish, mollusks, crustaceans, amphibia and reptiles and to the making of such orders. The June meetings shall be devoted to determining what, if any, orders should be made pursuant to this article in relation to birds and mammals and to the making of such orders. Notice of each of said meetings shall be filed with the Secretary of State at least five days prior to the meeting, and the commission, in the case of the first meetings in January and June, shall give notice of the time and place of each of such meetings by publishing a notice thereof in one newspaper of general circulation printed and published in each of the counties and cities and counties of the State, or if no newspaper of general circulation is printed and published in a county, then in a newspaper of general circulation circulated in such county, in at least one issue of such newspaper published not less than 15 days prior to the meeting and shall also publish notice of such meeting in any publication issued by the commission after the determination of the time and place of such meeting and prior to the date thereof. Any such meeting shall be open to the public.

January and June meetings

15. The first meetings in January and in June shall be held within the first 10 days of the month and the second meetings within the final 10 days of the month.

Time of meetings

15.1. At the first meeting in January the commission shall receive recommendations from its own officers and employees, from public agencies, from organizations of private citizens, and from any interested party as to what, if any, orders should be made relating to fish, mollusks, crustaceans, amphibia and reptiles, or any species or variety thereof.

Reception of recommendations re fish, etc

15.2. At or prior to the second meeting in January the commission shall publicly announce its determinations and the orders it intends to make. The commission may hear and consider any objections to its determinations or proposed orders.

Announcement of orders, etc

15.3. At or within 30 days after the second meeting in January the commission may make such orders in relation to fish, mollusks, crustaceans, amphibia and reptiles, or any species or variety thereof as it deems necessary to preserve,

Making of orders

properly utilize or maintain the best relative number of each species or variety.

Application
of orders

15.4. Any order of the commission pursuant to this article which relates to fish, mollusks, crustaceans, amphibia and reptiles may apply to all or any districts or portions thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or varieties:

(a) Establish, extend, shorten, or abolish open seasons and closed seasons.

(b) Establish, change, or abolish bag limits, possession limits, and size limits.

(c) Establish and change territorial limits for the taking of any or all species or varieties.

(d) Prescribe the manner and the means of taking any species or variety.

Receipt of
recommendations re
birds and
mammals

16. At the first meeting in June, the commission shall receive recommendations from its own officers and employees, from public agencies, from organizations of private citizens, and from any interested party as to what, if any, orders should be made relating to birds and mammals or any species or variety thereof.

Announce-
ment of
orders, etc

16.1. At or prior to the second meeting in June the commission shall publicly announce its determinations and the orders it intends to make. The commission may hear and consider any objections to its determinations or proposed orders.

Making of
orders

16.2. At or within 30 days after the second meeting in June the commission may make such order in relation to birds or mammals or any species or variety thereof as it deems necessary to preserve, properly utilize or maintain the best relative number of each species or variety.

Application
of orders

16.3. Any order of the commission pursuant to this article relating to birds and mammals may apply to all or any districts or portions thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or varieties:

(a) Establish, extend, shorten, or abolish open seasons and closed seasons

(b) Establish, change, or abolish bag limits and possession limits.

(c) Establish and change territorial limits for the taking of any or all species or varieties.

(d) Prescribe the manner and the means of taking any species or variety.

(e) Establish, change, or abolish restrictions based upon sex, maturity, or other physical distinctions.

17. Every order of the commission pursuant to this article shall be filed forthwith with the Secretary of State and shall become effective at the time specified therein but not sooner than 10 days after such filing.

Publicity
and notice

18. The commission may do anything that it deems necessary and proper to provide publicity to its orders to the end that persons likely to be affected thereby may be informed, but the failure of the commission to provide any notice of its orders

other than by filing them with the Secretary of State shall not impair the validity of such orders.

19. The provisions of this code relating to the taking, processing or use of birds, mammals, fish, mollusks, crustaceans, amphibia or reptiles, excepting those provisions which relate or apply to or affect the taking, processing or use of fish, mollusks, crustaceans, kelp and other aquatic plants for commercial purposes, are continued in effect as orders of the commission and as limited by Sections 15.4 and 16.3 but not otherwise and shall remain in effect as such orders until modified or superseded by orders of the commission pursuant to this article.

Effective period of code provisions

19.1. The provisions of Sections 39.1, 1346, and 1347 insofar as they provide for special licenses, permits, and fees are continued in effect.

Special licenses, etc., continued in effect

19.2. Any order of the commission pursuant to this article shall remain in effect for the period specified therein or until superseded by a subsequent order of the commission or by statute.

Effective period of orders

19.3 The violation of any order made and becoming effective pursuant to this article is a misdemeanor punishable by fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Violation of orders

19.4. Nothing in this article confers upon the commission any power to regulate any natural resource or commercial or other activity connected therewith, except as specifically provided.

Application of article

19.5. Any order of the commission pursuant to this article shall be subject to review in accordance with law by any court of competent jurisdiction.

Review

19.6 The provisions of this article shall be effective until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature and thereafter shall have no force or effect.

Effective period of article

Sec. 2 An article heading is added to Chapter 2 of Division 1 of said code to precede Section 20 and to read:

Article heading

Article 2 Other Powers and Duties

CHAPTER 649

An act to add Section 1238.1 to the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 1238.1 is hereby added to the Code of Civil Procedure, to read:

1238.1. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

"On-street parking"

1. Off-street parking. Off-street motor vehicle parking places, including property necessary or convenient for ingress thereto or egress therefrom, established by any city or city and county for public use

CHAPTER 650

An act to add Section 44.10 to the Vehicle Code, relating to privately owned vehicles of members of the California Highway Patrol.

In effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945]

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

SECTION 1. Section 44.10 is added to the Vehicle Code, to read:

Authorized
emergency
vehicles
owned by
member
California
Highway
Patrol

44.10. Authorized Emergency Vehicle Owned by Member California Highway Patrol. In addition to the vehicles defined as "authorized emergency vehicle" by Section 44, a privately owned vehicle of a member of the California Highway Patrol, when authorized by permit from the Chief of the California Highway Patrol, shall be deemed an authorized emergency vehicle only when responding to an emergency call. No such permit shall be granted until proper proof of financial responsibility is filed with the Department of Finance. Whenever such a vehicle is not being used as an authorized emergency vehicle the siren must be disconnected and the red light covered.

CHAPTER 651

Stats 1927,
p 51,
amended

An act to amend Section 4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to powers of credit unions.

In effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 4 of the act cited in the title hereof is amended to read:

Stats 1941,
p 2623

Prohibited
acts

Sec. 4. No credit union shall:

1. Pay any commission or compensation for securing members or for the sale of its shares.
2. Make any loan in excess of three hundred dollars (\$300) unless security therefor is taken; nor in any event make a loan to any member in excess of three thousand dollars (\$3,000) or 10 per cent of its paid-in and unimpaired capital, whichever

is greater, but not to exceed ten thousand dollars (\$10,000). The term "security" within the meaning of this subdivision shall include, but is not limited to, a note which is endorsed by any member or members of the said credit union or by any other person or persons who is a nonmember (provided, however, for any loan in excess of three thousand dollars (\$3,000) such excess shall be secured by real and/or personal property) and any obligation, the payment of interest and principal of which is guaranteed by any municipal, or State Government, by the Government of the United States or by any instrumentality of the United States. Comaker or comakers, other than the borrower or borrowers, shall be deemed to be an endorser within the provisions of this section.

In the event a credit union shall make a loan or loans to any of its members and the said member or members shall have invested therein, either in the form of shares or in funds received, an amount equal to the said loan or loans, said investment shall be deemed as security within the provisions of this section and said borrower or borrowers shall not be required to give further or additional security. Subject to the limitations as in this section provided, nothing contained herein shall prohibit a credit union from simultaneously making different classes of loans, either secured or unsecured to any member.

3. Impose a fine, in case of failure of a member to make payment on shares, exceeding 1 per centum per month or fraction of a month on accounts due, except that a minimum fine of five cents (\$.05) per month or fraction thereof may be imposed.

4. Permit any director, officer or member of the credit committee or supervisory committee to borrow directly or indirectly an amount greater than the amount invested by him in the credit union, or become surety for any loan or advance made by the corporation. In the event that any person elected to any such office or committee membership is at the time of his election so obligated, in order to be eligible to hold such office or committee membership, he must reduce such to the amount permitted by this subdivision according to the tenor of his obligation and without default or delay. Failure of such officer so to do shall render the office or committee membership vacant.

5. Issue shares or accept funds in trust, except in the name of the trustee, as such, for a specified beneficiary whose residence shall be disclosed to the credit union by such trustee.

6. Issue any shares except to those qualified for membership under its by-laws; provided, however, that said credit union shall have the right to issue shares to any person designated by those eligible to membership in the credit union in joint tenancy and further provided that upon any shares issued by any credit union to those qualified for membership under its by-laws and to any person designated by those eligible to membership in the credit union in joint tenancy, there shall be printed upon the certificate or other evidence of such shares the words "transferable only to qualified members" as herein set forth.

CHAPTER 652

An act to add Section 20894.5 to the Government Code, relating to the State Employees' Retirement System, and providing for contributions for persons in the military service.

In effect
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 5, 1945]

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

SECTION 1. Section 20894.5 is added to the Government Code, to read:

Payment of
contributions
for member
absent on
military
service

20894.5. Notwithstanding the provisions of this article, the employer shall contribute for each member of this system who is absent from State service without compensation on military service, and who returns to State service within six months after discharge under conditions other than dishonorable or within six months after any period of rehabilitation afforded by the United States Government other than a period of rehabilitation for purely educational purposes, amounts equal to the contributions which would have been made by the employee and the employer to the system on the basis of his compensation earnable at the commencement of his absence, if he had not been so absent.

Any such member who exercises or did exercise the right to contribute to the system during the period of military service shall have such contributions refunded or credited to his account as additional contributions under Section 20630.

Any such member who withdraws or has withdrawn his accumulated contributions during his military service and who does not or did not redeposit the amount withdrawn upon his return to State service is entitled to be credited with the employer's contribution provided for in this section, and to receive credit for service during the period he was absent on military service, the same as if he had not withdrawn his accumulated contributions, and his rate for future contributions shall be based upon his age at the commencement of his absence on military service.

The contributions made by the employer pursuant to this section shall be available only for the purpose of retirement for service or for disability, and shall be made available only for the purpose of retirement, and an employee resigning from State service after reinstatement from military service shall be entitled to withdraw under Sections 20652 and 20653 only that portion of his accumulated contributions personally made by him.

Application
of section

This section shall be retroactively applied to extend its benefits to all members of this system whose absence from State service on military service commenced on or after September 16, 1940, and who return or have returned to State service upon the termination of their military service.

This section does not apply to persons absent from State service by reason of service with the Merchant Marine of the

United States, or on ships operated by or for the United States Government, anything to the contrary in Section 2089) notwithstanding.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section, by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 653

An act to amend Sections 3355, 3476, 3691 and 3693 of, and to add Chapter 22 comprising Sections 3450 to 3457 inclusive to Part 6, Division 1 of, the Revenue and Taxation Code, relating to property taxation, including tax sales, notice of sale of tax-sold property, sale of tax-sold and tax-deeded property at public auction, and medium of payment for tax-sold and tax-deeded property.

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3355 of the Revenue and Taxation Code is hereby amended to read as follows:

3355. The published notice of sale of tax-sold property shall show:

(a) A list of descriptions of the property. The assessments contained in this notice shall be numbered in ascending numerical order.

(b) That five years will have elapsed on the date of sale at public auction since the property was sold to the State.

(c) The year of sale to the State and the fiscal year for which the taxes were levied.

(d) That the property will be sold at public auction to the highest bidder for cash, in lawful money of the United States or negotiable paper as the tax collector in his discretion may elect, unless sooner redeemed.

(e) The time and place at which the property will be sold.

(f) That the minimum acceptable bid will be the amount of taxes, delinquent penalties, and costs for which it was sold to the State.

(g) The amount of the minimum bid, opposite the description of the property.

(h) The time within which the successful bidder must redeem the property.

Contents of
notice of sale
of tax-sold
property

(i) That after a bid is made and accepted at the sale, the right of redemption, except by the purchaser, ceases.

(j) That if no bid is made and accepted at the sale, and the property is deeded to the State, the right of redemption ceases as provided in Sections 3511.3 and 3511.5.

SEC. 2. Chapter 2.2 comprising Sections 3450 to 3457 inclusive is hereby added to Part 6, Division 1, of the Revenue and Taxation Code, to read as follows:

CHAPTER 2.2. MEDIUM OF PAYMENT

“Negotiable paper” 3450. As used in this chapter and in Sections 3355, 3476, 3691 and 3693 of this code, “negotiable paper” means bank checks and drafts and express and post-office money orders.

Acceptance of negotiable paper 3451. The tax collector may in his discretion accept negotiable paper in payment for tax-sold property and tax-deeded property sold at public auction.

Acceptance as payment 3452. The acceptance of negotiable paper constitutes payment for tax-sold property and tax-deeded property sold at public auction as of the date of acceptance when, but not before, the negotiable paper is duly paid.

When negotiable paper is so accepted, the deed to the property so purchased shall not be delivered unless and until such negotiable paper is duly paid.

Deposit for collection 3453. The tax collector may deposit negotiable paper accepted by him daily with a bank for collection and receive from the bank cashier’s checks in an amount equal to the total deposits. The cashier’s checks shall be deposited in the county treasury like cash received for the same purpose.

Nonpayment 3454. If any negotiable paper is returned unpaid to the bank with which it was deposited, the bank shall return it to the tax collector and, if its amount has been included in any cashier’s check given by the bank, the bank is entitled to a refund in the amount of the unpaid negotiable paper.

Cancellation of record of payment 3455. If any negotiable paper is not paid on due presentation for any reason, any record of payment made on any official record because of its acceptance shall be canceled, and the bid upon which such negotiable paper was accepted shall be voided as if no bid had been made, and the original owner’s right of redemption is revived, unless such right of redemption had already been terminated prior to the receipt of such bid.

Claim 3456. If the payment accepted by the tax collector was wholly in negotiable paper which was not paid on due presentation, the county shall have a claim against the person who attempted payment by the negotiable paper for the cost of advertising such sale. The tax collector shall forthwith return such negotiable paper by registered mail to the person so attempting payment with advice that his bid has been voided and as to the amount of such county claim against him.

Payment partly in negotiable paper 3457. If the payment accepted by the tax collector was in part in negotiable paper which was not paid on due presentation, and in part in lawful money of the United States or part in negotiable paper which was duly paid, the tax collector shall

deduct therefrom the cost of advertising such sale and forthwith refund the balance of such sum, together with the unpaid negotiable paper, by registered mail to the person so attempting payment, with advice that his bid has been voided.

SEC. 3. Section 3476 of the Revenue and Taxation Code is hereby amended to read as follows:

3476. Not less than 21 nor more than 28 days after the first publication of the notice of sale of tax-sold property and at least five years after the property was sold to the State, the tax collector shall, as prescribed in this chapter, sell at public auction to the highest bidder for cash in lawful money of the United States or negotiable paper as the tax collector in his discretion may elect all tax-sold property which was sold to the State in the fifth preceding calendar year, or any year before that, except that all property sold by the State for which the full purchase price has not been paid shall be deeded to the State and except that all such tax-sold property which is delinquent for the taxes of not more than one year shall not be sold at public auction but shall be deeded to the State and, notwithstanding any other provision of this code, shall not be resold within the following two years during which time it shall be subject to redemption.

The sale shall begin at the time given in the published notice of sale and shall continue from day to day thereafter if additional time is needed to complete the sale. The sale shall be in the tax collector's office.

SEC. 4. Section 3691 of the Revenue and Taxation Code is hereby amended to read as follows:

3691. The tax collector may sell for lawful money of the United States or negotiable paper as the tax collector in his discretion may elect all or any portion of tax-deeded property as provided in this chapter, subject to the provisions of Sections 3550 5 and 3554. Any person, regardless of any prior or existing lien on, claim to or interest in such property, may purchase at said sale.

SEC. 5. Section 3693 of the Revenue and Taxation Code is hereby amended to read as follows:

3693. The sale shall be at public auction for cash in lawful money of the United States or negotiable paper as the tax collector in his discretion may elect.

CHAPTER 654

An act to amend Sections 142 and 382 of the Vehicle Code, and to add Sections 39.5, 39.6 and 168 thereto, relating to special highway construction equipment and agricultural water-well boring rigs.

In effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 39.5 is added to the Vehicle Code, to read:

Special
highway
construction
equipment

39.5. Special Highway Construction Equipment. "Special highway construction equipment" means a vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving and other construction work and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. It includes road construction and maintenance machinery such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, caterpillar tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and drag lines, self-propelled earth moving equipment and machinery and other similar types of construction equipment. This enumeration shall not operate to exclude other vehicles which are within the purview of the term "special highway construction equipment" as above defined. "Special highway construction equipment" does not include any of the following:

- (a) A vehicle originally designed for the transportation of persons or property to which machinery has been attached;
- (b) Dump trucks and truck mounted transit mixers, cranes and shovels.

See also
Stats 1945,
Ch. 266
Exemption
from
registration

SEC. 2. Section 142 of the Vehicle Code is amended to read:
142. Exemption from Registration. The registration provisions of this chapter shall not apply to any of the following vehicles:

- (a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.
- (b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.
- (c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. A lift-carrier

designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway, shall be deemed to be an implement of husbandry.

(d) Special mobile equipment.

(e) Any self-propelled wheel chair or invalid tricycle.

(f) Special highway construction equipment.

SEC. 3. Section 168 is added to the Vehicle Code, to read:

168. Special Highway Construction Equipment Identification Plate. Special highway construction equipment shall not be subject to registration but prior to any movement on the highway, each piece of such equipment shall display an equipment identification plate attached thereto.

Application for the identification plate shall be made prior to January 15th of each year, or before any such piece of equipment is moved over the highway to the department on a form furnished by the department, together with payment of a service charge of three dollars (\$3), the fees from which are to be credited to the Motor Vehicle Support Fund. Publicly owned special highway construction equipment is exempt from the said service charge.

The department shall issue to each applicant a single metal plate with a distinguishing number and a receipt for the fee collected, which receipt shall contain the name and address of the applicant, the number of the plate issued, the serial number of the equipment, and a brief description of the same.

The receipt shall be carried in a suitable container attached to the equipment or immediately available for inspection of any peace officer.

In addition to the identification plate provided in this section, each piece of special highway construction equipment must also be plainly marked in letters not less than one inch in height indicating the name and address of the owner or, in lieu thereof, an ownership emblem or seal which will indicate such ownership.

SEC. 4. Section 382 of the Vehicle Code is amended to read:

382. Fees for Duplicates. Upon application for duplicates as permitted under this code, the following fees shall be paid:

(a) For a duplicate certificate of ownership or registration card or equipment identification receipt...\$0.50

(b) For any duplicate license plate or plates or substitute plate or plates, or equipment identification plate for the same vehicle.....\$1.00

(c) For a duplicate operator's or chauffeur's license...\$0.50

SEC. 5. Section 39.6 is added to the Vehicle Code, to read:

39.6. Agricultural Water-Well Boring Rig. "Agricultural Water-Well Boring Rig" means a vehicle which is used exclusively in the boring of water-wells on agricultural property, which is self-propelled, which is not mounted on a vehicle originally designed for the transportation of property, and which is only incidentally operated or moved over the highway. Each such vehicle shall be subject to the registration fee provided in Section 370 but shall be exempt from the fees provided in Section 372 of the Vehicle Code.

CHAPTER 655

An act to add Section 5160 to the Public Resources Code, relating to the power of boards of supervisors to dedicate park property to highway purposes.

In effect
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 5160 is added to the Public Resources Code, to read:

Use of
portion of
county
public park
for highway
purposes

5160. The board of supervisors of any county may by a four-fifths vote of the members use or dedicate for county highway purposes any portion of any county public park acquired in whole or in part with county funds or acquired through special assessment district proceedings conducted by such board of supervisors when public funds have been contributed to such district proceedings or for the payment or retirement of bonds or assessments thereof.

CHAPTER 656

An act to add Section 162 to the Agricultural Code, relating to the destruction of predatory animals and the use of methods and devices intended for that purpose.

In effect
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 162 is added to the Agricultural Code, to read:

Use of
coyote gun

162. For the purpose of killing coyotes outside of the incorporated area of any city or city and county, any livestock raiser may use upon land upon which he is grazing livestock, and any person employed pursuant to Section 161 may use on any land, a device known as a coyote gun. A coyote gun is a device to be placed in the ground, loaded with an explosive charge and a poisonous substance, and so designed that when a coyote takes the bait in its mouth a poisonous substance is discharged into its mouth. The use of such a device in accordance with this section and other applicable provisions of law shall be lawful.

CHAPTER 657

An act to amend Sections 3477 and 3479 of the Revenue and Taxation Code, relating to property tax sales to private parties before deed to the State.

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3477 of the Revenue and Taxation Code is amended to read:

3477. No bid shall be accepted at a sale under this chapter for a sum less than the total of the amount for which the property was sold to the State and the amount of one dollar (\$1).

SEC. 2. Section 3479 of the Revenue and Taxation Code is amended to read:

3479. On completion of the sale, the tax collector shall without charge, forthwith execute a deed conveying the property to the purchaser or his assigns.

The county clerk shall take acknowledgment of the deed without charge.

Upon execution the tax collector shall forthwith record said deed with the county recorder and pay the recorder for filing, recording and indexing each deed the sum of one dollar (\$1) out of the sum bid at the sale and the recorder shall make no further charge for recording said deed. Recording of said deed shall constitute delivery thereof to the grantee therein named.

CHAPTER 658

An act to amend Section 3090 of the Civil Code, relating to negotiable instruments payable to bearer.

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 3090 of the Civil Code is hereby amended to read as follows:

3090. The instrument is payable to bearer—

- (1) When it is expressed to be so payable; or
- (2) When it is payable to a person named therein or bearer;

or

(3) When it is payable to the order of a fictitious or non-existing or living person not intended to have any interest in it and such fact was known to the person making it so payable or known to his employee or other agent who supplies the name of such payee; or

(4) When the name of the payee does not purport to be the name of any person; or

(5) When the only or last indorsement is an indorsement in blank.

Instruments
payable
to bearer

CHAPTER 659

An act to amend Section 737u of the Political Code, relating to the salary of superior court judges.

Take effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

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

See also
Stats 1945,
Ch 850

Judge's
salary
Main

Effect
Stats 1945,
Ch 850

SECTION 1. Section 737u of the Political Code is amended to read:

737u. The annual salary of the judge of the Superior Court in and for the County of Marin is nine thousand dollars (\$9,000).

SEC. 2. This act shall not take effect if Assembly Bill No. 43 is enacted by the Fifty-sixth Legislature.

CHAPTER 660

An act to amend Sections 10137, 10162, 10176, 10200, 10208, 10213, 10258, 10285, 10301, 10320, 10328, 10333, 10386, 10401, 10420, 10427, 10432, 10460, 10461, 10525, 10561, 10580, 10588, and 10593 of, and to add Sections 10080.5, 10141, 10142, 10150.5, 10156.5, 10156.6, 10156.7, 10156.8, 10209.5, 10214.5, 10262, 10263, 10275.5, 10279.5, 10279.6, 10279.7, 10279.8, 10462 and 11011.6 to, and to repeal Section 10455 of, the Business and Professions Code, relating to fees and licensees of the State Division of Real Estate of the Department of Investments.

Take effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945]

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

SECTION 1. Section 10137 of the Business and Professions Code is amended to read:

Unlawful
employment
or compensa-
tion by
real estate
broker

10137. It is unlawful for any licensed real estate broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this chapter who is not a licensed real estate broker, or a real estate salesman licensed under the broker employing or compensating him; provided, however, that a licensed real estate broker may pay a commission to a broker of another State.

No real estate salesman shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed.

It is unlawful for any licensed real estate salesman to pay any compensation for performing any of the acts within the scope of this chapter to any real estate licensee except through the broker under whom he is at the time licensed.

For a violation of any of the provisions of this section, the commissioner may temporarily suspend or permanently revoke the license of the real estate licensee, in accordance with the provisions of this part relating to hearings.

SEC. 2. Section 10141 is added to said code, to read:

10141. Within one month after the closing of a transaction in which title to real property is conveyed from a seller to a purchaser through a licensed real estate broker, such broker shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof and in event an exchange of real property is involved, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker. The obligation of such broker, as provided in this section, to furnish such information shall cease one year after closing of such transaction unless the seller or purchaser has in the meantime served a written demand in the premises.

Information
to seller and
purchaser

SEC. 3. Section 10142 is added to said code, to read:

10142. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase or sell real estate for compensation or commission, such licensee shall deliver a copy of such agreement to the person signing same. Receipt for said copy may be made on the face of said agreement.

Copies of
agreements

SEC. 4. Section 10176 of said code is amended to read:

10176. The commissioner may, upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this State, and he may temporarily suspend or permanently revoke a real estate license at any time where the licensee within the immediately preceding three years, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

Suspension
and
revocation
Real estate
licenses

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling the money or other property of his principal with his own.

(f) The practice of claiming, demanding, or receiving a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange real estate for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange real estate for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange real estate for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 5. Section 10301 of said code is amended to read:

Suspension
and
revocation
Business
opportunity
licenses

10301. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a business opportunity licensee, within this State, and he may temporarily suspend or permanently revoke a business opportunity license at any time if the licensee, within the immediately preceding three years, while a business opportunity licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false promises of a character likely to influence, persuade or induce.
- (c) A continued and flagrant course of misrepresentation or making of false promises through business opportunity agents or salesmen.
- (d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.
- (e) Commingling the money or other property of his principal with his own.
- (f) The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange a business, business opportunity, or interest therein, or the good will of an existing business, for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or

the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange a business, business opportunity, or interest therein, or the good will of an existing business, for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange a business, business opportunity, or interest therein, for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 6. Section 10401 of said code is amended to read :

10401. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a cemetery licensee, and he may temporarily suspend or permanently revoke a license at any time where the licensee, within the immediately preceding three years, while a cemetery licensee in performing or attempting to perform any of the acts specified in this chapter, has been guilty of any of the following :

(a) Making any substantial misrepresentation.

(b) Making any false statement of a character likely to influence or persuade.

(c) A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling the money or other property of his principal with his own.

(f) The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange cemetery property for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or

Suspension
and
revocation
Cemetery
licensees

profit under any agreement authorizing or employing such licensee to sell, buy or exchange cemetery property for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange cemetery property for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

The misrepresentations and false statements mentioned in this section include also misrepresentation and false statements as to other property than that which the cemetery licensee may be selling or attempting to sell.

SEC. 7. Section 10561 of said code is amended to read :

Suspension
and
revocation
Mineral,
oil and gas
licensees

10561. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a mineral, oil and gas licensee, within this State, and he may temporarily suspend or permanently revoke a mineral, oil and gas license at any time if the licensee, within the immediately preceding three years, while a mineral, oil and gas licensee, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of any of the following :

- (a) Making any substantial misrepresentation.
- (b) Making any false promises of a character likely to influence, persuade or induce.
- (c) A continued and flagrant course of misrepresentation or making of false promises through mineral, oil and gas brokers or salesmen.
- (d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.
- (e) *Commingling the money or other property of his principal with his own.*
- (f) The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.
- (g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the

failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidence by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 8. Section 10150.5 is added to said code, to read:

10150.5. The commissioner shall not grant a real estate broker's license to any person who is neither a citizen of the United States nor an applicant for such citizenship who has received his first citizenship papers, unless such person has been licensed in this State as a real estate broker at any time prior to January 1, 1942.

Real estate
broker
Citizenship
requirement

If the applicant has received his first citizenship papers, failure to become a citizen of the United States in due course shall be cause for revocation of license.

SEC. 9. Section 10156.5 is added to said code, to read:

10156.5. Where a person who is or has been licensed under this chapter has been found by the commissioner after hearing to have violated provisions of Division 4 of this code and where such violation would justify the suspension, revocation or denial of license held or applied for, the commissioner may issue to such person a restricted license.

Restricted
license

SEC. 10. Section 10156.6 is added to said code, to read:

10156.6. A restricted license issued pursuant to Section 10156.5 as the commissioner in his discretion finds advisable in the public interest may be restricted:

Restrictions

(a) By term.

(b) To employment by a particular real estate broker, if a salesman.

(c) By conditions to be observed in the exercise of the privileges granted.

SEC. 11. Section 10156.7 is added to said code, to read:

10156.7. A restricted license issued pursuant to Section 10156.5 does not confer any property right in the privileges to be exercised thereunder, and the holder of a restricted license does not have the right to renewal of such license.

Rights
conferred by
restricted
license

The commissioner may with or without hearing revoke a restricted license whether the holder has violated any provisions of this division or restriction or condition of the license or not.

SEC. 12. Section 10153.8 is added to said code, to read:

Surety
bonds

10156.8. As one of the conditions to the issuance of a restricted license authorized by Section 10156.5 the commissioner may require the filing of surety bonds in such form and condition as he may require in respect to the restricted licensee for the protection of persons or classes of persons with whom said licensee may deal.

SEC. 13. Section 10162 of said code is amended to read:

Place of
business

10162. Every licensed real estate broker shall have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business. This office shall be the place where his license is displayed and where personal consultations with clients are held.

No real estate license authorizes the licensee to do business except from the location stipulated in the real estate license.

Notice in writing shall be given the commissioner of change of business location of a real estate broker, whereupon the commissioner shall issue a new license for the unexpired period. The change or abandonment of business location without notification to the commissioner shall automatically cancel the license theretofore issued.

SEC. 14. Section 10200 of said code is amended to read:

Payment of
license fees

10200. The fee for all real estate licenses shall at all periods of the fiscal year be the same as provided in this article. All real estate license fees shall be payable in advance of issuing the licenses and all examination fees shall be payable at the time of filing the application.

Unless otherwise provided, all licenses expire on June 30th of each year at midnight.

SEC. 15. Section 10208 of said code is amended to read:

Broker's
license fee
and exami-
nation fee

10208. The original real estate broker's license fee is five dollars (\$5). The real estate broker's examination fee is fifteen dollars (\$15) which examination fee covers all examinations prior to the issuance of such original broker's license.

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or investigation of the applicant.

SEC. 16. Section 10209.5 is added to said code, to read:

Restricted
broker's
license fee

10209.5. The restricted broker's license is five dollars (\$5).

SEC. 17. Section 10213 of said code is amended to read:

Salesman's
license fee
and exami-
nation fee

10213. The original real estate salesman's license fee is two dollars (\$2). The real estate salesman's examination fee is five dollars (\$5), which examination fee covers all examinations prior to the issuance of an original salesman's license.

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or investigation of the applicant.

SEC. 18. Section 10214.5 is added to said code, to read:

10214.5. The restricted salesman's license is two dollars Restricted salesman's license fee (\$2).

SEC. 19. Section 10258 of said code is amended to read:

10258. It is unlawful for any licensed business opportunity broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this chapter who is not a licensed business opportunity broker, or a business opportunity salesman licensed under the broker employing or compensating him, provided, however, that a licensed business opportunity broker may pay a commission to a broker of another State. Business opportunity broker Unlawful employment or compensation

No business opportunity salesman shall be employed by or accept compensation from any person other than the business opportunity broker under whom he is at the time licensed.

It is unlawful for any licensed business opportunity salesman to pay any compensation for performing any of the acts within the scope of this chapter to any business opportunity licensee except through the business opportunity broker under whom he is at the time licensed.

For a violation of any of the provisions of this section, the commissioner may temporarily suspend or permanently revoke the license of the business opportunity licensee in accordance with the provisions of this part relating to hearings.

SEC. 20. Section 10262 is added to said code, to read:

10262. Within one month after the closing of a transaction, the business opportunity broker handling the transaction shall inform or cause the information to be given to the seller and purchaser in writing of the selling price. In the exchange of properties, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker. The obligation of such broker, as provided in this section, to furnish such information shall cease one year after closing of such transaction unless a party to the transaction has in the meantime served a written demand in the premises. Information to seller and purchaser

SEC. 21. Section 10263 is added to said code, to read:

10263. (a) At the time a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase or sell a business, business opportunity, or interest therein, or the good will of an existing business, for compensation or commission, such licensee shall deliver a copy of such agreement to the person signing same. Copies of agreement

(b) No agreement authorizing or employing a broker to sell, or offer for sale, to rent, or offer to rent, to collect rent, or to list or offer to list, or to buy, or to offer to buy, or to lease or offer to lease, or to solicit for prospective tenants or purchasers, or to negotiate the purchase or sale or the renting, leasing, or exchanging of a business, business opportunity, or interest therein, the Option to purchase prohibited

good will of an existing business shall contain an option provision which authorizes the broker to purchase such business, business opportunity, or interest therein, or such good will.

SEC. 22. Section 10275.5 is added to said code, to read:

Citizenship
requirement

10275.5 The commissioner shall not grant a business opportunity broker's license to any person who is neither a citizen of the United States nor an applicant for such citizenship who has received his first citizenship papers, unless such person has been licensed in this State as a real broker at any time prior to January 1, 1942.

If the applicant has received his first citizenship papers, failure to become a citizen of the United States in due course shall be cause for revocation of license.

SEC. 23. Section 10279.5 is added to said code, to read:

Restricted
license

10279.5 Where a person who is or has been licensed under this chapter has been found by the commissioner after hearing to have violated provisions of Division 4 of this code and where such violation would justify the suspension, revocation or denial of license held or applied for, the commissioner may issue to such person a restricted license.

SEC. 24. Section 10279.6 is added to said code, to read:

Restrictions

10279.6 A restricted license issued pursuant to Section 10279.5 as the commissioner in his discretion finds advisable in the public interest may be restricted:

(a) By term.

(b) To employment by a particular real estate broker, if a salesman.

(c) By conditions to be observed in the exercise of the privileges granted.

SEC. 25. Section 10279.7 is added to said code, to read:

Rights
conferred by
restricted
license

10279.7 A restricted license issued pursuant to Section 10279.5 does not confer any property right in the privileges to be exercised thereunder, and the holder of a restricted license does not have the right to renewal of such license.

The commissioner may with or without hearing revoke a restricted license whether the holder has violated any provisions of this division or restriction or condition of the license or not.

SEC. 26. Section 10279.8 is added to said code, to read:

Surety bond

10279.8 As one of the conditions to the issuance of a restricted license authorized by Section 10156.5 the commissioner may require the filing of surety bonds in such form and condition as he may require in respect to the restricted licensee for the protection of persons or classes of persons with whom said licensee may deal.

SEC. 27. Section 10285 of said code is amended to read:

Place of
business

10285. Every licensed business opportunity broker shall have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business. This office shall be the place where his license is displayed and where personal consultations with clients are held.

No business opportunity license authorizes the licensee to do business except from the location stipulated in the business opportunity license.

Notice in writing shall be given the commissioner of change of business location of a business opportunity broker, whereupon the commissioner shall issue a new business opportunity license for the unexpired period. The change or abandonment of business location without notification to the commissioner shall automatically cancel the business opportunity license theretofore issued.

SEC. 28. Section 10320 of said code is amended to read :

10320. The fee for all business opportunity licenses shall at all periods of the fiscal year be the same as provided in this article. All business opportunity license fees shall be payable in advance of issuing the licenses and all examination fees shall be payable at the time of filing the application. Payment of license fees

SEC. 29. Section 10328 of said code is amended to read :

10328. The original business opportunity broker's license fee is five dollars (\$5). The business opportunity broker's examination fee is fifteen dollars (\$15) which examination fee covers all examinations prior to the issuance of such original broker's license. Broker's license fee and examination fee

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or investigation of the applicant.

SEC. 30. Section 10333 of said code is amended to read :

10333. The original business opportunity salesman's license is two dollars (\$2). The business opportunity salesman's examination fee is seven dollars and fifty cents (\$7.50), which examination fee covers all examinations prior to the issuance of an original salesman's license. Salesman's license fee and examination fee

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or in investigation of the applicant.

SEC. 31. Section 10386 of said code is amended to read :

10386. Every licensed cemetery broker shall have and maintain a definite place of business in this State which shall serve as his office for the transaction of business. Cemetery broker's place of business

No cemetery license authorizes the licensee to do business except from the location stipulated in the cemetery license.

Notice in writing shall be given the commissioner of change of business location of a cemetery broker, whereupon the commissioner shall issue a new cemetery license for the unexpired period. The change or abandonment of business location without notification to the commissioner shall automatically cancel the license theretofore issued.

SEC. 32. Section 10420 of said code is amended to read :

10420. The fee for all cemetery licenses at all periods of the fiscal year is the same as provided in this article. All cemetery license fees are payable in advance of issuing the licenses and all examination fees are payable at the time of filing the Payment of license fees

application. Except a temporary salesman's license, for which other provision is made, all licenses shall be issued for the fiscal year and shall expire on June 30th of each fiscal year at midnight.

Broker's license fee and examination fee

SEC. 33. Section 10427 of said code is amended to read :

10427. The original cemetery broker's license fee is five dollars (\$5). The cemetery broker's examination fee is fifteen dollars (\$15), which examination fee shall be paid for each examination taken by applicant.

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or investigation of the applicant.

Salesman's license fee and examination fee

SEC. 34. Section 10432 of said code is amended to read :

10432. The original cemetery salesman's license fee is two dollars (\$2). The cemetery salesman's examination fee is five dollars (\$5), which examination fee shall be paid for each examination taken by an applicant.

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or investigation of the applicant.

SEC. 35. Section 10455 of the Business and Professions Code is repealed.

Definitions 'Military licensee'

SEC. 36. Section 10460 of said code is amended to read :

10460. As used in this article :

(a) "Military licensee" refers to any person who, while licensed under the Real Estate Law, or any of the statutes codified therein, entered the military service of the United States and notifies the commissioner of that fact upon resuming business or within one year following termination of military service, whichever is earlier.

"Persons in Military Service of the United States"

(b) "Persons in the Military Service of the United States" includes the following persons and no others: All members of the United States Army, the United States Navy, the Marine Corps, the Merchant Marine in time of war, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy.

"Military Service"

(c) "Military Service" signifies Federal service after October 1, 1940, on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

Renewal of license

SEC. 37. Section 10461 of said code is amended to read :

10461. A military licensee shall not be required to renew his license under this part until the beginning of the license period which first commences (a) after his again engaging in business, or (b) after one year following termination of military service, whichever is the earlier.

SEC. 38. Section 10462 is added to said code, to read: '

10462. A military licensee shall not be entitled to the privileges of this article if he receives a dishonorable discharge from the Military Service of the United States or if he voluntarily by affirmative act, remains in the military service for more than six months following termination of all wars in which the Nation is now engaged.

Loss of
privileges

SEC. 39. Section 10525 of said code is amended to read:

10525. Every licensed mineral, oil and gas broker shall have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business.

Mineral,
oil and gas
broker
Place of
business

No mineral, oil and gas license authorizes the licensee to do business except from the location stipulated in the mineral, oil and gas license.

Notice in writing shall be given the commissioner of change of business location of a mineral, oil and gas broker, whereupon the commissioner shall issue a new mineral, oil and gas license for the unexpired period. The change or abandonment of business location without notification to the commissioner shall automatically cancel the mineral, oil and gas license theretofore issued.

SEC. 40. Section 10580 of said code is amended to read:

10580. The fee for all mineral, oil and gas licenses shall at all periods of the fiscal year be the same as provided in this article. All mineral, oil and gas license fees shall be payable in advance of issuing the licenses and all examination fees shall be payable at the time of filing the application.

Payment of
license fees

SEC. 41. Section 10588 of this code is amended to read:

10588. The original mineral, oil and gas broker's license fee is five dollars (\$5). The mineral, oil and gas broker's examination fee is fifteen dollars (\$15) which examination fee covers all examinations prior to the issuance of such original broker's license.

Broker's
license fee
and exami-
nation fee

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or investigation of the applicant.

SEC. 42. Section 10593 of said code is amended to read:

10593. The original mineral, oil and gas salesman's license fee is two dollars (\$2). The mineral, oil and gas salesman's examination fee is seven dollars and fifty cents (\$7.50), which examination fee covers all examinations prior to the issuance of an original salesman's license.

Salesman's
license fee
and exami-
nation fee

The commissioner may use two dollars (\$2) of the examination fee to secure a credit report or investigation of the applicant.

SEC. 43. Section 11011.6 is added to said code, to read:

11011.6. Any owner, agent or subdivider who fails to pay the filing fees required by Sections 11011 or 11011.5 shall be liable civilly in an action brought by the Real Estate Division, for a penalty in an amount equal to treble the amount of unpaid fees.

Failure
to pay
filing fees

Credit reports

SEC. 44. Section 10080.5 is added to said code, to read:
10080.5. In the event the commissioner employs the services of an agency engaged in the business of furnishing credit reports, such agency shall have been engaged in such business continuously in this State for a period of not less than five years prior to the time of such employment.

CHAPTER 661

An act to amend Sections 10615 and 10617 of the Health and Safety Code, relating to registration of previously unregistered births.

In effect September 15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

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

Application for original registration

SECTION 1. Section 10615 of the Health and Safety Code is amended to read:

10615. Any beneficially interested person born in this State, whose birth (a) was not required by law to be registered at the time it occurred, or (b) was not registered in conformity with law at the time it occurred, or if the record was filed but was thereafter lost or destroyed, may file an application for the original registration of such birth with the State Registrar or local registrar of the district in which the birth occurred. The application and the affidavits mentioned in Section 10616 shall be on forms prescribed and furnished by the State Registrar and shall contain such information as may be necessary to enable the State Registrar to determine whether such birth did in fact occur and shall show the place and the date of such birth.

Alternative method

The provisions of this chapter are not exclusive of the provisions of Chapters 7 and 8 of this division, but offer an alternative method of securing records of birth.

Documents not accepted

Affidavits or documents of aliens ineligible for citizenship shall not be accepted.

Birth certificates

Birth certificates issued pursuant to this chapter shall not be considered as evidence in any action or proceeding involving estates of decedents or in any proceeding to establish heirship unless the affidavit of at least one person who knew the facts was filed at the time of obtaining the certificate.

SEC. 2. Section 10617 of the Health and Safety Code is amended to read:

Delayed certificate of birth

10617. The State Registrar shall review the application and the affidavits and documentary evidence accompanying it, and if the evidence submitted complies with the provisions of Section 10615 and 10616 hereof, he shall issue and file a delayed certificate of such birth. He shall prepare either duplicate originals or certified copies of the certificate and transmit

a copy to the local registrar of the district and the county recorder of the county in which such birth occurred, who shall index it as a record of "Delayed Certificates of Birth," except that if the birth occurred in a city and county he shall transmit a copy of the delayed certificate to the local registrar only. He shall also transmit either a duplicate original or certified copy of the certificate to the applicant without cost.

CHAPTER 662

An act to amend Section 9603.5 of the Revenue and Taxation Code, relating to motor vehicle transportation license taxes.

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 9603.5 of the Revenue and Taxation Code is amended to read:

9603.5. "Occasionally" as used in the second subdivision (b) of Section 9603 shall be construed to mean occasionally or for a total annual compensation from all sources for providing such transportation for hire of not more than six hundred dollars (\$600), and provided that such transportation shall constitute the sole transportation of persons or property for hire or compensation. Any person excluded from the definition of "operator" under that subdivision shall keep available an account of each time he has transported property or laborers and the compensation received therefor. If during any month of a calendar year the sum of gross receipts of any farmer derived from transportation operations defined in this section shall exceed six hundred dollars (\$600) for the calendar year, the farmer shall not be entitled to the exemption herein provided but shall be an operator as defined in Section 9603 (a) of this part. The entire sum of his gross receipts earned during that year shall be subject to the tax imposed in this part and the amount of the gross receipts earned in prior months of the year shall be added to the gross receipts of the month in which the sum of the gross receipts for the year exceeded six hundred dollars (\$600) and shall be deemed to be gross receipts of that month for the purpose of computing the amount of the tax due under this part. The "account" of transportation performed and compensation received therefor, as herein provided may be by any simple method of record keeping and in cases where record keeping practices are such that reports upon truck operations are reported at the end of the operating season, such end-of-the-season reports shall be deemed adequate for the purposes of this section.

CHAPTER 663

An act to amend Section 10607 of the Health and Safety Code, pertaining to proceedings to establish record of birth, death, or marriage.

In effect
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 10607 of the Health and Safety Code is amended to read:

Filing of
court
order, etc.

10607. The order shall become effective upon a filing of a certified copy with the State Registrar of Vital Statistics. A copy of the certificate attached to the court order shall be sent by the State Registrar to the local registrar of the district within which the event occurred and to the recorder of the county within which the event occurred except that, in the case of marriage, a copy of the certificate shall be sent to the county recorder only. If the event occurred outside the State, a copy of the certificate attached to the order shall be filed with the registrar of the district or the county recorder of the county, as the case may be, in which the petitioner resides, except that a copy of the certificate of marriage shall be sent to the county recorder only.

CHAPTER 664

An act to amend Sections 911.23, 912, 914, 915, 915.5, 917, 919 of, and to add Section 915.1 to, the Agricultural Code, relating to seeds.

In effect
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 911.23 of the Agricultural Code is hereby amended to read:

"Secondary
noxious
weeds"

911.23. "Secondary noxious-weeds," as used in this article, means all species of noxious weeds not classified as primary noxious-weeds.

Secondary noxious-weeds include the following:

Alkali mallow (*Sida hederacea*).

Bermuda grass (*Cynodon Dactylon*), except as provided in Section 911.25.

Dodder, meaning clover dodder (*Cuscuta Epithimum*), field dodder (*C. pentagona*), flax dodder (*C. Epilinum*), big-seed alfalfa dodder (*C. indecora*), and little-seed alfalfa dodder (*C. planiflora*).

Johnson grass (*Sorghum halepense*).

Nutgrass, meaning yellow nutgrass (*Cyperus esculentus*) and purple nutgrass (*Cyperus rotundus*).

Poverty weed (*Iva axillaris*).

Puncture vine (*Tribulus terrestris*).

Sandbur grass (*Cenchrus pauciflorus*).

Wild morning glory or European glorybind (*Convolvulus arvensis*).

Yellow star thistle (*Centaurea solstitialis*).

Any other species which the director, as provided in Section 917.2, finds and declares to be a secondary noxious-weed.

SEC. 2. Section 912 of the Agricultural Code is hereby amended to read:

912. Each container of agricultural seed which is sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information: Container
Labels, etc.

(1) (a) Commonly accepted name, or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of 5 per cent of the whole, and the percentage by weight of each. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number or other lot identification.

(3) Percentage by weight of all weed seeds.

(4) The name and approximate number of each kind of secondary noxious-weed seed, per ounce or per pound in groups (A) and (B) and per pound in groups (C) and (D), when present singly or collectively in excess of:

(A) One seed in each five grams of *Agrostis* species, *Poa* species, Rhodes grass, Bermuda grass, timothy, orchard grass, fescues (except meadow fescue), alsike clover, white clover, reed canary grass, Dallis grass, and other agricultural seeds of similar size and weight, or mixtures within this group;

(B) One seed in each ten grams of ryegrass, meadow fescue, foxtail millet, alfalfa, red clover, sweetclover, lespedezas, smooth brome, crimson clover, *Brassica* species, flax, *Agropyron* species, and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (A);

(C) One seed in each 25 grams of proso, Sudan grass and other agricultural seeds of similar size and weight, or mixtures not specified in (A), (B), or (D);

(D) One seed in each 100 grams of wheat, oats, rye, barley, buckwheat, sorghums (except Sudan grass), vetches and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group.

All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this article.

(5) Percentage by weight of agricultural seeds other than those required to be named on the label.

(6) Percentage by weight of inert matter,

(7) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired.

(8) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

SEC. 3. Section 914 of the Agricultural Code is hereby amended to read:

Unlawful
sale of
agricultural
or vegetable
seed

914. It is unlawful to sell any agricultural or vegetable seed within this State:

(1) Unless the test to determine the percentage of germination required by Sections 912 or 913 shall have been completed within a nine-month period exclusive of the calendar month in which the test was completed; except that seed in packages consisting of one pound or less may be sold if the test to determine the percentage of germination was completed within a 15-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale.

(2) Not labeled in accordance with the provisions of this article, or having a false or misleading labeling.

(3) Pertaining to which there has been a false or misleading advertisement.

(4) Containing primary noxious-weed seeds, subject to tolerances and methods of determination prescribed in the rules and regulations under this article.

(5) Represented to be certified seed or registered seed, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency officially recognized under the provisions of this article, if produced in this State, or under the provisions of the Federal Seed Act and rules and regulations thereunder, if produced outside of this State.

SEC. 4. Section 915 of the Agricultural Code is hereby amended to read:

Exceptions

915. The provisions of Sections 912 and 913 do not apply:

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing; provided, that any labeling or other representation which may be made with respect to the unclean seed shall be subject to this article.

(3) To seed weighed and packaged in the presence of the purchaser from a properly and conspicuously labeled bulk container.

SEC. 5. A new section, to be numbered 915.1, is hereby added to the Agricultural Code, to read:

Compliance
with labeling
requirements

915.1. Any lot of more than one container of seed when consigned to a wholesaler shall be deemed to comply with the provisions of Sections 912 or 913, notwithstanding the fact that each container does not bear the tag or label required by said sections, if each container is plainly marked with a lot number

or other lot identification, and if the invoice and one or more of the containers bears the tag or label required by said sections; but this section shall not be construed to exempt any person from the duty of labeling each container sold to a retailer or consumer.

SEC. 6. Section 915.5 of the Agricultural Code is hereby amended to read:

915.5. No person shall be subject to the penalties of this article: When penalty attaches

(1) For having sold in this State any agricultural or vegetable seeds which were incorrectly labeled or represented as to kind, variety, or type, which seeds can not be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving commonly accepted name, or kind and variety, or kind and type, and to take such other precautions as may be necessary to insure the identity to be that stated.

(2) As to any matter required by Sections 912 or 913, when such seeds are sold in original unopened sealed packages fully labeled by another dealer, unless he has failed to have such seeds retested and relabeled as to the percentage of germination within the period prescribed by Section 914, or unless he has failed to correct the label after notice that such label has been found to be incorrect.

SEC. 7. Section 917 of the Agricultural Code is hereby amended to read:

917. The director shall maintain a properly equipped Laboratory for tests laboratory for examining and testing seeds.

SEC. 8. Section 919 of the Agricultural Code is hereby amended to read:

919. Any lot of agricultural or vegetable seed not in compliance with the provisions of this article is a public nuisance and shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction in the area in which the seed is located. Violation a public nuisance

The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. Action for abatement

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the seed and containers, or the sale thereof, under such terms and conditions as the court may prescribe, by the director or the commissioner, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the seed and containers which can be salvaged, the costs of disposal shall be deducted Disobedience of court order

from the proceeds of sale and the balance paid into court for the owner.

Jurisdiction. In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; and justices' courts of Class B shall have jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less.

CHAPTER 665

An act to amend Sections 150 and 151 of, and to add Section 151.5 to, the Welfare and Institutions Code, relating to the designation of the Department of Institutions and the Director thereof as the Department of Mental Hygiene and the Director of Mental Hygiene.

In effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 150 of the Welfare and Institutions Code is amended to read:

Department
of Mental
Hygiene

150. There is in the State Government a Department of Mental Hygiene.

SEC. 2. Section 151 of said code is amended to read:

Director

151. The department is under the control of an executive officer known as the Director of Mental Hygiene.

SEC. 3. Section 151.5 is added to said code, to read:

Construction

151.5. As used in this code and in every other statute heretofore or hereafter enacted, the terms "Department of Institutions" and "Director of Institutions" shall be construed to refer to and mean the Department of Mental Hygiene and the Director of Mental Hygiene, respectively.

CHAPTER 666

An act to amend Section 150 of the Agricultural Code, relating to pest control operators.

In effect
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 150 of the Agricultural Code is amended to read:

Pest control
operators

150. The commissioner shall prescribe and enforce rules for the qualification of any person who engages for hire in the business of eradicating or controlling pests within his county, and issue an agricultural pest control operator's certificate to any person whom he shall find by examination or otherwise to be qualified for such work.

It shall be unlawful for any person, firm or corporation to engage for hire in such business who has not first secured a certificate in the manner herein provided. The director shall have authority to make rules and regulations governing the conduct of, and application of methods of control or eradication used in, the business of eradicating or controlling pests for hire within the State. The commissioner shall enforce such rules and regulations. Any certificate issued under the provisions of this section may be revoked or suspended, after hearing by the officer issuing same for violation by the holder thereof of any of the rules and regulations authorized by this section.

All persons engaged in operating airplanes used in eradicating or controlling pests shall be classified as airplane pest control operators.

Airplane
pest control
operators

CHAPTER 667

An act to amend Section 4272 of the Political Code, relating to compensation for public services in counties of the forty-third class.

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 4272 of the Political Code is amended to read:

4272. In counties of the forty-third class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

Glenn
Salaries

1. The auditor, three thousand dollars (\$3,000) per annum.
2. The district attorney, three thousand dollars (\$3,000) per annum.

Auditor
District
Attorney

3. Supervisors, the sum of one hundred fifty dollars (\$150) per month each and mileage at the rate of twenty cents (\$.20) per mile for each mile actually traveled in the discharge of his duties either as road commissioner or supervisor, not exceeding in the aggregate six hundred dollars (\$600) per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

Supervisors

4. Jurors. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars (\$3), and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents (\$.15); such mileage to be allowed but once during each session such jurors are required to attend.

Jurors

SEC. 2. The compensation provided by Section 4272 of the Political Code shall be paid to incumbent officers.

Incumbent
officers

CHAPTER 668

An act to amend Section 798 of the Agricultural Code, relating to dates and date products.

In effect,
September
15, 1945

[Approved by Governor June 4, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 798 of the Agricultural Code is amended to read:

Dates and
date
by-products

798. Dates and date by-products shall be free from mold, decay, *Alternaria* infection, fermentation, insects and worms, insect and worm injury other than debris or frass, and from insect or worm debris and frass covering in excess of twenty-five per cent (25%) of the surface of the pit cavity.

Not more than 5 per cent, by count, or in the case of dates packed in blocks, by weight, of the dates in any one container or lot may be below these requirements, except that an additional 5 per cent may be affected with *Alternaria*; but no part of this tolerance shall be allowed for the presence of live insects or worms, and not more than 2½ per cent shall be allowed for injury from any of the above causes affecting more than one-quarter of the flesh of the individual date.

Containers

All containers and subcontainers of dates or date by-products shall bear upon them in plain sight on the outside thereof the net weight, and in letters not less than one-half of an inch in height, the name of the State or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type. All dates displayed for sale in bulk shall bear upon them in plain sight on the outside thereof, or upon a placard so placed as to have reference to such dates, in letters not less than one-half of an inch in height, the name of the State or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type. All containers or subcontainers of dates which have been subjected to a hot water or steam process treatment must be plainly marked on the outside thereof in letters not less than one-half of an inch in height with the words "hydrated dates" or "steamed dates." In the case of any containers or subcontainers of contents of not more than three pounds net weight, these markings shall be in letters of not less than one-eighth of an inch in height.

Exemption

Unpacked dates prior to final grading are exempt from these standards when being transported or delivered to a licensed cold storage warehouse for storage, when in such warehouse for storage, and when being removed from such warehouse and being transported or delivered to a packing plant for grading or reconditioning and until the completion of the first grading or reconditioning after removal from such warehouse.

CHAPTER 669

An act to amend Section 830 of the Agricultural Code, relating to by-products and waste disposal.

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 830 of the Agricultural Code is amended to read:

830. Fruits, nuts, and vegetables, of the kinds specified in this chapter, if not wrapped or packed, are exempt from the standards established in this chapter when being transported or delivered to the destinations and for the purposes herein set forth, or when prepared, loaded, shipped, or sold under the following conditions:

By-products
Other
conditional
exemptions

(a) From a packing plant which has not proper or adequate facilities for processing, grading, packing, or reconditioning, to another packing plant within the State which has such facilities;

(b) To a by-product plant within the State for commercial processing, preserving, or manufacture of by-products for resale; provided, that dates for such purpose are not exempt from the standards established by Section 798 of this code, except when being transported or delivered to a distillery for the manufacture of alcohol;

(c) To a feed yard within the State for livestock feeding purposes;

(d) To a dumping ground or waste disposal plant within the State for disposal;

(e) From the orchard or field where they were produced to a packing plant within the State for first processing, grading, or packing.

CHAPTER 670

An act to amend Section 5 of the County Water Authority Act, relating to water authorities.

Stats 1943,
p 2090,
amended

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 5 of the County Water Authority Act is amended to read:

Stats 1943,
p 2090

Sec. 5. Any authority incorporated as herein provided shall have power:

Powers of
authority

(1) To have perpetual succession.

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

(3) To adopt a corporate seal and alter it at pleasure.

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the authority and within and without the State necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without the authority, and within and without the State, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

(5) To have and exercise the power of eminent domain and, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers herein granted. In any proceeding relative to the exercise of such power of eminent domain, the authority shall have the same rights, powers and privileges as a municipal corporation.

(6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any vacant public lands which are now, or may become the property of the State of California; provided, however, that the authority shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. The grant of the right to use such vacant State lands shall be effective upon the filing by such authority with the Division of State Lands of the Department of Finance, of an application showing the boundaries, extent and locations of the lands, rights of way, or easements desired for such purposes. If the land, rights of way or easement for which application shall be made is for the construction of any aqueduct, ditch, pipe line, conduit, tunnel or other works for the conveyance of water, or for roads, or for poles, or towers and wires for the conveyance of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the authority therefor, unless, in the opinion of the Chief of such Division of State Lands the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the authority shall pay for the lands to be taken and for such portion of any legal subdivision which, in the opinion of said Chief of the Division of State Lands, are rendered valueless or unsalable. If the lands for which application is made are for purposes other than the construction of roads or for works for the conveyance of water, or electricity or telephonic or telegraphic communication, such authority shall pay to the State for such lands at the reasonable rate determined by the Division of State Lands. Upon filing such application, accompanied by map or plat showing the location or proposed

location of such works and/or facilities, the fee title to so much of such State lands as shall be found by the Chief of the Division of State Lands of the Department of Finance to be necessary or convenient to enable such authority to construct or maintain its works and/or to establish or maintain its facilities, shall be conveyed to such authority by patent executed by the Governor of the State of California, attested by the Secretary of State with the Great Seal of said State affixed, and co-inter-signed by the registrar of State lands; if an easement or right of way only over such lands be sought by such authority, such easement or right of way shall be evidenced by permit or grant executed by such Chief of the Division of State Lands. The Chief of the Division of State Lands may reserve in such patents, grants or permits, easements and rights of way across any lands therein described for the construction of streets, roads and highways. Before any such patent, grant or permit shall be executed any compensation due to the State under the provisions hereof, must be paid. In the event that the duties or titles of any of the officers herein mentioned shall be changed by lawful authority, the functions herein required to be performed shall be performed by the appropriate officer or officers of the State of California. No fee shall be exacted from such authority for any patent, permit or grant so issued or for any service rendered hereunder. In the use of streets or highways the authority shall be subject to the reasonable rules and regulations of the governmental agency in charge thereof, concerning excavations and the refilling of excavations, the relaying of pavements and the protection of the public during periods of construction; provided, that the authority shall not be required to pay any license or permit fees, or file any bonds. The authority may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; provided, however, that no authority incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) per cent of the taxable property of the authority as shown by the last equalized assessment roll of the county in which the authority is located.

(8) To levy and collect taxes for the purpose of carrying on the operations and paying the obligations of the authority; provided, however, that such taxes levied under this section exclusive of any tax levied to meet the bonded indebtedness of such authority and the interest thereon and exclusive of any tax levied to meet any obligation to the United States of America or to any board, department or agency thereof, shall not exceed five cents (\$.05) on each such one hundred dollars (\$100) of assessed valuation.

(9) To enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the authority, and to

elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient for the transaction of the business of the authority.

(10) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom. Such contracts may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any public agency thereof or this or any other State or any political district, subdivision or public agency thereof.

(11) To acquire water and water rights within or without the State, but not within the county in which the authority is organized and/or located; to develop, store and transport such water; to provide, sell and deliver water at wholesale for municipal, domestic and other beneficial uses and purposes; provided, each public agency, the area of which shall be a part of any authority incorporated hereunder, shall have a preferential right to purchase from the authority for distribution by such public agency, or any public utility therein empowered by said public agency for the purpose, for domestic, municipal and other beneficial uses within such public agency, a portion of the water served by the authority which shall, from time to time, bear the same ratio to all of the water supply of the authority as the total accumulation of amounts paid by such public agency to the authority on tax assessments and otherwise, excepting purchase of water, toward the capital cost and operating expense of the authority's works shall bear to the total payments received by the authority on account of tax assessments and otherwise, excepting purchase of water, toward such capital cost and operating expense; also to provide, sell and deliver surplus water of the authority not needed or required for beneficial purposes by the public agencies, the corporate area of which is included in such authority, but giving preference to uses within the authority; provided, that the supplying of such surplus water shall, in every case, be subject to the paramount right of the authority to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic, municipal or other beneficial uses within the authority upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board of directors of the authority whenever it shall be determined and declared by resolution adopted by said board of directors by a two-thirds vote thereof that such

water is needed or required by any public agency, the corporate area of which is included within said authority, for domestic, municipal or other beneficial uses therein; to fix the rates therefor, and to acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient therefor.

(12) To cooperate and contract with United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation, for the purposes of construction of works, necessary or proper for carrying out the purposes of said authority, or for the acquisition, purchase, extension, operation or maintenance of constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States; also to borrow or procure money from the United States, or any agency thereof for the purpose of financing any of the operations of the authority.

CHAPTER 671

An act to amend Section 16601 of the Business and Professions Code, relating to the sale of good will of a business

[Approved by Governor June 4, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 16601 of the Business and Professions Code is amended to read:

16601. Any person who sells the good will of a business, or any shareholder of a corporation selling or otherwise disposing of all his shares in said corporation, may agree with the buyer to refrain from carrying on a similar business within a specified county or counties, city or cities, or a part thereof, in which the business so sold, or that of said corporation, has been carried on, so long as the buyer, or any person deriving title to the good will or shares from him, carries on a like business therein.

Sale of
good will or
corporation
shares

CHAPTER 672

An act to amend Section 4276 of the Political Code, relating to compensation for public services in counties of the forty-seventh class.

In effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 4276 of the Political Code is amended to read:

Colusa
Salaries

4276. In counties of the forty-seventh class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, three thousand dollars (\$3,000) per annum.

District
Attorney

2. The district attorney, three thousand dollars (\$3,000) per annum.

Supervisors

3. Supervisors shall receive one hundred fifty dollars (\$150) per month, and mileage at the rate of ten cents (\$0.10) per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioner or supervisor, not exceeding in the aggregate two hundred fifty dollars (\$250) per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

Jurors

4. Grand and trial jurors of the superior court shall each receive for each day's attendance the sum of three dollars (\$3) per day, and for each mile actually traveled in attending court, twenty cents (\$0.20) per mile one way only.

Incumbent
officers

SEC. 2. The compensation provided by Section 4276 of the Political Code shall be paid to incumbent officers.

CHAPTER 673

An act to add Sections 2245.6 and 2326 to the Business and Professions Code, relating to chiropodists.

In effect
September
15, 1945

[Approved by Governor June 4, 1945 Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 2245.6 is added to the Business and Professions Code, to read:

Veteran
of World
War II

2245.6. In lieu of the requirements of Section 2245.5, an applicant who is a discharged veteran of World War II may present satisfactory evidence to the board that he has taken a course of study under the auspices of the United States Government by virtue of the laws and regulations of the Congress provided, or under the auspices of the State by virtue of cognate

laws and regulations by the Legislature provided, if such course is recognized by a college or school approved by the board as constituting the equivalent of the one-year resident course prescribed by Section 2245.5.

SEC. 2. Section 2326 is added to the Business and Professions Code, to read:

2326. A reciprocity certificate to practice chiropody in this State shall be granted to an applicant from another State only on the same basis on which such other State grants a certificate to practice chiropody to an applicant from this State. Reciprocity

CHAPTER 674

An act to amend Section 737aa of the Political Code, relating to salaries of judges of the superior court.

[Approved by Governor June 5, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 737aa of the Political Code is amended to read: See also
Stats 1945,
Ch. 850

737aa. The annual salary of the judge of the Superior Court in and for the County of Monterey is ten thousand dollars (\$10,000). Judge's
salary
Monterey

CHAPTER 675

An act to amend Section 429.5 of the Fish and Game Code, relating to free fishing licenses for members of the armed forces of the United States.

[Approved by Governor June 5, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 429.5 of the Fish and Game Code is amended to read:

429.5. Any member of the armed forces of the United States or any auxiliary branch thereof may take fish for purposes other than profit in accordance with law, without a sporting fishing license. Members of
armed forces

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Duration

CHAPTER 676

An act to amend Section 38 of the Fish and Game Code, relating to powers and duties of the commission.

In effect
September
15, 1945

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 38 of the Fish and Game Code is amended to read:

Feeding
animals, e.c.

38. The commission may provide for the feeding of game birds, mammals or fish at such times as natural foods therefor are not available, and may provide suitable area or areas for such feeding, and for those purposes may expend such money as is necessary from the Fish and Game Preservation Fund.

CHAPTER 677

An act to amend Sections 1261, 1262, 1263, 1264, 1267, 1268, 1269, 1272, and 1273 of the Agricultural Code, and to add Section 1266 thereto, relating to produce dealers.

In effect
September
15, 1945

[Approved by Governor June 5, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 1261 of the Agricultural Code is amended to read:

1261. As used in this chapter:

Definitions:
"Person"

(a) The term "person" includes any individual, firm, association, partnership or corporation.

"Producer"

(b) The term "producer" means any person engaged in the business of growing or producing any farm product.

"Farm
products"

(c) "Farm products" shall include all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products, hay, dried beans, honey and cut flowers, but shall not include timber and timber products, or milk and milk products subject to the licensing and bonding provisions of Chapter 10 of Division 4.

"Consignor"

(d) The term "consignor" includes any person who ships or delivers to any commission merchant or dealer any farm products for handling, sale or resale.

"Commission
merchant"

(e) The term "commission merchant" means any person who shall receive on consignment or solicit from the producer thereof any farm product for sale on commission on behalf of such producer, or who shall accept any farm product in trust from the producer thereof for the purpose of resale, or who shall sell or offer for sale on commission any farm product, or who shall in any way handle for the account of or as an agent of the producer thereof any farm product.

(f) The term "dealer" means any person other than a commission merchant or cash buyer who contracts for or obtains from the producer thereof possession or control of any farm product. "Dealer"

(g) The term "broker" means any person, other than a commission merchant, or dealer, or cash buyer, engaged in the business of soliciting or negotiating the sale of any farm product for the account of, or as the agent of, a producer of farm products; provided, however, that no broker may handle the proceeds of a sale. "Broker"

(h) The term "cash buyer" means any person other than a commission merchant, or dealer, or broker who obtains from the producer thereof possession or control of any farm products by paying to the producer at the time of obtaining possession or control the full agreed price of such farm products in lawful money of the United States. "Cash buyer"

(i) The term "agent" means any person who, on behalf of any commission merchant, or dealer, or broker, or cash buyer, receives, contracts for or solicits any farm products from a producer thereof or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer, broker, or cash buyer. "Agent"

SEC. 2. Section 1262 of said code is amended to read :

1262. This chapter does not apply to or include:

Exceptions

(a) Any nonprofit cooperative association organized and operating under and by virtue of the provisions of Chapter 4, Division 6 of the Agricultural Code of this State or of similar laws of any other State or the District of Columbia or the United States or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or agent, as involves the handling or dealing in the farm products of nonmembers of such organization.

(b) Any person or exchange buying, receiving, or otherwise handling farm products for the purpose of processing or manufacturing the same and selling, reselling, or redelivering the same in a dried, canned, extracted, fermented, distilled, frozen, or other preserved form.

(c) Any person or exchange dealing in livestock and operating at a public livestock market and subject to and operating under a bond required by the United States to secure the performance of their obligations.

(d) Any retail merchant having a fixed or established place of business in this State; provided, however, that this exemption of retail merchants shall not be deemed to apply to retail merchants who also sell at wholesale farm products purchased from producers.

(e) Any person licensed as a slaughterer under the provisions of Article 3 of Chapter 1 of Division 3 of this code; provided, however, that the livestock handled by such slaughterer shall be slaughtered at the place of business of the slaughterer; provided further, that any slaughterer who handles livestock

upon a consignment basis shall not be exempt from the bonding provisions provided for by this chapter.

SEC. 3. Section 1263 of said code is amended to read :

License

1263. No person shall act as a commission merchant, dealer, broker, cash buyer, or agent without having obtained a license as provided in this chapter. Every person, before acting as a commission merchant, dealer, broker, cash buyer, or agent as herein defined shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, cash buyer, and/or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

Application
for license

Such application shall in each case state the class or classes of farm products applicant proposes to handle, the full name of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

Additional
requirements

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of application noted :

(a) Commission merchants: Each application shall include a schedule of commissions and charges for services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties.

(b) Agents: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer represented or sought to be represented by said agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

Issuance of
license
and card

The director shall thereupon issue to such applicant, a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof or until the same shall have been revoked for cause; provided, however, that licenses of agents shall expire upon the date of expiration of the license of the principal for whom the agent acts. The director may also issue to each agent a card or cards, which shall bear the signature of said agent, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any

interested person. Any agent who displays a void or expired license card is guilty of a misdemeanor, punishable as provided in Section 1273 of this chapter.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of California and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the application herein described, each applicant ^{Fees} must pay a fee as follows:

(a) Commission merchants: Twenty-five dollars (\$25) for each year; provided, that a person licensed as a slaughterer under the provisions of Article 3 of Chapter 1 of Division 3 of this code shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) Dealers: Twenty-five dollars (\$25) for each year.

(c) Brokers: Twenty-five dollars (\$25) for each year.

(d) Cash buyers: Twenty-five dollars (\$25) for each year

(e) Agents: One dollar (\$1) for each year.

Should any commission merchant, dealer, broker, or cash ^{Renewal} buyer fail, refuse, or neglect to apply for the renewal of a ^{penalty} pre-existing license within 30 days after the expiration thereof, a penalty of 40 per cent shall apply to and be added to the original fee of twenty-five dollars (\$25), and shall be paid by the applicant before the renewal license may be issued.

Any person who has applied for and obtained a license within the classification of commission merchant, or dealer, or broker, or cash buyer, in the manner and upon payment of the fee herein set forth, may apply for and secure a license in any or all of the remaining such classifications without payment of further fee, and upon further complying with those parts of this chapter regulating the licensing of the other particular classification involved. All licenses held by any licensee under the provisions of this section shall automatically expire on the expiration date for the particular license for which the license fee was paid.

Any person who holds a valid license issued, prior to the ^{Single} effective date of this amendment, under the provisions of Chapter 9, Division 6, of this code may surrender said license to the ^{license} director and at the same time apply to the director for the issuance to him of a license under the provisions of Chapter 6, Division 6, of this code for the unexpired term of the surrendered license, and the director shall, without payment of further fee, issue such license upon applicant's complying with the provisions of Chapter 6, Division 6, of this code.

SEC. 4. Section 1264 of said code is amended to read:

1264 The director may publish in pamphlet form as often ^{Lists} as he thinks necessary a list of all licensed commission merchants, dealers, brokers, cash buyers, and agents together with all necessary rules and regulations concerning the enforcement of this chapter. Each licensed commission merchant, dealer,

broker, cash buyer, or agent shall post his license or a copy thereof in his office or salesroom in plain view of the public. The director shall issue to any dealer or cash buyer who collects or receives farm products from producers by truck, a card which shall bear the signature of said dealer or cash buyer, certifying that he is licensed as a produce dealer or cash buyer, and the dealer or cash buyer shall show said card upon the request of any interested person. All license fees collected under the provisions of this chapter shall be paid into the State treasury monthly and shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this chapter.

SEC. 5. Section 1266 is added to said code, to read:

Surety
bond

1266. Before any license is issued to any dealer, the applicant shall execute and deliver to the director a surety bond in the sum of one thousand dollars (\$1,000) executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be conditioned upon compliance with the provisions of the chapter and upon the faithful and honest handling of farm products in accordance with the terms of this chapter. Said bond shall be to the State in favor of every producer-creditor of farm products grown within the State of California. Any producer-creditor of farm products grown within the State of California claiming to be injured by the fraud, deceit or wilful negligence of any dealer may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit or wilful negligence, or the failure to comply with the provisions of this chapter. In case of failure by a dealer to pay producer-creditors for farm products received from said producers, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such dealer, together with the amounts due and owing to them and each of them by such dealer, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known producer-creditor at his last known address. If a producer-creditor so addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within 90 days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said producer-creditor. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay the demand, the director shall thereupon bring an action on the bond in behalf of said producer-creditors. Upon any action being commenced on said bond, the director

may require the filing of a new bond and immediately upon the recovery in any action on such bond such dealer shall file a new bond and upon failure to file the same within 10 days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

SEC. 6. Section 1267 of said code is amended to read :

1267. For the purpose of enforcing the provisions of this chapter the director is authorized to receive verified complaints from producers against any commission merchant, dealer, broker, cash buyer, or agent or any person, assuming or attempting to act as such, and upon receipt of such verified complaint shall have full authority to make any and all necessary investigations relative to the said complaint. He shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities in which any produce is kept, stored, handled or transported. He shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpoenas of said director shall be guilty of contempt and shall be certified to the superior court of the State for punishment for such contempt. Copies of records, inspection certificates, certified reports, findings and all papers on file in the office of the director shall be prima facie evidence of the matters therein contained.

SEC. 7. Section 1268 of said code is amended to read :

1268. The director on his own motion may or upon the verified complaint of any interested party shall investigate, examine or inspect any transaction involving solicitation, receipt, sale or attempted sale of farm products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent; failure to make proper and true account of sales and settlement thereof as in this chapter required; the intentional making of false statements as to condition and quantity of any farm products received or in storage; the intentional making of false statements as to market conditions; the failure to make payment for farm products within the time required by this chapter; or investigate, examine or inspect any and all other injurious transactions, and in furtherance of any such investigation, examination or inspection, the director or any authorized representative, may examine that portion of the ledgers, books, accounts, memoranda and other documents, farm products, scales, measures, and other articles and things used in connection with the business of such person relating to the transactions involved. When a producer-consignor or seller of farm products fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, or buyer, a verified complaint may be filed with the director who shall undertake to effect a settlement, and in the event that he

shall fail to effect such settlement, he shall call a hearing as provided for herein.

Hearing of
complaint

The director, after due hearing, may refuse to grant any license herein provided, and may, upon his own motion, after hearing, or upon a verified complaint signed and filed with the director by any interested person, revoke, suspend or refuse renewal of any such license as the case may require, when he is satisfied that any applicant or licensee has violated any provision of this chapter. Upon the filing of such a verified complaint, the director shall cause a copy thereof, together with a notice of the time and place of hearing of such complaint to be served personally or by mail upon the person or persons named as respondent or respondents therein. Such service shall be made at least ten (10) days before said hearing, which shall be held in the city or town in which is situated the principal place of business of the licensee or respondent, or in which the transaction or violation complained of is said to have occurred, or in the county seat of the county in which the transaction or violation complained of is said to have occurred, or in the nearest office of the State Department of Agriculture, at the discretion of the director. At the time and place appointed for such hearing the director or his agents shall hear the parties to said complaint, and shall enter in the office of the director at Sacramento a decision either dismissing such complaint or specifying the facts established on such hearing. Such decision may include an order refusing, revoking or suspending the license applied for or held by the respondent, or affixing such other conditional and probationary orders as may be proper for the enforcement of this chapter. A copy of the decision shall be furnished to the licensee and complainant.

After any decision including any conditional or probationary orders, should respondent fail, refuse or neglect to comply with any of such orders, the director may thereupon and in the premises issue to and serve upon said respondent an order directing said respondent to show cause why the license of said respondent should not be suspended or revoked for the failure to comply with such conditional or probationary orders as above described. A copy of the said order to show cause, together with the notice of the time and place of hearing upon said order shall be served personally or by mail upon said respondent. Said order shall refer to an attached copy of the conditional or probationary orders in such a way as to advise and inform the respondent of the charge or violation upon which said order is based and pursuant to which it is issued. Such service shall be made at least ten (10) days before said hearing, which shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the transaction or violation complained of is said or charged to have occurred, or in the county seat of the county in which the transaction or violation complained of is said or charged to have occurred, or at the nearest office of the State Department of Agriculture at the discretion of the director.

At the time and place appointed for such hearing the director or his agents shall hear the matter set forth in the order, and the showing of the licensee in the premises, and shall enter in the office of the director at Sacramento an order and decision specifying the facts, dismissing the order to show cause or directing the suspension or revocation of the license or licenses held by the licensee, or making such further conditional or probatory orders as the director may deem proper, upon the evidence presented at such hearing. A copy of said order and decision shall be furnished to the licensee. Previous violation by any applicant or by any person connected with said applicant of any provision of this chapter shall be good and sufficient ground for denial, revocation or suspension of a license.

Should either party to the hearing request a continuance after due notice as herein provided, the party requesting the continuance must make such request forty-eight (48) hours prior to the time of hearing; provided further, that the party requesting such continuance shall be required to pay the costs attached to such continuance.

Nothing in this section contained may be construed as limiting the power of the director, after hearing, to revoke or suspend a license when he is satisfied of the existence of any of the facts specified in Section 1269 of this chapter.

SEC. 8. Section 1269 of said code is amended to read:

1269. (1) The director may refuse to grant a license and may revoke or suspend any license, as the case may require, when after a hearing as herein provided, he is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any farm products.

(b) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for farm products received, within the time and in the manner required by this chapter.

(c) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of farm products received, handled, sold or stored by him.

(d) That the applicant, or licensee, directly or indirectly, has purchased for his, or its own account farm products received by him upon consignment without prior authority from consignor together with price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

Refusal,
revocation,
suspension
of license
after hearing

(e) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm products.

(f) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer.

(g) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale therefor for the consignor, unless by written consent of such consignor.

(h) That the licensee was intentionally guilty of fraud or deception in the procurement of such license.

(i) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with produce handled on account of or as an agent of another; that the applicant, or licensee has indulged in any unfair practice.

(j) That the licensee has rejected, without reasonable cause, or has refused to accept, without reasonable cause, any farm product bought or contracted to be bought from a producer by such licensee.

(k) That the licensee has otherwise violated any provision of this chapter.

(l) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(m) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit, or wilful negligence.

(2) Previous violation by the applicant or by any person connected with him or it of any of the provisions of this chapter or Chapter 9, Division 6, of the Agricultural Code shall be good and sufficient ground for denial of a license.

(3) The director, after hearing, or investigation may refuse to grant a license and may revoke or suspend any license as the case may require, when he is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of farm products, or for the handling of farm products on consignment.

In such cases, if the director is satisfied that to permit the dealer or commission merchant to continue to purchase or to receive further shipments or deliveries of farm products would be likely to cause serious and irreparable loss to said producer-creditors, or to producers with whom the said dealer or commission merchant has said contracts, then the director within his discretion may thereupon and forthwith shorten the time herein provided for hearing upon an order to show cause why the license of said dealer or commission merchant should not be forthwith suspended or revoked; provided, however, that

the time of notice of said hearing shall in no event be less than 24 hours, and shall within that period call a hearing, at which the dealer or commission merchant proceeded against shall be ordered to show cause why his or its license should not be suspended, or revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors involved. Said hearing, in the case of such emergency, may be called upon written notice, said notice to be served personally or by mail on the dealer or commission merchant involved, and may be held at the nearest office of the director or at such place as may be most convenient at the discretion of the director, for the attendance of all parties involved.

SEC. 9. Section 1272 of said code is amended to read :

1272. When requested by his consignor, a commission merchant shall before the close of the next business day following the sale of any farm products consigned to him transmit or deliver to the owner or consignor of the farm products a true written report of such sale, showing the amount sold, and the selling price. Remittance in full of the amount realized from such sales, including all collections, overcharges and damages, less the agreed commission and other charges, together with a complete account of sales, shall be made to the consignor within 10 days after receipt of the moneys by the commission merchant, unless otherwise agreed in writing. In the account the names and addresses of purchasers need not be given, except as required in Section 1271.

Reports of
sales and
remittances

Every commission merchant shall retain a copy of all records covering each transaction, for a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the director and the consignor, or authorized representative of either. In the event of any dispute or disagreement between a consignor and a commission merchant arising at the time of delivery as to condition, quality, grade, pack, quantity or weight of any lot, shipment or consignment of farm products, the department shall furnish upon the payment of a reasonable fee therefor by the requesting party a certificate establishing the condition, quality, grade, pack, quantity, or weight of such lot, shipment or consignment. Such certificate shall be prima facie evidence in all courts of this State as to the recitals thereof. The burden of proof shall be upon the commission merchant to prove the correctness of his accounting as to any transaction which may be questioned.

Retention
of records

Every dealer must pay for farm products delivered to him or it at the time and in the manner specified in the contract with the producer, but if no time is set by such contract, or at the time of said delivery, then within 30 days from the delivery or taking possession of such farm products.

Time of
payment

No claim may be made as against the seller of farm products by a dealer or cash buyer under this chapter, and no credit may be allowed to such dealer or cash buyer as against a

Loss or
dumping
credit
conditional
on proper
certificate

producer of farm products by reason of damage to or loss, dumping, or disposal of farm products sold to said dealer or cash buyer, in any payment, accounting or settlement made by said dealer or cash buyer to said producer, unless said dealer or cash buyer has secured and is in possession of a certificate, issued by an agricultural commissioner, county health officer, director, a duly authorized officer of the State Board of Health, or by some other official now or hereafter authorized by law, to the effect that the farm products involved have been damaged, dumped, destroyed or otherwise disposed of as unfit for human consumption or as in violation of the fruit and vegetable standards of the Agricultural Code as contained in Division 5, Chapter 2 thereof. Such certificate will not be valid as proof of proper claim, credit or offset unless issued within 24 hours of the receipt by the dealer or cash buyer of the farm products involved.

SEC. 10. Section 1273 of said code is amended to read:

Penalties

1273. (1) Any person is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year or by both who assumes or attempts to act or acts as a commission merchant, dealer, broker, cash buyer, or agent without a license, or who:

(a) Imposes false charges for handling or services in connection with farm products.

(b) Fails to account promptly, correctly, fully and properly and to make settlement therefor as herein provided.

(c) Intentionally makes false or misleading statement or statements as to market conditions.

(d) Makes fictitious sales or is guilty of collusion to defraud the producer.

(e) Directly or indirectly purchases for his own account, goods received by him upon consignment without prior authority from the consignor, or fails promptly to notify the consignor of such purchases, if any, on his own account. This clause does not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant forthwith enters such transaction on his account of sales.

(f) Intentionally makes false statement or statements as to the grade, conditions, markings, quality or quantity of goods shipped or packed in any manner.

(g) Fails to comply in every respect with the provisions of this chapter.

(2) Civil suits and criminal prosecutions arising by virtue of any of the provisions of this chapter may be commenced and tried in either the county where the products were received by the commission merchant, dealer, broker, cash buyer, or agent, or within the county in which the principal place of business of such commission merchant, dealer, broker, cash buyer, or agent

is located, or within the county in which the violation of this chapter occurred.

(3) The director may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any order made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residences, or places of business may be in several counties and the violations separate and distinct. Any proceeding brought hereunder shall be governed in all other respects by the provisions of Chapter 3, Title 7 of Part 2 of the Code of Civil Procedure.

(4) Any person who violates any provision of this chapter shall be liable civilly in an amount not to exceed the sum of five hundred dollars (\$500) for each and every violation, such sum to be recovered in an action by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State treasury to the credit of the Department of Agriculture Fund.

CHAPTER 678

An act to repeal Chapter 1085 of the Statutes of 1943; to repeal Chapter 14 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature; to repeal Articles 2, 3, 4 and 5, comprising Sections 6926 to and including 6991, of Chapter 13 of Division 3 of the Education Code; and to add Chapter 13.5 to Division 3 of, and Section 14565 to, the Education Code, relating to the Public School System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1945. Filed with Secretary of State
June 5, 1945.]

In effect
immediately

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

- SECTION 1. Chapter 1085 of the Statutes of 1943 is repealed. Repeal
- SEC. 2. Chapter 14 of the Statutes of the Fourth Extraordi- Same
nary Session of the Fifty-fifth Legislature is repealed.
- SEC. 3. Articles 2, 3, 4, and 5, comprising Sections 6926 to Same
and including 6991, of Chapter 13 of Division 3 of the Edu-
cation Code are repealed.
- SEC. 4. Chapter 13.5 is added to Division 3 of the Education
Code to read:

CHAPTER 13.5. EQUALIZATION OF STATE AID FOR THE SUPPORT
OF ELEMENTARY SCHOOLS

Article 1. Computation of Foundation Program of
School Support

Computation
of foundation
program

6921. The Superintendent of Public Instruction shall compute for each elementary school district the amount of a foundation program of school support therefor in the following manner:

(a) For each district which had an average daily attendance during the preceding school year of 95 or more, he shall multiply the number of units of average daily attendance in such district during the preceding school year by ninety-five dollars (\$95).

(b) For each district which had an average daily attendance during the preceding school year of less than 95, he shall compute two thousand two hundred fifty dollars (\$2,250) for each 26 units of average daily attendance or any fraction thereof.

Union,
joint union,
or unified
districts

6922. If such elementary school district is a union elementary school district or a joint union elementary school district or a unified school district, a foundation program shall be computed in the manner provided in this article for each elementary school district included within the union elementary school district or joint union elementary school district or unified school district and the total of the foundation programs so computed shall be the foundation program of the union elementary school district, joint union elementary school district or unified school district.

Duration

This section shall remain in effect until there is enacted a law providing for the apportionment of State funds to each union elementary school district, joint union elementary school district and unified school district for the payment, in whole or in part, of the cost of transportation provided by such district for the pupils thereof, in an amount equivalent to that received by such district by reason of this section over and above that which such district would have received had not this section been enacted.

Article 2. Computation of Equivalent of Basic
State Aid

Teacher units
allowed

6931. For the purposes of this article, the Superintendent of Public Instruction shall allow:

(a) One teacher unit to each elementary school district for each 35 or fraction of 35 units of average daily attendance of pupils in the district during the preceding school year, exclusive of the average daily attendance of pupils in emergency schools maintained within the school district by the county superintendent of schools and exclusive of the average daily attendance of pupils in schools maintained by the district in connection with the detention home of a county under Article 5 of Chapter 2 of Division 2 of the Welfare and Institutions Code.

(b) One teacher unit to each elementary school district for each 25, or fraction not less than five, units of average daily attendance during the preceding school year in schools maintained by the district in connection with the detention home of a county under Article 5 of Chapter 2 of Division 2 of the Welfare and Institutions Code.

(c) One additional teacher unit to each union elementary school district and to each elementary school district which is not a part of a union elementary school district for each 300 units of average daily attendance in the aggregate during the preceding school year, exclusive of the average daily attendance of pupils in emergency schools maintained within the school district by the county superintendent of schools.

(d) One teacher unit to each elementary school district which was organized during the preceding school year and in which school was not maintained during the school year.

(e) One teacher unit to the county elementary school supervision fund of each county for the first 300 or major fraction of 300 units of average daily attendance in the aggregate in all the elementary districts of the county, including union elementary school districts, having less than 300 units of average daily attendance during the preceding school year and in the emergency schools maintained within the elementary school districts of the county by the county superintendent of schools during the preceding school year. One teacher unit shall be allowed to the fund for the next 300, or any fraction of 300, units of average daily attendance, and one teacher unit shall be allowed to the fund for each succeeding 300, or major fraction of 300 units of average daily attendance.

(f) One teacher unit to the unapportioned county elementary school fund of each county for each 35 or fraction of 35 units of average daily attendance of pupils in attendance upon emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding school year.

6932. He shall then compute the amounts which would have been apportioned to each elementary school district and to the unapportioned county elementary school fund and the county elementary school supervision fund of each county, exclusive of apportionments for the excess cost of educating physically handicapped children, from the State School Fund under the provisions of this code in effect during the school years 1943-1944 and 1944-1945 which, as revised and restated by this section, required him to apportion from the State School Fund during each school year a total amount, exclusive of amounts provided for the excess cost of educating physically handicapped children, of not less than thirty-three dollars (\$33) per pupil in average daily attendance in the public day and evening elementary schools in the public school system by apportioning:

Apportionments from State School Fund

(a) To each elementary school district seven hundred eighty-five dollars (\$785) for each teacher unit allowed to the district by the report of the county, or city and county, superintendent of schools during the preceding school year.

(b) To the county elementary school supervision fund of each county seven hundred eighty-five dollars (\$785) for each teacher unit allowed to the fund by the report of the county superintendent of schools for the preceding school year.

(c) To each elementary school district in which one or more 24-hour elementary schools are established, an amount equal to one-half of the excess cost of educating pupils in the schools during the next preceding school year as computed by the various county superintendents of schools. The apportionment shall not exceed one hundred dollars (\$100) per pupil for each pupil in average daily attendance at the school during the year.

No allowance shall be made hereunder unless the 24-hour elementary schools meet the requirements of the Superintendent of Public Instruction based upon educational standards and standards established by State agencies as authorized by law to inspect or supervise child-caring institutions.

(d) To the unapportioned county elementary school fund of each county seven hundred eighty-five dollars (\$785) for each teacher unit allowed to the fund on account of emergency schools maintained in the elementary school districts of the county during the preceding school year by the county superintendent of schools.

(e) To the several elementary school districts of the State and to the several unapportioned county elementary school funds the remainder of the State School Fund, after making all other apportionments required from the State School Fund, pro rata on the total average daily attendance credited to the districts and funds during the preceding school year as reported by the county superintendent of schools.

Apportion-
ments from
State Gen-
eral Fund

6933. He shall then compute the total amount which would have been required to be apportioned from the State General Fund pursuant to Section 15 of Article XIII of the State Constitution to each county under the provisions of this code and of the Constitution in effect during the school years 1943-1944 and 1944-1945, which required him to compute the total amount to be apportioned from the State General Fund to each county for elementary schools by comparing the amount to be apportioned to the county from the State School Fund under the provisions of this code in effect during the school years 1943-1944 and 1944-1945, as revised and restated in Sections 6931 and 6932 of this code with an amount equal to thirty-three dollars (\$33) for each unit of average daily attendance in the day and evening elementary schools of the county during the preceding school year and taking the larger of the two amounts.

Same

6934. He shall then compute the amounts which would have been required to be apportioned to the elementary schools of each county from the State General Fund under the provi-

sions of this code in effect during the school years 1943-1944 and 1944-1945 which, as revised and restated by this section, required him:

(a) To allow to each elementary school district seven hundred eighty-five dollars (\$785) for each teacher unit allowed to the elementary school district.

(b) To allow to the county elementary school supervision fund of each county seven hundred eighty-five dollars (\$785) for each teacher unit allowed to the fund.

(c) To allow to each elementary school district in which one or more 24-hour elementary schools are established, an amount equal to one-half of the excess cost of educating pupils in the schools during the next preceding school year as computed by the various county superintendents of schools. The allowance shall not exceed one hundred dollars (\$100) per pupil for each pupil in average daily attendance at the school during the year.

No allowance shall be made hereunder unless the 24-hour elementary schools meet the requirements of the Superintendent of Public Instruction based upon educational standards and standards established by State agencies authorized by law to inspect and supervise child-caring institutions.

(d) To allow to the unapportioned county elementary school fund of each county seven hundred eighty-five dollars (\$785) for each teacher unit allowed to the fund on account of emergency schools maintained in the elementary school district of the county during the preceding school year by the county superintendent of schools, together with such additional amounts as shall be estimated by the county superintendent of schools and approved by the Superintendent of Public Instruction as the amount needed in the unapportioned county elementary school fund for the current school year.

The total of the amounts computed for the unapportioned county elementary school funds of all counties under this subdivision, exclusive of amounts computed for teacher units allowed such funds, shall notwithstanding anything in Section 5182 to the contrary, not exceed by more than 10 per cent the amount obtained by multiplying the total average daily attendance in the elementary schools of the State during the next preceding school year by an amount derived by dividing the total amount apportioned, exclusive of amounts apportioned on account of teacher units allowed such funds, to the unapportioned county elementary school funds of all the counties of the State during the school year 1944-1945, exclusive of amounts apportioned on account of teacher units allowed such funds, under Section 6977 as that section was in effect during the school year 1944-1945, by the total number of units of average daily attendance during the school year 1943-1944 in the elementary schools of the counties to which apportionments, exclusive of apportionments made on account of teacher units allowed said funds, were made under said Section 6977 during the school year 1944-1945.

(e) To prorate the remainder of the apportionment to each county from the State General Fund to the several elementary school districts of the county and to the unapportioned county elementary school fund on the basis of the total average daily attendance credited to the districts and fund during the preceding school year.

Computation
of total

6935. He shall then compute the total of the amounts computed for each elementary school district and to the unapportioned county elementary school fund and to the county elementary supervision fund of each county under Sections 6932 and 6934 of this code.

"Elementary
school
district"

6936. The term "elementary school district" as used in this article means each elementary school district which is composed of a single elementary school district and each elementary school district included within a union elementary school district or a joint union elementary school district or a unified school district. The total of allowances and computations made to or for the elementary school districts included within a union elementary school district or a joint union elementary school district or a unified school district shall be the allowances or computations made to or for such union elementary school district or joint union elementary school district or unified school district.

Article 3. Computation of District Aid

District tax

6941. The Superintendent of Public Instruction shall then compute the amount which a tax of twenty cents (\$0.20) levied on each one hundred dollars (\$100) of 90 per cent of the assessed valuation in each elementary school district or unified school district as shown by the equalized assessment roll of the district for the preceding year would produce, if levied.

Article 4. Computation of State Equalization Aid

State Equal-
ization Aid

6951. The Superintendent of Public Instruction shall then compare the total of the amounts computed for each elementary district or unified school district pursuant to Articles 2 and 3 of this chapter with the amount of the Foundation Program of School Support computed for each district pursuant to Article 1 of this chapter.

If the total amount computed for any district pursuant to Articles 2 and 3 of this chapter is less than the amount of the Foundation Program of School Support computed for such district pursuant to Article 1 of this chapter he shall add to the amount computed for such district pursuant to Articles 2 and 3 of this chapter such additional amount, to be known as State Equalization Aid, as may be necessary to equal that computed for such district pursuant to Article 1 of this chapter.

Article 4.5. Computation of Apportionment for Education of Physically Handicapped Children

6955. The Superintendent of Public Instruction shall then compute for each elementary school district an amount equal to the excess cost to such district of educating physically handicapped children but not in excess of two hundred dollars (\$200) for each unit of average daily attendance of physically handicapped children in the district during the next preceding school year.

Article 4.6. Minimum Total Amount to be Computed for All Districts of a County

6958. If the total of the amounts computed for all the elementary school districts and unified school districts of a county under Articles 2, 4 and 4.5 of this chapter is an amount equal to less than seventy dollars (\$70) for each unit of average daily attendance in the elementary schools of such county during the preceding school year, the Superintendent of Public Instruction shall add to such total such an amount as will increase such total to an amount equal to seventy dollars (\$70) for each unit of average daily attendance in the elementary schools of the county during the preceding school year. Such additional amount shall be apportioned to each elementary school district and unified school district of the county pro rata on the basis of the average daily attendance credited to such districts during the preceding school year.

Article 5. Computation and Apportionment State Equalization Balance

6961. The Superintendent of Public Instruction shall divide the total amount computed for each county under Articles 2, 4, 4.5 and 4.6 of this chapter by the average daily attendance in the elementary schools of the county during the preceding school year.

(a) If the quotient so secured is eighty dollars (\$80) or less, he shall compute an amount equal to fifty dollars (\$50) for each such unit of average daily attendance and shall assume such amount as apportioned from the State General Fund. He shall then compute an amount equal to the remainder of such quotient for each such unit of average daily attendance and shall assume such amount as apportioned from the State School Fund.

(b) If the quotient so secured is more than eighty dollars (\$80), he shall assume 37½ per cent of the total amount computed for the county as apportioned from the State School Fund and the remainder, or 62½ per cent thereof as apportioned from the State General Fund.

6962. If the total amount assumed to be apportioned from the State School Fund under Section 6961 is less than the

total of the State School Fund, the balance of the State School Fund, to be known as the State School Equalization Balance, shall be assumed to be apportioned to school districts by the Superintendent of Public Instruction on a pro rata basis of pupils in average daily attendance credited to the districts during the preceding school year.

Reduction
in amount

6963. If the total amount assumed to be apportioned from the State School Fund under Section 6961 is larger than the total amount of the State School Fund, the amounts assumed to be apportioned to counties and districts from the State School Fund shall be reduced in the ratio that the amount of the deficit bears to the total amount assumed to be apportioned from the State School Fund, except that the amount assumed to be apportioned to any county shall not be reduced to less than an amount equal to seventy dollars (\$70) for each unit of average daily attendance in the elementary schools of the county during the next preceding school year, so that the total amount assumed to be apportioned from the State School Fund shall equal the amount of the State School Fund.

Article 6. Apportionment of State Funds and Division of Apportionments

Amounts
apportioned
to counties

6971. The Superintendent of Public Instruction shall determine the sum of all amounts to be apportioned to each county from the State Equalization Balance. The sum so determined for a county shall be added to the amounts assumed as apportioned to that county from the State School Fund under Section 6961.

Average
daily
attendance

6972. He shall then divide the total of all amounts assumed to be apportioned from the State School Fund under Article 5 of this chapter for each county by the average daily attendance in the elementary schools of the county during the preceding school year.

(a) If the quotient so secured is thirty dollars (\$30) or less for any county the amount to be apportioned to the county from the State General Fund shall be the amount determined by multiplying such average daily attendance by fifty dollars (\$50).

(b) If the quotient so secured is over thirty dollars (\$30) for any county, the amount to be apportioned to the county from the State General Fund shall be the amount determined by multiplying such quotient by one hundred sixty-six and two-thirds per cent (166 $\frac{2}{3}$ %).

(c) If the amount assumed to be apportioned from the State General Fund to any county as determined under (a) or (b) of this section, is larger than the amount assumed to be apportioned from the State General Fund to such county under Section 6961, the difference shall be assumed to be apportioned to the school districts of that county on a pro rata basis of pupils in average daily attendance credited to the districts during the preceding school year.

(d) If the amount assumed to be apportioned from the State General Fund to any county as determined under (a) or (b) of this section, is less than the amount assumed to be apportioned from the State General Fund to such county under Section 6961, the amount assumed to be apportioned to county funds and to districts under Section 6961 shall be reduced on a percentage basis so that the total of the amount to be apportioned to that county from the State General Fund shall equal the amount of the State General Fund as determined under (a) or (b) of this section.

6973. No State Equalization Aid shall be apportioned to any elementary school district under this article during the school year beginning July 1, 1946 or during any subsequent school year unless such district shall have, during the preceding school year levied a tax pursuant to Division 3 of this code in an amount equal to twenty cents (\$0.20) on 90 per cent of each one hundred dollars (\$100) of the assessed valuation in such district as shown by the equalized assessment roll of the district for the next preceding year and no elementary school district which has met the requirements of this section and is otherwise entitled to State Equalization Aid shall be denied such aid.

District tax levy

Article 7. Fixing of Apportionment of State Funds

6981. The Superintendent of Public Instruction shall then fix the amount required to be apportioned to each elementary school district or unified school district as, and shall apportion to the district, the amount equal to that computed for the district pursuant to Article 2 of this chapter, and, in addition, the State Equalization Aid, if any, allowed such district under Article 4 of this chapter and the amount, if any, computed for such district under Article 4 5 of this chapter, and the amounts, if any, computed for each district under Articles 4.6, 5, and 6, of this chapter, except that in no case shall the total amount apportioned to districts exceed the amounts computed for districts under Sections 6963 and 6972.

Apportionment to districts

6982. The Superintendent of Public Instruction shall also fix the amount required to be apportioned to each unapportioned county elementary school fund and to each county elementary school supervision fund, and shall apportion to such fund, the amount computed for such fund under Article 2 of this chapter, and the amounts, if any, computed under Articles 5 and 6 of this chapter, except that in no case shall the total amount apportioned to such funds exceed the amounts computed for such funds under Sections 6963 and 6972.

Unapportioned county elementary school fund and county elementary school supervision fund

Article 8. Payment and Disposition of Apportionments

6991. The Superintendent of Public Instruction shall subtract from the amount apportioned to each county from the State General Fund the amount apportioned to the unapportioned county elementary school fund exclusive of apportionments to such fund on account of emergency elementary schools

Apportionment to districts and county elementary school supervision fund

maintained by the county superintendent of schools. He shall then determine the ratio of the remainder of such amount to the amount apportioned to the county from the State School Fund and shall apportion amounts from the State General Fund and State School Fund to the districts and the county elementary school supervision fund of the county in that ratio.

Abstract of
apportionment

6992. The Superintendent of Public Instruction shall furnish an abstract of the apportionment of the State School Fund and from the State General Fund to the State Controller, the Department of Finance and to the county and city and county auditors, county and city and county treasurers, and to the county and city and county superintendents of schools of the several counties and cities and counties of the State.

Certification
of apportionment

6993. He shall certify the apportionment made by him under this chapter to the State Controller who shall draw his warrants during the school year on the State School Fund and the State General Fund in favor of the treasurer of each county for the amount apportioned to each county from each fund.

Credit of
moneys

6994. All moneys received by the treasurer of any county from the apportionments of the State School Fund and the State General Fund shall be immediately credited by the treasurer to the county elementary supervision fund, to the unapportioned county elementary school fund, and to the special school funds of the several elementary school districts and unified school districts of the county exactly as apportioned by the Superintendent of Public Instruction.

Article 9. Miscellaneous Provisions

Statement of
assessed
valuation

6995. On or before January 15th in each year, the county assessor of each county shall furnish to the Superintendent of Public Instruction the assessed valuation of each elementary school district and unified school district, or portion of any elementary school district or unified school district situated within his county, as shown by the equalized assessment roll of the county for the preceding year.

City and
county

6996. "County" or "counties" as used in this chapter includes a city and county.

SEC. 5. Section 14565 is added to said code, to read:

Payments by
Retirement
System to
local
districts

14565. (a) At the beginning of each fiscal year the Retirement System shall pay to each local district maintaining a local retirement system the following amounts:

(1) From the Permanent Fund, an amount equal to the difference between the benefits paid from the Permanent Fund during the preceding year to persons who are entitled to receive benefits from the local retirement system and the benefits which would have been paid from the Permanent Fund during the preceding year to those persons if they were not entitled to receive benefits from the local retirement system.

(2) From the Retirement Annuity Fund, an amount equal to the difference between the benefits paid from the Retirement Annuity Fund during the preceding year to persons who are

entitled to receive benefits from the local retirement system and the benefits which would have been paid during the preceding year to those persons if they were not entitled to receive benefits from the local retirement system.

(b) The amounts paid under subdivision (a) of this section by the Retirement System to each local district maintaining a local retirement system shall not be used to reduce the contributions required of members of the local retirement system or to increase the benefits payable by the local retirement system, but shall be applied to reduce the cost of support of the local retirement system to the taxpayers of the local district maintaining the local retirement system.

(c) The State shall contribute annually to the Permanent Fund and to the Retirement Annuity Fund the amounts required to be paid from said funds, respectively, under subdivision (a) of this section.

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect, to become operative July 1, 1945. A statement of the facts constituting such necessity is as follows:

The study of the administration, organization, and financial support of the public school system of the State made by the State Reconstruction and Reemployment Commission pursuant to Chapter 36 of the Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature shows conclusively that while the public elementary schools of California are relatively well supported, the present system of State support is inadequate in that it fails to recognize the differences in the ability of elementary school districts to support schools and results in inequities which do not permit an acceptable minimum foundation program of elementary education to be made available to all children of the State. Inasmuch as the purpose of this act is to remove, so far as may be possible, the inequities now existing in the distribution of funds by the State to elementary school districts, and which result in an untenable discrimination against many children and to establish within the limits of the Constitution a method of distributing State funds for the support of public day and evening elementary schools on an equitable basis to the end that all the children of the State shall be assured at least a minimum foundation program of elementary education, it is necessary, in order that such purpose be accomplished without delay, that this act take immediate effect.

CHAPTER 679

An act to amend Section 737qq of the Political Code, relating to superior court judges' salaries in the County of Santa Clara.

In effect
September
15, 1945

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

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

See also
Stats 1945
Ch 850
Judges'
salaries
Santa Clara

SECTION 1. Section 737qq of the Political Code is amended to read:

737qq. The annual salary of each of the judges of the Superior Court in and for the County of Santa Clara is eight thousand five hundred dollars (\$8,500).

CHAPTER 680

An act to add Section 7519 to the Business and Professions Code, relating to detectives.

In effect
September
15, 1945

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 7519 is added to the Business and Professions Code, to read:

Local street
patrol spe-
cial officers,
etc.

7519. The provisions of this chapter shall not prevent the local authorities of any city or county, by ordinance and within the exercise of the police power of such city or county, from imposing local regulations upon any street patrol special officer or upon any person who furnishes street patrol service or street patrol special officers, requiring registration with an agency to be designated by the city or county, including in such registration full information as to identification and employment and subject to the right of the city or county to allocate certain portions of the territory in such city or county within which the activities of any street patrol service or person shall be confined. Any city or county may refuse such registration to any person of bad moral character and may impose such reasonable additional requirements as are necessary to meet local needs and are not inconsistent with the provisions of this chapter.

CHAPTER 681

An act to amend Sections 502 and 503 of the Elections Code, relating to precincts.

[Approved by Governor June 5, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 502 of the Elections Code is amended to read:

502. Such maps and/or descriptions shall be filed with the board of supervisors. Maps and descriptions Filing

SEC. 2 Section 503 of said code is amended to read:

503. Within 10 days after receipt of said maps and/or descriptions, the board of supervisors shall adopt an order creating election precincts as prepared by the surveyor and county clerk. Adoption of order

CHAPTER 682

An act to add Chapter 10 to Division 4 of the Education Code; to add Chapters 15.5 and 16.5 to Division 3 of said code; to add Sections 7105.1 and 7137.1 to said code; to amend Sections 7105, 7137, 7302, 9051, 9071 and 9191 of said code; to repeal Article 3 of Chapter 7 of Division 4 of said code and to repeal Sections 6758, and 10604 of said code, all relating to the Public School System.

[Approved by Governor June 5, 1945. Filed with Secretary of State June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Chapter 10 is added to Division 4 of the Education Code, to read:

CHAPTER 10. CLASSES FOR ADULTS

9701. The governing board of any school district maintaining secondary schools shall have power with the approval of the State Department of Education to establish and maintain classes for adults for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical and general education. Establishment and maintenance of classes

9702. Such classes shall be open for the admission of adults and of such minors as in the judgment of the governing board may be qualified for admission thereto. Qualifications for admission

9703. Such classes may be convened at such hours and for such length of time during the day or evening and at such period and for such length of time during the school year as may be determined by the governing authority. Hours

Standards 9704. The State Department of Education shall establish standards including standards of attendance, curriculum, administration, and guidance and counseling service for such classes as a basis for the several apportionments of State funds provided herein for the support of such classes.

Credits, etc. 9705. Governing boards shall have the authority to provide for granting appropriate credits, certificates, diplomas or other recognition of skill or accomplishment in such classes which such districts are otherwise authorized to grant.

Schools in which maintained 9706. Classes for adults may be maintained in connection with day or evening high schools or day or evening junior colleges.

SEC. 2. Chapter 15.5 is added to Division 3 of the Education Code, to read :

CHAPTER 15.5. LIMITATION ON APPORTIONMENT TO DISTRICTS FOR CLASSES FOR ADULTS

Limitation on apportionment 7241. The amount apportioned to a school district for classes for adults during any school year shall not exceed 85 per cent of the current expenditure of the district during the preceding school year for such classes except for such classes as are maintained within and for the inmates of a State institution as determined by the State Department of Education

SEC. 3. Education Code Section 7302 is amended to read :

Average daily attendance in high school 7302. Units of average daily attendance in high schools are the quotient arising from dividing the total number of days of pupils' attendance in the regular day high schools, evening high schools, summer schools, special classes of high schools, and the part-time vocational courses of the district for the school year by the number of days school was actually taught in the regular day high schools of the district during the year.

SEC. 4. Chapter 16.5 is added to Division 3 of the Education Code, to read :

CHAPTER 16.5. COMPUTATION OF AVERAGE DAILY ATTENDANCE IN CLASSES FOR ADULTS

Average daily attendance 7321. Enrollment and attendance in classes for adults shall be separately recorded and reported for purposes of apportionment. The full attendance of students enrolled in such classes may be credited for apportionment purposes, provided that no student shall be credited with more than 15 student hours of attendance during any one calendar week. Each three hours of attendance shall constitute a day of attendance. Average daily attendance in classes for adults shall be computed by dividing the total days of attendance therein during an entire school year by 175.

Classes in English SEC. 5. Education Code Section 9051 is amended to read :

9051. Upon application of 20 or more persons above the age of 21 years residing in a high school district who can not speak, read, or write the English language to a degree of proficiency

equal to that required for the completion of the sixth grade of the elementary schools, the governing board of the high school district shall establish classes in English.

SEC. 6. Education Code Section 9071 is amended to read:

9071. The governing board of each high school district in ^{Same} which there are living, within a radius of three miles of any high school, located in the district, 20 or more persons over 18 and under 21 years of age who expect to remain in the district for a period of two or more months, who are not in attendance for at least four 60-minute hours per week upon regular full-time public or private day schools or suitable part-time classes, and who can not speak, read, or write the English language, to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools, shall establish and maintain classes for such persons.

SEC. 7. Education Code Section 9191 is amended to read:

9191. Adults enrolled in classes for adults, except c asses ^{Tuition fee} maintained in English and citizenship for foreigners and c asses in elementary subjects, may be required by the governing board of the district to pay a tuition of not to exceed six dollars (\$6) a term.

SEC. 8. Article 3 of Chapter 7 of Division 4 of the Educa- ^{Repeal} tion Code is hereby repealed.

SEC. 9. Section 6758, and 10604 of the Education Code are ^{Same} hereby repealed.

SEC. 10. Education Code Section 7105 is amended to read:

7105. He shall apportion to each high school district on ^{Apportionment from State High School Fund} account of each separate high school, each combined junior high school and senior high school, each separate junior college, and each combined high school and junior college maintained eighty dollars (\$80) for each unit or major fraction of a unit of the first 10 units of average daily attendance of minors in special classes maintained for physically handicapped minors and of minors under 18 years of age in compulsory continuation c asses for persons under 18 years of age, maintained by such school district during the preceding school year; sixty dollars (\$60) for each unit or major fraction of a unit of the second 10 units of average daily attendance; and forty dollars (\$40) for each unit or major fraction of a unit of the third 10 units of average daily attendance.

SEC. 11. Section 7105.1 is added to said code, to read:

7105.1. He shall allow as a district administrative allocation ^{District administrative allocation} thirty dollars (\$30) for each of the first 40 units of average daily attendance during the preceding school year in approved c asses for adults in each district maintaining such classes.

SEC. 12. Education Code Section 7137 is amended to read:

7137. He shall allow to each high school district on account of ^{Apportionment from State General Fund} each separate high school, each combined junior high school and senior high school, each separate junior college, and each combined high school and junior college maintained forty dollars (\$40) for each unit or major fraction of a unit of the first 10 units of average daily attendance of minors in special classes

maintained for physically handicapped minors and of minors under 18 years of age in compulsory continuation classes for persons under 18 years of age, maintained in connection by such school district during the preceding school year; thirty dollars (\$30) for each unit or major fraction of a unit of the second 10 units of average daily attendance; and twenty dollars (\$20) for each unit or major fraction of a unit of the third 10 units of average daily attendance.

SEC. 13. Section 7137.1 is added to said code, to read:

District administrative allocation

7137.1. He shall allow as a district administrative allocation twenty dollars (\$20) for each of the first 40 units of average daily attendance during the preceding school year in approved classes for adults in each district maintaining such classes.

Effective date

SEC. 14. Sections 2, 3, 10, 11, 12 and 13 of this act shall take effect July 1, 1946.

CHAPTER 683

An act to amend Section 647 of the Agricultural Code, relating to conveyances for the hauling of milk.

In effect September 15, 1945

[Approved by Governor June 5, 1945 Filed with Secretary of State June 5, 1945.]

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

SECTION 1. Section 647 of the Agricultural Code is hereby amended to read:

Regulation of conveyances, etc

647. All conveyances, while transporting milk or cream or clean empty containers intended for milk or cream, and all shipping platforms or premises where such containers are held waiting shipment, shall either be inclosed or provided with canvas covering or otherwise afforded protection from the direct rays of the sun, from warm air, dust, mud, rain and other sources of contamination. No milk or cream or product thereof shall be transported in connection with or close to any other commodity from which it may absorb foreign flavors or which may contaminate it, and no milk or cream or empty containers used for milk or cream shall be hauled in any vehicle used for hauling manure, or garbage, or in any other unclean conveyance. All milk or cream cans or other shipping containers for products of milk shall be handled carefully, and while containing milk, cream or other products of milk, shall be kept right end up. Nothing herein shall be construed to derogate from any powers or authority of the Railroad Commission of the State.

Temporary exemption

Until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, and only until then, neither this section nor any other provision of this code shall be deemed to prohibit the conveyances mentioned herein from transporting

feeds, grains or hay along with empty containers for the purpose of delivering them to dairymen; provided, that such feeds, grains or hay shall be covered separately from the empty containers while in transit

CHAPTER 684

An act to add Section 8821.2 to the Education Code, relating to the admission to junior colleges of persons who have served in active military service.

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 8821.2 is added to the Education Code, to read:

8821.2. The principal of any junior college may, notwithstanding any provision of this code to the contrary and in accordance with such rules as the governing board of the district maintaining the junior college may adopt, admit to the junior college any person who has served in the active military service of the United States or of the State of California for at least 90 days during a war with any foreign power or during any period of National emergency declared by the President of the United States.

Admission of
veterans

CHAPTER 685

An act to amend the Business and Professions Code by adding a new section thereto to be known as Section 19624.5, relating to distribution of fees collected under the act relating to the regulation and licensing of horse racing.

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 19624.5 is hereby added to the Business and Professions Code, to read as follows:

19624.5. Any year in which any fair or exposition has not been or is not held because of war conditions, or because the fair or exposition grounds or buildings have been taken over and occupied by the United States or the armed forces thereof, shall not be considered for the purpose of any requirement of Section 19624 of this code or of Section 94 of the Agricultural Code that a fair or exposition be conducted annually or conducted annually for a prescribed period of years.

Exclusion of
war period

CHAPTER 686

An act to amend Section 643.1 of the Agricultural Code, relating to dairy farm inspection.

In effect
September
15, 1945

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945]

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

SECTION 1. Section 643.1 of the Agricultural Code is hereby amended to read:

Exceptions

643.1. No dairy shall be degraded or the milk therefrom excluded from the market for an infraction or infractions of paragraphs (b), (c), (d), (f), (i) or (l) of Section 643 of this code, which upon written notice from a qualified inspector can be corrected and are corrected within 24 hours of the issuance of said notice. Any such notice shall be served personally upon the owner or operator of the dairy and a copy of said notice immediately delivered or mailed to the distributor purchasing the milk produced on such dairy.

CHAPTER 687

An act to amend Section 334.5 of the Agricultural Code, relating to branded cattle moving from one district to another.

In effect
September
15, 1945

[Approved by Governor June 5, 1945. Filed with Secretary of State
June 5, 1945]

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

SECTION 1. Section 334.5 of the Agricultural Code is amended to read:

Conflicting
brands

334.5. Whenever branded cattle are moved within the State of California or from any place outside of the State of California, to a district in California where a brand similar to that borne by them is recorded for use, or whenever cattle change ownership within a district or are returned to said district from another by others than the owner of the brand recorded for use within the district, the owner of the said recorded brand may request the director to make an investigation, and the director may require that the cattle from the other district, or from any place outside of the State of California be branded with some other brand or mark, approved by him which shall be recorded in accordance with the provisions of this article.

CHAPTER 688

An act to amend Section 332.5 of the Agricultural Code, relating to exempt brands on dairy cattle.

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 332.5 of the Agricultural Code is amended to read:

332.5. Identification brands for dairy cattle of the Holstein, Jersey, Guernsey, Ayrshire, Brown Swiss, Dutch Belted and Milking Shorthorn breeds may be placed upon either the right loin in front of the hip and behind the ribs or upon the right hip, provided such brands are used for purposes of identification only and not as evidence of ownership. When placed upon the right loin any such brand shall consist of consecutive numerals or combination of numerals, but when placed upon the right hip any such brand shall consist of at least three consecutive numerals constituting a number greater than 200. Such brands may not be recorded.

CHAPTER 689

An act to amend Section 358 of the Agricultural Code, relating to cattle slaughterer reports.

[Approved by Governor June 5, 1945 Filed with Secretary of State
June 5, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 358 of the Agricultural Code is amended to read:

358. Every licensed slaughterer shall on or before the fifteenth of each calendar month mail to the director a written report showing the total number of cattle slaughtered during the preceding month and showing the dates on which such cattle were slaughtered, number of cows, heifers, calves, steers stags and bulls, California Hide and Brand Inspection Certificate number, the date issued, the name of the brand inspector and place of inspection; provided, however, that every licensed slaughterer who does not have daily brand inspection prior to slaughter and whose hides are not inspected during the month, shall on or before the fifteenth of each calendar month mail to the director a written report showing in separate columns: The number of calves, cows, steers, stags, or bulls; the number slaughtered on each date; from whom purchased; the date of purchasing; and brands on branded cattle.

CHAPTER 690

An act to amend Section 348 of the Agricultural Code, relating to cattle slaughterer license fees.

In effect
September
15, 1945

[Approved by Governor June 5, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 348 of the Agricultural Code is amended to read:

License fees

348. The director shall grant to every applicant, who complies with the provisions of this article, a license to slaughter cattle and sell the meat thereof for the unexpired quarters by periods of the current calendar year. Applicants for such license shall pay to said director the following annual fee in advance: Applicants who slaughter less than 51 head per month, ten dollars (\$10); applicants who slaughter 51 or more and less than 101 head per month, twenty-five dollars (\$25); applicants who slaughter 101 or more head per month one hundred dollars (\$100).

The annual fee shall be reduced one-fourth for each quarter of the current calendar year which has expired prior to the date of filing the application for such license. No license shall be issued for a quarter of a year unless the same is the only remaining unexpired quarter of the current calendar year at the date of filing the application for such license.

Effective
date

The provisions of this section increasing the fees for a slaughter license shall become effective January 1, 1946 and apply only to licenses issued on and after that date.

License
refusal

The director shall refuse to issue a license to any applicant applying to slaughter in an unclean or insanitary slaughterhouse.

CHAPTER 691

An act to amend Section 336 of the Agricultural Code, relating to brand recordation fees, penalties and elimination of old brands.

In effect
September
15, 1945

[Approved by Governor June 5, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 336 of the Agricultural Code is amended to read:

Recordation
fees, delin-
quency, rein-
statement,
Penalties

336. For the right to continue the use of any brand or brand and mark, the owner thereof shall, before January 1st of each year after its recordation or rerecordation pay to the director an annual renewal fee. When the said renewal fee is not paid

by January 1st, the brand becomes delinquent and may be reinstated for the legal use thereof within the delinquent calendar year. When a brand or brand and mark is delinquent for more than one year, it becomes forfeited, and may be rerecorded by the former owner or recorded by any other person. A forfeited brand may be rerecorded only when an affidavit of nonuse during the period of delinquency and forfeiture or penalty accompanies the application.

Any brand or brand and mark which has been recorded may be canceled by written request from the person or persons in whose name such brand is recorded. It is unlawful to use an unrecorded, forfeited, or canceled brand to brand cattle, except in accordance with the provisions of this section.

The amount of fees and penalties prescribed by this section payable to the director is that fixed by the following schedule:

(a) The fee for recording or rerecording a brand or brand and mark is two dollars (\$2).

(b) The annual renewal brand fee which must be paid before January 1st of each year is one dollar and fifty cents (\$1.50); provided, that the owner may, at his option, pay the sum of six dollars (\$6) which payment shall entitle him to use the brand or brand and mark for a period of four years.

(c) The fee to reinstate a delinquent brand is four dollars (\$4).

(d) Any person who brands cattle with an unrecorded, forfeited, or canceled brand shall pay a penalty of twenty-five dollars (\$25) which shall be in addition to any other penalties provided by law. If any person subject to said penalty applies, within 15 days after being notified of the penalty, to the director for a hearing, and if the director finds that said person did not knowingly or wilfully brand his cattle in violation of this subdivision, the director may cancel the penalty.

(e) Brands that have been forfeited or canceled more than five years may be removed from the files and destroyed, provided the year of forfeiture or cancellation is listed on the original cattle brand registration certificate which shall remain on file in the department. Destruction
of brands

CHAPTER 692

An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for State lands, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1945. Filed with Secretary of State June 5, 1945.]

In effect
immediately

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

SECTION 1. Section 7729 of the Public Resources Code is amended to read:

7729. Whenever a person becomes entitled to a patent, the Patent commission, upon the surrender of the certificate of purchase,

shall prepare a patent for the land. The patent shall be issued in the name of the original applicant. The commission shall send it to the Governor, together with a certificate that the laws in relation thereto have been complied with, that payment in full has been made, and that the person named in the prepared patent is entitled to it. The patent so issued shall inure to the benefit of the assigns, grantees, or successors in interest of said original applicant.

Loss of
certificate of
purchase

If the certificate of purchase has been lost or destroyed, or is beyond the control of the owner of the land, the commission shall require the owner to furnish an affidavit as to the loss of the certificate of purchase or as to his inability to surrender it, together with such other documentary evidence of his ownership of the land as the commission may require. The commission may, upon finding the facts stated in such affidavit to be true, thereupon prepare the patent for issuance as above provided.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act will permit patents to be issued for the lands specified therein without the surrender of the certificates of purchase. In many instances the certificates have been lost or mislaid, and can not be surrendered, and as a result the patents can not now be issued. The inability to obtain patents prevents the transfer of the lands, many of which are lands suitable for the grazing of live stock, into the hands of persons who will use them for that purpose. A severe shortage of meat exists, which menaces the health of the civilian population. When this act becomes effective, the lands affected can be transferred to persons who will use them for grazing live stock, and as a result the production of meat will be increased, and the health of the people of the State protected. It is therefore necessary that this act take effect immediately.

CHAPTER 693

An act to amend Section 3 of an act entitled "An act declaring portions of the lands conveyed to the City of San Diego by an act entitled 'An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof,' approved May 1, 1911, as amended, unavailable for navigation commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries and granting such portions of said tidelands to the City of San Diego and County of San Diego," approved June 11, 1929, relating to grant of tidelands to City of San Diego and County of San Diego for county and municipal purposes.

Stats 1929,
p 1550,
amended

[Approved by Governor June 5, 1945. Filed with Secretary of State
June 5, 1945.]

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

SECTION 1. Section 3 of the act cited in the title hereof is amended to read:

Stats 1929,
p 1550

Sec. 3. Said lands comprising said above described area are hereby granted and conveyed to the County of San Diego and the City of San Diego, as co-owners, to be used only for county and municipal purposes, including the erection and maintenance thereon of county and municipal buildings. This conveyance is made by the State to said county and city in consideration of the public use to be made of said lands by said city and county and payment to the State of California of the sum of one thousand dollars (\$1,000). Should said sum not be paid within five years from the taking effect of this act or if said land shall be used by said city and county for any other use than that herein authorized, this conveyance shall be ineffectual and the provisions of this act shall be inoperative; provided, however, that either said county or said city may in its discretion grant and convey to the other party its interest in any portion of said lands for the purpose of permitting the grantee thereof to construct and maintain public buildings thereon as sole owner.

Grant to
County and
City of San
Diego as
co-owners

CHAPTER 694

An act to amend Sections 2626, 2630, 4105, 4106 and 4109.5 of, to repeal Chapter 4 of, and to add a new Chapter 4, consisting of Sections 4371 to 4376, inclusive, to, Part 7, Division 1 of, and to repeal Section 4110 of, and to add a new Section 4110 of, and to add Sections 4104.3, 4104.4, 4104.5, 4108, 4108.5, to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 6, 1945. Filed with Secretary of State June 6, 1945.]

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

SECTION 1. Section 2626 of said code is amended to read:
 Settlement on secured roll, etc
 2626. The auditor shall compare the delinquent roll with the secured roll. If satisfied the delinquent roll is correct, he shall:

- (a) Foot the unpaid taxes and penalties.
- (b) Credit the tax collector with the unpaid taxes and penalties on the secured roll.
- (c) Make a final settlement with him of all taxes and penalties charged against him on the secured roll.

The tax collector shall deliver the treasurer's receipt to the auditor, unless the treasurer is the collector, and shall immediately account for any deficiency. If the tax collector is the redemption officer the secured roll shall remain in his office.

SEC. 2. Section 2630 of said code is amended to read:
 Settlement on delinquent roll:
 2630. The auditor shall foot the amount unpaid on the delinquent roll, credit the tax collector with the amount, and have a final settlement with him.

SEC. 3. Section 4104.3 is added to said code, to read:
 Filing, etc
 4104.3. After the settlement under Section 2630 the delinquent roll shall remain on file in the redemption officer's office and if the tax collector is the redemption officer, the auditor shall charge the redemption officer with the amount of taxes unpaid as shown on the delinquent roll.

SEC. 4. Section 4104.4 is added to said code, to read:
 Tax collector as redemption officer
 4104.4. In any county, on resolution of the board of supervisors passed by a three-fifths vote, the tax collector shall be the redemption officer.

SEC. 5. Section 4104.5 is added to said code, to read:
 Transfer of powers
 4104.5. Whenever the powers and duties of the redemption officer are transferred pursuant to law from one county officer to a different county officer, all secured rolls, delinquent rolls, indexes, and any other records necessary to or intended for the proper performance of the duties of redemption officer shall be surrendered by the officer having custody thereof to the officer becoming the redemption officer.

At the time of the transfer the auditor shall, after allowing proper credit for accounts paid under installment payment

plans, charge the redemption officer with all unpaid taxes on the delinquent rolls.

SEC. 6. Section 4105 of said code is amended to read:

4105. Application to redeem shall be made to the redemption officer, who shall issue certificates of redemption in the required number of copies, which with the approval of the Controller, shall show: Application to redeem

- (a) The name of the assessee at the time of sale.
- (b) The sale date and number.
- (c) A description of the property.
- (d) In detail the amounts to be paid.
- (e) The name of the redemptioner.
- (f) The date of redemption.

SEC. 7. Section 4106 of said code is amended to read:

4106. Unless the redemption officer is the tax collector, the redemptioner shall deliver the certificates with the money to the county treasurer, who shall receipt each certificate. Payment and receipts

If the redemption officer is the tax collector, the redemptioner shall pay him the money and the redemption officer shall receipt each certificate. One receipt shall be given to the redemptioner, one, if tax-deeded property, to the recorder, one shall be transmitted to the Controller, and one shall remain in the redemption officer's office. An additional certificate shall be made for the assessor or the auditor, if requested by either official.

SEC. 8. Section 4108 is added to said code, to read:

4108. Section 2616 applies to money collected on redemptions. The amounts charged to the redemption officer shall be reduced accordingly. Accounting

SEC. 9. Section 4108.5 is added to said code, to read:

4108.5. The records and accounts of the redemption officer shall be audited at least once each three years. Audit

SEC. 10. Section 4109.5 of said code is amended to read:

4109.5. If delinquent taxes are paid in installments, the redemption officer may stamp or write "See Supplemental Record" on the margin of the delinquent roll, or abstract list. Supplemental record

On a supplemental record set up by the redemption officer for the purpose, he shall show the name of the person making the payments, a description of the property, the amount paid, the year or years of delinquency, and the number of the certificate of redemption, if any, issued.

SEC. 11. Section 4110 of said code is repealed. Repeal

SEC. 12. A new Section 4110 is added to said code, to read:

4110. The redemption officer shall prepare and set up a convenient and appropriate index record, or other workable system of tax-sold property. Such record shall be kept regularly posted to reflect the immediate status of all items remaining unpaid on the delinquent rolls or abstract lists. Index record

SEC. 13. Chapter 4, consisting of Sections 4371 to 4408, inclusive, of Part 7 of Division 1 of said code is repealed. Repeal

SEC. 14. Chapter 4, consisting of Sections 4371 to 4376, inclusive, is added to Part 7 of Division 1 of said code, to read:

CHAPTER 4. PREPARATION OF ABSTRACT LISTS

- Abstract list** 4371. The redemption officer may prepare an abstract list of unpaid items from any or all delinquent rolls except the delinquent rolls for the years subsequent to the year for which property was, at the time of preparing such abstract list, last deeded to the State for taxes.
- Contents of list** 4372. The abstract list shall contain all information in the delinquent rolls from which it is prepared relating to unpaid items and shall be in such form, to be approved by the Controller, as may be most easily and accurately used in effecting the redemption of property thereon.
- Annual insertion of unpaid items** 4373. Each year after the tax collector has executed and recorded the deeds to the State for taxes, the redemption officer may insert in the abstract list, or prepare an abstract list of, unpaid items from any delinquent roll which have not previously been included in an abstract list, except such items from delinquent rolls, for the years subsequent to the year for which property was last deeded to the State for taxes.
- Certification** 4374. Upon completion of any abstract list or the insertion of new information therein the auditor shall certify thereon that it contains a true and correct transcript of all information relating to property on which all or any part of the taxes are unpaid which is contained in the delinquent rolls specified by the auditor in the certificate. All entries formerly required by law to be made on the specified delinquent rolls shall thereafter be made on the abstract lists.
- Correction of errors** 4375. When defects in description or form or clerical errors occur because of the preparation of the abstract list, they may be corrected on the abstract list under the same conditions, except as to time, and in the same manner as they would be corrected if they occurred on any secured roll or delinquent roll.
- Prima facie evidence** 4376. The abstract list, or a copy certified by the redemption officer, showing unpaid taxes against any property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that there has been compliance with all forms of law relating to assessment, equalization, and levy of the taxes.

CHAPTER 695

An act to amend Section 5800 of the Labor Code of the State of California, relating to workmen's compensation.

In effect
September
15 1945

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945.]

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

SECTION 1. Section 5800 of the Labor Code is hereby amended to read as follows:

Findings and award 5800. After final hearing by the commission, it shall, within 30 days, make and file:

(a) Its findings upon all facts involved in the controversy.

(b) Its order, decision, or award stating its determination ^{Interest} as to the rights of the parties. All awards of the commission either for the payment of compensation or for the payment of death benefits, shall carry interest at the same rate as judgments in civil action on all due and unpaid payments from the date of the making and filing of said award. Such interest shall run from the date of making and filing of an award, as to amounts which by the terms of the award are payable forthwith. As to amounts which under the terms of the award subsequently become due in installments or otherwise, such interest shall run from the date when each such amount becomes due and payable.

CHAPTER 696

An act to amend Section 4004.5 of the Political Code, relating to loans by counties to fire districts and park, recreation and parkway districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1945. Filed with Secretary of State ^{In effect} June 6, 1945.] _{immediately}

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

SECTION 1. Section 4004.5 of the Political Code is amended to read:

4004.5. Notwithstanding the provisions of Section 4004, any ^{Loans to} county may lend any of its available funds to any fire protection _{districts by} district or park, recreation and parkway district located wholly within the county, whose funds are or will be when available in the custody of the county or any officer of the county, in order to enable the district to perform its functions and meet its obligations. Every such loan may be made only after the adoption of a resolution by the board of supervisors. It shall not exceed 85 per cent of the district's anticipated revenue for the fiscal year in which it is made or for the next ensuing fiscal year, and shall be repaid out of such revenue prior to the payment of any other obligation of the district.

SEC. 2. This act is hereby declared to be an urgency measure ^{Urgency} necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such necessity:

There has been a serious increase in juvenile delinquency in this State which vitally affects the public peace, health, safety and welfare. There have been organized in this State recreation park and parkway districts for the purpose of organizing, sponsoring and supervising recreational programs which will give to juveniles wholesome recreational activities and interests and thus keep them from becoming juvenile delinquents.

Funds are not now available to these newly formed districts and will not be available until after the next summer school vacation period. During such vacation period many juveniles will be in danger of becoming delinquents unless adequate wholesome recreational facilities are provided for them. It is urgently necessary for these districts to have funds immediately with which to carry on juvenile prevention work. This act will accomplish these ends by making it possible for such districts to obtain loans of county funds for this work until such time as district tax funds become available to such districts. It is therefore necessary that this act shall become effective at the earliest possible moment.

CHAPTER 697

An act to amend Sections 13953 and 13954 of the Revenue and Taxation Code, relating to inheritance taxes, and to amend Sections 15552 and 15553 of said code, relating to gift taxes, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945.]

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

SECTION 1. Section 13953 of the Revenue and Taxation Code is amended to read:

Inheritance
tax Value of
future, etc.,
interests

13953. The value of a future, contingent, or limited estate, income, or interest is determined in accordance with the rules, methods, and standards of mortality and value that are set forth in the actuaries' combined experience tables of mortality, as extended, for ascertaining the values of life insurance policies and annuities and for determining the liabilities of life insurance companies, save that the rate of interest used in computing the present value of the estate, income, or interest is four (4) per cent per annum.

SEC. 2. Section 13954 of the Revenue and Taxation Code is amended to read:

Same Yearly
income, etc

13954. In determining the present value of a future, contingent, or limited estate, income, or interest, other than an annuity in a fixed amount, the yearly income, or the annual value of the use or income, of the estate, income, or interest, is considered equivalent to four (4) per cent of the appraised value of the property upon which the estate, income, or interest is based.

SEC. 3. Section 15552 of the Revenue and Taxation Code is amended to read:

Gift tax:
Value of
future, etc.,
interests

15552. The value of a future, contingent, or limited estate, income, or interest is determined in accordance with the rules, methods, and standards of mortality and value that are set forth in the actuaries' combined experience tables of mor-

tality, as extended, for ascertaining the values of life insurance policies and annuities and for determining the liabilities of life insurance companies, save that the rate of interest used in computing the present value of the estate, income, or interest is four (4) per cent per annum.

SEC. 4. Section 15553 of the Revenue and Taxation Code is amended to read:

15553. In determining the present value of a future, contingent, or limited estate, income, or interest, other than an annuity in a fixed amount, the yearly income, or the annual value of the use or income, of the estate, income, or interest is considered equivalent to four (4) per cent of the appraised value of the property upon which the estate, income, or interest is based. Same Yearly income, etc

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of Division 2 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows: Urgency

The amendments effected by this act were not in 1943 included in Part 8 of Division 2 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result.

CHAPTER 698

An act to add Section 4455.5 to the Health and Safety Code, relating to pollution of water.

[Approved by Governor June 6, 1945 Filed with Secretary of State June 6, 1945] In effect September 15, 1945

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

SECTION 1. Section 4455.5 is added to the Health and Safety Code, to read:

4455.5. Nothing in this article shall be held to prevent the grazing of livestock in areas embracing any stream or watershed where such grazing would not tend to render such waters unwholesome or injurious to the public health. Grazing of livestock

CHAPTER 699

An act to amend Sections 20451 and 20452 of the Education Code, relating to the State colleges.

In effect
September
15, 1945

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945.]

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

SECTION 1. Section 20451 of the Education Code is amended to read:

Length of
courses

20451. The courses of instruction in any State college shall be of such length as may be necessary to fulfill the requirements for the various credentials approved for the teacher-training program of that college by the State Board of Education.

SEC. 2. Section 20452 of said code is amended to read:

Courses of
study

20452. The Director of Education shall:

(a) Establish, with the approval of the State Board of Education, courses for training of teachers in any or all of the subjects for which special credentials of the elementary and secondary grade are granted, and upon the satisfactory completion of these courses grant diplomas of graduation therefrom.

(b) Establish, with the approval of the State Board of Education, such additional teacher-training courses as are authorized by law or by the State Board of Education in accordance with law.

(c) When authorized so to do by the State Board of Education, establish and maintain courses of instruction and teacher-training leading to a baccalaureate degree, and grant the degree.

(d) Establish and maintain courses of study only in accordance with the rules and regulations prescribed by the State Board of Education.

 CHAPTER 700

An act to add Sections 3511.4 and 4339 to the Revenue and Taxation Code, relating to redemption of tax sold and tax deeded property.

In effect
September
15, 1945

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945.]

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

SECTION 1. Section 3511.4 is added to the Revenue and Taxation Code, to read:

Postpone-
ment of
operation

3511.4. The operation of Sections 3511.3, 3511.5, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577, and 3578 of this code shall be postponed and suspended, both insofar as their past operation as well as their future operation.

If any conflicting provisions are enacted at the Fifty-sixth Regular Session of the Legislature the Legislature hereby declares that it intends this section to be controlling over the conflicting provisions.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever last occurs. Duration

While this section is in effect it shall postpone and suspend the operation of the sections heretofore enumerated, but those sections are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Operation of section

SEC. 2. Section 4339 is added to said code, to read :

4339. Notwithstanding Sections 4336 and 4337, while this section is in effect, all payments of delinquent taxes in installments made on the property pursuant to this chapter, or any statutory predecessor of it, at any time subsequent to the sale of the property for such delinquent taxes shall be credited on the amount necessary to redeem when such property is redeemed. The credit shall be allowed after computation of the amount necessary to redeem. Credit of payments

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Duration

CHAPTER 701

An act to repeal Section 360 of the Agricultural Code, relating to tagging hides.

In effect
September
15, 1945

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945.]

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

Repeal

SECTION 1. Section 360 of the Agricultural Code is hereby repealed.

CHAPTER 702

An act to amend Section 333.8 of the Agricultural Code, relating to venting of brands.

In effect
September
15, 1945

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945.]

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

SECTION 1. Section 333.8 of the Agricultural Code is amended to read:

Venting of
brands

333.8. Venting a brand consists of rebranding a branded animal, by the owner thereof, for the purpose of canceling his prior brand on the animal, to indicate relinquishment of title to said animal by the owner of the vented brand. A permit from the director shall be obtained by the owner of the recorded brand to use said brand, or any brand, for venting purposes. The director shall record said permit, when granted, in the brand records and it shall remain in effect so long as the recorded brand remains valid or until the permittee request the director in writing to revoke said permit. Such permit shall be granted when such use of a venting brand will not, in the judgment of the director, conflict with another recorded brand used in the same or any adjacent district. The director shall specify the place upon the animal where the venting brand shall be applied, which shall be a place on the same side of the animal as the brand vented thereby. Notwithstanding any provision in this article it shall be lawful to use a brand in conformity with a permit issued pursuant to this section.

CHAPTER 703

An act to add Section 363.4 to the Agricultural Code, relating to penalties for public sales yards.

[Approved by Governor June 6, 1945. Filed with Secretary of State
June 6, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 363.4 is added to the Agricultural Code, to read:

363.4. Any person, partnership or corporation or their agent engaged as a business in the sale of cattle at a public sales yard without a license and who thereafter applies for a license must pay twenty-five dollars (\$25) in addition to the regular fee and one dollar (\$1) per day for every day he has operated a public cattle sales yard without a license; provided, however, that any public cattle sales yard operator who has had a previous license and continues to operate a public cattle sales yard after the expiration of his license, and does obtain a new license within 30 days after such expiration, shall not be required to pay said penalty of twenty-five dollars (\$25) and said penalty of one dollar (\$1) for every day he has operated a public cattle sales yard without a license.

Public cattle
sales yard
License

CHAPTER 704

An act to amend Section 363.2 of the Agricultural Code, relating to license and operation of public sales yards.

[Approved by Governor June 6, 1945. Filed with Secretary of State
June 6, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 363.2 of the Agricultural Code is amended to read:

363.2. No person, partnership or corporation, or their agent shall engage as a business in the sale of cattle at a public sales yard unless he has procured from the director a license to carry on such business, and executed a bond to the State in the sum of one thousand dollars (\$1,000), to be approved by the director, conditioned that such person shall not sell any cattle without first being the owner thereof or being authorized to do so by such owner and that, in case he does sell any cattle without being the owner thereof or authorized to do so, he shall, in addition to all other statutory penalties, pay double the value of such animals. All amounts recovered upon said bond shall be paid as follows: One-half to the owner of said animals or if there is an intervening innocent person who has paid for the cattle, to such person, and the remaining one-half to the Depart-

Public cattle
sales yard
Bond

ment of Agriculture Fund to be used for the purpose of carrying out this article. The director shall grant to every applicant who complies with the provisions of this article and the rules and regulations promulgated for its enforcement, a license to operate for the balance of the current calendar year. Said applicant shall pay to the director for such license an annual fee of twenty-five dollars (\$25). Applicants shall also apply for a license to operate any additional sales yard, and the license therefor shall be issued without a fee. Such license shall be renewed on or before the first day of each succeeding year. This section shall not apply to or include any person or exchange dealing in livestock and operating at a public livestock market and subject to and operating under a bond required by the United States to secure the performance of their obligations, nor to the sale by an auctioneer of cattle on the premises of the owner thereof whether or not such sale includes the sale of cattle of other livestock owners in the vicinity of such premises.

CHAPTER 705

Stats 1935,
p 1226,
amended

An act to add Sections 85 and 86 to the Unemployment Insurance Act, relating to unemployment insurance and the administration thereunder.

In effect
September
17, 1945

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945]

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

New section

SECTION 1. Section 85 is added to the Unemployment Insurance Act, to read:

Education
and public
instruction

Sec. 85. The commission shall establish within an appropriate division of the department, a bureau, section or unit relating to education and public instruction for the purpose of informing employers and workers of their rights and responsibilities under this act, and of instructing the public generally concerning the basic purposes, provisions and operations of the Unemployment Insurance Act.

New section

SEC. 2. Section 86 is added to said act, to read:

Field investi-
gating staff

Sec. 86. There shall be created under the division of Public Employment Offices and Benefit Payments a field investigating staff, (whether separate from or a part of any existing bureau, section or unit relating to investigation and fraud control) whose function shall embrace investigation throughout the State of all violations of this act, to the end that the provisions of this act are more adequately and strictly enforced.

CHAPTER 706

An act to add Section 19540 to the Business and Professions Code, relating to horse racing.

[Approved by Governor June 6, 1945 Filed with Secretary of State
June 6, 1945.]

In effect
September
17, 1945

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

SECTION 1. Section 19540 is hereby added to the Business and Professions Code, to read:

19540. Any county conducting an annual county fair on its own behalf or pursuant to the provisions of Section 5154 of the Public Resources Code is authorized to conduct horse racing and wagering on the results thereof at such fair subject to all the other provisions of this code.

County fairs
horse racing

CHAPTER 707

An act to amend Section 2 of an act entitled "An act providing for the creation of revolving funds in the counties and townships of the State," approved May 9, 1923, relating to the bond to be furnished as surty for such revolving fund.

Stats 1923,
p 239,
amended

[Approved by Governor June 7, 1945 Filed with Secretary of State
June 7, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2 of the act cited in the title hereof is amended to read:

Stats 1923,
p 239

Sec. 2. Before any money is withdrawn from the county treasury to be placed in such revolving fund the officer for whose use the fund is created shall file with the clerk of the board of supervisors a bond executed by himself as principal and by a surety company, authorized to execute bonds under the laws of the State as surety, in an amount equal to the amount of such revolving fund. Said bond shall be conditioned upon the faithful administration of such fund and upon the willingness and ability of the principal on the bond to account for and pay over said fund upon demand of the board of supervisors at any time.

Withdrawal
of funds;
Bond

CHAPTER 708

An act to amend Section 370 of the Elections Code, relating to the preparation of indexes of registration.

In effect
September
15, 1945

[Approved by Governor June 7, 1945. Filed with Secretary of State June 7, 1945.]

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

SECTION 1. Section 370 of the Elections Code is amended to read:

Index of each
precinct book

370. Within 10 days after the binding of the books of affidavits of registration by precincts, the county clerk shall prepare an index of each book, for county elections. The index shall contain the names, addresses, and political affiliations of the voters, and also a ruled space, to the left of and in front of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters for each voter who votes. The names shall include the name, and the middle name or initials, if any. If the name is that of a woman, the given name shall be preceded by the designation of "Miss" or "Mrs."

Names

The index shall be printed in eight-point roman type on eight-point body.

CHAPTER 709

An act to amend Section 5730 of the Elections Code, relating to ballots.

In effect
September
15, 1945

[Approved by Governor June 7, 1945. Filed with Secretary of State June 7, 1945.]

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

SECTION 1. Section 5730 of the Elections Code is amended to read:

Ballot num-
ber to be
removed

5730. Members of the precinct board shall not deposit in the ballot-box any ballot from which the slip containing the number of the ballot has not been removed by the inspector and handed to the voter. This provision does not apply to voting by absentee ballot

CHAPTER 710

An act to amend Section 19616 of the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1945. Filed with Secretary of State June 7, 1945.] In effect immediately

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

SECTION 1. Section 19616 of said code is amended to read: See also Stats 1945, Ch 1075
19616. This chapter shall have no force or effect from and Duration
after July 1, 1947, or six months after the proclamation of the President of the United States that hostilities in the existing war have ceased, whichever is the earlier.

SEC. 2. This act is hereby declared to be an urgency measure Urgency
necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

In order that the successful prosecution of the war in which the United States of America is now engaged be not impeded, it is necessary that adequate funds be made available for financial assistance to child care centers where a demonstrated need can be shown and for proper supervision of child care centers so that parents who are engaged or hereafter must engage in essential war work may have assurance of proper care for their minor children during the hours of their employment. It is, therefore, necessary that this act take effect immediately.

CHAPTER 711

An act to add Section 13988.1 to the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1945. Filed with Secretary of State June 7, 1945.] In effect immediately

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

SECTION 1. Section 13988.1 is added to the Revenue and Taxation Code, to read:

13988.1. Fees paid attorneys for services rendered in Attorneys fees
actions brought to establish the fact of death of a decedent pursuant to the provisions of the Probate Code, or pursuant to Article 3 of Chapter 11 of this part, and attorneys' fees paid for extraordinary services performed in the preparation of estate, inheritance and income tax returns or in the adjustment and payment of extensive or complicated estate or inheritance

taxes, are deductible from the appraised value of the property included in any transfer subject to this part.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of Division 2 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows:

The amendments effected by this act were not in 1943 included in Part 8 of Division 2 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result.

CHAPTER 712

An act to amend Section 4235 of the Political Code, relating to compensation for public service in counties of the sixth class.

In effect
September
15, 1945

[Approved by Governor June 7, 1945 Filed with Secretary of State
June 7, 1945]

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

SECTION 1. Section 4235 of the Political Code is amended to read:

Santa Clara
Salaries

4235. In counties of the sixth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, six thousand dollars (\$6,000) per annum. He shall pay into the county treasury all fees received by him in his official capacity.

District
attorney

2. The district attorney, seven thousand two hundred dollars (\$7,200) per annum. He shall not during his term of office engage in private practice and shall devote his full working time to the duties of his office. He shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

Supervisors

3. Each supervisor, three thousand six hundred dollars (\$3,600) per annum and mileage of ten cents (\$0.10) per mile for each mile actually traveled in going to and from his residence to the county seat or in the performance of the duties required of him by law or by virtue of his office. In attending sessions of the board only four mileages shall be allowed for each month. The total mileage allowed shall not exceed five hundred dollars (\$500) in any one calendar year.

Jurors

4. Grand jurors and trial jurors in the superior courts of said counties of this class, in civil and criminal cases shall be

three dollars (\$3), in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents (\$.15) per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Whenever under the provisions of law or otherwise a bond is required of any county officer provided for in this section the premium of such bonds shall be paid from the general funds of the county. Bonds

SEC. 2. The compensation provided by Section 4235 shall be paid to incumbent officers. Incumbent officers

CHAPTER 713

An act to add Sections 1428.1, 1428.2, and 1428.3 to the Penal Code, relating to procedure in criminal cases in municipal, police and justices' courts.

[Approved by Governor June 7, 1945 Filed with Secretary of State
June 7, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 1428.1 is added to the Penal Code, to read:

1428.1. At any time prior to entry of a plea, the defendant may demur to the complaint when it appears upon the face thereof either: Criminal
complaint
Demurrer

1. That the court has no jurisdiction of the offense charged therein;
2. That it does not substantially conform to the requirements of Section 1426 of this code;
3. That the facts stated do not constitute a public offense;
4. That it contains matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

Failure to make the objections above mentioned by demurrer when they appear upon the face of the complaint, shall constitute a waiver thereof, except that after a plea of guilty, or a verdict or finding of guilty the objection to the jurisdiction of the court, or objection that the facts stated do not constitute a public offense, may be taken on a motion in arrest of judgment.

SEC. 2. Section 1428.2 is added to the Penal Code, to read:

1428.2. A defendant, upon his request at or before arraignment, shall be granted not less than three nor more than five Time for
filing, form,
etc.

days in which to file a demurrer. The demurrer shall be in writing and must set forth with particularity the reasons why the complaint is insufficient or it may be disregarded. Upon considering the demurrer, the court shall make and enter on its docket an order overruling or sustaining it. If the demurrer is overruled, the court must permit the defendant to plead, which he must do forthwith.

SEC. 3. Section 1428.3 is added to the Penal Code, to read :

Amending
complaint

1428.3. If the demurrer is sustained, and the defect is one which can be remedied by amendment, the court may permit the filing of an amended complaint within such time, not exceeding five days, as it may fix. If such amended complaint is permitted and is filed, the action shall proceed as upon the filing of an original complaint. If no amendment is permitted or no amended complaint is filed within the time allowed therefor, a judgment dismissing the action shall be entered, and if the defendant is in custody, he must be discharged, or, if he has been admitted to bail, his bail is exonerated, or, if money has been deposited by him or by another or others instead of bail for his appearance, the money must be refunded to him or to the person or persons found by the court to have deposited said money on behalf of the defendant.

Dismissal
of action

CHAPTER 714

An act to amend Section 690 of, and add Section 690.26 to, the Code of Civil Procedure, relating to exemptions from executions.

In effect
September
15, 1945

[Approved by Governor June 7, 1945. Filed with Secretary of State June 7, 1945.]

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

SECTION 1. Section 690 of the Code of Civil Procedure is amended to read :

Property
exempt from
execution or
attachment

690. The property mentioned in Sections 690.1 to 690.24, inclusive, this code, is exempt from execution or attachment, except as therein otherwise specially provided when claim for exemption is made to the same by the judgment debtor or defendant as is hereinafter in Section 690.26 provided.

SEC. 2. Section 690.26 is added to said code, to read :

Verified
claim to
exemption

690.26. If the property mentioned in Sections 690.1 to 690.25 inclusive, shall be levied upon under writ of attachment or execution the defendant or judgment debtor, in order to avail himself of his exemption rights as to such property, shall deliver a verified claim to exemption under his oath or the oath of his agent, together with a copy thereof, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim to the officer making the levy.

Such officer must release the property unless the plaintiff or the person in whose favor the writ runs within five days after written demand by such officer, which written demand shall include a copy of the claim of exemption, files a counter-affidavit alleging that the property is not exempt within the meaning of the section or sections relied upon, or if the claim to exemption be based on Sections 690.1, 690.3, 690.6, 690.8, 690.9, 690.12, 690.17, 690.18, 690.21, 690.24, alleging the value of the property claimed exempt to be in excess of the value stated by said sections. If such counter-affidavit is filed, then on motion of either the plaintiff or the person in whose favor the writ runs or the defendant or judgment debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of the claim for exemption, or the value of the property claimed exempt whether or not the value of the property determines the right to exemption.

Release of
property un-
less counter-
affidavit filed

Such hearing must be granted by the court upon motion made by either the plaintiff or the person in whose favor the writ runs, or the defendant or judgment debtor, which motion must be made within five days after service on the plaintiff or the party in whose favor the writ runs of the copy of the claim to exemption left with the officer making the levy. Such hearing must be had within 10 days from the date of the filing of such petition unless continued as herein provided. The party making the motion for hearing must give five days' notice of such hearing to the officer making the levy and to the other party to this exemption proceeding, which notice must specify that the hearing is for the purpose of determining the claim to exemption, provided that no such notice need be given to the party making the motion. The court may continue the hearing beyond the 10-day period but good cause must be shown for any such continuance.

Hearing

The officer making the levy in all cases shall retain physical possession of the property levied upon if it be capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect until the determination of the claim for exemption; provided, however, that no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide. The court may order the sale of any perishable property held by such officer and direct the disposition of the proceeds of such sale. The court may make such other orders as may be proper under the particular circumstances of the particular case. Any orders so made by the court or judge may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings is pending at any time prior to the termination of the proceedings upon such terms as may be just. At the hearing had for the purpose of determining the claim to exemption, the party claiming the exemption shall have the burden of proof. The verified claim to exemption filed with the officer shall be

Possession of
property

Sale

Burden of
proof

filed by the officer with the court and shall constitute the pleading of such claimant to exemption, subject to the power of the court to permit an amendment in the interests of justice and it shall be deemed controverted by the affidavit of the plaintiff or the person in whose favor the writ runs. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where by the Constitution such right is given, but a jury trial shall be waived in any such case in like manner as is the trial of an action. No findings shall be required in a proceeding under this section. At the conclusion of the hearing the court shall give judgment determining whether the claim for exemption shall be allowed or not, which judgment shall be conclusive as to the right of the plaintiff or the person in whose favor the writ runs to have such property taken and held by the officer, or to subject the property to payment or other satisfaction of his judgment. In such judgment the court may make the proper orders for the disposition of such property or the proceeds thereof.

Jury trial

Appeal

An appeal lies from any judgment under this section; such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

The writ of attachment or execution shall continue in force pending the determination of the proceedings, except that the sale on execution shall be continued by the officer until final judgment shall have been entered in such proceeding. A copy of any judgment so entered shall be forthwith transmitted to the officer making the levy in order to permit such officer to either release the property attached or to continue to hold it or sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal be waived from the judgment of the court, may continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final, either before or after appeal.

Release where no counter-affidavit filed

In all cases where no counter-affidavit is filed by the plaintiff or person in whose favor the writ runs, after the five-day period has expired the property claimed to be exempt by the defendant shall be released to the defendant by the officer making the levy. When a verified claim for exemption is filed in accord with Section 690.11 the defendant shall be entitled to an immediate release of one-half of his earnings earned within 30 days, next preceding the date of levy or execution.

CHAPTER 715

An act to amend Section 2 of the Planning Act, relating to city planning commissions.

Stats 1929,
p 1805,
amended

[Approved by Governor June 7, 1945 Filed with Secretary of State
June 7, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 2 of the Planning Act is hereby amended to read as follows:

Stats 1937,
p 1817

Sec. 2. The legislative body of each city may, and of each county shall, create by ordinance a planning commission. A city planning commission shall consist of not less than five nor more than nine members who may be persons who hold an office or a position with the city; provided, however, that the number of members of such commission who are not officials of said city shall exceed the number of members who may be officers or employees of such city. The members of the commission shall be appointed by the mayor with the approval of the legislative body. County planning commissions shall consist of nine members of which six members, not officials of said county, shall be appointed, by the chairman of the board of supervisors, with the approval of the legislative body; the chief engineer or surveyor or his designated deputy shall be a member ex officio; and the legislative body shall select two other officials, one of whom may be a member of said body, which officials or their designated deputies shall be members ex officio. In any city or county having a freeholders' charter, any provisions of said charter as to the mode of appointment, number of members, terms of office, powers and duties and methods of removal of the planning commission of said city or county shall prevail.

Planning
commission
Members

Of the members of the commission first appointed, two shall be appointed for terms of one year, two for terms of two years, one for the term of three years and one for the term of four years. When seven members are to be appointed, the additional member shall be appointed for three years. When nine members are to be appointed, the additional members shall be appointed for one year. Their successors shall be appointed for terms of four years. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired portion of the term. The terms of ex officio members shall correspond to their respective official tenures.

Terms

CHAPTER 716

An act to amend Sections 220, 330, 332 and 3911 of the Elections Code and to add Section 330.5 to said code, relating to elections and matters incidental thereto.

In effect
September
15, 1945

[Approved by Governor June 7, 1945. Filed with Secretary of State June 7, 1945.]

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

SECTION 1. Section 220 of the Elections Code is amended to read:

Registration
affidavit
contents

220. The affidavit of registration shall show:

- (a) The facts necessary to establish the affiant as an elector.
- (b) Affiant's name at length, including given name, and the middle name or initial. The given name of a woman shall be preceded in all cases by the designations of Miss or Mrs.
- (c) Affiant's place of residence and post-office address with sufficient particularity to identify it and to determine affiant's voting precinct.
- (d) Affiant's occupation.
- (e) The country or State of affiant's birth.
- (f) If foreign born, how citizenship was acquired, whether by:
 - (1) Citizenship of father.
 - (2) Treaty or act of Congress
 - (3) Order of a court of naturalization.
 - (4) Marriage to a citizen.
 - (5) Naturalization of a parent or husband.

The date or year when and the place where affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of the parent or husband shall be stated.

(g) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he can not mark the ballot; in which case the nature of such disability shall be stated.

Affiant shall sign the affidavit with his or her name at length, including given name, middle name or initial, and if unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 330 of the Elections Code is amended to read:

Affidavits to
be preserved

330. The county clerk shall preserve all uncanceled affidavits of registration made before him for the purpose of procuring registration.

Register

The affidavits of registration shall constitute the register required to be kept by the provisions of this chapter.

SEC. 3. Section 330.5 is added to the Elections Code, to read :

330.5. The county clerk shall preserve all canceled duplicates to the affidavits of registration for a period of 10 years. Thereafter, they may be destroyed by such officer.

Canceled affidavits

SEC. 4. Section 3823 of the Elections Code is amended to read :

See also Stats 1945, Ch 340

3823. Immediately above the perforated line shall be printed in black-face lower case type at least 12-point in size, and enclosed in a parentheses, the following, "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type at least 12-point in size, and, with the four middle words underlined or otherwise made prominent, the following :

Instructions - Folding ballot

"Mark crosses (+) on Ballot ONLY WITH RUBBER STAMP ; Never with Pen or Pencil."

Marking ballot

Below this direction and midway between it and the next line, shall be printed in black-face capital type at least 12-point in size, and enclosed in a parentheses, and with the first two and the last five words underlined or otherwise made prominent, the following :

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL).

SEC. 5. Section 3944 of the Elections Code is amended to read :

See also Stats 1945, Ch 421

3944. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parentheses in small type as follows: "(This number to be torn off by inspector)"; and one-half inch to the right of this ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above this perforated line shall be printed in black-face lower case type, at least 12-point in size, and enclosed in parentheses, the following: "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type, at least 12-point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "Mark crosses (+) on ballot only with rubber stamp; never with pen or pencil."

Perforated line

Number

Instructions

-Folding ballot

-Marking ballot

Below this direction and midway between it and the next line, shall be printed in black-face capital type at least 12-point in size, and enclosed in parentheses, and, with the first two and the last five words underlined or otherwise made prominent, the following :

Absentee ballot

ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.

CHAPTER 717

An act to amend Section 261b of the Code of Civil Procedure, relating to fees for phonographic reporting.

In effect
September
15, 1945

[Approved by Governor June 7, 1945. Filed with Secretary of State
June 7, 1945.]

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

See also
Stats. 1945,
Ch 965
Appointment
of phono-
graphic
reporters

SECTION 1. Section 261b of the Code of Civil Procedure is amended to read:

Limitation

261b. (1) In each county, or city and county, having a population of 900,000 inhabitants or over, the judges of the superior court in and for such county, or city and county, a majority concurring, to assist the court in the transaction of the duties of judicial business of said court, by having performed the duties of phonographic reporters as elsewhere in this code defined, may appoint as many regular official phonographic reporters as may be necessary to report the proceedings in said court and to perform such duties, except that the number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for said court, said reporters to hold office during the pleasure of the judges of said court, a majority concurring.

Pro tempore
reporter

When needed in order that the judicial business of the superior court in such county, or city and county, may be diligently carried on and a particular matter or matters may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter or matters, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding official reporter, judge of the court and the judge presiding in the department where such reporter will serve, but when such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter.

Compensation

Each of said regular official reporters shall be paid a salary of four thousand eight hundred dollars (\$4,800) per annum, and each of said pro tempore official reporters shall be paid twenty dollars (\$20) per day for the days he actually is on duty under order of the court.

Transcribing
fee

No further fee than that hereinabove provided shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court; but a phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees now, or that may hereafter be, allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees

for transcriptions shall be paid as provided by Section 274 of the Code of Civil Procedure and by any other law of this State pertinent to the case.

The salaries in this section provided shall be paid in monthly installments out of the salary fund of the county, or city and county, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited. Payment of salaries

In addition to the fee or fees required by any other law or laws, a fee of three dollars (\$3) shall be paid to the county clerk of such a county, or city and county, by each party, or jointly by parties appearing jointly, in each of the following instances: County clerk fees

(1) Where Section 4300a of the Political Code requires such party or parties to pay said clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Section 4300a of the Political Code requires such party or parties to pay said clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 4300a of the Political Code requires such party or parties to pay said clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but one such additional fee of three dollars (\$3) as in this section provided.

(4) Where Section 4300a of the Political Code requires such party or parties to pay said clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

The fee so required shall be taxed as costs in favor of any party paying the same and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103 of the Government Code. Same Taxed as costs

The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer, or city and county treasurer, all moneys paid to him under the provisions of this section during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such moneys, and such moneys shall be deposited in the salary fund of said county, or city and county. Disposition of money

CHAPTER 718

Stats 1923,
p 648,
am-nded

An act to amend Section 7c of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to commissioners in municipal courts.

In effect
September
15, 1945

[Approved by Governor June 7, 1945. Filed with Secretary of State
June 7, 1945.]

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

Stats 1943
p 2074

Court com-
missioners
in cities of
1½ class
(Los
Angeles)

SECTION 1. Section 7c of the act cited in the title hereof is hereby amended to read as follows:

Sec. 7c. The judges of the municipal court in cities of the first and one-half class shall appoint as many commissioners, not exceeding four, as the business of the court may require, each of whom shall possess the same qualifications as are required by law to be possessed by a judge, and who shall, within the jurisdiction of the court, exercise all of the powers and perform all of the duties authorized by law to be performed by like officers in any court of this State. Such commissioners shall hold office at the pleasure of the judges. The clerk and any of his deputies, if they possess the same qualifications as are required by law to be possessed by a judge, shall be eligible for appointment as such commissioner and may perform the duties of said office in addition to his duties as such clerk or deputy, and while acting as such commissioner shall receive the compensation provided by law for his services as such clerk or deputy, together with such additional sum, if any, as will equal the aggregate sum of four hundred fifty dollars (\$450) per month; provided, however, any commissioner whose duties include those of secretary of the court and jury commissioner shall, in like manner, receive the aggregate sum of five hundred dollars (\$500) per month. Such appointment shall in no way affect or prejudice the status, tenure, or right to compensation of such clerk or deputy with respect to his position as such clerk or deputy.

CHAPTER 719

An act to add Section 86a to the Code of Civil Procedure, relating to destruction of old records.

[Approved by Governor June 7, 1945 Filed with Secretary of State
June 7, 1945]

In effect
September
15, 1945

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

SECTION 1. Section 86a is added to the Code of Civil Procedure, to read:

86a. All records, papers, and exhibits filed or kept in a municipal court in any civil action or special proceeding, except actions or proceedings in which a sale of real property under execution or foreclosure shall have been had, and except in all cases the register of actions and minutes, may, upon order of the presiding judge of such court, be destroyed by the clerk after the lapse of 15 years from the date on which judgment in such case became final, or in the event the same has not been prosecuted to judgment, after a like period from either the date of the commencement of the action or proceeding, or from the last extended date for trial established by stipulation of the parties pursuant to Section 583 of this code and filed in the action or proceeding.

CHAPTER 720

An act to add Section 207 to the Streets and Highways Code, relating to investment of moneys in the State Highway Fund, and declaring the urgency hereof, to take effect immediately.

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945]

In effect
immediately

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

SECTION 1. A new section is added to the Streets and Highways Code, to be numbered 207, and to read as follows:

207. Whenever it is determined by the California Highway Commission that any money in the State Highway Fund is not immediately required for State highway purposes, the commission may by resolution authorize the department to invest such excess money in bonds or interest bearing notes or obligations of the United States for which the faith and credit of the United States are pledged, for the payment of principal and interest. The department may, with the approval of the State Treasurer and of the Director of Finance, invest such excess funds in accordance with said resolution. All such bonds, notes or obligations purchased under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a

portion of the State Highway Fund, and all interest thereon when collected shall be paid into and become a part of the State Highway Fund.

All investments under this section shall be liquidated as soon as the funds invested are required for State highway purposes.

Urgency

SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The State treasury has a large surplus at the present time, and the longer the investment of the surplus is delayed the smaller will be the accrual to the State from such investment.

The United States is now engaged in a costly and deadly war and it is in need of funds to successfully prosecute the war. It is to the interest of the peace, health and safety of the State that its surplus funds be made immediately available to the United States for the prosecution of the war.

CHAPTER 721

An act to amend Section 131 of the Civil Code, relating to actions for divorce.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

See also
Stats. 1945,
Ch. 175

Filing
decision and
conclusions

Interlocutory
judgment

SECTION 1. Section 131 of the Civil Code is amended to read:

131. In actions for divorce, the court must file its decision and conclusions of law as in other cases, and if it determines that no divorce shall be granted, final judgment must thereupon be entered accordingly. If it determines that the divorce ought to be granted, an interlocutory judgment must be entered, declaring that the party in whose favor the court decides is entitled to a divorce, and the court may, in its discretion, if requested, restore to the wife, her maiden name or the name under which she was married. After the entry of the interlocutory judgment, neither party shall have the right to dismiss the action without the consent of the other.

CHAPTER 722

An act to amend Sections 16461 and 16463 of the Education Code and Section 485 of the Health and Safety Code, all relating to health services for public school pupils.

[Approved by Governor June 8, 1945 Filed with Secretary of State June 8, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 16461 of the Education Code is amended to read:

16461. The county superintendent of schools of each county may employ one or more nurses or dental hygienists, or both, to supervise the health of pupils enrolled in the schools of elementary and high school districts over which he has jurisdiction not employing a nurse as a supervisor of health, or may contract with the board of supervisors of the county in which he holds office for the performance by health officers, health nurses, or other employees of county health departments of any or all of the functions relating to proper health supervision of the school buildings and of pupils enrolled in the schools of such elementary and high school districts. All rules governing health supervision in the schools shall be made by the county superintendent of schools. No nurse or dental hygienist shall be employed, and no county employee shall perform duties under any contract, who does not possess a health and development credential.

Nurses and dental hygienists

SEC. 2. Section 16463 of said code is amended to read:

16463. The salary and necessary traveling and other expenses of any nurse and dental hygienist employed pursuant to this article or the contract price agreed upon between the board of supervisors and the county superintendent of schools may be paid by the county superintendent of schools from either the county unapportioned elementary school fund or from the county elementary school supervision fund, or from both, and from the unapportioned county high school fund, in proportion to the services provided for pupils enrolled in elementary schools and for pupils enrolled in high schools.

Same Salary and expenses

SEC. 3. Section 485 of the Health and Safety Code is amended to read:

485. The board of supervisors may contract with the county superintendent of schools of the county for the performance by health officers or other employees of county health departments of any or all of the functions and duties set forth in Chapter 3 of Division 8 of the Education Code, relating to the health supervision of school buildings and of pupils enrolled in the schools of any or all elementary and high school districts over which the county superintendent of schools has jurisdiction.

Contract of county for services in schools

In the contract the consideration shall be such as may be agreed upon by the board of supervisors and the county super-

intendent of schools and shall be paid by the county superintendent of schools at such times as shall be specified in the contract to the county treasurer.

CHAPTER 723

Stats 1925,
p 648,
an ended

An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

In effect
September
15, 1945

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945]

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

Stats 194
p 1636

SECTION 1. Section 28a of the act cited in the title hereof is amended, to read:

When open
for exercise
of criminal
jurisdiction

Sec. 28a. In a city or city and county of the first and one-half class one division of said court may remain open and in session for the transaction of any and all business which may come before said division in the exercise of the criminal jurisdiction of such municipal court or a judge thereof, at such hours of the day or night, or both, as may be prescribed by the judges of said court; and it is expressly provided that the provision of Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court must be open for the transaction of judicial business on any of the holidays mentioned in Section 10 of the Code of Civil Procedure, shall not apply to such municipal courts while exercising their jurisdiction as required by the provisions of this section. The clerk of said court or one or more deputy clerks shall be in attendance at said division at all hours of the day and night, including Sundays and holidays, and shall have authority to fix and accept bail for the appearance before said court of any defendant charged in such court with an offense of which the court has jurisdiction; provided, the amount thereof shall be in accordance with a schedule of bail in such cases previously fixed and approved by the judges of said court unless a warrant shall have been issued for the arrest of the defendant, in which case the bail shall be in the amount fixed in the warrant; and provided also, the bail shall be cash or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code of the State of California.

Clerk in
attendance

Bail

In any case where a defendant has been arrested for felony upon a warrant issued by a judge of such municipal court, the

clerk may, under like conditions, accept bail in the amount fixed in the warrant.

The authority to accept bail as in this section provided shall include authority to approve the same, to issue and sign an order for the release of the defendant, and to set a time and place for the appearance of the defendant before the appropriate division or judge of such court and give the defendant notice thereof.

Any commissioner of such court shall have authority to exercise all of the powers and duties hereinbefore provided to be exercised by the clerk with respect to bail and the discharge of defendants thereunder, together with the additional authority to fix the amount of bail in cases of misdemeanor defined in the Motor Vehicle Code and to endorse the same upon the notice for the appearance of the defendant as provided by Section 739 of the Vehicle Code. Nothing herein contained shall be construed to reduce or limit the powers or authority of such commissioners otherwise provided by law.

CHAPTER 724

An act to add Section 15.1 to the Unemployment Insurance Act, relating to unemployment insurance. Stats 1935, p 1226, amended

[Approved by Governor June 8, 1945 Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 15.1 is added to the Unemployment Insurance Act, to read: New section

Sec. 15.1. Any individual who is an employer under this act or any two or more individuals who have so qualified may file with the commission a written election that their services shall be deemed to be services performed by individuals in employment, and upon the approval of the commission and to the extent that reports are filed and contributions paid with respect to such individuals as hereinafter provided, their services shall be deemed to constitute employment for all the purposes of this act. Regardless of the actual earnings of such individuals, for the purposes of computing benefit rights and employer and worker contributions, such individuals shall be deemed to have received wages in the amount of two hundred fifty dollars (\$250) a calendar month. Employer and worker contributions as prescribed by this act shall become payable on and after the date stated in the approval of the commission. Employer services deemed to constitute employment

CHAPTER 725

An act to add Section 2102.1 to the Education Code, relating to the election of members of boards of education.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 2102.1 is added to the Education Code, to read:

School
district
board
Members

2102.1. In any school district situated wholly or partly within a city of the first and one-half class, the governing board shall be composed of seven members holding office numbers 1, 2, 3, 4, 5, 6, and 7, and shall be elected at large at the same time and in the same manner as the members of the city council of said city, and shall serve for a term of four years. The four members of such board whose terms of office expire July 1, 1947, shall be considered as holding office numbers 1, 3, 5, and 7 (such members within 15 days after the effective date of this act to determine by lot at a regular board meeting the number of the office each holds), and the remaining offices shall be known as office numbers 2, 4, and 6 (to be allocated by lot in the same manner as hereinbefore provided for office numbers 1, 3, 5, and 7). All such members' terms shall commence on the first day of July next succeeding their election.

Terms

CHAPTER 726

An act to amend Section 698 of the Fish and Game Code, relating to fish.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 698 of the Fish and Game Code is amended to read:

Black bass
and spotted
bass

698. Black bass and spotted bass may be taken only by angling between May 29th and October 31st, except in District 1 $\frac{1}{2}$ where black bass and spotted bass may be so taken between May 1st and October 31st, and except in District 4 $\frac{1}{2}$ and in Clear Lake, where black bass and spotted bass may be so taken at any time, and except in Districts 3 $\frac{1}{2}$, 4, 4 $\frac{1}{8}$, 4 $\frac{1}{2}$ and 4A where black bass, spotted bass, bluegill, sunfish, perch and crappie may be so taken between May 1st and October 31st.

CHAPTER 727

An act to add Sections 13115 and 13116 to Chapter 1 of Part 2 of Division 12 of the Health and Safety Code, relating to fire-proofing of tents and awnings used to temporarily house public gatherings.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect immediately

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

SECTION 1. Section 13115 is added to Chapter 1 of Part 2 of Division 12 of the Health and Safety Code, to read:

13115. It is unlawful for any person, firm or corporation to establish, maintain or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement or offering or other place of assemblage in or under which 10 or more persons may gather for any lawful purpose, in any tent, awning or other fabric enclosure unless such tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame-retardant condition. This paragraph shall not apply to tents used to conduct committal services on the grounds of a cemetery.

Use of non-
flammable
material for
tents, etc

“Flame-retardant” as used herein means treated by a flame-retardant solution or process approved by the State Fire Marshal, that will render the fabric or material resistant to flame or fire to the extent that it will successfully withstand standard fire-resistive tests adopted and promulgated by the State Fire Marshal.

“Flame-
retardant”

SEC. 2. Section 13116 is added to Chapter 1 of Part 2 of Division 12 of said code, to read:

13116. The State Fire Marshal is hereby authorized and directed to prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and panic in connection with the use of tents, awnings or other fabric enclosures.

Regulations
by State
Fire Marshal

CHAPTER 728

An act to repeal Sections 19810 and 19811 of the Health and Safety Code, and to add Sections 19810, 19811, 19812, 19813, 19814, 19815, and 1981C thereto, relating to articles of wearing apparel, cloth, drapery or other fabric or material made from or containing natural or synthetic fiber, including such thereof as are inflammable and constitute a risk of fire and a hazard of injury to life and property, providing for regulation of the use of such articles, and declaring the urgency of this act, it to take effect immediately.

In effect
immediately

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

Repeal

SECTION 1. Sections 19810 and 19811 of the Health and Safety Code are repealed.

See also
Stats 1945,
Ch 20

SEC. 2. Section 19810 is added to the Health and Safety Code, to read:

"Article"

19810. (a) "Article" as used in this chapter means and includes any article of wearing apparel, cloth, drapery or other fabric or material made from or containing any natural or synthetic fiber.

"Vendor"

(b) "Vendor" as used in this chapter means any individual, firm or corporation engaged in the manufacture or sale of articles as herein defined.

"Inflam-
mable
article"

(c) "Inflammable article" as used in this chapter is any article made from or containing natural or synthetic fiber and determined by the Fire Marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property, taking into consideration the use or uses for which the article is made and designed to serve.

Use of
inflammable
fibers

(d) It has recently come to notice that of the various natural or synthetic fibers adapted and adaptable for use in the making of articles, as herein defined, some are so inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. Provision should be made for the avoidance of such risks and hazards by preventing the use of such highly inflammable fibers. It is not feasible by statute to prescribe more specific tests than those herein prescribed, for it would appear that none such have yet been fully developed. It is necessary, therefore, to commit to the State Fire Marshal the conduct of research in these matters, the development of tests for these materials, and the administration of the provisions of this chapter for the prevention of the risks and the avoidance of the hazards described.

Research
and tests

SEC. 3. Section 19811 is added to the Health and Safety Code, to read:

See also
Stats 1945,
Ch 20

Fire
Marshal
Investiga-
tions

19811. The Fire Marshal of the State of California or any Deputy State Fire Marshal has right of access to the premises of any vendor during business hours for the purpose of deter-

mining whether inflammable articles are being manufactured or offered for sale therein and may take either an entire article or samples thereof in such quantities as may be necessary for analysis.

SEC. 4. Section 19812 is added to the Health and Safety Code, to read:

19812. Any article or samples taken under the provisions of Section 19811 hereof shall be subjected to tests by the Fire Marshal and determination made by him as to whether or not the article or samples are inflammable articles as defined in Section 19810. Tests of articles or samples

SEC. 5. Section 19813 is added to the Health and Safety Code, to read:

19813. The State Fire Marshal may make such rules and regulations relating to inflammable articles as defined in Section 19810 as may reasonably be necessary to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described. He shall mail copies of all rules and regulations and amendments thereto to all vendors and trade associations filing a written request for such notification with him. Rules and regulations

SEC. 6. Section 19814 is added to the Health and Safety Code, to read:

19814. Any inflammable article in the possession of any vendor in violation of the rules or regulations of the State Fire Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any inflammable article seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provision of Section 19815, whichever is the later. Seizure of inflammable articles

SEC. 7. Section 19815 is added to the Health and Safety Code, to read:

19815. Any vendor whose property is seized under the provisions of Section 19814 may within 10 days after such seizure petition the State Fire Marshal to return the property seized upon the ground that such property was illegally or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 60 days after filing and an oral hearing granted the petitioner if requested. Notice of the decision of the Fire Marshal shall be served upon the petitioner. The Fire Marshal may order the property seized under this act disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the property seized by the Fire Marshal. Return of seized articles

SEC. 8. Section 19816 is added to the Health and Safety Code, to read:

Penalty

19816. Any vendor who knowingly and wilfully violates any rule or regulation of the Fire Marshal relating to inflammable articles shall be guilty of a misdemeanor.

Constitutionality

SEC. 9. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act, irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Urgency

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

It has been ascertained that a few types of articles are of a highly inflammable nature. Most California manufacturers and sellers of articles have not the facilities to determine whether such articles are highly inflammable, and the result of such uncertainty is that in some instances highly inflammable articles will remain where they are dangerous to life and property while in other instances manufacture or sale of useful and safe articles will be discontinued by California firms and may even be destroyed. It is necessary that the State Fire Marshal immediately be given the regulatory powers granted by this act in order that he may prescribe general and uniform regulations which will reduce the risk of fire and hazard of injury to persons and property and at the same time prevent serious and unnecessary economic injury to many California citizens.

CHAPTER 729

An act to amend Sections 8161, 8821.1, 9034.1, 16276, 16277, and 18058 of the Education Code, all relating to the Public School System.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 8161 of said code is amended to read:

Maintaining
schools and
classes

8161. The governing board of a school district may, in its discretion, maintain schools and classes on any days other than Sunday, the twenty-fifth day of December, the first day of January, the fourth day of July, and any day appointed by the President of the United States of America or of the Governor of this State for a public thanksgiving.

This section shall remain in effect until the ninety-first day Duration after final adjournment of the Fifty-seventh Regular Session of the Legislature, or until the close of the school year in which there is the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section, and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 2. Section 8821.1 of said code is amended to read:

8821.1. The board of a unified school district may permit Qualifica-
tions of
junior
college pupils a high school pupil who has attained the age of 17 years and who has not completed his last year of high school and who lacks sufficient credits for graduation to attend a junior college and, in addition to courses leading to high school graduation, take junior college courses and receive credit for the courses he completes.

The principal of a junior college may admit such high school pupils.

This act shall remain in effect until the ninety-first day after Duration final adjournment of the Fifty-seventh Regular Session of the Legislature or until the close of the school year in which there is the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 3. Section 9034.1 of said code is amended to read:

9034.1. The Governor may issue a permit authorizing Hours of
instruction the governing board of a school district to maintain continuation education classes between hours other than those set forth in this article.

An application for such a permit shall be filed with the Superintendent of Public Instruction by the governing board of any district desiring such permit. The Superintendent of Public Instruction shall within 15 days after the filing of the application, recommend to the Governor the issuance or denial of such permit. If he recommends the issuance of such a permit, he shall incorporate the terms and conditions upon which it is recommended that the permit be issued. After receipt of the recommendation from the Superintendent of Public Instruction, the Governor shall within five days either issue or deny the permit requested. If a permit is issued, the Governor shall specify therein the terms and conditions fixed by him upon which the permit is granted.

The Governor may at any time revoke, suspend or modify such permit. Upon proof being made that the terms and conditions of any such permit have been violated, the Superintendent of Public Instruction may recommend to the Governor that the permit be suspended, modified or revoked.

Duration

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the close of the school year in which there is the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this act and after this section is no longer effective shall have the same force as though this act had not been enacted.

SEC. 4. Section 16276 of said code is amended to read:

Leasing of
buses by
school
district

16276. The governing board of a school district may without complying with any other provision of law lease buses owned by, or under lease to, the district to any common carrier or to any other type of carrier for the transportation of persons employed by, or in the military service of, the United States of America and persons engaged in agriculture or other war industries upon such terms and conditions as the governing board of the district may prescribe except that such terms and conditions shall provide for the payment to the district by the lessee of an amount which shall not be less and may be more than sufficient to reimburse the district for all expense arising from, caused by, or incident to, such lease.

No bus shall be leased by the governing board of a school district under this section if by such lease pupils of the district will be deprived of necessary transportation to and from their homes and school.

The lease of a bus by a district under the conditions herein set forth shall not operate to make the district liable under any law now in effect, or hereafter enacted, for the payment of any fee, license, tax, or charge of any kind on account of such bus for which such district would not be liable if such bus had not been so leased.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature, or until the close of the school year in which there is the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 5. Section 16277 of said code is amended to read:

Transporta-
tion of
persons in
military
service or
essential
industry

16277. The governing board of a school district may operate any bus owned or under lease to the district for the transportation of persons employed by, or in the military service of, the United States of America and persons engaged in agriculture or other war industries and may require persons transported to pay a reasonable charge for transportation furnished

Any such operation maintained for other than pupils of the public schools shall, if maintained on a fixed schedule

between fixed termini for a period in excess of one week, be subject to such regulations as the State Railroad Commission may prescribe. Such operation of a bus shall not make the district a common carrier nor make the district liable under any law now in effect, or hereafter enacted, for the payment of any fee, license, tax, or charge of any kind on account of such bus for which such district would not be liable if such bus had not been so used.

Nothing in this section shall relieve a school district of any liability now imposed upon it by law and the governing board of a school district operating a bus under this section shall insure the liability of the district, other than that imposed by Division 4 of the Labor Code in any insurance company authorized to do business in California. Liability of district

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature, or until the close of the school year in which there is the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Duration

SEC. 6. Section 18058 of said code is amended to read:

18058. Any and all supplies, materials or equipment to be used in classes authorized under any program sponsored, approved or directed by the State Department of Education or the State Board of Education, in connection with any National emergency training instruction given by any school district of any type or class, may be purchased by such district in accordance with rules and regulations for such purchase adopted by the governing board of said district notwithstanding any provisions of this code in conflict with such rules and regulations. Supplies for National emergency training

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the close of the school year in which there is the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Duration

CHAPTER 730

An act to add Section 114.5 to the Welfare and Institutions Code, relating to the rules and regulations of the State Department of Social Welfare.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 114.5 is added to the Welfare and Institutions Code, to read:

Publishing
rules and
regulations

114.5. The department shall cause to be published and made available for sale to the public at the cost of publishing all of its rules and regulations relating to:

(a) The government of the department.

(b) Any form of public assistance for which State aid is granted to the counties of the State, and over the administration of which the department has supervision, including aid to the aged, aid to needy children, aid to the needy blind, and aid to partially self-supporting blind residents.

The department shall also provide at cost such subscription service as may be necessary to assure to purchasers of the printed rules and regulations prompt receipt of all additions and amendments to the rules and regulations of the department.

CHAPTER 731

An act to amend Sections 2160, 2160.7, and 2163 of the Welfare and Institutions Code, relating to aid to the aged, revising the provisions for payments to and in respect to persons in public institutions, and modifying the personal property qualification for such aid.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 2160 of the Welfare and Institutions Code is amended to read:

Persons
eligible
for aid

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the Federal Government shall provide or make available to this State grants in aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the

descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who is a citizen of the United States;

(c) Who possesses either of the following residence qualifications: Residence qualifications

(1) Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has so resided for a period of 40 years at least five of which have immediately preceded this application;

(2) During such time as grants in aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application;

(d) Who resides in the county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application; any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by the State until the first day of the first month beginning after the date upon which he gains such county residence, unless the day upon which he gains county residence is the first day of the month in which event the county shall assume its share of the costs thereon;

(e) Who is not, at the time of receiving such aid an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding two calendar months in duration. Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of application. The applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate. Persons who are inmates of a boarding home or other institution not supported in whole or in part by public funds shall be granted aid but no such aid shall be granted if such persons are cared for under a contract for a period of time exceeding one month;

(f) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this

State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

SEC. 2. Section 2160.7 of said code is amended to read:

Aid to
counties

2160.7. Notwithstanding any provision of subdivision (e) of Section 2160, for each person, who is receiving assistance under this chapter on the date he enters a county institution for medical, hospital, or infirmary care at county expense, the State, during the period following the first two calendar months of such confinement, shall pay to the county the State's share of the assistance such person was receiving under this chapter at the time of his entrance. Nothing in this section shall prohibit a person from receiving his assistance during the first two calendar months of his confinement, or after his release from the county institution.

SEC. 3. Section 2163 of said code is amended to read:

Limitations.
Personal
property

2163. No aid under this chapter shall be granted or paid to any person who owns personal property the value of which, less all encumbrances of record, exceeds six hundred dollars (\$600).

Insurance
policies

The term personal property shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars (\$1,000). No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

CHAPTER 732

An act to add Section 13843 to the Education Code, relating to the payment of salaries of employees of school districts.

In effect
September
15, 1945

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 13843 is added to the Education Code, to read:

Employee of
two districts

13843. Whenever a person is employed by two or more districts under the jurisdiction of a single county superintendent of schools, the governing boards of the districts may authorize,

in writing, the county superintendent of schools to act as their agent in the payment of the salaries due such person from the districts. If such authorization is given, the county superintendent of schools may draw a warrant on the unapportioned county elementary school fund in payment of the total salaries due such person and shall immediately draw requisitions in favor of the unapportioned county elementary school fund against the proper funds of each district for the amount paid by him to such person on account of such district.

CHAPTER 733

An act to add Section 1060.1 to the Probate Code, relating to deposit of money or property with the county treasurer.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1060.1 is added to the Probate Code, to read:

1060.1. Whenever any money or property is deposited or already on deposit with the county treasurer the executor or administrator shall furnish the county treasurer with a certified copy of the decree of distribution.

Money de-
posited with
treasurer

CHAPTER 734

An act to amend Section 1027 of the Probate Code, relating to the distribution of estates and notice to the State Controller.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1027 of the Probate Code is amended to read:

1027. Executors or administrators, public or otherwise, must apply for distribution of an estate at the time of filing a final account. Notice of such application must be given in the manner provided in Section 1200 of the Probate Code. If the court, at the time set for the hearing of the final account, or such time thereafter to which the matter may be continued, does not distribute the entire balance of the estate remaining for distribution to known heirs, devisees or legatees entitled to succeed thereto, it must distribute to the State of California

Application
for distri-
bution

Distribution
to the State

that portion of such estate not distributed to such known heirs, devisees or legatees.

Notice

Whenever it appears that the estate or any portion thereof is to be distributed to the State of California because there are no known heirs or that the estate or any portion thereof is to be distributed to heirs, devisees or legatees whose whereabouts are unknown, the executor or administrator must so notify the State Controller in writing, which notice shall be served personally or by mail, at least 30 days before the application for distribution.

Title to property

If the court distributes the estate or any portion thereof to the State of California, and the distributing clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such distribution shall vest in the State of California both legal and equitable title to the property so distributed; saving, however, the right of claimants to appear and claim the estate or any portion thereof, as in this section provided.

Delivery to State

Upon the rendition of a decree of distribution, any money distributed to the State of California and not held on deposit in a county treasury at the time the distribution is made by the court shall forthwith be delivered to the State Treasurer by the executor or administrator, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State treasury.

A certified copy of the decree of distribution and of any court orders amending the same must be delivered to the State Controller by the executor or administrator at the time of making any remittance in connection with an estate.

No deposit of property in an estate shall be made in the county treasury by any executor or administrator, public or otherwise, if the estate has previously been distributed to the State of California pursuant to this section, but such estate shall be transmitted forthwith to the State Treasurer or State Controller as provided in this section.

Deposits in county treasury

If the money or other personal property belonging to an estate has been deposited in the county treasury prior to the date of distribution to the State of California, upon the rendition of the decree of distribution, any money so distributed shall forthwith be delivered to the State Treasurer by the county treasurer, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State treasury. A certified copy of the decree of distribution and of any court orders amending the same, shall be delivered to the State Controller by the county treasurer at the time of making any remittance in connection with an estate as provided in this section.

Claims against estate

The property so distributed shall be held by the State Treasurer for a period of five years from the date of the decree making such distribution, within which time any person may appear in the Superior Court for the County of Sacramento and claim the estate or any part thereof. Rights of nonresident aliens

shall be governed by the provisions of Section 1026 of this code. Such court shall have full and exclusive jurisdiction to determine the title to said property and all claims thereto.

Any person who does not appear and claim, as herein ^{Escheat} required, shall be forever barred, and such property, or so much thereof as is not claimed, shall vest absolutely in the State.

CHAPTER 735

An act to add Section 1274bb to the Code of Civil Procedure, relating to the escheat of property paid or deposited in Federal courts.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1274bb is hereby added to the Code of Civil Procedure, to read:

1274bb. All money or other property which shall have been, or shall hereafter be, paid into or deposited in the custody of, or be under the control of, any court of the United States in and for any district within the State, or shall have been or hereafter shall be in the custody of any depository, registry, clerk, or other officer of such court, and the rightful owner or owners thereof either (a) shall have been or shall be unknown for a period of 10 consecutive years; or (b) shall have died or shall die without having disposed thereof, and without having left or without leaving a will disposing thereof, and without having left or without leaving heirs, devisees, or legatees; or (c) shall have abandoned or shall abandon such funds or property, are declared to have escheated or to escheat, together with all interest accrued thereon, to and to have become or to become the property of the State. ^{Deposits with Federal courts - Escheat}

In any proceeding authorized by this section if it shall appear ^{Presumption} from the records of the court of the United States that the rightful owner or owners of money or property which has been or shall hereafter be deposited in the custody or be under the control of, such court, or in the custody of its depository, registry, clerk, or other officer have not made claim thereto for a period of 10 successive years, it shall be presumed for all purposes of this section that such rightful owner or owners are, and during such period have been, unknown, and that they have died without having disposed thereof, and without having left a will, and without having left any heirs, next-of-kin, or distributees, and that such property has been abandoned. In a case where the rightful owners of such money or property was a corporation it shall also be presumed for purposes of this section that the corporation is dissolved and no longer in existence, and its charter forfeited, and all the foregoing presumptions set forth

in this section shall be made with respect to the rightful owners or claimants to the assets of such corporation, including its stockholders and creditors. Any or all of the foregoing several presumptions may be rebutted by competent evidence to the contrary.

Proceedings
by Attorney
General

Whenever it shall appear that there exists or may exist escheated property under this section, the Attorney General may at any time commence proceedings under Section 1268 of this code to have it established that such property has escheated to the State. In such proceeding a copy of the petition and order shall be served upon the clerk of the court into which or into whose registry the fund or property has been paid or deposited or which has control or custody thereof, or which has jurisdiction to make orders for the payment of such money to the rightful owners thereof, together with a notice that no personal claim is made against him, and also upon the United States attorney for the district in which such court is located. This section does not authorize a judgment to require such courts, officers, agents, depositories, registries, or clerks to pay or surrender funds or property to this State.

The Attorney General shall take appropriate action, by obtaining an order of the court of the United States, or otherwise, to collect and receive such funds or property.

CHAPTER 736

An act to amend Section 2182 of the Welfare and Institutions Code, relating to aid to the aged.

In effect
September
15, 1945

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 2182 of the Welfare and Institutions Code is amended to read:

Appeal

2182. If any applicant or recipient is dissatisfied with the action of the board of supervisors, without the necessity of the filing of a claim with the board of supervisors he shall, upon filing a petition with the State Department of Social Welfare, have the right of appeal and shall be accorded an opportunity for a fair hearing. The Social Welfare Department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. At such hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel.

Hearing

Decision

The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The county board of supervisors shall then pay to such aged person, without the necessity of his establishing a

present need, the sum awarded, if any, by the State Social Welfare Board, the payments, if awarded, to commence from the date the applicant was first entitled thereto.

Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in no event shall the aid commence prior to the date of application. Payments

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or an order of the State Department of Social Welfare, or until the condition because of which his application was rejected has been eliminated. Rejected applications

If the applicant or recipient feels himself aggrieved by any decision of the State Social Welfare Board, he may file with the superior court of the county in which he resides, a petition, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, is a distinct and cumulative remedy. The State Social Welfare Board shall be the sole respondent in such proceedings. Review by court

CHAPTER 737

An act to amend Section 4288 of the Political Code, relating to the payment of the salary of the county assessor.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 4288 of the Political Code is amended to read:

4288. The salaries of such officers named in this title and all deputies, clerks and employees of the several counties of the State as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first day of each and every month, to draw his warrant upon the treasurer in favor of each of said officers and deputies, clerks and employees for the amount of salary due him under the provisions of this title for the preceding month. The treasurer shall pay said warrants on presentation, out of the salary fund of the county treasury; provided, that in counties of the first class or in counties operating under a charter, the board of supervisors may, by ordinance, fix a date or schedule of dates for the payment of salaries of the officers, deputies, clerks and other employees of the several departments and institutions of the county government. The salaries of all county officers, deputies, clerks and employees, including the employees of the Time of payment of salaries of county officials and employees

several road districts, may, if the board of supervisors, by ordinance, so provides, be paid monthly out of the county treasury on warrants drawn by the auditor upon the treasurer in favor of each of said officers, deputies, clerks and employees.

CHAPTER 738

An act to amend Sections 3793.5, 3806, 3807.3, 3807.5, 3811 and 3812 of the Revenue and Taxation Code, relating to sales of tax-deeded properties.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 3793.5 of the Revenue and Taxation Code is amended to read:

Agreement
requiring
resale and
division of
proceeds

3793.5. The terms of any agreement under this chapter may include but are not limited to provisions for the pro rata division to all the taxing agencies entitled thereto, after deduction of the taxing agency's expenses of purchase and sale, of the proceeds of a sale of the property by the taxing agency. If provisions for the pro rata division of the proceeds of a sale of the property by the taxing agency are included in an agreement under this chapter, the agreement shall require the taxing agency to sell the property to a private purchaser within two years after the execution of the deed to the taxing agency, which period may be extended by resolution for a reasonable length of time by the board of supervisors.

In instances where the contracting taxing agency is one which collects its own taxes it shall be permitted to deduct its pro rata portion of the net proceeds of sale prior to the payment of such proceeds to the county for division among the other taxing agencies.

"Pro rata
division"

By "pro rata division" is meant the division of the net proceeds in the manner provided by Chapter 1, Part 8, Division 1 of this code.

SEC. 2. Section 3806 of the Revenue and Taxation Code is amended to read:

Effect of
tax deed

3806. Except as against actual fraud, the deed is conclusive evidence of compliance with this article and otherwise has the same effect as evidence and as a conveyance as a deed to a private purchaser after sale of tax-deeded property. When the property is sold under an agreement providing for the resale of the property and a pro rata division of the proceeds the deed given upon resale shall have the same effect.

SEC. 3. Section 3807.3 of the Revenue and Taxation Code is amended to read:

Report on
resale by
taxing
agency

3807.3. If the agreement contains provisions for the pro rata division of the proceeds of the sale of the property, upon

resale of the property the governing board of the taxing agency shall within 30 days transmit the net proceeds and report the following to the tax collector:

- (a) The name and address of the purchaser.
- (b) The date of sale and, if executed, of the deed to the purchaser.
- (c) The amount for which the property was sold and the amount of the deductible expenses.

(d) The description of the property conveyed.

SEC. 4. Section 3807.5 of the Revenue and Taxation Code is amended to read:

3807.5. If the agreement contained provisions for the pro rata division of the proceeds of a sale of the property, and the property is not sold by the taxing agency within two years after the execution of the deed, and not within any extension of such period approved by the board of supervisors, the taxing agency shall execute a deed to the State reconveying to the State all the right, title and interest of the State in the property which such taxing agency obtained by the deed of the tax collector under the provisions of this chapter. Such deed shall be delivered to the county tax collector. Thereafter, such property shall be held as tax-deeded property by the State but the privilege of redemption is not thereby restored.

Reconvey-
ance to the
State

The Controller shall provide uniform blanks on which such reconveyances shall be made. There shall be the same number of duplicates as is required for deeds to the State for taxes, and the same procedure shall be followed in recording such deeds as is provided by law for the recording of deeds to the State for taxes.

SEC. 5. Section 3811 of the Revenue and Taxation Code is amended to read:

3811. On execution of the deed to the taxing agency and on receipt of a notice of resale of the property by the taxing agency the tax collector shall report the following within 10 days to the State Controller, assessor, redemption office, auditor and recorder:

Tax collec-
tor's report

- (a) The name of the purchaser.
- (b) The date of the deed to the taxing agency, or in the event of resale the date of the deed by the taxing agency.
- (c) The amount for which the property was sold or in the event of resale the net amount after deducting allowable expenses.
- (d) The description of the property conveyed.
- (e) The numbers and dates of certificate of sale to the State and of the deed to the State.

SEC. 6. Section 3812 of the Revenue and Taxation Code is amended to read:

3812. The recorder shall note the following on the margin of the certificate of sale to the State, if any, and on the margin of the deed to the State:

Notation by
recorder

- (a) The name of the purchaser.
- (b) The date of the deed to the purchaser.

CHAPTER 739

An act to amend Section 3808 of the Revenue and Taxation Code, relating to sales of tax-deeded property.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 3808 of the Revenue and Taxation Code is amended to read:

Payment to
property

3808. Any payment required by an agreement under this article shall be made to the county tax collector and shall be distributed under this division among the county and the revenue districts, the taxes of which were included in the amount for which the property was sold to the State, including any revenue district purchasing the property unless the agreement with such revenue district provides otherwise.

CHAPTER 740

An act to amend Sections 14722, 14726, 14736, and 14776 of the Education Code, relating to district and joint district retirement salary plans.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 14722 of the Education Code is amended to read:

Retirement
benefits

14722. The plan may provide that the retirement salary shall be a stipulated monthly sum, or that all benefits under the retirement feature of the plan shall be based upon the monthly salary for each year of future active service in the district earned by the employee up to the date of retirement and upon the average monthly salary earned by the teacher or other eligible employee during the year immediately preceding the adoption of the plan and the number of years of past active service of the employee in the district, and subject to such provisions as are made in the plan for minimum benefits. No employee with less than 15 years' service in the district prior to normal retirement age shall receive the benefit of the minimum. In no instance shall the retirement benefits be based upon or allowed for any amount of salary in excess of the sum of six thousand dollars (\$6,000) per annum.

SEC. 2. Section 14726 of said code is amended to read:

Retirement
qualifications

14726. Every district retirement plan shall provide that only those teachers and other employees who have served as teachers or employees of the district for at least 20 years of

service preceding retirement, and who have reached a minimum age specified in the district retirement plan, which shall not be less than 55 years, shall be entitled to a district retirement salary.

SEC. 3. Section 14736 of said code is amended to read:

14736. The governing board of a district establishing the retirement plan, shall provide for the administration of the funds and the payment of retirement salaries by a "district retirement board" to be composed of not less than three nor more than seven members. The governing board of the district shall be represented upon the retirement board, and the teachers and any other employees of the district subject to the plan shall be represented in proportion, as nearly as is practicable, to the respective numbers of teachers and other employees covered by the plan, by representatives chosen by the teachers and other employees by secret ballot. The county treasurer of the county in which the district establishing the plan is located, shall be ex officio a member of the district retirement board. The representatives of the governing board on the "district retirement board," if not members of the plan, shall be paid ten dollars (\$10) per meeting not to exceed one meeting per month. The compensation shall be a charge against the district retirement fund. All members of the retirement board shall serve for such terms as may be specified by the governing board in establishing the plan. The district retirement board shall have such further powers and duties as may be prescribed by the governing board of the district.

SEC. 4. Section 14776 of said code is amended to read:

14776. Every joint district retirement plan shall provide that only those teachers and other employees who have served as teachers or employees of the districts for at least 20 years of service immediately preceding retirement, and who have reached a minimum age specified in the joint district retirement plan, which shall not be less than 55 years, shall be entitled to a district retirement salary.

CHAPTER 741

An act to amend Section 7050 of the Elections Code, relating to ballots.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 7050 of the Elections Code is amended to read:

7050. At all elections, any ballot which is not marked as provided by law shall be void; but the ballot shall be preserved

and returned with the other ballots. Two or more impressions of the voting stamp in one voting square, or a cross (+) made partly within and partly without a voting square or space do not make the ballot void.

CHAPTER 742

An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 3212 of the Labor Code is amended to read:

Police and
firemen

"Injury"

3212. In the case of members of police or fire departments of cities, counties, cities and counties, districts or other public or municipal corporations or political subdivisions, whether such members are volunteer, partly paid, or fully paid, and in the case of active fire fighting members of the Division of Forestry of the State Department of Natural Resources, or of any county forestry or fire fighting department or unit, whether voluntary, fully paid, or partly paid, the term "injury" as used in this act includes hernia when any part of the hernia develops or manifests itself during a period while such member is in active service in such division, department or unit, and in the case of members of such fire departments, county forestry or fire fighting departments, and in the case of active fire fighting members of the Division of Forestry, the term "injury" includes pneumonia and heart trouble which develops or manifests itself during a period while such member is in the service of such department or unit. In the case of regular salaried county or city and county peace officers, the term "injury" also includes any hernia which manifests itself or develops during a period while the officer is in active service. The compensation which is awarded for such hernia, heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the workmen's compensation laws of this State.

Presumption

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of the employment unless there is evidence to the contrary.

CHAPTER 743

An act to add Sections 252.6 and 252.7 to the Health and Safety Code, relating to school audiometrists.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 252.6 is hereby added to the Health and Safety Code, to read:

252.6. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as may at the date of registration be prescribed by the said State board. School audiometrists

The school audiometrist shall give audiometer tests with instruments accepted by the Council on Physical Therapy of the American Medical Association. Subject to Section 16483 of the Education Code, and Section 252.5 of this code, such tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools for otologic examinations, and in official public health otological diagnostic clinics. Duties

SEC. 2. Section 252.7 is hereby added to the Health and Safety Code, to read:

252.7. The State Board of Public Health shall, subject to the provisions of Section 252.6, issue certificates of registration to school audiometrists. The said State board shall prescribe such qualifications as may be necessary for the testing of the hearing of school children. Certificates of registration

Candidates for registration who present evidence of satisfactory experience of at least two years in the testing of hearing of school children in public or parochial schools or other tax maintained institutions of this State, or who present evidence of having satisfactorily completed a course in audiometry in a recognized university, college or institute in this State, may be issued certificates of registration without further examination.

The said State board shall require a registration fee not to exceed three dollars (\$3). Fee

CHAPTER 744

An act to amend Section 18760 of the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 18760 of the Business and Professions Code is amended to read:

18760. Any contestant who participates in any sham or fake boxing contest or sparring or wrestling match shall be penalized. Sham or fake boxing contests, etc.

in the following manner: He may be permanently disqualified from further participation in any boxing contest or sparring or wrestling match held or given under this chapter, but he must be suspended by the commission for not less than 12 months from the date of such offense from further participation in any boxing contest or sparring or wrestling match held or given under this chapter.

CHAPTER 745

Stats 1943, p. 2155, amended. *An act to add Section 5.5 to an act entitled "An act providing for the taking of a census in cities, declaring the urgency thereof, to take effect immediately," approved May 18, 1943, relating to census of cities.*

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

New section

SECTION 1. Section 5.5 is added to the act cited in the title hereof, to read:

Determina-
tion of city
population

Sec. 5.5. For the purposes of Sections 73, 73a, 73b, and 142 of the Code of Civil Procedure and Section 4312 of the Political Code, any determination of population made by the United States Bureau of Census in any year other than that in which a decennial census is taken shall establish the population of any city. A copy of such determination of population shall be filed in the office of the Secretary of State, and thereupon shall be the official census of the city for the purposes of said sections.

CHAPTER 746

An act to amend Sections 375, 375.5, 376, 378 and 379 of, and to add Section 380 to the Fish and Game Code, relating to Federal acquisition of lands.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 375 of the Fish and Game Code is amended to read:

Acceptance
of Federal
act

375. The people of the State of California, through their legislative authority, accept the provisions and benefits of the act of Congress known as the "Migratory Bird Conservation Act," approved February 18, 1929. With the approval of the Fish and Game Commission of the State of California and the legislative body of each county, city, or city and county within which any part of the land is situate first had and obtained,

they consent to the acquisition by the United States by purchase, lease, gift or devise, of such areas of land, water, or land and water, within the State of California, as the United States or its properly constituted officers or agents may deem necessary for migratory bird reservations in carrying out the provisions of said act of Congress.

Consent to acquisition

SEC. 2. Section 375.5 of said code is amended to read :

375.5. The Legislature and the State reserve jurisdiction on and over the property acquired by the United States under the provisions of Section 375, the State's entire power of taxation including that of each State agency, county, city, city and county, political subdivision or public district of or in the State which may be imposed under the laws or authority of this State as soon as title thereto is acquired.

Power of taxation

SEC. 3. Section 376 of said code is amended to read :

376. This State reserves such full and complete jurisdiction and authority for the execution of civil process and criminal process over all such Federal migratory bird reservations and all persons within such reservations as are not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of Congress.

Civil and criminal process

SEC. 4. Section 378 of said code is amended to read :

378. This consent continues only so long as the property continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations as prescribed in this chapter, and used for the purposes for which it was acquired.

Period consent continues

SEC. 5. Section 379 of said code is amended to read :

379. With the approval of the Fish and Game Commission of the State of California first had and obtained, the people of the State of California, through their legislative authority, also consent to the declaration, withdrawal or determination of any part of any National forest or power site, and do further consent to the condemnation of any lands lying and being below an elevation known and described as minus 230 foot elevation below sea level, as a migratory bird reservation under the provisions of said act of Congress.

Consent Condemnation for reservations

SEC. 6. Section 380 is added to said code, to read :

380. The president of the Fish and Game Commission may be a member ex officio of the Migratory Bird Conservation Commission created by said act of Congress.

Migratory Bird Conservation Commission

CHAPTER 747

An act to add Article 9, consisting of Sections 240 to 243, inclusive, to Chapter 1 of Division 2 of the Fish and Game Code, relating to taking of deer with bow and arrow.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Article 9 is added to Chapter 1 of Division 2 of the Fish and Game Code, to read:

Article 9. Taking of Deer with Bow and Arrow

Deer season:
Bow and
arrow

240. In every district in which deer may lawfully be taken a special season is hereby established for the taking of deer with bow and arrow. Such season for each district shall be the 10-day period immediately preceding the open season on deer in that district.

Deer tags

241. Special deer tags shall be issued for use during such special season and no regular deer tags shall be issued to a person to whom such special tags are issued in the same year. Such special deer tags shall be issued for the same price and in the same manner as regular deer tags. A special license shall be issued to take deer pursuant to this article, the fee for which shall be three dollars (\$3) if issued to a resident and five dollars (\$5) if issued to a nonresident.

Limitations

242. A person holding such special license may take deer during such special season but shall not take or attempt to take deer in the following regular open season. No person taking deer pursuant to this article shall do so from an artificial blind nor when his clothing is camouflaged in an attempt to render himself invisible to animals.

Law ap-
plicable

243. Except as otherwise provided in this article the provisions of this code relating to deer shall be applicable to the taking of deer pursuant to this article.

CHAPTER 748

An act to amend Section 120 of the Agricultural Code, relating to nursery licensees.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

See also
Stats 1945,
Ch 900
Nursery
license

SECTION 1. Section 120 of the Agricultural Code is hereby amended to read:

120. It is unlawful to sell any nursery stock without first having obtained an annual license so to do from the director.

Such license for the fiscal year shall be issued to any person who sells plants at any place in the State upon receipt of payment of a minimum fee of ten dollars (\$10), to which shall be added ^{Fees} the sum of two dollars (\$2) for each branch salesyard, store or sales location owned and operated in the State as an additional fee, and the sum of fifty cents (\$0.50) for each acre or portion thereof after the first acre; provided, that in no case shall the fee for such acreage exceed fifteen dollars (\$15). The applicant shall further satisfy the director of his or its character and good faith in seeking to carry on the business of selling nursery stock.

The fees for the renewal of the annual license shall be paid between the first day of April and the first day of July of each year for the fiscal year beginning July 1st of such year. Failure to pay the renewal license fee prior to the eleventh day of July of each year, for the year ensuing, shall ipso facto work a forfeiture of the right to sell nursery stock. Any person who has been previously licensed to sell nursery stock and whose right to so sell has been forfeited shall not be issued a renewal license except upon written application to the department, accompanied by a sum equal to the regular license fee plus a restoration fee in an amount equal to the regular license fee; but no such restoration fee shall be required of any person whose application for renewal of license is accompanied by his affidavit that prior to the date of his application he has not sold any nursery stock during any part of the fiscal year for which he applies for renewal of license.

A person not regularly engaged in the nursery business, shall ^{Exception} not be required to pay the above-mentioned fee if his sales of plants amount to less than one hundred dollars (\$100) within any one fiscal year and if he has reported to the commissioner his intention to make such sales. All plants sold by him must be his own production, and sold for planting within the county where grown.

The license may be suspended or revoked or issuance refused ^{Revocation, etc.} when, after investigation and hearing, it is determined that the licensee or the applicant has wilfully refused to comply with the laws and regulations relative to nursery stock, or to any pest which might be carried by such nursery stock.

Retail florists and others who sell plants at retail for indoor ^{Florists} decorative purposes only are exempt as to such plants from the provisions of this section.

Persons who sell or ship seeds and who do not sell any other ^{Sale of seeds} kinds of nursery stock are exempt from the provisions of this section.

CHAPTER 749

An act to add Section 1503.3 to the Education Code, relating to the contracts between governing boards of elementary school districts for the education of pupils.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 1503.3 is added to the Education Code, to read:

Educating
pupils by
other
districts

1503.3. Whenever three-fourths of the electors residing in an elementary school district and having children attending in the schools of the district petition the governing board of the district so to do, the governing board of such district with the approval of all the members of the county board of education may provide for the education of all elementary school pupils in the district by another elementary school district subject to such terms and conditions as the governing boards of the two districts may agree upon.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 750

An act to amend Section 2969 of the Civil Code, relating to levy of attachments and executions on personal property.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 2969 of the Civil Code is amended to read:

Levy of
attachment
or execution
on mortgaged
property

2969. Within five days after the property is so taken, the officer must pay or tender to the mortgagee the amount of the mortgage debt and interest, or must deposit the amount thereof with the county clerk or treasurer, payable to the order of the mortgagee or release the property; provided, that if the mortgagee refuses to accept the pay or tender of the amount of the mortgaged debt and interest or if the mortgagee refuses to disclose the amount of the mortgage debt and interest, then the officer must attach the mortgaged personal property as if the same were free from said mortgage or encumbrance, and the

officer shall take the property, and in the case of an execution, sell it in the manner provided by law; and provided, however, that when an attachment or execution creditor presents to the officer a verified statement that the mortgage is void or invalid for reasons therein specified and delivers to the officer a good and sufficient undertaking in double the amount of the mortgage debt or double the value of the mortgaged property, the officer shall take the property, and, in the case of an execution, sell it in the manner provided by law.

The undertaking shall be made to both the officer and the mortgagee and shall indemnify them and each of them for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

CHAPTER 751

An act to amend Sections 362 and 362b of the Civil Code, relating to corporations.

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 362 of the Civil Code is amended to read:

362. Amendment of articles. By complying with the following provisions, a corporation may amend its articles for any or all of the following purposes: Amendment of corporate articles

(1) To adopt a new name, subject to the restrictions contained in Section 291 of the Civil Code;

(2) To change or add to its powers or purposes; or to set forth different or additional powers or purposes;

(3) To change the location of its principal office or place of business to any other county or city and county within the State; but no amendment need be made to change the principal office from one location to another in the same county or city and county;

(4) To change the authorized number of directors or to state the authorized number of directors as changed by amendment of the by-laws or other lawful proceeding, or to limit or forbid change thereof by the by-laws;

(5) To increase or decrease the authorized number of its shares of any class, issued or unissued, or the par value thereof; or to increase or decrease the authorized number of shares of any series, issued or unissued;

(6) To provide for the classification of its shares, or for the subdivision of any class or classes of shares into series, in which event there must be set forth a statement of the number of shares of each class or series and of the preferences, rights,

privileges and restrictions granted to or imposed upon the respective classes or series of shares and/or upon the holders thereof;

(7) To change the statement, as to shares issued or unissued, of the classification of shares and/or of the subdivision of any class of shares into series, and/or of the preferences, rights, privileges or restrictions of the shares of any class or series, or to repeal such statement of classification of shares, or of the subdivision of any class of shares into series;

(8) To authorize the board of directors, within limitations and restrictions stated in the amendment, to fix or alter, from time to time, the dividend rate, conversion rights, voting rights, the redemption price or the liquidation preferences of any wholly unissued class or of any wholly unissued series of any class of shares, or the number of shares constituting any unissued series of any class, or all or any of them;

(9) To change shares having par value into the same or a different number of shares without par value; to increase or reduce the par value of shares; to change shares without par value into the same or a different number of shares with or without any par value;

(10) To create classes of par value shares together with classes of shares without par value, or to create classes of shares of different par values, or to restrict, limit, create or enlarge the voting rights of certain classes of shares, or to grant to any class or classes of shares preemptive rights to subscribe for shares, or to enlarge or restrict or revoke existing preemptive rights of any class or classes of shares;

(11) To readopt and restore any provision of its articles which has been superseded or changed by any certificate, instrument or proceeding pursuant to law;

(12) Generally, to add to, omit from, remove or otherwise alter the provisions thereof in any respect consistent with the law under which the corporation exists or seeks to exist;

(13) Any corporation heretofore formed under Title 22, Part 4, Division 1, of this code may amend its articles of incorporation to provide that the voting power, property rights and interests of its members shall be equal or unequal, and if unequal, to set forth a general rule by which the voting power and property rights and interest of each member shall be determined and fixed.

No corporation shall amend its articles to alter the statements which appear in the original articles of the names and addresses of the first directors or of the number of shares subscribed and by whom.

No amendment changing the aggregate par value of par value shares or the number of shares without par value shall affect the stated capital of a corporation.

SEC. 2. Section 362b of the Civil Code is amended to read:
 362b. Certificate of amendment. Upon the adoption of any amendment to the articles a certificate stating the manner of its adoption shall be filed as follows: In case of an amendment

adopted by the incorporators the certificate shall state that the signers thereof constitute at least two-thirds of the incorporators and that they adopt the amendment therein set forth and in the case of a stock corporation that it has issued no shares and accepted no subscriptions therefor since the filing of its articles with the Secretary of State or in the case of a nonstock corporation that it has admitted no members other than the incorporators. The certificate shall be signed by at least two-thirds of the incorporators and shall be verified by the oath of each signer thereof.

In case of an amendment adopted by the shareholders or by the directors or by the board of directors and shareholders, the certificate shall be signed by the president or a vice president and the secretary or an assistant secretary and shall be verified by their oaths. The certificate shall set forth a copy of the resolution of the board of directors, if required, the time and place of the meeting of the shareholders and a copy of the resolution adopted thereat, if the vote or consent of the shareholders be required, and the total vote by which the amendment was approved or adopted, or, if the approval or adoption was by written consent, the number of shares or members consenting thereto and a copy of the form of written consent, and the total number of shares or members entitled to vote on or consent to the adoption of such amendment; provided, however, if the amendment be required to be adopted by the vote of different classes of shares, the certificate, in addition to the foregoing requirements, shall state the total number of outstanding shares of each class and the number of shares of each class consenting to or voting in favor of the resolution amending the articles; provided, further, that in case the holders of any class of shares or memberships are entitled to more or less than one vote per share or membership, the certificate shall state the total number of votes entitled to be cast or to be represented by written consents and the total number of votes cast in favor of the proposed amendment or represented by the written consents thereto.

The certificate shall be submitted to the Secretary of State, who shall file the same and put an indorsement of filing thereon if he find that it shows a compliance with the provisions of the law. Thereupon the articles of incorporation shall be deemed amended in accordance with such certificate and a copy of such certificate, certified by the Secretary of State, shall be prima facie evidence of the performance of the conditions necessary to the adoption of such amendment.

A copy of said certificate certified by the Secretary of State shall be filed with the county clerk of the county in which the principal office of the corporation is located and of every county in which the corporation holds real property.

CHAPTER 752

An act to amend Sections 8606, 8704, 8754, 8828, 8951, 8995 and 9151 of and to add Section 9154 to the Revenue and Taxation Code, relating to the definition of the term "person," the administration of the use fuel tax and refunds of the tax.

In effect
September
15, 1945

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 8606 of the Revenue and Taxation Code is amended to read:

"Person"

8606. "Person" includes any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, this State, any county, city and county, municipality, district, or other political subdivision thereof, or any other group or combination acting as a unit.

SEC. 2. Section 8704 of the Revenue and Taxation Code is amended to read:

Use fuel
permit
Revocation

8704. Whenever any user fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hearing, after giving the user at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his permit should not be revoked, may revoke the permit held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a new permit to a user whose permit has been revoked unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board.

SEC. 3. Section 8754 of the Revenue and Taxation Code is amended to read:

Extensions
of time for
reports and
payments

8754. The board for good cause may extend for not to exceed 15 days the time for making any report or paying any tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any user to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 per cent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 4. Section 8828 of the Revenue and Taxation Code is amended to read:

Petition for
redetermina-
tion

8828. The user against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 5 of this chapter. He shall, however, file the petition for redetermination with the board within 10 days after the service upon him of notice of the determination. The user shall at the time of filing the petition for redetermination

deposit with the board such security as it may deem necessary to insure compliance with this part. The security may be sold by the board in the manner prescribed by Section 8951.

SEC. 5. Section 8951 of the Revenue and Taxation Code is amended to read:

8951. The board, whenever it deems it necessary to insure compliance with this part or any rule or regulation adopted under this part, may require any user to deposit with it such security as it may determine. The board may sell the security at public sale if it becomes necessary so to do in order to recover any amount due under this part. Notice of the sale may be served upon the person who deposited the security personally or by mail in the manner prescribed for service of notice of a deficiency determination. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board at private sale at a price not lower than the prevailing market price thereof. Upon any sale, any surplus above the amount due shall be returned to the person who deposited the security.

SEC. 6. Section 8995 of the Revenue and Taxation Code is amended to read:

8995. The Department of Motor Vehicles may transfer the registered ownership of any motor vehicle using fuel taxable under this part only after a certificate of excise tax clearance has been issued by the board. The certificate may be issued after the payment of all amounts due under this part, according to the records of the board as of the date of the certificate, or after the payment of the amounts is secured to the satisfaction of the board.

SEC. 7. Section 9151 of the Revenue and Taxation Code is amended to read:

9151. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid to the board. If the State Board of Control approves, the excess shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

SEC. 8. Section 9154 is added to the Revenue and Taxation Code, to read:

9154. In the case, however, of a determination by the board that an amount not exceeding twenty-five dollars (\$25) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may authorize the person to deduct the balance from any amounts to become due from him under this part.

CHAPTER 753

An act to amend Section 1018 of the Code of Civil Procedure, relating to service of process.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 1018 of the Code of Civil Procedure is amended to read:

Designation
of agent for
service of
process:
Foreign
corporations
and non-
residents

1018. (a) Every foreign corporation and nonresident individual who either incurs any liability to the State of California under any tax law of the State or who is a guardian, receiver, or fiduciary of any individual, estate or trust, or corporation, or a member of a partnership, incurring any such liability, shall file with the Secretary of State a designation of a natural person, stating his residence or business address in this State, as its or his agent for the purpose of service of process in any action to enforce such liability in the courts of this State, and the delivery to such agent of a copy of any process in any such action shall constitute valid service on such foreign corporation, nonresident, individual, fiduciary or partner. A copy of such designation, certified by the Secretary of State, is sufficient evidence of the appointment of such agent for service of process. Such foreign corporation or nonresident individual shall file with the Secretary of State notice of any change of address of the person thus designated, and may revoke any such designation by filing notice of the revocation thereof with the Secretary of State.

Absent
residents

(b) Every resident individual who incurs any liability to the State of California under any tax law of the State or who is a guardian, receiver, or fiduciary of any individual, estate or trust, or corporation, or member of a partnership, incurring any such liability, who hereafter leaves the State for a period of longer than one year, or is hereafter absent from the State for a period longer than one year, and who is or was a resident at the time of leaving the State, shall file with the Secretary of State a designation of a natural person, stating his residence or business address in this State, as its or his agent for the purpose of service of process in any action to enforce such liability in the courts of this State, and the delivery to such agent of a copy of any process in any such action shall constitute valid service on such individual. A copy of such designation, certified by the Secretary of State, is sufficient evidence of the appointment of such agent for service of process. Such individual shall file with the Secretary of State notice of any change of address of the person thus designated, and may revoke any such designation by filing notice of the revocation thereof with the Secretary of State.

(c) In the event that no agent designated in accordance with the provisions of this section can be found with due diligence at the address given, or if the agent so designated be no longer authorized to act, or if no person has been designated, and if personal service of process upon the corporation or individual within this State can not be made with the exercise of due diligence, then service shall be made by delivery of the process to the Secretary of State or to an assistant or deputy secretary of State, and such service shall be a sufficient service on said corporation or individual subject to compliance with subsection (d) hereof. The making and filing of an affidavit or affidavits in the action or proceeding showing what effort was made or action taken to comply with the above requirements of due diligence and the making of an order of the court in which said action or proceeding is pending finding that due diligence has been exercised and directing service of summons as herein provided, shall be sufficient proof of the fact of such exercise of due diligence.

When agent
can not be
found:
Service on
Secretary
of State

Affidavit

(d) In the event of service of process under subsection (c) hereof, there shall be delivered to the Secretary of State by the attorney representing the State a statement of the address of the corporation or individual to which or to whom notice, and a copy of the summons and complaint, shall be sent. Upon the receipt of such summons and complaint the Secretary of State forthwith shall give notice to the corporation or individual by telegraph, charges prepaid, to the address given in the statement delivered to the Secretary of State at the time of such service, of the service of the summons and complaint and shall forward to such corporation or individual by registered mail, a copy of such summons and complaint. Personal service of such notice and a copy of such summons and complaint upon the corporation or individual wherever found outside this State shall be the equivalent of said mailing.

Delivery of
summons and
complaint

Notice

(e) Proof of compliance with subsection (d) hereof shall be made in the event of service by mail by certificate of the Secretary of State, under his official seal, showing said mailing, together with the defendant's return receipt. Such certificate and receipt shall be appended to the original summons which shall be filed with the court from out of which such summons issued within such time as the court may allow for the return of such summons. In the event of personal service outside this State such compliance may be proved by the return of any duly constituted public officer, qualified to serve like process of and in the State or jurisdiction where the defendant is found, showing such service to have been made. Such return shall be appended to the original summons which shall be filed as aforesaid.

Proof of
compliance

(f) Service made under this section shall have the same legal force and validity as if service had been made personally in this State.

Effect of
service

Continuances (g) The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

Record (h) The Secretary of State shall keep a record of all process served upon him and shall record therein the time of such service and his action in respect thereto.

Constitutionality (i) If any clause, sentence, paragraph, or part of this section shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

CHAPTER 754

An act to add Section 2848 to the Elections Code, relating to change of residence by county central committeeman.

In effect September 15, 1945 [Approved by Governor June 8, 1945 Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 2848 is added to the Elections Code, to read:

County central committee member moving from district 2848. The removal of residence by an elected or appointed member of the county central committee from the Assembly district from which he has been elected or appointed a member of the county central committee shall constitute his or her automatic resignation from the county central committee.

CHAPTER 755

An act to add Article 9 to Chapter 1 of Division 5 of the Education Code, relating to instruction by correspondence in public schools.

In effect September 15, 1945 [Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Article 9 is added to Chapter 1 of Division 5 of the Education Code, to read:

Article 9. Instruction by Correspondence

Instruction by correspondence 10181. The governing board of a district maintaining one or more secondary schools may, subject to such rules and regulations as may be prescribed by the State Board of Educa-

tion and upon the authorization of the Superintendent of Public Instruction, provide pupils enrolled in the regular day schools of the district with instruction by correspondence provided by the University of California, or other university or college in California accredited for teacher training under this code, in subjects included within the courses of study offered in the school and which for good reason can not be given by the school, and pay the cost thereof. Such instruction when provided for a pupil must be a part of the regular course of study of such pupil.

CHAPTER 756

An act to amend Section 380.54 of the Agricultural Code, relating to horse, mule and burro slaughter and penalties.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 380.54 of the Agricultural Code is amended to read:

380.54. The director shall grant to every applicant who complies with the provisions of this article and the rules and regulations promulgated for its enforcement, a license to operate such establishment for the balance of the current calendar year. Said applicant shall pay to the director for such license a fee of twenty-five dollars (\$25) for each calendar year or any unexpired portion thereof. Such license shall be renewed on or before the first day of each succeeding year. Slaughtering
license fee

Any slaughterer who slaughters horses, mules or burros without a license and who thereafter applies for a license must pay twenty-five dollars (\$25) in addition to the regular fee and one dollar (\$1) per day for every day he has slaughtered horses, mules or burros without a license; provided, however, that any slaughterer who has had a previous license and continues to slaughter horses, mules or burros after the expiration of his license, and does obtain a new license within 30 days after such expiration, shall not be required to pay said penalty of twenty-five dollars (\$25) and said penalty of one dollar (\$1) for every day he has slaughtered horses, mules or burros without a license. Penalties

CHAPTER 757

An act to add Section 380.66 to the Agricultural Code, relating to estray and sale of estray horses, mules and burros.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 380.66 is added to the Agricultural Code, to read:

Proof of
ownership
of horses,
etc

380.66. Any horse, mule or burro found in the possession of any person who can not prove ownership by a brand certificate or a registered brand, which is registered to the persons in possession of such animal, or a bill of sale from the owner of the brand on said animal or giving a description of an unbranded horse, mule or burro listing breed, color and sex and who does not present proof of ownership satisfactory to the director within 30 days after the animal is found, said animal shall be seized by the director, declared an estray and sold in accordance with the provisions of this article; or any horse, mule or burro presented for inspection which is not claimed by consignor or consignee, for the purposes of this section, is hereby defined as an estray and it shall be unlawful for any person to refuse to turn over to the director any such estray, and upon refusal, the director shall have the right to seize said animal or animals.

Estray

Search for
owner

Any such estray shall be seized by the director who will search the brand record for brands and marks on branded animals to ascertain the owner of the animal. If the owner is found said animal shall, on reasonable proof, be turned over to the owner upon payment to the director of all reasonable expenses incurred in the handling of said animal. If the owner is not found, the director shall advertise for three successive weeks in a local paper in the vicinity where the animal was found, or in the locality in which the animal is known to have originated if such origin is known, giving brands and marks on branded animals, and for unbranded animals giving breed, weight, color and sex. If after 30 days from date of seizure no claim is made for the animal the director shall sell said animal at public sale, previously advertised as herein provided, or at private sale at a price not less than the appraised value as determined by a board of three cattlemen or three horsemen in the area, one to be named by the director, one by the person in possession of the animal and the third by the first two so named. The proceeds of the sale, less reasonable expenses for holding, advertising and sale, shall be held by the director in a special fund to be paid to any claimant who may appear within one year from date of sale and prove his ownership of the animal so sold, if, after the expiration of one year from date of such sale no claim is made and ownership established, said money

Sale

shall be paid to the State Treasurer and by him credited to the Department of Agriculture Fund to be expended in carrying out the provisions of this article.

CHAPTER 758

An act to amend Section 372.5 of the Agricultural Code, relating to stock killed or injured on railroad right of way.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 372.5 of the Agricultural Code is amended to read:

372.5. When any livestock is killed or knowingly injured upon the right of way of any railroad in this State, the owner or operator of the railroad equipment injuring or killing such livestock shall report the fact to the director within 45 days after the livestock is injured or killed, giving a description of the animal, the brands and marks, and the position of brands and marks, if any, thereon, and the location of the point of collision, listing the county, the nearest post-office address, and mile post.

Livestock
killed on
right of way
of railroad

CHAPTER 759

An act to amend Section 415 of the Agricultural Code, exempting bovine animals, horses, mules and burros.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 415 of the Agricultural Code is amended to read:

415. In such districts as shall hereafter elect to accept the provisions of this article, none of the provisions of any law of this State relative to or affecting estrays, except Section 369 and Section 380.66 of this code, shall thereafter apply, but elsewhere in the State they shall remain in full force and effect.

Districts
electing to
accept
provisions
concerning
estrays

CHAPTER 760

An act to amend Section 392 of the Agricultural Code, relating to estray procedure.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 392 of the Agricultural Code is amended to read:

Estray
procedure

392. Any person seizing an estray animal or animals shall confine the same in a secure place, and within five days file with the county recorder or county poundkeeper of the county in which said estray is found, and in the case of bovine animals, swine, horses, mules and burros, file with the Director of Agriculture, a notice containing a description of the animal or animals seized, the marks and brands, if any, the probable value of each animal, and a statement of the date and place where the same was seized and confined. The statement may contain a legal description of the place of confinement, and must contain the common name of the ranch upon which said place is located, together with its position relative to the nearest town, State highway, crossroads, schoolhouse or other well known local landmark. The county recorder or county poundkeeper shall receive for filing said notice the sum of fifty cents (\$0.50). If the value of said animal or animals together exceeds ten dollars (\$10), the notice must also be published in a paper of general circulation within the county at least once a week for three successive weeks stating the time at which the animal or animals will be sold, as provided in Section 396. If such lienholder knows the owner of said animal or the person having charge thereof, then, within five days after said animal is seized, he shall, in lieu of filing the notice, notify the owner of said animal, or the person having charge thereof, which notice shall contain the same information as required in a notice to be filed, and no charge shall be made for preparing and serving this notice.

CHAPTER 761

An act to amend Section 380.59 of the Agricultural Code, relating to horse, mule and burro hides.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 380.59 of the Agricultural Code is amended to read:

Hides

380.59. No person shall sell, give away, deliver, transport, buy, accept or receive the hide of any horse, mule or burro

unless such hide shall have been inspected and a brand inspection certificate issued or released by the director, subject to inspection en route or at destination. No person shall transport any sheep, unless such sheep are accompanied by a bill of lading showing the name of the owner of the sheep and the destination thereof.

CHAPTER 762

An act to amend Section 380.57 of the Agricultural Code, relating to horse, mule and burro slaughterer reports.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 380 57 of the Agricultural Code is amended to read:

380 57. Every licensed slaughterer of horses, mules or burros shall on or before the fifteenth of each calendar month, mail to the director a written report showing the total number of horses, mules or burros slaughtered during the preceding month, the number of each kind of animals and the dates on which slaughtered, California hide and brand inspection certificate number, date issued, name of brand inspector and place of inspection; provided however, that every licensed slaughterer who does not have daily brand inspection prior to slaughter and whose hides are not inspected during the month, shall on or before the fifteenth of each calendar month mail to the director a written report showing the number of horses, mules or burros slaughtered during the preceding month and showing in separate columns: the number of horses, mules or burros, the number slaughtered on each date; from whom purchased; the date of purchasing; and the brands on branded horses, mules or burros.

CHAPTER 763

An act to amend Section 402 of the Agricultural Code, requiring animals to be examined for brands prior to being offered for sale.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 402 of the Agricultural Code is amended to read:

402. No bovine animal, horse, mule or burro shall be sold under the provisions of the estray laws of this State, or of any

Sale of
estrays

of the subdivisions thereof, unless the person seizing the estray includes in his notice of seizure to the director a request that the director examine the animal or animals for marks and brands, said examination to be made prior to the time the animal is legally advertised in compliance with the provisions of this article. The director shall examine the animals for marks and brands, and in the case of branded animals, shall list all said marks and brands and cause a search to be made of the brand records on file in his office for the purpose of ascertaining ownership of such brands and marks as shown on the estray animal or animals. If he finds such brands and marks recorded on said files, he shall immediately by letter notify all persons who have such brands and marks recorded in the district. Any sale not in conformity with the provisions of this article shall be null and void.

CHAPTER 764

An act to amend Section 380.55 of the Agricultural Code, relating to inspection of horses, mules and burros.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 380.55 of the Agricultural Code is amended to read:

Slaughter
Inspection
and fees

380.55. The director shall inspect horses, mules or burros at the place of slaughter prior to slaughter, and a charge of ten cents (\$0.10) per head shall be made. Inspection of horses, mules or burros consists of the examination of the same for brands and, in the case of unbranded horses, mules or burros, for natural marks, and the issuance of a certificate showing said brands or natural marks. No certificate of inspection will be issued unless a bill of sale or other proof of ownership is exhibited at the time of inspection.

CHAPTER 765

An act to amend Section 1203 of the Penal Code, relating to granting of probation.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 1203 of the Penal Code is amended to read:

Summary de-
termination
of probation

1203. After the conviction by plea or verdict of guilty of a public offense in cases where discretion is conferred on the

court or any board or commission or other authority as to the extent of the punishment the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted; if probation is not denied, the court must immediately refer the matter to the probation officer to investigate and to report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment; the probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation and must accompany said report with his written recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted and the report and recommendations must be filed with the clerk of the court as a record in the case. At such time or times fixed by the court, the court must hear and determine such application and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. And if it shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the Board of Prison Directors; further provided, however, that probation shall not be granted to any defendant who shall have been convicted of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, attempt to commit murder, train wrecking, felonious assault with a deadly weapon, kidnapping, mayhem, escape from a State prison, conspiracy to commit any one or more of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has never been previously convicted of a felony in this State nor convicted in any other place of a public offense which would have been a felony if committed in this State, nor to any public official or peace officer of the State, county, city, city and county, or other political

Investigation
by probation
officer

Probation

Exceptions

subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion.

CHAPTER 766

Stats 1938,
Ex. Sess.,
p 9,
amended

An act to amend Section 8 of an act entitled "An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties, to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency," approved March 21, 1938, relating to the powers and duties of housing authorities and to the powers and duties of governing bodies of cities, cities and counties, and counties with respect thereto.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

Stats 1938,
p 9

SECTION 1. Section 8 of the act referred to in the title hereof is hereby amended to read as follows:

Housing
Authority
Powers

Sec. 8. Powers of Authority. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

Suits, etc

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the authority.

Operation of
projects, etc

(b) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; provided, that except in cases where there shall be in existence on the effective date hereof, contracts for financial assistance between a housing authority and the Federal Government, no low-rent housing

or slum-clearance project shall hereafter be developed, constructed, or owned by an authority except after consultation with the school district in which such project is located, and until the governing body of the city or county, as the case may be, in which it is proposed to develop, construct, or own the same, approves said project by resolution duly adopted.

(c) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this act or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the Federal Government may have attached to its financial aid of the project. Contracts

(d) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project and (subject to the limitations contained in this act) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure insurance or guarantees from the Federal Government of the payment of any debts or parts thereof (whether or not incurred by said authority) secured by mortgages on any property included in any of its housing projects. Leases, insurance, etc

(e) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled. Investments

(f) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the State or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing. Investigation of housing conditions

Hearings,
etc

(g) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the State or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(h) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the Legislature shall specifically so state.

CHAPTER 767

An act to amend Section 131.5 of the Civil Code, relating to interlocutory judgments of divorce.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 131.5 of the Civil Code is amended to read:

Entrv of
judgment
nunc pro
tunc

131.5. In cases in which the court has determined that a divorce ought to be granted, but by mistake, negligence or inadvertence, the interlocutory judgment has not been signed, filed or entered, the court may, in default cases on motion of either party, or on its own motion, and in contested cases, on motion of either party with notice to the other and a showing that no appeal is to be taken in the action or a motion for new trial made, cause the interlocutory judgment to be signed, dated, filed and entered therein as of the date when the same could have been signed, dated, filed and entered originally.

Upon the entry of such interlocutory judgment, the parties shall have the same rights to a final judgment that they would have had, had the interlocutory judgment been entered upon the date when it could have been entered originally.

CHAPTER 768

An act to amend Section 511.9 of the Vehicle Code, relating to prima facie speed limits near military and naval establishments or housing projects.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 511.9 of the Vehicle Code is amended to read:

511.9. Prima Facie Speed Limits. The prima facie speed limit of 25 miles per hour provided in Section 511 shall apply upon any portion of the highway within a distance of 1,000 feet of any entrance to, approach to, or intersection near any military or naval establishment or any housing project, where the authorities in charge of such highway deem necessary and signs have been erected as provided in Section 468 giving notice thereof. As used in this section "housing project" means any low-rent housing project administered by the United States Housing Authority or by any public or private housing agency authorized to engage in the development or administration of low-rent housing, war housing or slum clearance.

CHAPTER 769

An act to add Section 10270.97 to the Insurance Code, relating to selected group disability insurance.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 10270.97 is added to the Insurance Code, to read:

10270.97. Selected group disability insurance is that form of disability insurance conforming to the following conditions:

(a) Written under individual policies

(1) Issued to not less than five employees of the Federal or State Government, or of any Federal or State agency, political subdivision or district, or of any public, governmental, or municipal corporation, or of any unit, agency, or department thereof, or of any corporation, co-partnership or individual employer; or

(2) Issued to not less than 10 members of any association, which shall have been in existence for at least two years, having

a constitution and by-laws and formed in good faith for purposes other than that of obtaining insurance;

(3) For amounts of insurance based upon individual selection by the insured employee or member, as the case may be; and

(4) Maintained in force under an arrangement whereby the premiums on such policies are to be paid to the insurer either by means of pay roll deductions or periodically by the employer or association, as the case may be, or by some designated person acting on behalf of such employer or association.

(b) Notwithstanding the provisions of Section 10401 insurers may be permitted to file (for use in connection with selected group disability insurance), rate schedules that reflect a differential from the rates charged for identical policies issued on the individual basis, provided they do not make or permit any discrimination between selected groups.

CHAPTER 770

An act to add Sections 3473.1, 3473.2, and 3474.5 to, the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and providing for procedures and actions in relation thereto.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 3473.1 is added to the Welfare and Institutions Code, to read:

Court review:
Filing fee: 3473.1. No filing fee shall be required from an applicant for or recipient of aid under this chapter for the filing of a petition in the superior court for a review of the proceedings in his case.

Pleadings: Within ten (10) days after being served with notice of the filing of the petition, the State Department of Social Welfare shall cause to be filed with the clerk of the court the record of the proceedings in the case, and no further pleadings shall be required to bring the matter to issue.

Bond: No bond shall be required in the case of any petition for review, nor in any appeal therefrom.

Decision: If the decision of the court is in favor of the applicant for or recipient of aid, aid shall be paid from the first of the month following date of application therefor, and the applicant or recipient shall be entitled to reasonable attorney's fees and costs.

SEC. 2. Section 3473.2 is added to said code, to read:

Notice of decision: 3473.2. The board shall immediately notify the applicant in writing of its decision, and that he may, upon application to the board within 30 days, appear before the board at a time to be

fixed by the board, and show cause why the action of the board is not satisfactory. The hearing shall be held within 30 days from the time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering its previous action shall be rendered within 15 days after the hearing.

The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the State Social Welfare Board, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the State Social Welfare Board until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the State Social Welfare Board. An applicant who does not apply for hearing before the board of supervisors may appeal directly to the State Social Welfare Board as provided in Section 3086.

SEC. 3. Section 3474.5 is added to said code, to read:

3474.5. If any applicant or recipient is dissatisfied with the action of the board of supervisors, without the necessity of the filing of a claim with the board of supervisors, he shall, upon filing a petition with the State Department of Social Welfare, have the right of appeal and shall be accorded an opportunity for a fair hearing. The Social Welfare Department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. At such hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel.

The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The county board of supervisors shall then pay to such blind person the sum awarded without such blind person establishing a present need, if any, by the State Social Welfare Board, the payments, if awarded, to commence from the date the applicant was first entitled thereto.

Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in no event shall the aid commence prior to the date of application.

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or an order of the State Department of Social Welfare, or until the condition because of which his application was rejected has been eliminated.

If the applicant or recipient feels himself aggrieved by any decision of the State Social Welfare Board, he may file with the superior court of the county in which he resides, a petition, pray-

ing for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review is a distinct and cumulative remedy. The State Social Welfare Board shall be the sole respondent in such proceedings.

CHAPTER 771

An act to amend Section 713 of the Vehicle Code, relating to the use of streets by vehicles.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

SECTION 1. Section 713 of the Vehicle Code is amended to read:

When cities
may reduce
weight limits

713. When Cities May Reduce Weight Limits. (a) Any incorporated city, or city and county may by ordinance prohibit the use of a street to be described in said ordinance by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit to be specified in the ordinance, except with respect to any vehicle which is subject to the provisions of Section 50½ of the Public Utilities Act.

Stats 1915,
p 115
Limitations

(b) No such ordinance shall be effective until appropriate signs are erected indicating either those streets affected by such ordinance or those streets not so affected as such local authority may determine will best serve to give notice of such ordinance.

(c) Except as permitted in this section, no city, or city and county shall have any authority to impose limitations upon the weight of vehicles and loads less than those set forth in this code.

(d) This section shall have no application to highways in the State Highway System.

(e) No ordinance adopted pursuant to this section shall prohibit any commercial vehicle from using any street by direct route to or from a street the use of which is not restricted, for the purpose of delivering or loading for transportation goods, wares or merchandise.

CHAPTER 772

An act to amend Section 714 of the Vehicle Code, relating to limitation upon the weight of vehicles.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 714 of the Vehicle Code is amended to read:

714. When Supervisors May Reduce Weight Limits. When supervisors may reduce weight limits
(a) Boards of supervisors in their respective counties may by ordinance reduce the permissible weight of vehicles and loads upon unimproved county highways or upon county bridges.

(b) Boards of supervisors may also by ordinance reduce the permissible weight of vehicles and loads upon improved county highways, subject to the limitations hereinafter set forth. For the purposes of this section, an improved county highway means a highway paved with cement concrete or asphaltic concrete, or a highway with a roadway of hard surface not less than four inches thick made up of a mixture of rock, sand or gravel bound together by an artificial binder other than natural soil.

Said boards of supervisors may by ordinance reduce the permissible weights upon those improved highways only which by reason of deterioration will be destroyed unless such weights are reduced but no such reduction shall extend for a period of more than 90 days unless actual repair of such highway is begun within such time and thereafter continuously carried on to completion.

In the event any person protests in writing to the clerk of such board of supervisors within 15 days after the adoption of an ordinance reducing the permissible gross weight upon an improved highway, then such reduction in weight shall not become final unless and until the State Department of Public Works after a hearing approves such action of said board of supervisors in such reduction. Said hearing shall be held in the county in which such highway is located within 25 days after a request therefor, and shall be conducted by one or more engineers of the department to be designated by the director of the department. The engineer or engineers shall hear all evidence presented and report its findings in writing to the director. The director shall, upon the basis of such findings, declare in writing the approval or disapproval of the reduction. Protests

(c) Whenever any weight limit different from those specified in this code is fixed in accordance with this section, the board of supervisors shall cause signs indicating the weight so fixed to be erected at all entrances to such highway upon which the permissible gross weight is altered. Signs

(d) No ordinance adopted pursuant to this section shall prohibit any commercial vehicle from using any county highway

by direct route to or from a State highway for the purpose of delivering or loading for transportation goods, wares, or merchandise.

CHAPTER 773

An act to amend Sections 89.5 and 89.6 of the Agricultural Code, relating to the power and duties of district agricultural associations, and the use of county fair property.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 89.5 of the Agricultural Code is amended to read:

Agricultural
associations
Use of prop-
erty for
labor camps.

89.5. In addition to the purposes and powers of district agricultural associations including associations described in Section 94 of this article as set forth in this article, each association, may use or permit the use of any property, real or personal, owned, managed, or controlled by it, for the purpose of agricultural labor camps or for military purposes during the calendar years 1943, 1944, 1945, 1946 and 1947. Each association may, with the approval of the Department of Finance, expend any moneys apportioned or otherwise available to it under this article in making necessary alterations, arrangements, or use of such property to accomplish this purpose and in maintaining these agricultural labor camps when established. Any income received by an association from the operation of agricultural labor camps or for use of such property for military purposes shall be retained by the association for its use for any of the purposes of the association. The Department of Finance may advance moneys in accordance with Section 92 to any association and any advancements may be expended for the purposes set forth in this section.

Sec. 2. Section 89.6 of the Agricultural Code is amended to read:

Expense of
alteration of
property

89.6. The board of supervisors of any county may use or permit the use of any property, real or personal, owned, managed, or controlled by the county for fair purposes, for the purpose of agricultural labor camps during the calendar years 1943, 1944, 1945, 1946 and 1947. Each county may, with the approval of the State Department of Finance, expend any moneys apportioned or otherwise available to it under this article in making necessary alterations, arrangements, or use of such property to accommodate this purpose and in maintaining these agricultural labor camps when established. Any income received by a county from the operation of agricultural labor camps may be used only to accommodate this purpose or

for fair purposes. The Department of Finance may advance moneys in accordance with Section 92 to any county and any advancements may be expended for the purposes set forth in this section.

CHAPTER 774

An act providing for the publication and distribution of a State Blue Book.

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. The State Printer is hereby authorized, with the approval of the Department of Finance, to compile or cause to be compiled, published and distributed a State Blue Book.

Such Blue Book shall be compiled following the adjournment of the Fifty-sixth Session of the Legislature and material therein pertaining to the Legislature shall be compiled under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly as pertaining to their respective houses.

SEC. 2. The volumes shall be distributed as follows: To each member of the Senate and to the Secretary thereof, 10 copies; to each member of the Assembly and to the Chief Clerk thereof, 10 copies; to the Governor, 25 copies; to the Secretary of State, the Controller, the Attorney General and the Treasurer each, 5 copies; to the director of each State department, 2 copies; to the State Library, 50 copies.

SEC. 3. All volumes, excepting those the distribution of which is provided for by Section 2 hereof shall be sold for such price as may be fixed by the Department of Finance.

CHAPTER 775

An act to amend Section 2450 and Section 2452 of the Business and Professions Code, relating to chiropody.

[Approved by Governor June 8, 1945 Filed with Secretary of State
June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 2450 of the Business and Professions Code is amended to read:

2450. To comply with the provisions of this chapter relating to the compilation, publication and sale of a directory, in addition to the fee required for the filing of any application and the

Chiropody
certificate.
Annual fee

issuance of any certificate, each person granted a certificate under the provisions of this chapter, or any preceding medical practice act, by the Board of Medical Examiners, shall pay an annual tax and registration fee to the secretary-treasurer on or before the first day of January of each year.

Failure to
pay fee

Provided further, each person holding a certificate to practice chiropody must, at the time of payment of the annual tax and registration fee for said certificate, submit together with the annual tax and registration fee, satisfactory evidence showing that the applicant has completed during the preceding year a minimum of 30 hours of professional educational work as approved by the board.

SEC. 2. Section 2452 of the Business and Professions Code is amended to read:

2452. The failure of any person holding a certificate to practice a system or mode of treating the sick or afflicted under this chapter or any preceding medical practice act, to pay the annual tax and registration fee during the time his certificate remains in force shall, ipso facto, work a forfeiture of his certificate after a period of 60 days from the first day of January of each year.

It shall not be restored except upon written application and the payment of the delinquent fee required by this chapter. But no examination shall be required for the reissuance of a certificate that was forfeited under the provisions of this section.

Provided further, any applicant holding a certificate to practice chiropody must show that he has complied with the provisions of Section 2450, but in lieu of showing a minimum of 30 hours of professional educational work each year during the period of forfeiture, he may show a total number of hours as will equal 30 hours each year for the entire period of forfeiture.

CHAPTER 776

An act to repeal Division 7 of the Agricultural Code, relating to acts repealed by said code.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

Repeal

SECTION 1. Division 7 of the Agricultural Code is repealed.

CHAPTER 777

An act to repeal Sections 4010, 4011, 4151, 4152, 4153, 4155, 4156, 4157, 4158, 4160, 4161, and 4162 of, and to add Sections 4010, 4011, 4012.5, 4151, 4152, 4153, 4155, 4156, 4157, 4160, 4161, 4162, 4164, 4165, 4166, 4167, and 4168 to, the Public Resources Code, relating to forestry.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Sections 4010, 4011, 4151, 4152, 4153, 4155, 4156, 4157, 4158, 4160, 4161, and 4162 of the Public Resources Code are repealed. Repeals

SEC. 2. Section 4010 is added to said code, to read:

4010. The State Forester or his duly authorized agent may summon any able-bodied male to assist in suppressing any forest fire and may authorize any duly authorized officer of the State of California, charged with the prevention and suppression of fire or the enforcement of the State fire laws, to summon any able-bodied man to assist in suppressing any forest fire within their respective jurisdictions; provided, however, that no able-bodied male engaged in the harvest of perishable agricultural crops shall be summoned to assist in suppressing any forest fire until all other available manpower has been exhausted within the respective jurisdiction of the officer issuing such summons, and provided further, that any members in good standing, of any regularly organized fire department shall not be summoned pursuant to the provisions of this section when they are available and subject to call for duty with their respective fire fighting units. Any person who fails to obey such summons is guilty of a violation of this article. Every person who in obedience to such summons assists in extinguishing any forest fire shall be compensated for services actually rendered at a wage rate determined by the Director of the Department of Natural Resources and approved by the Director of Finance for those fires which come under the jurisdiction of the Division of Forestry and at a rate established by the agencies having jurisdiction over those fires not coming under the jurisdiction of the Division of Forestry. Authority to
summon men
to fight
forest fires

SEC. 3. Section 4011 is added to said code, to read:

4011. The State Forester or the classes of the Division of Forestry employees who may be designated by the State Forester, and such voluntary firewardens as are especially designated by the State Forester, have the powers of peace officers to enforce the provisions of this act and to enforce provisions of all county and Federal fire laws and are not liable to civil action for trespass committed in the discharge of their duties. Penalty

SEC. 4. Section 4012.5 is added to said code, to read:

4012.5. Every person is guilty of a misdemeanor who, at the burning of a forest fire, does any of the following: Compensation

a. Disobeys the lawful orders of any public officer or fireman. Unlawful
acts

b. Offers any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the fire.

c. Engages in any disorderly conduct calculated to prevent the fire from being extinguished.

d. Forbids, prevents, or dissuades others from assisting to extinguish the fire.

e. Rides, drives, or propels any vehicle or conveyance upon, over, or across any fire hose or chemical hose used by or in charge of any public officer or fireman, or injure or damage in any manner any such hose or apparatus of any kind in use by or in charge of any public officer or fireman.

SEC. 5. Section 4151 is added to said code, to read :

Setting fires,
etc., during
dry season
without
permit

4151. No person shall set fire or cause fire to be set to any forest, brush, or other inflammable vegetation growing on lands not his own, without the permission of the owner, lessee, or agent of such land, or light, maintain, or use a camp fire upon any brush, grass or forest covered land which is the property of another, at any time between April 15th and December 1st of any year without first obtaining a written permit from the owner, lessee or agent thereof and the State Forester or his duly authorized agent; provided, however, that a written camp fire permit duly issued by or under the authority of the United States Forest Service shall be necessary for use on land under the jurisdiction and control of the United States Forest Service.

SEC. 6. Section 4152 is added to said code, to read :

Permitting
fire to escape

4152. No person shall wilfully or knowingly allow fire to burn uncontrolled on land owned or controlled by him, or to escape to the lands of any person other than that of the owner. Nor shall any person allow any fire kindled or attended by him to escape from his control or to spread to the land of any person other than from the land from which the fire originated.

SEC. 7. Section 4153 is added to said code to read :

Burning
brush, etc.,
during dry
season

4153. No person shall burn brush, stumps, logs, fallen timber, fallows, slash, or grass, brush, or forest covered land, or any other inflammable material, or blast with dynamite, powder, or other explosives, or set off fireworks of any kind in forest, fallows, grass, or brush covered land, either on his own land or the property of another between April 15th and December 1st of any year, nor during such other times of the year when unusual fire hazard conditions shall be declared to exist by proclamation by the Director of Natural Resources, unless such burning or use of explosives is done under a written permit from the State Forester or his duly authorized agent, and in strict accordance with the terms of this permit.

Written permission is not necessary to burn inflammable material in small heaps or piles, where the fire is set on a public road, in dooryard premises, corrals, gardens, or plowed fields, at a distance not less than 100 feet from any woodland, timber, or brush covered land, or land containing dry grass or other inflammable material, if there is at least one adult person in actual attendance and in charge of such fire at all times during

its burning. Any violations of the terms of a burning permit issued in accordance with the provisions of Section 4151, or of this section of the Public Resources Code, shall be prima facie evidence of noncompliance and shall render such permit null and void.

SEC. 8. Section 4155 is added to said code, to read:

4155. No person, copartnership, firm, corporation, or company shall use or operate, between April 15th and December 1st of any year, any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tar pots, or grinding devices from which a spark, fire, or flame may originate, located on or near any forest, brush or grass covered land, without first clearing away all inflammable material, including snags, from the area around such operation, which will reasonably insure against the starting or spreading of fire. The determination of the extent of clearance of inflammable material shall be made and established by the State Board of Forestry upon the recommendations of district forest practice committees which have or may be established by law and the recommendation of the State Forester.

Using motors, engines, etc., during dry season

SEC. 9. Section 4156 is added to said code, to read:

4156. No person, copartnership, firm, corporation, or company, shall use or operate between April 15th and December 1st of any year, any engine, machine, motor, or other motive power equipment in any industrial operation located on or near any forest or brush covered land, without providing and maintaining at all times, for fire fighting purposes only, a suitable box containing sufficient tools to equip 10 men for fire fighting; among which tools shall be included shovels, axes, and scraping tools, provided, however, that the provisions of this section shall not apply to internal combustion engines nor to steam or other locomotives being used in the business of a common carrier by railroad.

Same Fire fighting tools required

At any camp maintained for the residence of employees of any industrial, agricultural, or other operations on or near any forest or brush covered lands, there shall be provided and maintained at all times, in a specific location, for fire fighting purposes only, a sufficient supply of tools to equip 50 per cent of the able-bodied, male personnel, resident of such camp, for fighting fires.

SEC. 10. Section 4157 is added to said code, to read:

4157. No person, copartnership, firm, corporation or company, shall use or operate between April 15th and December 1st of any year, any steam operated engine, machine equipment, mill or industrial plant, located on or near forest or brush covered land, without providing one adequate force pump or water under pressure equivalent to a pump, and not less than 200 feet of hose not less than one inch in diameter for each steam operated engine or equipment. The pump or water pressure required in this section shall be capable of applying a minimum of 40 pounds pressure at the nozzle on 200 feet of hose, such nozzle to be one-fourth inch or larger in diameter.

Force pump or water under pressure, and hose

Where two steam operated engines or steam equipment are customarily operated within 100 feet of each other, only one engine or piece of equipment need be equipped with pump and hose; provided, however, that the provisions of this section shall not apply to internal combustion engines nor to steam or other locomotives being used in the business of a common carrier by railroad.

SEC. 11. Section 4160 is added to said code, to read :

Rendering
assistance
mandatory

4160. No person shall refuse or fail to render assistance in combating a forest, brush or grass fire at the summons of the State Forester, or his duly authorized agent charged with the prevention or suppression of fire or the enforcement of the State fire laws, or any county firewarden, fireman, or county officer charged with the duty of preventing or combating forest, brush, or grass fires, or any officer of a county fire protection district, unless prevented from so doing by sickness or physical disability.

SEC. 12. Section 4161 is added to said code, to read :

Penalty

4161. The wilful or negligent commission of any of the acts prohibited or the omission of any of the acts required by this article is a misdemeanor.

SEC. 13. Section 4162 is added to said code, to read :

Scope of
article

4162. The provisions of this article shall not apply to the setting of fire on lands within any municipal corporation.

SEC. 14. Section 4164 is added to said code, to read :

"Uncon-
trolled fire"

4164. The term "uncontrolled fire" as used in this section means any fire burning on lands covered wholly or in part by timber, brush, grass, grain, or any other inflammable material, which is not burning within the confines of cleared firebreaks or which is burning with such velocity that it could not be readily extinguished with the ordinary tools commonly available to private property.

Public
nuisance

Any uncontrolled fire burning on any lands designated by Chapter 1, of this division, without proper precaution being taken to prevent its spread, notwithstanding the origin of such fire, is hereby declared to be a public nuisance by reason of its menace to life and property, and the State Division of Forestry or other fire protection agencies may summarily abate the nuisance by controlling and extinguishing such fire.

SEC. 15. Section 4165 is added to said code, to read :

Burning mill
refuse

4165. No person, copartnership, firm, corporation, or company shall dispose of by fire, any waste material incident to any sawmill operation, except as provided in Section 4153 of this code, on or within 400 feet of forest or brush covered land, without having first installed an effective device, approved by the State Forester or his duly authorized agent, for the safe disposal of such waste material.

SEC. 16. Section 4166 is added to said code, to read :

Enforcing
fire laws

4166. It shall be the duty of the State Forester or his duly authorized agent, to enforce the State fire laws and he shall have authority to inspect all properties, except dwellings, subject to the State forest fire laws, for the purpose of ascertaining compliance therewith.

SEC. 17. Section 4167 is added to said code, to read :

4167. No person, copartnership, firm, corporation, or company shall use or operate in, on, or within one-half mile of any forest or brush covered land between April 15th and December 1st of any year, any engine, machine, equipment, or any steam, oil or gasoline operated stationary or mobile equipment from which a spark or fire may originate unless such equipment is provided with an adequate device or devices to prevent the escape of fire or sparks and unless he uses every reasonable precaution to prevent the causing of fire thereby.

Equipment requiring devices to prevent sparks, etc

Provided, further, that all mobile equipment, including trucks, tractors, bulldozers and other mobile equipment engaged in lumbering, logging, and other industrial operations in or within one-half mile of any forest or brush covered land, shall also be equipped with and carry at all times a serviceable shovel for use in the prevention and suppression of fire, except that internal combustion engines, steam or other locomotives used in the business of a common carrier by railroad do not have to be equipped with or to carry a shovel for use in the prevention and suppression of fire.

Equipment required to carry shovel

SEC. 18. Section 4168 is added to said code, to read :

4168. No person shall fire or cause to be fired any tracer bullet or tracer charge onto or across any forest or brush covered lands nor shall he have in his possession any tracer bullet or tracer charge on such lands.

Use of tracer bullets

CHAPTER 778

An act to amend Section 737ddd of the Political Code, relating to the salary of the judge of the Superior Court in Ventura County.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect September 15, 1945

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

SECTION 1. Section 737ddd of the Political Code is amended to read :

See also Stats 1945, Ch 850

737ddd. The annual salary of the judge of the Superior Court in and for the County of Ventura is ten thousand dollars (\$10,000).

Ventura: Superior judge

CHAPTER 779

An act to amend Sections 1731.5, 1732, 1737, 740, 742, 743, 744, 745, 747, and 749 of the Welfare and Institutions Code, relating to commitments of young persons to the Youth Authority and to other public and private agencies and persons by juvenile and other courts.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945]

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

SECTION 1. Section 1731.5 of the Welfare and Institutions Code is amended to read:

Commitment
to Youth
Authority
prior to
January 1,
1948

1731.5. After certification to the Governor as provided in this article and until January 1, 1948, a court may refer to the Authority any person convicted of a public offense who comes within all of the following description:

(a) Is found to be less than 21 years of age at the time of apprehension;

(b) Is not sentenced to death, imprisonment for life, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment;

(c) Is not granted probation.

If the Authority believes that any person referred to it as provided in this section can be materially benefited by the procedure and discipline of the Authority, and that proper and adequate facilities exist for the care of such person, it shall so certify to the court. The court shall thereupon commit said person to the Authority.

SEC. 2. Section 1732 of said code is amended to read:

Commitment
after Janu-
ary 1, 1948

1732. Except as otherwise provided in this chapter the court shall commit to the Authority every person convicted of a public offense after January 1, 1948, who

(a) Is found to be less than 21 years of age at the time of apprehension, and

(b) Is not sentenced to death, imprisonment for life, imprisonment for 90 days or less, or the payment of a fine or who, after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment, and

(c) Is not granted probation.

SEC. 3. Section 1737 of said code is amended to read:

Suspension
of execution
of commit-
ment

1737 After a court has committed a person to the Authority such court has no power to suspend execution of the commitment. Nothing in this section shall limit or restrict the jurisdiction and powers of the juvenile court under Section 745 of this code.

SEC. 4. Section 740 of said code is amended to read:

740. When any person alleged to come within the provisions of Section 700 is adjudged by the court or judge to come within the said provisions, and adjudged to be a ward of the juvenile court, the court may make an order committing such person for such time as the court deems fit, but not beyond the time during which the court retains jurisdiction as prescribed by the provisions of Section 750 of this code, to the care of any of the following persons, associations, corporations, or institutions, as herein prescribed:

See also
Stats 1945,
Ch 983

Order of
commitment
of ward of
juvenile
court

(a) To the home and care of some reputable person of good moral character;

(b) To the care of some association, society, or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, and willing and able to receive and care for such ward;

(c) To the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of the ward until suitable provision may be made for him in a home without such payment, the ward to be subject to the supervision of the probation officer and the further order of the court; but no ward of the juvenile court under the age of 16 years shall be boarded out in any boarding place other than a boarding place licensed by the Department of Social Welfare;

(d) To the care of the probation officer, on probation, the ward to remain in the home of the ward, or in any other fit home in which the court may order the probation officer to place him, subject to the visitation of the probation officer, to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable. In all cases of probation the court may require as a condition of probation that the ward go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach, and specifically for the reformation and rehabilitation of the ward;

(e) To the Youth Authority. The Youth Authority shall accept such person if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care. No such person shall be transported to any facility under the jurisdiction of the Youth Authority, until the director thereof has notified the committing court of the place to which said person is to be transported and the time at which he can be received;

(f) To any county institution now or hereafter established for the purpose of caring for and training persons that come within the provisions of this chapter;

Before any such person is conveyed to any such institution it shall be ascertained from the superintendent thereof that such person can be received.

SEC. 5. Section 742 of said code is amended to read:

Person under
age of 14

742. No person under the age of 14 years, at the time of commission of any offense with which he may be charged shall ever be sent to a State prison unless he has first been committed to the Youth Authority and has proved to be incorrigible or not amenable to the discipline of any institution or facility subject to the jurisdiction of the Youth Authority.

SEC. 6. Section 743 of said code is amended to read:

Committing
ward of court
to Youth
Authority

743. No ward of the juvenile court shall be committed to the Youth Authority unless the judge of the court is fully satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that he will be benefited by the reformatory educational discipline provided by the Youth Authority.

SEC. 7. Section 744 of said code is amended to read:

Case history,
etc

744. Accompanying the commitment papers, the court shall send to the Director of the Youth Authority a summary of all the facts in the possession of the court, covering the history of the ward committed, and a statement of the mental and physical condition of the ward.

SEC. 8. Section 745 of said code is amended to read:

Changing or
setting aside
order

745. Any order made by the court in the case of any person subject to its jurisdiction under the provisions of Section 700 may at any time be changed, modified, or set aside, as the judge deems meet and proper.

Notice of
hearing

The court committing a ward to the Youth Authority may thereafter change, modify, or set aside the order of commitment. Ten days' notice of the hearing of the application therefor shall be served by United States mail upon the Director of the Youth Authority. In changing, modifying, or setting aside such order of commitment, the court shall give due consideration to the effect thereof upon the discipline and parole system of the Youth Authority or of the correctional school in which the ward may have been placed by the Youth Authority. Except as in this section provided, nothing in this chapter shall be deemed to interfere with the system of parole and discharge now or hereafter established by law, or by rule of the Youth Authority, for the parole and discharge of wards of the juvenile court committed to the Youth Authority, or with the management of any school, institution, or facility under the jurisdiction of the Youth Authority. Except as in this section provided, nothing in this chapter shall be deemed to interfere with the system of transfer between institutions and facilities under the jurisdiction of the Youth Authority.

Insane
person

However, before any inmate of a correctional school may be transferred to a State hospital for the insane, he shall first be

returned to a court of competent jurisdiction, and, after hearing, may be committed to a State hospital for the insane in accordance with law.

SEC. 9. Section 747 of said code is amended to read:

747. If any person who has been committed to the Youth Authority or confined in any State school appears, either at the time of his presentation or after having become an inmate thereof, to be an improper person to be retained in any institution or facility under the jurisdiction of the Youth Authority or to be so incorrigible or so incapable of reformation under the discipline of any institution or facility under the jurisdiction of the Youth Authority as to render his retention detrimental to the interests of the Youth Authority, the Youth Authority may return such person to the committing court.

Return to
committing
court

SEC. 10. Section 749 of said code is amended to read:

749. When any ward of the juvenile court under subdivision (m) of Section 700 has been accused of a felony and no indictment or information has been filed and such ward has been committed to the Youth Authority or confined in any State school and has been returned therefrom to the committing court as incorrigible or not amenable to the discipline of any institution or facility under the jurisdiction of the Youth Authority, the judge of the court shall sit as a committing magistrate and shall hold the preliminary examination of such person. If, upon such hearing, he determines that there is probable cause to believe that the person committed the offense charged in the petition theretofore filed in the court, he shall hold such person to answer to the superior court, and thereupon the usual proceedings shall be had for the trial of the case in the superior court, after the filing of an information in pursuance to the order of the judge sitting as a committing magistrate, and the person shall be tried by the court and jury in the usual manner for the trial of a felony.

Same Procedure on
felony charge

CHAPTER 780

An act to add Section 1767.5 to the Welfare and Institutions Code, relating to the Youth Authority, and authorizing payments by the Authority for care of persons paroled by the Authority.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1767.5 is added to the Welfare and Institutions Code, to read:

1767.5. The Authority may pay any private home for the care of any person committed to the Authority and paroled by the Authority to the custody of the private home (including

Youth
Authority:
Parole to
private
homes

both persons committed to the Authority under this chapter and persons committed to it by the juvenile court) at a rate to be approved by the Department of Finance but not exceeding forty-five dollars (\$45) per month during the time such person remains on parole to such private home. Payments for such care of paroled persons may be made from the funds available for the support of the Authority, or for the support of the institution or facility under the jurisdiction of the Authority from which the person has been paroled.

CHAPTER 781

An act to add Sections 1737.1 and 1768.7 to the Welfare and Institutions Code, relating to persons committed to the Youth Authority.

In effect
September
15, 1945

[Approved by Governor June 8, 1945. Filed with Secretary of State
June 8, 1945.]

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

SECTION 1. Section 1737.1 is added to the Welfare and Institutions Code, to read:

Return to
committing
court

1737.1. Whenever any person who has been charged with or convicted of a public offense and committed to the Authority appears to the Authority, either at the time of his presentation or after having become an inmate of any institution or facility subject to the jurisdiction of the Authority, to be an improper person to be retained in any such institution or facility, or to be so incorrigible or so incapable of reformation under the discipline of the Authority as to render his retention detrimental to the interests of the Authority and the other persons committed thereto, the Authority may return him to the committing court. In the case of a person convicted of a public offense, said court may then commit him to a State prison or sentence him to a county jail as provided by law for punishment of the offense of which he was convicted. In the case of a person who has been committed to the Authority by a juvenile court, the juvenile court to which he is returned may make such further order or commitment with reference to such person as may be authorized by the juvenile court law, except that said court may not recommit such person to the Youth Authority.

Procedure

SEC. 2. Section 1768.7 is added to said code, to read:

Escape from
Youth
Authority

1768.7. Any person committed to the Authority who escapes or attempts to escape from the institution or facility in which he is confined is guilty of a misdemeanor.

CHAPTER 782

An act to amend Section 1741 of the Welfare and Institutions Code, relating to furnishing information to the Youth Authority concerning persons committed to it.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1741 of the Welfare and Institutions Code is amended to read:

1741. The judge before whom the person was tried and committed, the district attorney or other official who conducted the prosecution, and the probation officer of the county, shall obtain and with the order of commitment furnish to the Authority, in writing, all information that can be given in regard to the career, habits, degree of education, age, nationality, parentage and previous occupations of such person, together with a statement to the best of their knowledge as to whether such person was industrious, and of good character, the nature of his associates and his disposition.

Case history
to Authority

The reports required by this section shall be made upon forms furnished by the Authority or according to an outline furnished by it.

Forms

When a person has been committed to the Authority, the court and the prosecuting and police authorities and other public officials shall make available to the Authority all pertinent data in their possession in respect to the case. The court shall also furnish to the Authority upon its request a transcript of any proceedings had in accordance with the provisions of Section 1192a of the Penal Code. The cost of preparing such transcript shall be a county charge.

Transcript of
proceedings

CHAPTER 783

An act to add Section 1154 to the Welfare and Institutions Code, relating to the expenses of returning escapees to the Youth Authority.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 1154 is added to the Welfare and Institutions Code, to read:

1154. Whenever any person who has escaped from any institution or facility under the jurisdiction of the Youth Authority is returned by a sheriff or probation officer, the sheriff or probation officer shall be paid the same fees and expenses as are allowed such officers by law for the transportation of persons to institutions or facilities under the jurisdiction of the Youth Authority.

Returning
escapee
Expenses

CHAPTER 784

Stats 1943, p 2547, amended *An act to amend Sections 6 and 10 of and to add Section 6a to the Minors Emergency War Employment Act, relating to working conditions of minor employees essential to the war effort.*

In effect September 15, 1945 [Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

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

Stats 1943, p 2547 SECTION 1. Section 6 of the act cited in the title hereof is amended to read :

Suspension etc., of permits to employ minors

Sec. 6. The Governor may at any time revoke, suspend or modify any permit. Upon proof being made that the terms and conditions of any such permit have been violated, or that the department which recommended the issuance of said permit finds that the same is no longer necessary in increasing production and furthering the war effort, it may recommend to the Governor that the permit be suspended, modified or revoked ; provided, however, that no such recommendation shall be made until the employer has been given 15 days notice of the intention to make such recommendation.

New section

SEC. 2. Section 6a is added to said act, to read :

Criminal penalty

Sec. 6a. Every employer, or the agent or officer thereof, employing any minor who violates any provision of the permit, or who employs, or permits any minor to work in violation thereof, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50), nor more than two hundred dollars (\$200), or imprisonment in the county jail for not more than sixty (60) days, or both.

Stats 1943, p 2547

SEC. 3. Section 10 of said act is amended to read :

Duration

Sec. 10. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act ; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

CHAPTER 785

An act amending Section 634 of the Welfare and Institutions Code, relating to the appointment, selection, and removal, and term of office of probation officers, assistant probation officers, deputy probation officers and of superintendents, matrons and other employees of detention homes.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

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

SECTION 1. Section 634 of the Welfare and Institutions Code is amended to read:

634. In counties having charters which provide a method of appointment and tenure of office for probation officers, such charter provisions shall control as to such matters; but in all other counties, the methods of nomination, selection, appointment and removal, and the tenure of office, of all probation officers, deputy probation officers, and of the superintendents, matrons and other employees of the detention home, shall be controlled exclusively by the provisions of this code.

Appointment
and tenure
of probation
officers

CHAPTER 786

An act to amend Section 11151 of the Education Code, and to add Article 5.5 to Chapter 2 of Division 6 of said code, relating to textbooks and teachers' manuals for use in the public elementary schools.

[Approved by Governor June 8, 1945. Filed with Secretary of State June 8, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 11151 of the Education Code is amended to read:

11151. The State Board of Education shall adopt and provide one or more basic textbooks in each of the studies prescribed for the elementary schools of this State by Section 10302 of this code, except in art and in morals and manners. The board may also adopt and provide other textbooks, supplementary books, and teachers' manuals for use in the elementary schools of the State. The board may cause such textbooks, supplementary books, and teachers' manuals to be printed by the State Department of Finance.

Textbooks
and manuals

Nothing in this section shall be construed as prohibiting the governing board of any school district and county libraries from ordering and purchasing such supplementary textbooks as are required.

The term "elementary schools" as used in this chapter includes all public schools, excepting junior high schools, in which instruction is given in the first to the eighth grades, inclusive, or in any one or more of such grades.

SEC. 2. Article 5.5 is added to Chapter 2 of Division 6 of said code, to read :

Article 5.5. Distribution of Textbooks

Distributing,
textbooks

11291. The State Board of Education shall provide for the distribution of basic textbooks in such a manner as to provide for each pupil enrolled in each grade of the elementary schools of the State one copy of each basic textbook adopted for use in such grade; except that school districts may order, in lieu thereof, basic textbooks adopted for lower grades or higher grades for use by those pupils for whom such textbooks would be more appropriate. The board shall provide for the distribution of other textbooks, supplementary textbooks, and teachers' manuals in such manner as it may determine.

CHAPTER 787

Stats 1935,
p 1123,
amended

An act to add Section 59.6 to the Alcoholic Beverage Control Act, relating to the hours of sale of alcoholic beverages, declaring the urgency hereof, and providing that this act shall take effect immediately.

In effect
immediately

[Approved by Governor June 9, 1945 Filed with Secretary of State
June 9, 1945]

The people of the State of California do enact as follows:

New section

SECTION 1. Section 59.6 is hereby added to the Alcoholic Beverage Control Act, to read :

Hours for
sale of
alcoholic
beverages

Sec. 59.6. (a) Any off-sale licensee who sells, gives, or delivers at retail to any person, for consumption off the premises of sale, any alcoholic beverage except between the hours of 10 o'clock a.m. and 8 o'clock p.m. of the same day on any day other than Saturday, and except between the hours of 10 o'clock a.m. and midnight on Saturday, is guilty of a misdemeanor.

(b) Any on-sale licensee who, for consumption on the premises of sale, sells, gives, or delivers to any person any alcoholic beverage except between the hours of 8 o'clock a.m. and midnight of the same day or who, for consumption off the premises of sale, sells, gives, or delivers to any person any alcoholic beverage at times other than as permitted in the next above paragraph for off-sale licensees is guilty of a misdemeanor.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until six months after the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall

supersede any existing provisions of law which are in conflict with this section ; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The Federal military authorities have announced the rescinding of regulations imposed by them limiting the hours of sale of alcoholic beverages. It is essential to the war effort in this State that the sale of alcoholic beverages be limited more strictly than permitted under existing law for sale of such beverages in peacetime. It is therefore necessary that this act take effect immediately.

CHAPTER 788

An act to add Section 14.1 to "The Public Utility District Act," relating to public utility districts.

Stats 1921, p. 906, amended

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 14.1 is added to The Public Utility District Act, to read:

New section

Sec. 14.1. The board of directors of any public utility district which lies entirely within one county shall have power to submit to the qualified electors thereof, at either a general election or a special election called for that purpose, a proposition to increase the number of directors from three to five. The electors of any such district shall also have power to adopt, by means of an initiative ordinance, legislation providing for the increase of the number of directors from three to five, which initiative proceedings shall be conducted in all respects in conformity with and as prescribed by the general laws of the State for the initiative by electors of counties. If a majority of the electors voting at the election vote in favor of such proposition submitted by the board or such initiative ordinance, thereafter the said district shall have five directors elected at large. In the event of the adoption by the electors of either a proposition for the increase of the number of directors submitted by the board of directors or by initiative proceedings, the board of directors shall, within 30 days thereafter, appoint two qualified electors of said district to serve as members of said board until the next biennial election held in said district at which there shall be elected two directors in addition to the number heretofore authorized. Following such general election, the directors elected thereat, when they shall have qualified, shall

Increase in number of directors for utility district

meet and classify themselves so that one shall hold office for two years and the other shall hold office for four years. Thereafter, there shall be elected at each biennial public utility district election a number of directors corresponding to the number whose terms shall expire who shall hold office for four years.

CHAPTER 789

An act to amend Sections 1237, 1246, 1251, 1252, 1253, 1254, 1255, 1256, 1260 and 1263 of the Civil Code, relating to homesteads.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1237 of the Civil Code is amended to read:

Homestead 1237. The homestead consists of the dwelling house in which the claimant resides, together with outbuildings, and the land on which the same are situated, selected as in this title provided.

SEC. 2. Section 1246 of said code is amended to read:

Same. Appli- 1246. The application must be made upon a verified peti-
cation of judgment
creditor tion of the judgment creditor showing:

1. The fact that an execution has been levied upon the homestead within 60 days prior to the filing of said petition.

2. A description of the homestead and the name of the claimant.

3. That the value of the homestead, over and above all liens and encumbrances thereon, exceeds the amount of the homestead exemption.

4. That no previous execution arising out of the same judgment has been levied upon said homestead.

SEC. 3. Section 1251 of said code is amended to read:

Homestead 1251. They must view the premises and appraise the value
Property: thereof, and if the appraised value, less the aggregate of all
Appraisal liens and encumbrances thereon, exceeds the homestead exemption they must determine whether the land claimed can be divided without material injury.

SEC. 4. Section 1252 of said code is amended to read:

Report of 1252. Within 15 days after their appointment they must
appraised value make to the judge a report in writing, which report must show the appraised value, the amount of all liens and encumbrances, and their determination upon the matter of a division of the land claimed.

SEC. 5. Section 1253 of said code is amended to read:

Order 1253. If, from the report, it appears to the judge that the
setting off homestead land claimed can be divided without material injury, he must, by an order, direct the appraisers to set off to the claimant so much of the land, including the residence and outbuildings, as

will amount in value to the homestead exemption over and above all liens and encumbrances, and the execution may be enforced against the remainder of the land.

SEC. 6. Section 1254 of said code is amended to read:

1254. If, from the report, it appears to the judge that the land claimed exceeds in value, over and above all liens and encumbrances thereon, the amount of the homestead exemption, and that it can not be divided, he must make an order directing its sale under the execution. Order directing sale

SEC. 7. Section 1255 of said code is amended to read:

1255. At such sale no bid shall be received, unless it exceeds the amount of the homestead exemption plus the aggregate amount of all liens and encumbrances on the property. Same Minimum bids

SEC. 8. Section 1256 of said code is amended to read:

1256. If the sale is made, the proceeds thereof must be applied in the following order of priority, first, to the discharge of all liens and encumbrances, if any, on the property, second, to the homestead claimant to the amount of the homestead exemption, third, to the satisfaction of the execution, and fourth, the balance, if any, to the homestead claimant. Application of sale proceeds

SEC. 9. Section 1260 of said code is amended to read:

1260. Homesteads may be selected and claimed:

1. By any head of a family, of not exceeding six thousand dollars (\$6,000) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon. Who may select homestead

2. By any other person, of not exceeding two thousand dollars (\$2,000) in actual cash value, over and above all liens and encumbrances.

SEC. 10. Section 1263 of said code is amended to read:

1263. The declaration of homestead must contain:

1. A statement showing that the person making it is the head of a family, and if the claimant is married, the name of the spouse; or, when the declaration is made by the wife, showing that her husband has not made such declaration and that she therefore makes the declaration for their joint benefit; Contents of declaration

2. A statement that the person making it is residing on the premises, and claims them as a homestead;

3. A description of the premises;

4. An estimate of their actual cash value;

5. Such declaration of homestead may further contain a statement of the character of the property sought to be homesteaded with sufficient detail to show that it is a proper subject of homestead, and that no former declaration has been made, or, if made, that it has been abandoned and if it contains such further statement and the declaration is supported by the affidavit of the declarant, annexed thereto, that the matters therein stated are true of his or her own knowledge, such declaration, when properly recorded, shall be prima facie evidence of the facts therein stated, and conclusive evidence thereof in favor of a purchaser or encumbrancer in good faith and for a valuable consideration.

CHAPTER 790

An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

In effect
September
15, 1945

[Approved by Governor June 9, 1945 Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

See also
Stats. 1945,
Ch. 126

Manner in
which prop-
erty is to be
attached

SECTION 1. Section 542 of the Code of Civil Procedure is amended to read:

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, and a statement as to whether or not the real property is registered under the Land Title Law, an initiative act adopted by election November 3, 1914, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence with any person of suitable age and discretion, found upon the property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting, need be made as to each such continuous, unbroken tract.

1a. Growing crops (which, until severed, shall be deemed personal property not capable of manual delivery), growing upon real property standing upon the records of the county in the name of the defendant, must be attached by filing with the recorder of the county a copy of the writ, together with a description of the growing crops to be attached, and of the real property upon which the same are growing, and a notice that such growing crops are attached in pursuance of the writ, and by serving an occupant of the real property, if there is one upon the real property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is

no occupant then on the real property, then, by posting the same in a conspicuous place on the real property. Service upon the occupant may be made by leaving said copy of the writ, description and notice with occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the real property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the real property described in the notice consists of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon the records of the county in the name of the defendant by the provisions of Subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when filed, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

2a. Growing crops (which, until severance, shall be deemed personal property not capable of manual delivery), or any interest therein, belonging to the defendant, and growing upon real property held by any other person or standing upon the records of the county in the name of any other person, must be attached in the same manner as growing crops growing upon

real property standing upon the records of the county in the name of the defendant are attached by the provisions of subdivision 1a of this section, and the notice of attachment shall state that the crops therein described or any interest of the defendant therein, held by, or standing upon the records of the county in the name of, such other person (naming him), are attached in pursuance of the writ. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if known and within the county. The recorder must index such attachment when filed, in the names of both the defendant and of the person by whom the real property is held, or in whose name it stands on the record.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and with or without notice as the court directs to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold under execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, vice president or other head of the same, or the secretary, assistant secretary, cashier, assistant cashier, or any managing agent, thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

5. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to exceed five days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time

to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid the sheriff, constable, or marshal shall release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with.

6. Debts and credits and other personal property, not capable of manual delivery must be attached by leaving with the persons owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent or in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, together with a copy of the summons and complaint in the action from which the writ issued, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ; provided, however, that debts owing to the defendant by a banking corporation or association, building and loan association or title insurance company, maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such banking corporation or association, building and loan association or title insurance company, must be attached by leaving a copy of the writ and the notice with the manager or other officer of such banking corporation, or association, building and loan association or title insurance company at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such banking corporation or association, building and loan association or title insurance company has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such banking corporation or association, building and loan association or title insurance company if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served.

7. If real property sought to be attached is registered under said land title law, an additional copy of the writ, together with a description of the Torrens title certificate, a description of the property and a notice that it is attached shall be filed with the registrar of titles of the county.

CHAPTER 791

An act to amend Section 397 of the Military and Veterans Code, relating to the payment of tolls for passage through or over tollgates, toll bridges and ferries.

In effect
September
15, 1945

[Approved by Governor June 9, 1945 Filed with Secretary of State
June 9, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 397 of the Military and Veterans Code is hereby amended to read:

Exemptions
from tolls

397. When an emergency has been declared to exist by the Governor and during the continuance thereof, any person belonging to the military or naval forces of the State or of the United States shall, together with his conveyance, personal baggage, and the military property of the State or of the United States in his charge, be allowed to pass free through all tollgates and over all toll bridges and all ferries, if he presents an order for duty in the military or naval service of the State or of the United States. The provisions of this section do not apply to any tollgate, toll bridge or ferry owned or operated by any private individual, corporation or utility, or owned or operated by any municipal corporation or bridge and highway district.

Purpose
of act

SEC. 2 It is the intent of this act to reenact Section 397 of the Military and Veterans Code and to remove therefrom any possible application thereof to any facilities owned or operated by any private individual, corporation, or utility, or any municipal corporation or any bridge and highway district. The amendment of said section by this act shall not be deemed to have altered the meaning and effect of said section as it previously existed, and said section, as it previously existed, shall be deemed to have had the same meaning and effect as it shall have by virtue of this act.

CHAPTER 792

Stats 1935,
p 1226,
amended

An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility of persons who have served in the armed forces thereunder.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

Stats 1943,
p 3021
See also
Stats 1945,
Ch 18

SECTION 1. Section 57.7 of the Unemployment Insurance Act is amended to read:

Benefit
rights of
trainees

Sec. 57.7. Notwithstanding any inconsistent provisions of this act the benefit rights of trainees shall be determined in accordance with the following provisions of this section for

the periods and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this act shall continue to be applicable in connection with such benefits.

(1) The term "military service" as used in this section means active service in the land or naval forces of the United States, but the service of an individual in any reserve component of the land or naval forces of the United States who is ordered to active duty in any such force for a period of 30 days or less shall not be deemed to be active service in such force during such period.

"Military service"

(2) The term "trainee" as used in this section means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before October 1, 1947.

"Trainee"

(3) (a) With respect to any trainee who has an unexpired benefit year at the time of induction into the armed forces, the unexpended balance of benefits remaining to his account shall be reestablished beginning with the first day of the first week succeeding the date of his termination of service. Whenever this balance is exhausted the trainee may file a claim and his base period shall be determined in accordance with the provisions of subsection (4) hereof, except that all reestablished balances shall lapse 65 weeks after termination of such military service.

Reestablishment of unexpended benefits after army service, etc

(b) The benefit year of all other trainees shall be 52 weeks from the first day of the first week following the date of termination of military service.

Benefit year

(4) With respect to the determination of the benefit rights of any trainee, the base period shall consist of the first four out of the last five completed calendar quarters, excluding those quarters during which the trainee was in military service 60 days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service, except that the quarter of entry into military service shall be counted as a completed quarter if the commission finds that the inclusion thereof would be more equitable to the trainee.

Base period

(5) No disqualification shall be applied to any trainee after the termination of his military service, by reason of any act or course of action on his part prior to the date of his entry into such service.

Acts prior to military service

(6) If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a trainee shall be disqualified for benefits with respect to any week for which he receives such benefits and no benefits shall be paid under this section until he has exhausted all his rights to such payments from the United States.

U S benefits

CHAPTER 793

Stats 1935, *An act to amend Section 7 of, and to add Section 7.1 to the*
 p 1226, *Unemployment Insurance Act, relating to unemployment*
 amended *insurance and the definition of employment thereunder.*

In effect
 September
 15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
 June 9, 1945]

The people of the State of California do enact as follows:

Stats 1939,
 p 2850
 See also
 Stats 1945,
 Ch 1180

"Employ-
 ment"
 Exceptions:

SECTION 1. Section 7 of the Unemployment Insurance Act is amended to read:

Sec. 7. The term "employment" does not include:

(a) Agricultural labor ;
 (b) Domestic service in a private home ;
 (c) Maritime services as to which this State is prohibited by the Constitution and laws of the United States of America from requiring contributions of employers or their workers with respect to wages as provided in this act ;

(d) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 21 in the employ of his father or mother ;

(e) Service performed in the employ of the United States Government or of an instrumentality of the United States ; provided, that in the event that the Congress of the United States shall permit the States to require any instrumentalities of the United States to make payments into an unemployment fund under a State unemployment compensation act, and to comply with State regulations thereunder, then, to the extent permitted by Congress, and from and after the date as of which such permission becomes effective, all of the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals and services ; provided further, that if this State should not be certified by the Social Security Board under Section 903 of the Social Security Act for any year, then the payments required of such instrumentalities and their workers with respect to such year shall be refunded by the commission from the unemployment fund without interest ;

(f) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions ;

(g) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual ;

(h) Service, under any unemployment compensation system established by a law of the United States ;

(i) Service performed by uncompensated officers or employees of a corporation or association where the corporation or association is not subject to the Federal Unemployment Tax Act;

(j) Service performed by directors of a corporation or association receiving a per diem of not more than twenty dollars (\$20) for attending meetings of the board of directors, with or without a reasonable mileage for going to and from meetings of the board and other reasonable expenses incidental to attending such meetings where the corporation or association is not subject to the Federal Unemployment Tax Act;

(k) If, when, and during such time as the definition of the term "employment," as contained in the Federal Unemployment Tax Act, excludes from "employment" any one or more of the following types of service, then that type or types of service as are so excluded shall likewise be excluded from the definition of employment as contained in this section:

(1) Domestic service in a local college club, or local chapter of a college fraternity or sorority;

(2) Casual labor not in the course of the employer's trade or business;

(3) Service performed in any calendar quarter in the employ of any organization exempt from Federal income tax if

(i) The remuneration for such service does not exceed forty-five dollars (\$45), or

(ii) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association, or

(iii) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college or university.

(4) Service performed in the employ of an agricultural or horticultural organization;

(5) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if

(i) No part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and

(ii) Eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(6) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or designated beneficiaries, if (i) admission to membership in such association is limited to individuals who are employees of the United States Government, and (ii) no part of the net earnings of such association

inures (other than through such payments) to the benefit of any private shareholder or individual;

(7) Service performed in any calendar quarter in the employ of a school, college, or university, not exempt from Federal income tax, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed forty-five dollars (\$45) (exclusive of room, board, and tuition);

(8) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(9) Service performed in the employ of an instrumentality wholly owned by a foreign government,

(i) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(ii) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(10) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to State law.

New section

When services deemed employment

SEC. 2. Section 7.1 is added to said act, to read:

Sec. 7.1. If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this paragraph the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him.

CHAPTER 794

An act to amend Section 56.6 of the Unemployment Insurance Act, relating to unemployment insurance and the provision for enforcement thereunder. Stats 1935, p 1226, amended

[Approved by Governor June 9, 1945 Filed with Secretary of State June 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 56.6 of the Unemployment Insurance Act is amended to read: Stats 1943, p 3052

Sec. 56.6. In order to encourage cooperation between this State and other States in the enforcement of the unemployment insurance law of each State and to further coordinate the nation-wide system of unemployment insurance in the United States and its Territories the following provisions are enacted. Comity

(a) The courts of this State shall recognize and enforce liabilities for unemployment contributions imposed by other States which extend a like comity to this State.

The Attorney General is hereby empowered to commence action in any other jurisdiction by and in the name of the commission to collect unemployment contributions, penalties and interest legally due this State. The officials of other States which extend a like comity to this State are empowered to sue for the collection of such contributions in the courts of this State. A certificate by the Secretary of State under the Great Seal of the State that such officers of the department as designated by the commission have authority to collect the unemployment contributions shall be conclusive evidence of such authority. Power to sue outside State Reciprocity

(b) It shall be a misdemeanor for any person residing in this State to wilfully make a false statement or representation or knowingly fail to disclose a material fact to obtain or increase benefits or payments under the provisions of the unemployment insurance law of any other State. Criminal penalty

(c) The Attorney General is authorized to commence action in this State as agent for and on behalf of any other State to enforce judgments and liabilities for unemployment insurance taxes or contributions due such other State which other State extends a like comity to this State. Attorney General to commence action

CHAPTER 795

An act to amend Section 737w of the Political Code, relating to the salary of the judge of the Superior Court of the County of Mendocino.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 850

Mendocino:
Superior
judge

SECTION 1. Section 737w of the Political Code is amended to read:

737w. The annual salary of the judge of the Superior Court in and for the County of Mendocino is seven thousand dollars (\$7,000). The compensation provided by this section shall be paid to the incumbent officer.

CHAPTER 796

Stats 1945,
Ch 232,
amended

An act to amend Sections 1, 2, 3 and 4 of and to add Section 6 to the act entitled "An act authorizing municipalities to purchase Federal surplus property and providing for the suspension of certain laws in connection therewith, declaring the urgency thereof and providing this act shall take effect immediately," approved May 3, 1945, authorizing the acquisition of Federal surplus property by any county, city and county, city, municipal corporation or public district of or within this State, whether directly from the United States, its instrumentalities or agencies or through or from the State, and regulating the manner of such acquisition, this act to take effect immediately.

In effect
immediately

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

Stats 1945,
Ch. 232

"Municipality"

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Section 1. As used in this act, the term "municipality" shall mean any county, city and county, city, municipal corporation or public district.

Stats. 1945,
Ch. 232

Acquisition
of Federal
surplus
property

SEC. 2. Section 2 of said act is amended to read:

Sec. 2. Any municipality may acquire in any manner whatsoever from the United States of America or any department, board or agency thereof, or from the State or any department or agency thereof any Federal surplus property, real or personal, without regard to provisions of law which require posting of notices or advertising for bids, inviting or receiving of bids, delivery of purchases before payment, or provisions of

law which prevent such municipality from entering a bid or bids in its behalf at any sale of Federal surplus property, real or personal, by the United States of America or any department, board or agency thereof, or by the State or any department or agency thereof. The legislative body of any such municipality may authorize any municipal officer to make a down payment or payment in full required in connection with such bidding or sale.

SEC. 3. Section 3 of said act is amended to read :

Stats 1945,
Ch. 232

Sec. 3. Any provisions of any statute, charter, ordinance, or resolution which are inconsistent with the provisions of this act are suspended to the extent that such provisions are inconsistent herewith.

Existing law

SEC. 4. Section 4 of said act is amended to read :

Stats 1945,
Ch. 232

Sec. 4. The provisions of this act shall not be construed to require posting of notices or advertising for bids, the inviting or receiving of bids, the delivery of purchases before payment, or other similar acts not now required by law. Nor shall the provisions of this act be construed to prevent any municipality from entering bids on its behalf at any sale or from making any down payment in connection therewith where such authority now exists by provision of any law.

Construction

SEC. 5. Section 6 is added to said act, to read :

New section

Sec. 6. This act shall be known as the "Federal Surplus Property Acquisition Act of 1945."

Short title

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Urgency

The facts constituting such necessity are as follows :

The act cited in the title hereof took effect immediately as an urgency measure necessitated by the facts stated in Section 5 thereof, which statement of facts is incorporated herein by this reference. A doubt has been suggested as to the sufficiency of the word "municipalities," as used in the title of the act hereby amended, to indicate and include all of the several public or governmental agencies indicated in the title of this amendatory act. To resolve that doubt and to avoid any delay which might otherwise occur it is necessary that this amendatory act take effect immediately, but no inference is to be drawn herefrom that the word "municipalities" does not include within the scope of its meaning all of such agencies.

CHAPTER 797

Stats 1945,
p 3,
amended

An act to amend Section 1 of "An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3013.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately," approved February 2, 1944, to amend Sections 26.5, 2609.5, 2839.5, 2842.5, 2897.5, 2898.5, 3720, 5901.1, 5901.5, 5901.6, 5901.7, 5902.6, and 7971.5 of the Elections Code, to add Section 5931.6 to the Elections Code, and to repeal Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code, relating to elections.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Duration

Section 1. The sections of the Elections Code added or amended by this act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the first day of January following the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While these sections are in effect they shall supersede any existing provisions of law which are in conflict with them, but such provisions are not repealed by them and after these sections are no longer effective shall have the same force as though these sections had not been enacted.

Elections
exempted

Nothing contained in this act shall affect any municipal, district, or local election, except such of them as may be consolidated with the direct primary, or general election, it being the intent that this act shall apply only to the direct primary, the general elections, elections consolidated with them and all State special elections. No such special election shall be held until 90 days have elapsed after the proclamation of the Governor calling the election.

Sec. 2. Section 26.5 of the Elections Code is amended to read:

Direct pri
mary election

26.5. The direct primary shall be held June 4th, anything in Sections 26, 951, or any other provision of this code to the contrary notwithstanding.

Sec. 3. Section 2609.5 of said code is amended to read:

Sponsor
certificate

2609.5. The sponsor certificates referred to in Section 2609 shall be delivered to the county clerk for examination at least 70 days prior to the direct primary.

SEC. 4. Section 2839.5 of said code is amended to read:

2839.5. The computation referred to in Section 2839 shall be made between the first and second Mondays of March. County central committee: —Computation of members

SEC. 5. Section 2842.5 of said code is amended to read:

2842.5. Each county central committee shall meet on July 9th following the primary, and not later than 10 days thereafter the county clerk shall transmit to the Secretary o' State a certificate showing the chairman of the county central committee of the county. Same Meeting

SEC. 6. Section 2897.5 of said code is amended to read:

2897.5. The name of a candidate who has declared or accepted a candidacy for a primary election shall be printed on the ballot unless he has died and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 70 days prior to the election. Names printed on primary ballot

SEC. 7. Section 2898.5 of said code is amended to read:

2898.5. Whenever a candidate has been nominated at a primary election after having a declaration certificate filed, his name shall be printed on the ballot at the ensuing general election unless he has died and that fact has been ascertained by the officer charged with the duty of preparing the ballots at least 70 days prior to the election. Names printed on ballot for general election

SEC. 8. Section 3720 of said code is amended to read:

3720. Notwithstanding any provision of this code relating to the form, size, weight, and content of the ballot for either the direct primary, or the general election, or any State special election, the Secretary of State, at any time prior to the seventieth day prior to the election, may prescribe, in his discretion, a form of ballot for use by absent voters at any of said elections to be sent to absent voters and may reduce the size and weight of the ballot and, in such manner as to facilitate the transmission of the ballot by mail to war voters, and rearrange, without elimination or addition, the content thereof. He may also provide uniform envelopes for use in absent voting, and, upon the request of a clerk, may purchase such envelopes, the expenses thereof to be paid from the revolving fund created by Section 3704 of this code. Reimbursement shall be made as provided in said section. Form of ballot for absent voters

SEC. 9. Section 5901.1 of said code is amended to read:

5901.1. Applications for absent voters' ballots referred to in Section 5901 may be filed not more than 40 nor less than five days before the direct primary, or not more than 60 nor less than five days prior to the general election or any State special election. Application for absentee ballot

SEC. 10. Section 5901.5 of said code is amended to read:

5901.5. If the voter is serving in the armed forces of the United States, or any auxiliary branch thereof, he may make his application for an absent voter's ballot at any time subsequent to January 1, 1946, after being notified that he is about to leave the State or to be confined to camp, and no later than five days before the election. Same By voter in armed forces

In the event of a State special election such voter may make an application for an absent voter's ballot at any time after the proclamation of such State special election by the Governor, but not later than five days before such special election.

Applications for absent voters' ballots for the direct primary or the general election received prior to January 1, 1946, from voters serving in the armed forces of the United States, or any auxiliary branch thereof, may be disregarded and destroyed, except if applications under any Federal statute are required to be distributed prior to that time to such persons, such applications shall be accepted and complied with.

SEC. 11. Section 5901.6 of said code is amended to read:

Same By
voter em-
ployed by
U. S., etc

5901.6. If the voter is employed by the United States or is employed by the American Red Cross or is employed as an officer or member of the crew of a vessel documented under the laws of the United States, he may make his application for an absent voter's ballot at any time subsequent to January 1, 1946, after being notified that he is to be required to serve his employer at a place outside the territorial limits of the United States, and no later than five days before the election.

In the event of a State special election such voter may make an application for an absent voter's ballot at any time after the proclamation of such State special election by the Governor, but not later than five days before such special election.

Applications for absent voters' ballots for the direct primary or the general election received prior to January 1, 1946, from voters herein specified may be disregarded and destroyed, except if applications under any Federal statute are required to be distributed prior to that time to such persons, such applications shall be accepted and complied with.

SEC. 12. Section 5901.7 of said code is amended to read:

Effect of
application
by war voter

5901.7. Whenever an application for absent voter's ballot is made by a war voter, the application shall be deemed an application for an absent voter's ballot for the direct primary, and general election, or any State special election to be held subsequent to the making of such application, or such of them as may be required to be held subsequent to the date of the application, and, unless the applicant is already a registered elector, shall be deemed an application for registration under the provisions of Section 132.5 of this code.

SEC. 13. Section 5902.6 of said code is amended to read:

Ballot to be
sent to un-
registered
applicant

5902.6. Where the applicant is not registered and is entitled to receive both a ballot and affidavit of registration under Section 132.6, the clerk shall, in the case of the direct primary, deliver to the applicant the official ballot for the political party with which the applicant has indicated his affiliation. If no political party is designated by the applicant, a nonpartisan ballot shall be sent to him.

If it appears, upon the opening of the absent voter's ballots, that any voter has voted for the candidates of a party with which he is not registered, or that the voter has failed to state his party

affiliation in the affidavit of registration the ballot voted by him shall be void.

SEC. 14. Section 5931.6 is added to said code, to read:

5931.6. If any war voter to whom an absent voter's ballot has been mailed and which ballot has not been voted by him shall return to the county in which he is registered on or before election day, he may apply to the county clerk for permission to vote. The county clerk shall require him to sign an authorization to cancel said absent voter's ballot theretofore issued when it shall be returned to the county clerk. The clerk shall then issue said war voter another absent voter's ballot to be voted in the clerk's office or shall certify to the precinct election board that said war voter is eligible to vote in the precinct polling place of his residence upon complying with the other requirements of this code.

War voter
returning to
county be-
fore election

SEC. 15. Section 7971.5 of said code is amended to read:

7971.5. The compilation of the returns referred to in Section 7971 shall be made by the Secretary of State not later than the thirty-fifth day after any primary election.

Compilation
of returns

SEC. 16. Sections 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2576.5, and 7972.5 of the Elections Code are repealed.

Repeals

CHAPTER 798

An act to amend Section 252 of the Vehicle Code, relating to chauffeurs.

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 252 of the Vehicle Code is amended to read:

252. When Nonresident Exempt. (a) A nonresident over the age of 21 years having in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State as an operator only for not to exceed one year without obtaining a license hereunder.

When
nonresident
exempt

(b) A nonresident over the age of 21 years having in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in this State without obtaining a license hereunder, but such nonresident must be licensed as a chauffeur under the provisions of this code before he may accept regular employment as a chauffeur within this State.

(c) A nonresident over the age of 21 years whose home State or country does not require the licensing of operators or chauffeurs may operate a foreign vehicle owned by him for not to exceed 30 days without obtaining a license hereunder.

(d) The provisions of subdivisions (a), (b) and (c) shall apply to any nonresident over the age of 16 years but under the age of 21 years, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining an operator's or chauffeur's license shall be limited to a period of 10 days immediately following the entry of such nonresident into this State.

(e) For the purposes of this division any person who, while residing in this State, accepts gainful employment within this State, shall be considered to be a resident of this State.

CHAPTER 799

An act to add Section 2670.1 to the Elections Code, relating to printing and distribution of election forms.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2670.1 is added to the Elections Code, to read:

Distribution
of election
forms

2670.1. The county clerk shall supply all forms required for nomination and election to all congressional, State and county offices. Such forms shall be distributed without charge to all such candidates applying therefor; provided, however, that such forms shall not be distributed except upon the prepayment of the filing fees provided for in Sections 2671, 2671.5 and 2672 of this code. Such filing fees shall not be refunded in the event the candidate fails to qualify as a candidate.

CHAPTER 800

An act to add Sections 2262.1, 2262.2, 2262.3 and 2262.4 to, and to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2262.1 is added to the Labor Code, to read:

Ventilation
of motion
picture
theater
projection,
etc., rooms

2262.1. General and emergency ventilation of the projection, rewind and generator rooms of every moving picture theater hereafter constructed or whenever possible in presently constructed theaters hereafter remodeled shall be provided by a duct having outlets at one or more points in the ceiling and leading directly to the outer air. Said duct shall be capable of

maintaining a natural circulation of air, without blower, at the rate of not less than 20 cubic-feet per minute. Auxiliary circulation in said duct shall be provided by a blower having a capacity of not less than 200 cubic-feet per minute for normal circulation and having a rated capacity of changing the air every three minutes for operation in case of fire or other emergency. In no case shall the exhaust duct system of the room be connected with any other ventilating system in the building. The emergency operation of said blower shall be controlled by a switch operated automatically by the shutter control mechanism when the latter is actuated either manually or by melting of the fusible links. This blower providing general and emergency ventilating of the projection room, rewind and generator rooms shall be connected to the emergency lighting circuit of the theater, and shall be controlled for normal circulation by a switch and pilot lamp within the projection room.

Generator room as used in this section means any room which contains either generator, converter, rectifier, rheostats, or storage batteries used in connection with projection.

SEC. 2. Section 2262.2 is added to the Labor Code, to read :

2262.2. Permanent projection rooms of every moving picture theater hereafter constructed or whenever possible in presently constructed theaters hereafter remodeled shall be provided with ventilation for the arc lamps operated therein, independently of the general and emergency ventilating system of the room. The arc lamp housing of each projector shall be connected by a flue to a common duct and the arc lamp housing of spot, or effect machines shall be covered by a hood connected by a flue to such common duct, which duct shall lead directly out of doors and shall contain a blower having a capacity of at least 50 cubic-feet of air per minute for each lamp connected thereto. This blower shall be electrically connected to the projection room wiring system and controlled by a separate switch with pilot lamp within the room. There shall at no time be less than 15 cubic-feet of air per minute flowing through each lamp house into an exhaust system connected to the air outside the building.

SEC. 3. Section 2262 3 is added to the Labor Code, to read :

2262.3. The blowers referred to in Sections 2262.1 and 2262.2 must be of the single inlet type, and no installation shall be made where the motor for operating the blower is in the duct. The ducts shall be of incombustible material, and shall be kept at least two inches from combustible material or separated therefrom by approved noncombustible heat-insulating material, no less than one inch thick. Projection, rewind and generator rooms shall have two or more separate fresh air intake ducts at or near the floor and at opposite ends of the rooms, entirely independent of and in no way connected to the exhaust ducts of the room. Fresh air intake ducts shall be 144 square inches for each 1,000 cubic-feet of air exhausted.

SEC. 4. Section 2262.4 is added to the Labor Code, to read :

Projector
room exits

2262.4. Every projection room in every moving picture theater hereafter constructed shall have at least two separate exit doors for the better protection of the safety of the operator or operators in such projection room in case of fire. In any moving picture theater hereafter remodeled such projection room shall have two such separate doors whenever possible.

SEC. 5. Section 2351 of the Labor Code is amended to read :

Ventilator
of factories
and work-
shops

2351. Every factory or workshop in which one or more persons are employed shall be so ventilated while work is carried on that the air will not become injurious to the health of the employees, and shall also be so ventilated as to render harmless, as far as practicable, all injurious gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein.

CHAPTER 801

An act to amend Section 2140 of the Welfare and Institutions Code, relating to aid to the aged, and prohibiting discrimination against practitioners of particular types of healing arts in the rules for the administration thereof.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2140 of the Welfare and Institutions Code is amended to read :

Duties of
State
Department
of Social
Welfare

2140. The State Department of Social Welfare shall have the power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this chapter, and not inconsistent therewith. No rule or regulation shall be adopted or continued in force the operation of which results in discrimination against practitioners of any type of therapy, treatment by prayer or spiritual means, or other treatment recognized as a branch of the healing arts in favor of the practitioners of any other branch of the healing arts. Such rules and regulations shall be binding upon the boards of supervisors of the various counties. The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

CHAPTER 802

An act to amend Section 5811 and to add Section 5814 to the Labor Code, relating to a penalty for delay in the payment of workmen's compensation benefits.

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5811 of the Labor Code is amended to read:

5811. No fees shall be charged by the clerk of any court for the performance of any official service required by this division, except for the docketing of awards as judgments and for certified copies of transcripts thereof. In all proceedings under this division before the commission, costs as between the parties may be allowed by the commission. Fees and costs

SEC. 2. A new section numbered 5814 is added to the Labor Code, to read as follows:

5814. When payment of compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the full amount of the order, decision or award shall be increased by 10 per cent. The question of delay and the reasonableness of the cause therefor shall be determined by the commission in accordance with the facts. Such delay or refusal shall constitute good cause under Section 5803 to rescind, alter or amend the order, decision or award for the purpose of making the increase provided for herein. Penalty for delay in payment

CHAPTER 803

An act to add Section 1225 to the Government Code, relating to the destruction of city records no longer required.

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1225 is added to the Government Code, to read:

1225. Destruction of City Records No Longer Required. Unless otherwise provided by law, the head of any city department, with the approval, by resolution, of the legislative body of such city and consent in writing of its city attorney, is authorized to destroy or otherwise to dispose of any record of such city under his charge after they have served their purpose and are no longer required. Destruction of city records

Nothing in this section shall be deemed to authorize the destruction of any record affecting the title to real property or liens thereon, the records of any court, any record required to be kept by State statute or any record less than five years old or the minutes, ordinances or resolutions of the legislative body of the city or of any board or commission thereof.

CHAPTER 804

An act to amend Sections 3819 and 3929 of the Elections Code, relating to elections.

In effect
September
15, 1945

[Approved by Governor June 9, 1945 Filed with Secretary of State
June 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3819 of the Elections Code is amended to read:

Designation
under candi-
date's name

3819. Except in cases provided for by Section 26 of Article VI of the Constitution, immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

—Office

(a) Words designating the city, county, district or State office which the candidate then holds.

In addition to the foregoing, members of the Senate of the State of California may use either of the following designations: "State Senator, ----- District, California Legislature" or "Member of California Senate, ----- District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, ----- District, California Legislature" or "Member of the Assembly, ----- District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

—Incumbent

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

—Occupation

(c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman bold-face capitals and lower-case type.

SEC. 2. Section 3929 of the Elections Code is amended to read:

Designation
under candi-
date's name

3929. Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

—Office

(a) Words designating the city, county, district or State office which the candidate then holds.

In addition to the foregoing, members of the Senate of the State of California may use either of the following designations: "State Senator, ----- District, California Legislature" or "Member of California Senate, ----- District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, ----- District, California Legislature" or "Member of the Assembly, ----- District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event the word "incumbent." —Incumbent

(c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. —Occupation The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. No candidate shall assume a designation which would mislead the voters. This designation shall remain the same for all purposes of both primary and general elections, unless canceled by the candidate, prior to the closing date of nomination. In all cases words so used shall be printed in eight-point roman bold-face capitals and lower-case type.

CHAPTER 805

An act to amend Section 3931 of the Elections Code, relating to ballots.

[Approved by Governor June 9, 1945 Filed with Secretary of State
June 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3931 of the Elections Code is amended to read:

3931. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows: Order of names

(a) The name of the incumbent shall appear first upon a list of all candidates for any office and if two or more positions are to be filled at the same time and more than one incumbent is running, the name of each of the incumbents shall appear in alphabetical order for that Assembly district which is lowest in numerical order of any Assembly districts in which such candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the name appearing first for that office in the last preceding district shall be placed last, the order of the other names remaining unchanged. —Incumbents

(b) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates other than incumbents for such office in alphabetical order for the first Assembly district; and thereafter for each succeeding Assembly district, the name appearing first for each office in the last preceding district shall be placed —Candidates other than incumbents

last, the order of the other names remaining unchanged. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates other than incumbents for such office in alphabetical order for that Assembly district which is lowest in numerical order of any Assembly district in which such candidates are to be voted on; and thereafter for such succeeding Assembly district in which such candidates are to be voted on, the name appearing first for the office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

CHAPTER 806

An act to amend Section 380.61 of the Agricultural Code, relating to horse transportation penalty.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 380.61 of the Agricultural Code is amended to read:

Transporta-
tion of
horses, etc

380.61. It is unlawful for any person, firm, association or corporation or their agent, who buys horses, mules or burros for transportation in his or their own or borrowed conveyance, for sale or slaughter, to receive the same for transportation or to transport the same, without having first procured from the director a license to do so. Any applicant for such license shall file with the director a written application stating his name, present address and addresses for the preceding three years, and the county or counties in which he proposes to carry on said business.

Nothing in this section shall be deemed to apply to a farmer operating his own truck so as to prevent him from transporting his own livestock or the livestock of his neighbors.

Applicants shall pay to the director an annual fee of twelve dollars (\$12) in advance.

The annual fee shall be reduced one-fourth for each quarter of the current calendar year which has expired prior to the date of filing the application for such license. No license shall be issued for a quarter of a year unless the same is the only remaining unexpired quarter of the current calendar year at the date of the filing the application for such license.

Any person, firm, association or corporation or their agent who buys horses, mules or burros for transportation, in his or their own or borrowed conveyance, and who thereafter applies for a license must pay twelve dollars (\$12) in addition to the

regular fee; provided, however, he has had a previous license and continues to operate after the expiration of his license and does obtain a new license within 30 days thereafter, such operator shall not be required to pay said penalty of twelve dollars (\$12).

CHAPTER 807

An act to amend Section 380.60 of the Agricultural Code, relating to sales and gifts of animals and the carcasses, skins, or hides thereof.

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 380.60 of the Agricultural Code is amended to read:

380.60. No person shall buy, sell or accept a horse, mule, burro or sheep, the carcass of any such animal from which the hide or skin has not been removed, or the hide or skin thereof, unless the seller or donor give, and the buyer or donee receive, at the time of delivery of such animal, carcass or hide, a written bill of sale or written instrument, giving the number, kind and brand or brand and marks of each such hide, skin, carcass or animal, signed by the party giving the same. Failure of the seller or donor to give a written bill of sale or written instrument to the buyer or donee shall have no effect upon the validity of any sale or contract of sale of horses, mules, burros or sheep nor upon the rights of either the buyer or donee or seller or donor thereunder.

Bill of sale
of animals,
carcasses,
or hides

CHAPTER 808

An act to amend Section 400 of the Agricultural Code, relating to bovine animals, horses, mules and burros.

[Approved by Governor June 9, 1945. Filed with Secretary of State June 9, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 400 of the Agricultural Code is amended to read:

400. Nothing in this article affects the laws or regulations in force or which may be in force regarding estrays, the pound-keeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force; provided however, that if no person appears and claims impounded

Local laws
re estrays

bovine animals, horses, mules or burros within the period specified by said laws or regulations, the poundkeeper or other pound officer shall so notify the Director of Agriculture and upon receipt of such notice the director shall forthwith take possession of said animals and shall dispose of said bovine animals in accordance with the provisions of Section 369 of the Agricultural Code, and shall dispose of horses, mules and burros in accordance with the provisions of Section 380.66 of the Agricultural Code.

CHAPTER 809

An act to amend Section 369 of the Agricultural Code, relating to bovine animals.

In effect
September
15, 1945

[Approved by Governor June 9, 1945. Filed with Secretary of State
June 9, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 369 of the Agricultural Code is amended to read:

Seizure of
estrays

369. Any bovine animal found in the possession of any person who can not prove ownership by a brand certificate or a registered brand, which is registered to the persons in possession of such animal, or a bill of sale from the owner of the brand on said animal or giving a description of an unbranded animal listing breed, color and sex and who does not present proof of ownership satisfactory to the director within 30 days after the animal is found, said animal shall be seized by the director, declared an estray and sold in accordance with the provisions of this article; or any bovine animal presented for inspection, either before shipment or slaughter, which is not claimed by consignor or consignee, for the purposes of this section, is hereby defined as an estray and it shall be unlawful for any person to refuse to turn over to the director any such estray, and upon refusal, the director shall have the right to seize said animal or animals.

Estray
defined

Any such estray shall be seized by the director who will search the brand record for brands and marks on branded animals to ascertain the owner of the animal. If the owner is found said animal shall, on reasonable proof, be turned over to the owner upon payment to the director of all reasonable expenses incurred in the handling of said animal. If the owner is not found, the director shall advertise for three successive weeks in a local paper in the vicinity where the animal was found, or in the locality in which the animal is known to have originated if such origin is known, giving brands and marks on branded animals, and for unbranded animals giving breed, weight, color and sex. If after 30 days from date of seizure no claim is made for the animal the director shall

Sale of
estrays

sell said animal at public sale, previously advertised as herein provided, or at private sale at a price not less than the appraised value as determined by a board of three cattlemen in the area, one to be named by the director, one by the person in possession of the animal and the third by the first two so named. The proceeds of the sale, less reasonable expenses for holding, advertising and sale, shall be held by the director in a special fund to be paid to any claimant who may appear within one year from date of sale and prove his ownership of the animal so sold, if, after the expiration of one year from date of such sale no claim is made and ownership established, said money shall be paid to the State Treasurer and by him credited to the Department of Agriculture Fund to be expended in carrying out the provisions of this article.

CHAPTER 810

An act to add Section 10301.3 to the Education Code, relating to courses of study in elementary schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 10301.3 is added to the Education Code, to read:

10301.3. Notwithstanding anything in Section 10301 to the contrary, an elementary school district otherwise authorized to maintain a course of study for the day elementary schools of the district embracing only six years of instruction which during the school years 1943-1944 and 1944-1945 maintained a course of study for the day elementary schools of the district embracing eight years of instruction is hereby authorized to maintain a course of study for such schools embracing six years of instruction or eight years of instruction at the discretion of the governing board of the district. Years of instruction

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

A legal question exists as to whether elementary school districts in certain high school districts maintaining a junior high school are authorized, in view of Education Code Section 10301, to maintain the seventh and eighth grades, and has created a situation of great urgency and moment affecting the financial support of the public schools. In view of this question which applies to a number of situations, Chapter 65 of the

Statutes of the Fourth Extraordinary Session of the Fifty-fifth Legislature was enacted to avoid the loss by those elementary school districts which have in good faith maintained the seventh and eighth grades, of State and district aid for such grades during the school year 1944-1945. In order to settle this question and provide for the apportionment of school funds to districts which have maintained such classes and will elect to continue their maintenance, it is necessary that this act take effect immediately.

CHAPTER 811

An act to amend Sections 5363, 5364 and 5366 of the Education Code and to add Section 5363.1 to said code, relating to the tuition and transportation of high school pupils attending high school in an adjoining State.

In effect
September
15, 1945

[Approved by Governor June 11, 1945 Filed with Secretary of State
June 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5363 of the Education Code is amended to read:

Attendance
of pupils
outside
State
Tuition

5363. The county superintendent of schools shall pay for the tuition of high school pupils residing in his county and attending high school in an adjoining State from the county high school tuition fund of his county pursuant to this article.

SEC. 2. Section 5363.1 is added to said code, to read:

Transportation

5363.1. The county superintendent of schools may provide for the transportation of such pupils to and from their homes and the high school in an adjoining State attended by them. For this purpose the county superintendent of schools is authorized to purchase, maintain and operate one or more school buses and to contract with a responsible party or parties for the providing of such transportation by such party or parties.

In lieu of providing such transportation for any such pupil, the county superintendent of schools may pay the parent or guardian of each such pupil five cents (\$.05) per mile for each mile necessarily traveled by such pupil in going to and from his home and school except that if there is more than one such pupil in the household of the parent or guardian the county superintendent of schools may pay two and one-half cents (\$.02½) for each such mile for each additional pupil in the household. The total amount paid to any parent or guardian hereunder shall not in any month exceed the sum of fifty dollars (\$50) for the one pupil in the household of such parent or guardian and twenty-five dollars (\$25) for each additional pupil in the same household.

SEC. 3. Section 5364 of said code is amended to read:

5364. Any costs incurred by the county superintendent; of Method of payment schools for the transportation of high school pupils to a high school in an adjoining State shall be paid by him by requisition drawn against the county high school tuition fund.

SEC. 4. Section 5366 of said code is amended to read:

5366. The county superintendent of schools shall verify Determination of amount the certificates of attendance and cost of education of pupils attending high schools in adjoining States and shall certify to the county auditor and the board of supervisors the amount of money required to be levied as a county high school tuition tax. The amount shall not include any costs for the transportation of the pupils in excess of the amounts permitted by this article. The amount shall be determined by subtracting from the total cost of the tuition and transportation allowed under this article, the amount to be apportioned by the Superintendent of Public Instruction to the county high school tuition fund during the school year.

CHAPTER 812

An act to amend Section 3635 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of tax sale or tax deed.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3635 of the Revenue and Taxation Code is amended to read:

3635. If the taxes are not paid within the time prescribed, the court shall, as to tax-deeded property, make its final decree Decree quieting title quieting the title of the State. As to tax-sold property which has not been tax-deeded, the court shall make its final decree determining the correct amount of taxes due and no redemption shall be made thereafter without the payment of interest, penalties or costs thereon. After the final decree has become a final judgment, the tax sale and deed are conclusively presumed to be valid. In the event the taxes are not paid within the time prescribed, all right or privilege of redemption shall thereupon Redemption rights terminated cease and terminate as to tax-deeded property, and the final decree entered therein shall so expressly provide.

A certified copy of such final decree shall be recorded immediately in the office of the county recorder who shall deliver such certified copy, after reoordation, to the office of the redemption officer.

CHAPTER 813

An act to amend Section 20952 of the Government Code, relating to the State Employees' Retirement System, and providing for the retirement of local safety members.

In effect
September
15, 1945

[Approved by Governor June 11, 1945. Filed with Secretary of State
June 11, 1945.]

The people of the State of California do enact as follows:

See also
Stats. 1945,
Ch. 123

Retirement
of local safety
member

SECTION 1. Section 20952 of the Government Code is amended to read:

20952. (a) A local safety member shall be retired for service upon his written application to the board if he has attained age 55, and is entitled to be credited with 20 years of continuous State service.

(b) The provisions of subdivision (a) of this section do not apply to the employees of any contracting agency having a contract with the board made prior to the date this section takes effect, which contract specifies an age greater than age 55 as the minimum age for voluntary retirement for service for local safety members, unless and until the agency elects to make subdivision (a) of this section applicable to its employees, by amendment to its contract made in the manner prescribed for the approval of contracts, except that an election among the employees is not required.

Unless and until any such contracting agency elects to make subdivision (a) of this section applicable to its employees, a local safety member employed by such contracting agency shall be retired for service upon his written application to the board if he has attained the minimum age for voluntary retirement specified in the contract between his employer and the board, and is entitled to be credited with 20 years of continuous State service.

CHAPTER 814

An act to amend Sections 13059.2, 16441 and 16443 of the Education Code, relating to school supervisors of health.

In effect
September
15, 1945

[Approved by Governor June 11, 1945. Filed with Secretary of State
June 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 13059.2 of the Education Code is amended to read:

Qualifica-
tions of
school audi-
ometrist

13059.2. The qualifications for school audiometrist shall be a certificate of registration as a school audiometrist issued by the State Board of Public Health and a health and development certificate.

SEC. 2. Section 16441 of the Education Code is amended to read:

16441. The governing board of any school district may appoint a supervisor of health, or supervisors of health, ^{Supervisor of health} consisting of a physician, teacher, nurse, oculist, dentist, optometrist, otologist, chiropodist, school audiometrist, or any one or more of such persons. In case of the appointment of more than one supervisor of health the supervisors may, in the discretion of the board, all be chosen from any one of the classes designated. The board may also appoint such number of nurses and dental hygienists as it may deem necessary to work under the direction of the supervisor of health and may provide for the compensation of such employees. No money set aside for the payment of teachers' salaries or for library purposes shall be used for this purpose.

SEC. 3. Section 16443 of the Education Code is amended to read:

16443. No physician, oculist, dentist, dental hygienist, ^{Health and development certificate} optometrist, otologist, chiropodist, school audiometrist, or nurse not employed in such capacity by the State Department of Public Health, shall be, nor shall any other person be, employed or permitted to supervise the health and physical development of pupils unless he holds a health and development certificate.

CHAPTER 815

An act to amend Section 235 of the Code of Civil Procedure, relating to the summoning of juries of inquest and of juries in justices' courts.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 235 of the Code of Civil Procedure is amended to read:

235. Juries of inquest and juries in justices' courts shall be summoned by the officer before whom the proceedings in which they are to sit are to be had, or by any sheriff, constable, or policeman, from the persons competent to serve as jurors, resident of the county, or city and county, by notifying them orally that they are so summoned, and of the time and place at which their attendance is required. Jurors' fees, for attending justices' courts shall be, for each juror sworn, three dollars (\$3) per day. In addition, each juror attending a justice's court shall be entitled to fifteen cents (\$.15) per mile, for each mile actually traveled in attending as a juror, in going only, together with meals and lodging. Summoning juries of inquest and juries in justices' courts

CHAPTER 816

An act to amend Sections 3023, 3047, 3048, 3049 and 3051 of the Business and Professions Code, relating to optometry.

In effect
September
15, 1945

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3023 of the Business and Professions Code is amended to read:

Examining
and accredit-
ing schools

3023. The board shall visit and examine schools in this State where the science of optometry is taught.

It shall accredit schools in or out of this State teaching the science of optometry, which it finds giving a sufficient course of study for the preparation of optometrists. The board may accredit only the schools which comply with the standards provided in Sections 3047, 3048 and 3049.

SEC. 2. Section 3047 of the Business and Professions Code is amended to read:

Educational
requirements

3047. Each applicant shall show to the board by satisfactory evidence that he has attended two resident courses of professional instruction in the study of optometry in a school or schools accredited by the board, and that he has graduated from such accredited school.

SEC. 3. Section 3048 of the Business and Professions Code is amended to read:

Minimum
requirements
of course

3048. Each course of instruction referred to in Section 3047 shall have been of not less than 32 weeks duration and the total number of hours shall consist of not less than 2,000 hours, according to the following schedule:

Subject	Minimum Percentages
Anatomy and physiology; and anatomy and physiology of the eye	17%
Geometrical and physical optics.....	10%
Practical optics and practical optometry.....	18%
Physiological optics	9%
Theoretical optometry	17%
Pathology of the eye.....	4%
Clinical practice	10%
 Total	 85%
Electives in the above or related fields to bring total to.....	100%

SEC. 4. Section 3049 of the Business and Professions Code is amended to read:

Required
hours and
attendance

3049. In the course of study outlined in Section 3048, the hours shall be computed as follows: The hours required in laboratory, clinic and lectures shall be clock hours; except that each hour spent in lectures or classroom work requiring outside preparation including the presentation of papers or problem work shall count as two hours.

At least 80 per cent of actual attendance shall be required.

SEC. 5. Section 3051 of the Business and Professions Code is amended to read:

3051. (a) Each applicant for examination shall furnish proof that he has completed collegiate work consisting of at least 60 semester units of credits of not less than C grade average; included in these semester units the following subjects are required: (i) Physics, (ii) Physiology or biology or zoology, (iii) Chemistry, (iv) Bacteriology, (v) Psychology, (vi) Analytical geometry. Collegiate requirements

Whenever possible these subjects shall be taken during the first two years of the required four-year course of study in optometry.

(b) If application for examination is made within four years after the cessation of hostilities in all wars in which the United States is now engaged, the specific subject requirements of this section shall not apply to any graduate of an accredited optometry school whose entrance into the armed services prevented his taking the examination, or to any student of an accredited optometry school whose course of instruction was interrupted by his entrance into the armed services. Exception

CHAPTER 817

An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts. Stats. 1925,
p. 648,
amended

[Approved by Governor June 11, 1945 Filed with Secretary of State June 11, 1945] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7a of the act cited in the title hereof is hereby amended to read as follows: Stats. 1943,
p. 1074

Sec. 7a. The clerk of the municipal court in cities of the first and one-half class shall appoint the following deputies and attaches who shall each receive as monthly compensation the sum set opposite the title of their respective offices or positions: Municipal
courts in
Los Angeles
Deputy
clerks

One deputy clerk (chief clerk, traffic department), four hundred dollars (\$400);

One deputy clerk (chief clerk, civil department), four hundred dollars (\$400);

One deputy clerk (chief clerk, criminal department), four hundred dollars (\$400);

Three deputy clerks, three hundred twenty-five dollars (\$325);

One deputy clerk (chief clerk, accounting department), four hundred dollars (\$400);

One deputy clerk (secretary of the court who shall also act as jury commissioner), four hundred dollars (\$400);

Thirty-seven deputy clerks, two hundred eighty-five dollars (\$285);

Two deputy clerks, two hundred sixty dollars (\$260);

Nineteen deputy clerks, two hundred thirty dollars (\$230);

Eight deputy clerks, two hundred fifteen dollars (\$215);

Thirty-six deputy clerks, two hundred dollars (\$200);

Twenty-eight deputy clerks, one hundred eighty dollars (\$180);

Four deputy clerks, one hundred seventy-five dollars (\$175);

Two deputy clerks, one hundred sixty dollars (\$160);

Two deputy clerks, one hundred fifty dollars (\$150).

In addition to the salaries in this section above provided, the clerk and deputy clerks shall be allowed their necessary traveling expenses not exceeding six cents (\$.06) per mile, when the business of the court shall require them to travel from the principal office of the clerk or from one division of said court, to another division thereof situated at a greater distance than five miles from the point of departure.

CHAPTER 818

An act to add Section 6901 to and amend Sections 6890, 6891, 6894, and 6895 of the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removal of material therefrom.

In effect
September
15, 1945

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 6901 is added to the Public Resources Code, to read:

Applications
for erection
of struc-
tures, etc.,
on tide and
submerged
lands

6901. All applications made to the commission pursuant to this article for erection of any permanent structure on tidelands or submerged lands or for depositing or removal therefrom of any material shall be submitted by the commission to the Division of Beaches and Parks to make an examination and report whenever the commission determines that the action proposed in such application would interfere with the recreational use of lands littoral to tidelands or submerged lands involved in such application. All such applications shall also be submitted by the commission to the Attorney General for approval as to compliance with the applicable provisions of law and of the rules and regulations of the commission. Should it be found that the action proposed in any application would unreasonably inter-

fere with the maintenance or use thereof for recreational purposes or protection of shore properties, such application shall not be granted unless modified in a manner which may avoid such interference.

SEC. 2. Section 6890 of the Public Resources Code is amended to read:

6890. Prospecting permits and leases for the extraction and removal of minerals other than oil and gas or other hydrocarbon substances from lands including tide and submerged lands belonging to the State, may be issued as provided in this article and in this chapter insofar as not in conflict with this article. No such permit or lease shall be issued by the commission until it has been submitted to the Attorney General and has been approved by him as to compliance with the applicable provisions of law and of the rules and regulations of the commission.

Mineral
prospecting
permits and
leases

SEC. 3. Section 6891 of said code is amended to read:

6891. The commission shall issue a prospecting permit, under such rules and regulations as it may prescribe, for lands which are not known mineral lands to any qualified applicant, upon the payment to the commission of one dollar (\$1) per acre for each acre in area embraced within the boundaries of the lands described in the permit. No permit shall be issued for any lands which have been classified by the commission prior to such application as containing commercially valuable mineral deposits. Upon receipt of an application for a permit, the commission shall determine whether the lands described therein are known mineral lands. If it determines that the lands are known mineral lands, it shall thereupon so classify them and shall reject the application for a prospecting permit.

Issuance of
prospecting
permit

Subject to such terms and conditions as the commission may determine to be in the best interest of the State, a prospecting permit shall give to the permittee the exclusive right for a period not exceeding two years to prospect for minerals other than oil and gas or other hydrocarbon substances upon lands wherein such mineral deposits belong to the State.

Rights
granted

The commission may, in its discretion, extend the term of any permit for a period not exceeding one year, but the term of any such permit, including extensions, shall be limited to a total three years.

Extension
of term

SEC. 4. Section 6894 of said code is amended to read:

6894. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced upon the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the land covered thereby; provided, however, that if the tract described in any such permit consists of tide or submerged lands, it shall be deemed a compliance with the provisions of this section to record such notice with the county recorder of the county in which the lands or the greater portion thereof are located.

Marking
and notice

SEC. 5. Section 6895 of said code is amended to read:

Lease of
minera
lands

6895. Upon establishing to the satisfaction of the commission that commercially valuable deposits of minerals have been discovered within the limits of any permit, the permittee shall be entitled to a lease for not more than 160 acres of the land embraced in the prospective permit, if there be that number of acres within the permit. The area selected by the permittee shall be in compact form, and if surveyed shall be described by the legal subdivisions of the public land surveys; if unsurveyed, the area shall be surveyed by the commission at the expense of the applicant for the lease, in accordance with rules and regulations to be prescribed by the commission, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys. The lease shall be upon a royalty, as specified by the commission in the permit, and the annual payment in advance of a rental of one dollar (\$1) per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year. Notwithstanding the 160 acreage limitation provision of this section, whenever the lands for which a lease is sought are tide and submerged lands, the commission shall be, and is, authorized to divide such lands into such size and number of parcels as the commission shall determine will not substantially impair the public rights to navigation and fishing or interfere with the trust upon which such lands are held.

Tide and
submerged
lands

CHAPTER 819

An act to amend Sections 291, 372, 375 and 5552 of the Elections Code, relating to the preparation and furnishing of indexes of registration.

In effect
September
15, 1945

[Approved by Governor June 11, 1945 Filed with Secretary of State
June 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 291 of the Elections Code is amended to read:

Cancellation
of regis-
tration

291. Cancellation is made by writing or stamping on the affidavit of registration the word "canceled," the reason therefor, and the date of cancellation.

Change of
precincts

Whenever a voter transfers his registration from one precinct to another precinct in the same county, or reregisters in another precinct in the same county as shown by the new affidavit of registration, the county clerk shall immediately cancel both the original and the duplicate affidavit of registration from the precinct in which he was first registered, and remove the original from the precinct book or files. Whenever a voter removes from one county to another county and registers in the latter county, the county clerk of the county in which he

Removal
from county

was first registered, upon being informed of his removal, either by the voter personally or by receipt of an affidavit of cancellation, shall likewise cancel his registration and remove the original affidavit of registration in that county.

All canceled original affidavits of registration shall be preserved by the county clerk until the first day of January of the next odd-numbered year. Preservation of canceled affidavits

The county clerk in distributing to each precinct the three indexes of registration, as required by this chapter, shall cross out of those indexes the names of all voters whose affidavits of registration from the precinct have been canceled. Removal of names from indexes

SEC. 2. Section 372 of the Elections Code is amended to read:

372. At the time he prepares indexes of registration for county use the county clerk shall also have printed and shall furnish to the municipalities within his county, any additional number of copies, not exceeding three for each election, which the governing body of municipalities by resolution may require. Indexes of registration for municipalities

SEC. 3. Section 375 of the Elections Code is amended to read:

375. Before the day of election, the county clerk shall deliver to the precinct board in each precinct the book of affidavits of registration for that precinct together with three copies of the index thereto. The book shall constitute the register to be used at the election. Delivery of register to precinct board

SEC. 4. Section 5552 of the Elections Code is amended to read: See also Stats 1945, Ch 584

5552. Before opening the polls the precinct board shall post in separate convenient places, at or near the polling place and easy of access to the voters not less than two of the copies of the index to the book of affidavits of registration furnished for that precinct. Posting index to precinct book

CHAPTER 820

An act to amend Section 4247 of the Political Code, relating to compensation for public service in counties of the eighteenth class.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4247 of the Political Code is amended to read:

4247. In counties of the eighteenth class, the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums: Santa Barbara Salaries

1. The auditor, four thousand five hundred dollars (\$4,500) per annum. The auditor shall devote his full working time to the duties of his office. Auditor

District
attorney

2. The district attorney, six thousand dollars (\$6,000) per annum for all services. The district attorney shall devote his entire time during office hours to the duties of his office and shall not engage in private practice of the law during his term of office.

Supervisors

3. Each supervisor for all services required of him as supervisor and ex officio road commissioner, three thousand dollars (\$3,000) per annum. Where necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration and no other traveling expenses shall be allowed.

Jurors

4. Grand jurors three dollars (\$3) per diem and trial jurors in the superior court three dollars (\$3) in civil and criminal actions, and trial jurors in courts of justices of the peace two dollars (\$2) in civil and criminal actions, for each day's attendance. In addition, mileage fees shall be allowed all jurors to be computed at the rate of fifteen cents (\$0.15) per mile for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

Incumbent
officers

Sec. 2. The compensation provided by Section 4247 of the Political Code shall be paid to incumbent officers.

CHAPTER 821

An act to amend Section 4455 of the Labor Code, relating to average earnings.

In effect
September
15, 1945

[Approved by Governor June 11, 1945 Filed with Secretary of State
June 11, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 4455 of the Labor Code is amended to read:

Average
weekly
earnings of
minors

4455. If the injured employee is under 21 years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed in Section 4453, to be the weekly sum which under ordinary circumstances he would probably be able to earn at the age of 21 years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured. If such probable earnings at the age of 21 years can not reasonably be determined, his average weekly earnings shall be taken as thirty-two dollars and sixty-one cents (\$32.61).

CHAPTER 822

An act to amend Section 690.11 of the Code of Civil Procedure, relating to exemptions from execution.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 690.11 of the Code of Civil Procedure is amended to read:

690.11. One-half of the earnings of the defendant or judgment debtor received for his personal services rendered at any time within 30 days next preceding the levy of attachment or execution where such one-half is necessary for the use of the debtor, or his family supported in whole or in part by such debtor. Exemptions:
Earnings

All of such earnings, if necessary for the use of the debtor's family, residing in this State, and supported in whole or in part by such debtor unless the debts are: (a) Incurred by such debtor, his wife or family, for the common necessities of life; or, (b) incurred for personal services rendered by any employee, or former employee, of such debtor.

CHAPTER 823

An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 103 of the Code of Civil Procedure is amended to read as follows:

103 (a) There shall be at least one justice's court in each of the townships of the State, for which one justice of the peace must be elected by the qualified electors of the township, at the general State election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and in such case, one justice of the peace must be elected, in the manner herein provided, for each of said courts; provided, however, that in every township containing a population of over 200,000 and less than 400,000 in counties containing a population of over 400,000 and less than 600,000 and in which no municipal court has been established pursuant to the provisions of Section 11 of Article VI of the Constitution, whenever in the opinion of the Justices' courts and justices

Extra
sessions

justice of the peace of such township, the public interests so justify or require, one or more sessions of said justice court, to be known as extra sessions thereof, may be held in addition to and at the same time as the sessions held by the justice of the peace of such township, which extra sessions shall have all of the powers and jurisdiction prescribed and conferred by law upon justices of the peace.

Request to
hold court

(b) The justice of the peace of a township containing a population of over 200,000 and less than 400,000 in such counties, may request any other qualified justice of the peace, or judge of any city court in such county, to hold court in such township, and while so holding court, or acting as a justice of the peace therein, he shall receive for his services the same compensation as the justice of the peace of the township in which he is requested to act, together with actual traveling expenses at the rate of twenty-five cents (\$.25) per mile, while traveling from his residence to the court and return therefrom. The extra compensation of the justice of the peace, or judge sitting in said court pursuant to such request shall be paid by the county which, by law is charged with the payments of the compensation of the justice of the peace making the request. The board of supervisors of such county shall provide a suitable place for the holding of extra sessions of said justice's court.

Alameda
County

Salaries

(c) In counties containing a population of more than 400,000 and less than 600,000, justices of the peace shall each receive the following salaries to be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund of the county, such warrants to be audited and paid as the salary of any county or township officer, and which salaries shall be in full for all services rendered by such justices of the peace; in any townships in said counties which have a population of more than 200,000, six thousand dollars (\$6,000) per annum; in any of said townships having a population of 100,000 and less than 200,000, six thousand dollars (\$6,000) per annum; in any of said townships having a population of 35,000 and less than 50,000, three thousand three hundred dollars (\$3,300) per annum; in any of said townships having a population of 30,000 and less than 35,000, three thousand three hundred dollars (\$3,300) per annum; in any of said townships having a population of less than 30,000, two thousand seven hundred dollars (\$2,700) per annum; provided, however, that no justice of the peace in any such township shall receive a salary of more than six thousand dollars (\$6,000).

Fresno
County

(d) In every township containing a population of over 30,000 in counties containing a population of over 144,000 and less than 145,000, as determined by the Federal census taken in the year anno Domini 1930, in which no municipal court has been established, pursuant to the provisions of Section 11, Article VI of the Constitution, there shall be a justice's court composed of two justices of the peace which shall have all the powers and jurisdiction prescribed and conferred by law upon

justices of the peace. Any of said justices may hold court and there may be as many sessions of said court at the same time as there are justices thereof. The board of supervisors shall provide in a convenient locality a suitable office for the justices, justices' clerks and rooms suitable for holding sessions of said court separate from each other for each of said justices of the peace.

(e) The salary of each of said justices of the peace shall be ^{Salaries} three thousand dollars (\$3,000) a year and shall be paid by warrant drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund of the county, such warrants to be audited and paid as salary of any county or township officer.

(f) In every city of the second and one-fourth, second and ^{City justices' courts} three-eighths, second and one-half, second and three-fourths, third and fourth classes, save and except cities of the second and three-fourths class lying within a township wherein two township justice courts have been created and are in existence on September 15, 1931, there must be one justice of the peace, to be elected in like manner, by the electors of such cities or towns, respectively; and such justices of the peace of cities shall have the same jurisdiction, civil and criminal, as justices of the peace of townships and township justices' courts. Said justices of the peace of cities and justices' courts of cities shall also have jurisdiction of all proceedings for the violation ^{Jurisdiction} of any ordinance of any city in which courts are established both civil and criminal and of all actions for the collection of any license required by any ordinance of any such city, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of police courts, recorder's courts or mayor's courts, within such city.

(g) No person is eligible to the office of justice of the peace ^{Qualification of justices} in any city of the second and one-fourth, second and three-eighths, second and one-half, second and three-fourths or third class, who has not been admitted to practice law in this State; and no justice of the peace shall be permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in any such city, town or county.

(h) Every city justice of the peace in any city of the second and one-fourth class shall receive a salary of three thousand dollars (\$3,000) per annum. Every city justice of the peace in any city of the second and three-eighths class shall receive a salary of four thousand six hundred dollars (\$4,600) per annum, and in any city of the second and one-half class shall receive a salary of six thousand dollars (\$6,000) per annum. Every city justice of the peace in any city of the second and three-fourths class shall receive a salary of two thousand four hundred dollars (\$2,400) per annum. Every city justice of the peace in any city of the third class shall receive a salary of four thousand two hundred dollars (\$4,200) per ^{Salaries}

annum from the effective date of this amendment until the first Monday after the first day of January, 1947, and thereafter a salary of four thousand eight hundred dollars (\$4,800) per annum. Every city justice of the peace in any city of the fourth class shall receive a salary of one thousand five hundred dollars (\$1,500) per annum.

Offices

(i) Each of said justices of the peace shall be provided by the city authorities, or by the board of supervisors, in counties where the salary of the city justice of the peace is paid by the county, with a suitable office in which to hold his court. The compensation of the justice of the peace of any city shall be paid by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund of such city or county as the case may be; such warrants to be audited and paid as salaries of any other city or county officials.

Fees

(j) All fees which are chargeable by law for services rendered by such city justice of the peace in cities aforesaid shall be by them respectively collected and on the first Monday of each month, every such city justice, or his clerk, shall make a report under oath, to the city or county treasurer, as the case may be, of the amount of fees so by him collected, and pay the amount so collected into the city or county treasury, as the case may be, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justice.

Vacancies

(k) Where the number of city justices herein fixed for any city exceeds the number elected at the last general election, the board of supervisors of the county in which such city is situated shall, as soon as is practicable after this amendment takes effect, make appointments in the manner provided by law, to fill such vacancies.

SEC. 2. Section 103½ of said code is amended to read:

Clerks of justices' courts

103½. Every city justice's court in any city or town of the second and one-fourth, second and three-eighths, second and three-fourths and third classes shall have a clerk. Every city justice's court in any city or town of the second and three-eighths class and the second and one-half class where there is a police court or other inferior court organized under the city charter shall have one clerk. Every city justice's court in any city or town of the second and three-eighths class where there is no police court or other inferior court organized under the city charter shall have one clerk and two deputy clerks. Every city justice's court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the city charter shall have one clerk and three deputy clerks. Said clerks shall be respectively appointed by the justice of the peace of said court and shall hold office during the pleasure of said justice. Said clerks and deputy clerks shall each give a bond in the sum of five thousand dollars (\$5,000) with at least two sureties to be approved by the mayor or, if the clerk's salary is paid by the county, to be approved as provided for county officers, conditioned for the

faithful discharge of the duties of their office. They shall keep a record of the proceedings of said court and issue all process ordered by the justice of said court. The clerk of said court or a deputy clerk in the discretion of the justice of the peace, shall receive and pay into the city treasury, or into the county treasury if the salary of the clerk is paid by the county, all fines, forfeitures and fees paid into said court, and shall render each month to the city council or county board of supervisors where the salary of the clerk is paid by the county an exact account under oath of all fines, forfeitures and fees paid and collected. Said clerks and deputy clerks shall prepare bonds, justify bail when the amount has been fixed by the court or justice and may administer and certify oaths, and shall remain in the courtrooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of their duty. The clerk of the court shall have custody of all records and papers of said justice's court. Every clerk of the justice's court in any city or town of the second and one-fourth class shall receive a salary of one thousand six hundred dollars (\$1,600) per annum. Every clerk of the justice's court in any city or town of the second and one-half class, where there is a police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand one hundred dollars (\$2,100). Every clerk of the justice's court in any city or town of the second and three-eighths class, where there is a police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand two hundred five dollars (\$2,205). Every clerk of the justice's court in any city or town of the second and three-eighths class where there is no police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand seven hundred dollars (\$2,700), and every clerk of the justice's court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the charter, shall receive an annual salary of three thousand six hundred dollars (\$3,600), and the deputy clerks of said city or town shall each receive an annual salary of two thousand one hundred dollars (\$2,100). Every clerk of the justice's court in any city or town of the second and three-fourths class shall receive an annual salary of two thousand one hundred dollars (\$2,100). Every clerk of the justice's court of any city or town of the third class shall receive an annual salary of two thousand four hundred dollars (\$2,400); said salaries shall respectively be payable in equal monthly installments by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund, of such city or county as the case may be, such warrants to be audited and paid as salaries of any other city or county officials respectively, and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

CHAPTER 824

Stats 1938, p 1049, amended *An act to add Section 5½ to the County Water District Act, relating to directors of county water districts.*

In effect
September
15, 1945

[Approved by Governor June 11, 1945. Filed with Secretary of State
June 11, 1945.]

The people of the State of California do enact as follows:

New sect on

SECTION 1. Section 5½ is added to the act cited in the title hereof, to read:

When directors may be appointed

Sec. 5½. If on the twentieth day prior to the day fixed for the general county water district election it appears that one person, but not more than one, has been nominated for each of the positions of director, which are to be filled at that election and a petition, signed by five per cent (5%) of the qualified electors in the district, requesting that the general county water district election in the district be held has not been presented to the board of directors of the district, an election shall not be held, but the board of supervisors of the county in which the district is situated at a regular or special meeting held prior to the day fixed for said election shall appoint to the said positions those persons who have been nominated for such positions. The said persons shall qualify and take office and serve exactly as if elected at a general county water district election. In such instances the publication provided for in paragraph 11 of Section 5 of this act shall instead of calling an election state that no election is to be held, but that the board of supervisors will appoint those nominated for the said positions of director.

CHAPTER 825

Stats 1937, p 1898, amended

An act amending Sections 18, 20, 26, 28, 43.5, 44, 73, 100, 101, 112, 133, and 160 of, adding Sections 34, 57.3, and 64.1 to, adding Article 7.5, consisting of Sections 121, 122, 123, 124, 125, 126, 127, and 128, to, and repealing Section 136 of, the County Employees Retirement Act of 1937, relating to retirement.

In effect
September
15, 1945

[Approved by Governor June 11, 1945. Filed with Secretary of State
June 11, 1945.]

The people of the State of California do enact as follows:

Stats 1937, p 1898

SECTION 1. Section 18 of the County Employees Retirement Act of 1937, is amended to read:

"Member"

Sec. 18. "Member" means any person included in the membership of the retirement association as set forth in Article 2, or any person who has elected in writing to come within the provisions of Article 7.5.

SEC. 2. Section 20 of the County Employees Retirement Act Stats 1937, p. 1898 of 1937 is amended to read:

Sec. 20. "Regular interest" means interest at $3\frac{1}{2}$ per cent per annum, until otherwise determined by the board, compounded semiannually on June 30th and December 31st. "Regular interest"

SEC. 3. Section 26 of the County Employees Retirement Act Stats 1941, p. 1444 of 1937 is amended to read:

Sec. 26. "Service" means uninterrupted employment of any person appointed or elected who is receiving compensation from the county or district for such service while he is a member of the retirement association, and also for that period of time covered by Section 43.5, except that a temporary layoff on account of illness or for purposes of economy, suspension or dismissal, each of the foregoing followed by reinstatement or reemployment within one year, a leave of absence followed by reinstatement or reemployment within one year after the termination of such leave of absence, a resignation to enter followed by entrance into the armed forces of the United States during war or National emergency proclaimed by the President or the Congress of the United States or entrance into such service under Act of Congress providing for peacetime induction or conscription followed by reemployment by the county within six months after the termination of such service during such war or emergency, resignation of a member who has elected in writing to come within the provisions of Article 7.5 followed by reemployment before withdrawal of any accumulated contributions, shall not be considered as breaking the continuity of service. "Service"

SEC. 4. Section 28 of the County Employees Retirement Act Stats 1943, p. 2760 of 1937 is amended to read:

Sec. 28. Upon the adoption of a system by any county pursuant to this act, unless otherwise provided in the by-laws or regulations of the board, "prior service" shall mean service prior to the date of entry of a member into the retirement system. "Prior service"

SEC. 5. Section 34 is hereby added to the County Employees Retirement Act of 1937, to read as follows: New section

Sec. 34. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this act expressly provides otherwise. Deputies

SEC. 6. Section 43.5 of the County Employees Retirement Act of 1937 is amended to read: Stats 1943, p. 2760

Sec. 43.5. Except as provided in Section 43.6 credit for prior service shall be granted to each person who has rendered such service as defined in this act, and who has become a member of the retirement system on the day it becomes operative, or within six months after discharge from military service, or within one year after last rendering prior service. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act, only if the membership in the Credit for prior service

retirement system continues unbroken until retirement on a retirement allowance, or until the granting of such other benefit, provided that termination of membership by withdrawal of accumulated contributions followed by the redeposit of such contributions upon reentrance into service as herein provided shall not constitute a break in membership, but this section shall not be construed to entitle any person to credit as prior service for time during which he was not in service as defined in this act.

New section SEC. 7. Section 57.3 is hereby added to the County Employees Retirement Act of 1937, to read as follows:

Provision for SEC. 57.3. The board of retirement in its by-laws or regula-
prior service tions, among other things, may also provide as to what service shall constitute "prior service."

New section SEC. 8. Section 64.1 is hereby added to the County Employees Retirement Act of 1937, to read as follows:

Duties of SEC. 64.1. The county health officer shall advise the board on
county medical matters and, when requested by the board, shall attend
health officer the meetings of the board.

Stats. 1937, SEC. 9. Section 73 of the County Employees Retirement
p 1898 Act of 1937 is amended to read:

Interest SEC. 73. Regular interest shall be credited semiannually
credit on June 30th and December 31st to all contributions in the retirement fund to the credit of each member which has been on deposit for six months immediately prior to such date. Interest at the rate of 3½ per cent per annum, until otherwise determined by the board, compounded semiannually, shall be used in the calculation of benefits under any mortality table adopted by the board. Interest earned on the retirement fund during any year in excess of the total interest credited to contributions during such year, shall remain in said fund as a reserve against deficiencies in interest earned in other years, losses on investments, and other contingencies.

Stats 1937, SEC. 10. Section 100 of the County Employees Retirement
p 1898 Act of 1937 is amended to read:

Appropri- SEC. 100. From and after the date a system created by
ator this act becomes operative, the board of supervisors shall in the preparation and adoption of the county budget, add to the appropriation for salaries and wages and include therein an appropriation determined pursuant to Sections 58 and 59. Until such determination such appropriation shall be equal in amount to 3.25 per cent of the total compensation provided for those employees who are members of the retirement association.

Stats. 1937, SEC. 11. Section 101 of the County Employees Retirement
p 1898 Act of 1937 is amended to read:

Transfer of SEC. 101. The county auditor shall certify to the board of
members' supervisors at the end of each month the total amount of com-
contributions pensation paid members of the retirement system, and the board of supervisors shall thereupon transfer that percentage of this amount determined pursuant to Sections 58 and 59 from the

appropriation to the "Retirement fund." Until such determination the amount of such transfer shall be 3.25 per cent of the total amount of compensation.

SEC. 12. Section 112 of the County Employees Retirement Act of 1937 is amended to read: Stats 1937, p 1898

Sec. 112. Any member who has completed 20 years of continuous service and who has reached the age of 55 years or more, may be retired upon filing with the retirement board a written application, setting forth the date upon which he desires his retirement to become effective, which date shall be not more than 60 days from and after the date of filing such application. Application for retirement

SEC. 13. Article 7.5, consisting of Sections 121, 122, 123, 124, 125, 126, 127, and 128, is hereby added to the County Employees Retirement Act of 1937, to read: New article

Article 7.5. Deferred Retirement

Sec. 121. Any member, whether over or under the minimum age of voluntary service retirement, who leaves county service after completing 20 years of service may elect, in writing, to leave his accumulated contributions in the retirement fund and be granted a deferred retirement allowance to become effective, upon the option of such member, at any time after having attained the minimum age of voluntary service retirement. Such effective date of deferred retirement allowance shall not be later than the first of the month following that in which he attains the age of 70. Deferred retirement

Sec. 122. Any such member may elect, at any time before the effective date of his deferred retirement allowance, to rescind, in writing, his election and withdraw his accumulated contributions which shall be paid to him in accordance with the provisions of Section 95 of this act. Election to rescind

Sec. 123. Upon the death of any such member, before the effective date of his deferred retirement allowance, there shall be paid to his estate, or to such person as he has nominated by written designation duly executed and filed with the board, his accumulated contributions. Death

Sec. 124. Any such member, upon the effective date of his deferred retirement allowance, is entitled to receive a retirement allowance as provided in this article. Retirement allowance

Sec. 125. He shall receive an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement. Annuity

Sec. 126. He shall also receive a pension, purchased by the contributions of the county or district, equal to that portion of the annuity purchased by the accumulated normal contributions of the member. Pension

Sec. 127. He shall also receive an additional pension for members purchased by the contributions of the county or district. Such additional pension shall be equal to one-seventh of the average annual compensation earnable by him during the three years prior to the establishment of the system, multiplied Additional pension

by the number of years of prior service credited to him, except that if a member retires before attaining the age of 65 years, the additional pension shall be reduced to that amount which the value of the pension computed as provided in this paragraph as deferred to age 65, will purchase at the actual age of retirement.

Option **Sec. 128.** Should any such member elect to have his deferred retirement allowance calculated in accordance with the provisions of Sections 152, 153, or 154 of Article 9 he shall present such election, in writing, to the board at least six months prior to the effective date of his deferred retirement allowance.

Stats 1937,
p 1898 **SEC. 14.** Section 133 of the County Employees Retirement Act of 1937 is amended to read :

Disability
allowance **Sec. 133.** Upon retirement for disability, a member who has attained the age of 65 years shall receive a service retirement allowance as provided in Article 7, and every other member retired for disability shall receive a retirement allowance as provided in this article.

Stats 1943,
p 2507 **SEC. 15.** Section 160 of the County Employees Retirement Act of 1937 is hereby amended to read :

Death benefit **Sec. 160.** Upon the death before retirement of a member while in county service, or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of county service, or within one month after discontinuance of county service unless his accumulated contributions have been paid to him in accordance with the provisions of Section 95 of this act, the retirement system shall be liable for a death benefit which shall be paid to his estate, or to such person as he has nominated by written designation duly executed and filed with the board.

Repeal **SEC. 16.** Section 136 of the County Employees Retirement Act of 1937 is hereby repealed.

CHAPTER 826

An act to amend Section 5507 of the Elections Code, relating to elections.

In effect
September
15, 1945 [Approved by Governor June 11, 1945. Filed with Secretary of State
June 11, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 5507 of the Elections Code is amended to read :

Voting
booths 5507. The number of voting booths or compartments shall be adequate and shall be determined by the officer conducting the election.

CHAPTER 827

An act to amend Section 737p of the Political Code, relating to the salary of judges of the Superior Court in and for the County of Kings.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 737p of the Political Code is amended to read: See also
Stats 1945,
Ch 850
737p. The annual salary of the judge of the Superior Court in and for the County of Kings is eight thousand dollars (\$8,000). Superior
judges:
Kings
County

CHAPTER 828

An act repealing Sections 671, 672, and 673 of the Code of Civil Procedure, amending Sections 675, 675b, 705, 7033, and 1194 of the Code of Civil Procedure, and amending Section 730 of the Probate Code, relating to the court records in the superior court.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Sections 671, 672, and 673 of the Code of Civil Procedure are hereby repealed. Repeals

SEC. 2. Section 675 of the Code of Civil Procedure is hereby amended to read as follows:

675. Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the justice, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor or assignee of record, or by indorsement by judgment creditor or assignees of record on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such indorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it. Satisfaction
of judgment

In the superior court and in municipal courts such entry shall be made in the register of actions; in justices' courts, in the justices' docket.

Whenever an abstract of the judgment has been recorded with the recorder of any county, satisfaction thereof made in the manner of an acknowledgment of a conveyance of real property may be recorded, or an entry thereof may be made in the

margin of the recorder's record, signed by the judgment creditor or assignee of record or by the attorney, unless a revocation of his authority is recorded. Said signature to the marginal release must be signed in the presence of the recorder who must certify to same as provided in Section 2938 of the Civil Code for satisfaction of a mortgage.

SEC. 3. Section 675b of the Code of Civil Procedure is hereby amended to read as follows:

Bankruptcy

675b. At any time after one year has elapsed, since a bankrupt was discharged from his debts, pursuant to the acts of Congress relating to bankruptcy, he may apply, upon proof of his discharge, to the court in which a judgment was rendered against him, or if rendered in a court not of record, to the court of which it has become a judgment by docketing it, or filing a transcript thereof, for an order directing the judgment to be canceled and discharged of record. If it appears upon the hearing that he has been discharged from the payment of that judgment or the debt upon which such judgment was recovered, an order must be made directing said judgment to be canceled and discharged of record; and thereupon the clerk of said court shall cancel and discharge the same by marking on the docket thereof if there is a docket, otherwise on the register of actions, that the same is canceled and discharged by order of the court, giving the date of entry of the order of discharge. Where the judgment was a lien on real property owned by the bankrupt prior to the time he was adjudged a bankrupt, and not subject to be discharged or released under the provisions of the Bankruptcy Act, the lien thereof upon said real estate shall not be affected by said order and may be enforced, but in all other respects the judgment shall be of no force or validity, nor shall the same be a lien on real property acquired by him subsequent to his discharge in bankruptcy. Notice of the application, accompanied with copies of the papers upon which it is made, must be served upon the judgment creditor, or his attorney of record in said judgment, in the same manner as prescribed in Section 1011 of the Code of Civil Procedure; provided, however, nothing herein contained shall prevent said judgment notwithstanding such discharge of record from being used as a set-off in any action in which it otherwise could be so used.

U S C.,
Title 11

SEC. 4. Section 705 of the Code of Civil Procedure is hereby amended to read as follows:

Redemption
after execu-
tion sale

705. A redemptioner must produce to the officer or person from whom he seeks to redeem and serve with his notice to the sheriff making the sale, or his successor in office;

1. A copy of the judgment under which he claims the right to redeem, certified by the clerk of the court, or of the county where the judgment is entered; or, if he redeem upon a mortgage or other lien, a note of the record thereof, certified by the recorder;

2. A copy of any assignment necessary to establish his claim, verified by the affidavit of himself, or of a subscribing witness thereto;

3. An affidavit by himself or his agent, showing the amount then actually due on the lien.

SEC. 5. Section 1033 of the Code of Civil Procedure is hereby amended to read as follows:

1033. In superior courts, municipal courts and in justices' courts the party in whose favor the judgment is ordered, and who claims his costs, must serve upon the adverse party, and file at any time after the verdict or decision of the court, and not later than five (5) days after the verdict, or, if the action is tried without a jury, not later than five (5) days after notice of the entry of the judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five (5) days after the service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge or justice thereof at chambers.

Memorandum
of costs

The clerk or justice must include in the judgment entered up by him, any interest on the verdict or decision of the court, from the time it was rendered or made, and the costs, if the same have been taxed or ascertained; and he must, within two days after the same are tried or ascertained, if not included in the judgment, insert the same in a blank left in the judgment for that purpose, and must make a similar insertion of the costs in the copies.

SEC. 6. Section 730 of the Probate Code is hereby amended to read as follows:

730. A judgment rendered against an executor or administrator, upon any claim for money, against the estate of his testator or intestate, when it comes final, conclusively establishes the validity of the claim for the amount of the judgment; and the judgment must be that the executor or administrator pay, in due course of administration, the amount ascertained to be due. A certified transcript of the original docket of the judgment, if there is one, otherwise an abstract of the judgment must be filed in the administration proceedings. No execution shall issue upon the judgment, nor shall it create any lien upon the property of the estate, or give the judgment creditor any priority of payment.

Judgment
against
estate

SEC. 7. Section 1194 of the Code of Civil Procedure is amended to read:

1194. Whenever on the sale of the property subject to any of the liens provided for in this chapter, under the judgment or decree of foreclosure of such lien, there is a deficiency of proceeds, judgment for the deficiency may be entered against the party personally liable therefor in like manner and with like effect as in action for the foreclosure of mortgages.

Deficiency
judgment in
for enclosure
of lien

CHAPTER 829

An act to repeal Section 588 of the Vehicle Code, to add thereto Sections 588 and 589.5, and to amend Section 590 thereof, relating to stopping or parking of vehicles.

In effect
September
15, 1945

[Approved by Governor June 11, 1945. Filed with Secretary of State
June 11, 1945]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 588 of the Vehicle Code is hereby repealed.

Additional
parking
regulations

SEC. 2. Section 588 is added to the Vehicle Code, to read:

588. Additional Parking Regulations. (a) Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb. This paragraph shall not apply to a commercial vehicle when loading or unloading merchandise or passengers.

(b) Local authorities may by ordinance permit parking of vehicles adjacent to and within 18 inches of the left-hand curb of a one-way roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking may not be permitted on State highways unless:

(1) A State highway within a city is divided into two separate roadways with one-way traffic on each such roadway, each of which is not less than 50 feet in width from curb to curb.

(2) A State highway is within a business district and the roadway thereof is surfaced and delineated by curbs on each side thereof, and such surfaced roadway between curbs is (1) more than 65 feet in width and there are no streetcar or other railway tracks on such roadway, or (2) is more than 95 feet in width.

Parking on
State
highways

SEC. 3. Section 589.5 is added to the Vehicle Code, to read:

589.5. Parking on State Highways. The State Department of Public Works with respect to highways under its jurisdiction may place signs prohibiting or restricting the parking of vehicles on any highway outside of a business or residence district where in its opinion, as evidenced by resolution or order entered in its minutes, such parking is dangerous to those using the highway or where the parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall park any vehicle in violation of the restrictions stated on such signs. Where maintenance of any State highway is delegated by the Department of Public Works to a city, as provided in Section 203 of the Streets and Highways Code, such city may by ordinance or resolution exercise as to such State highway the powers herein conferred on said department.

SEC. 4. Section 590 of the Vehicle Code is amended to read:

590. Display of Warning Devices When Commercial Vehicle Disabled. Every motor truck having an unladen weight of 4,000 pounds or more, and every truck tractor irrespective of weight when operated upon any highway during the time specified in Section 618, shall be equipped with and carry at least two flares or two red lanterns, or two warning lights or reflectors, which reflectors shall be of a type approved by the department. When any vehicle above mentioned or any trailer or semitrailer is disabled on the roadway or within 10 feet thereof at any time mentioned in Section 618, a warning signal of the character indicated above shall be immediately placed at a distance of approximately 100 feet in advance of, and 100 feet to the rear of such disabled vehicle. The warning signals herein mentioned shall be displayed continuously during the times mentioned in Section 618 while such vehicle remains disabled upon the roadway or within 10 feet thereof. This section shall not apply to any vehicle while being operated within the corporate limits of any city, city and county or town, except that any city or city and county may impose like requirements with respect to any said motor truck or truck tractor when operated during the times mentioned in Section 618 upon highways outside of any business or residence district within such city or city and county and upon which highways there is insufficient street lighting to reveal a vehicle at a distance of 200 feet.

Display of warning devices when commercial vehicle disabled

CHAPTER 830

An act to amend Section 7616 of the Business and Professions Code, relating to funeral establishments.

[Approved by Governor June 11, 1945. Filed with Secretary of State June 11, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7616 of the Business and Professions Code is hereby amended to read:

7616. A funeral establishment is a place of business conducted in a building or separate portion of a building having a specific street address or location and devoted exclusively to such activities as are incident, convenient, or related to the preparation and arrangements, financial and otherwise, for the funeral, transportation, burial or other disposition of human dead bodies and including, but not limited to:

Funeral establishment defined

(a) A chapel in which funeral or other religious services may be conducted.

(b) A preparation room equipped with a sanitary flooring and necessary drainage and ventilation and containing necessary instruments and supplies for the preparation and embalming of human dead bodies for burial or transportation.

Except as provided in Section 7609 of this code, and except accredited embalming schools and colleges engaged in teaching students the art of embalming, no person shall operate or maintain or hold himself out as operating or maintaining any of the facilities specified in subdivision (b) of this section, unless he is licensed as a funeral director.

Nothing in this chapter shall be deemed to render unlawful the conduct of any ambulance service from the same premises as those on which a funeral establishment is conducted, including the maintenance in connection with the funeral establishment of garages for the ambulances and living quarters for ambulance drivers.

CHAPTER 831

An act to amend Sections 202, 1050.5 and 6050 of, and to add Sections 8305, 8698, 8699, 20544 and 20545 to the Water Code, relating to administration of the provisions of said code.

In effect
September
15, 1945

[Approved by Governor June 12, 1945. Filed with Secretary of State June 12, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 202 of the Water Code is amended to read:

Administra-
tion of
duties, etc

202. The duties, powers and jurisdiction vested in the Department of Public Works by this chapter shall be administered and exercised through the State Engineer.

Same

SEC. 2 Section 1050.5 of said code is amended to read:

1050.5. The duties, powers and jurisdiction vested in the Department of Public Works by this division shall be administered and exercised through the State Engineer.

Same

SEC. 3. Section 6050 of said code is amended to read:

6050. The duties, powers and jurisdiction vested in the Department of Public Works by this part shall be administered and exercised through the State Engineer.

Same

SEC. 4. Section 8305 is added to Chapter 2, Part 2, Division 5 of said code, to read:

8305. The duties, powers and jurisdiction vested in the Department of Public Works by this chapter shall be administered and exercised through the State Engineer.

SEC. 5. Section 8698 is added to Article 5, Chapter 3, Part 4, Division 5 of said code, to read:

"Depart-
ment" and
"Department
of Public
Works"

8698. "Department" or "Department of Public Works" when used in this article means the Department of Public Works acting through the State Engineer.

SEC. 6. Section 8699 is added to Article 5, Chapter 3, Part 4, Division 5 of said code, to read:

State
Engineer

8699. The State Engineer shall be responsible to the Director of Public Works for the proper administration of this article.

SEC. 7. Section 20544 is added to Chapter 2, Part 1, Division 11 of said code, to read:

20544. "Department" or "Department of Public Works" means the Department of Public Works acting through the State Engineer.

"Department" and "Department of Public Works"

SEC. 8. Section 20545 is added to Chapter 2, Part 1, Division 11 of said code, to read:

20545. The State Engineer shall be responsible to the Director of Public Works for the proper administration of this division.

State Engineer

CHAPTER 832

An act to amend Section 6512 of the Business and Professions Code, relating to the compensation of members of the State Board of Barber Examiners.

[Approved by Governor June 12, 1945. Filed with Secretary of State June 12, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 6512 of the Business and Professions Code is amended to read:

6512. Each member of the board shall receive a compensation of four thousand two hundred dollars (\$4,200) per annum and shall be reimbursed for his necessary traveling expenses incurred in the discharge of his duty. These salaries and expenses shall be paid only from the fund created by fees collected in the administration of this chapter.

State Board of Barber Examiners - Compensation

CHAPTER 833

An act to add a new section to the Streets and Highways Code, to be numbered 100 6, relating to powers of the Department of Public Works with respect to agreements with adjoining States.

[Approved by Governor June 12, 1945. Filed with Secretary of State June 12, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 100 6 is added to the Streets and Highways Code, to read as follows:

100.6. The department may, on behalf of the State of California, enter into agreements with any adjoining State, or any proper agency of such State, for the construction, reconstruction, operation and maintenance, by any party to such agreement, in the manner and by such means as may be provided in the agreement, of bridges over interstate waters and may enter into like agreements with respect to maintenance of

Agreements with adjoining States

highways within this State or such adjoining State, when such highways are at or near the common boundary of the States. Payment for work done pursuant to such agreements may be made from any fund available to the department for highway purposes.

CHAPTER 834

An act to amend Section 1160 of the Civil Code, relating to the recording of transfers of real property.

In effect
September
15, 1945

[Approved by Governor June 12, 1945. Filed with Secretary of State June 12, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1160 of the Civil Code is amended to read:

Recordation
of letters
patent

1160. Letters patent from the United States, or from the State of California, executed and authenticated pursuant to existing law, leases for the development and extraction of minerals, including oil and gas, in which the United States of America is the lessor, executed on behalf of the United States of America by the Secretary of the Interior or by any other properly authorized officer or officers, copies of interdepartmental letters of the Department of the Interior approving surrenders of, or canceling, such leases, when such copies are certified by the Commissioner of the General Land Office of the Department of the Interior and copies of instruments filed with said Commissioner of the General Land Office which have been executed and acknowledged in a manner which would entitle them to be recorded and by which any interest in such leases or in the production thereunder is conveyed or quit-claimed, when such copies are certified by said Commissioner of the General Land Office, may be recorded without acknowledgment or further proof, and when any such copy of any such letter or instrument certified as aforesaid is recorded, the record thereof shall have the same force and effect as though it was of the original instrument; and where letters patent have been lost, or are beyond the control of any party deraining title therefrom, or for any reason they remain unrecorded, any person claiming title thereunder may cause a transcript of the copy of such letters patent kept by the government issuing the same, duly certified by the officer or individual having lawful custody of such copy, to be recorded in lieu of the original; and such recorded copy shall have, prima facie, the same force and effect as the original, for title or for evidence, until said original letters patent be recorded.

CHAPTER 835

An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

[Approved by Governor June 12, 1945. Filed with Secretary of State June 12, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 372 of the Vehicle Code is amended to read:

372. Weight Fees for Commercial Vehicles. (a) In addition to the registration fee specified in Section 370, there shall be paid fees as set forth in this section for the registration of every vehicle of a type subject to registration used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.

(b) For any electric vehicle designed, used or maintained as described in subdivision (a) hereof fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
(1) Less than 6,000 pounds.....	\$28.25
(2) 6,000 pounds or more but less than 10,000 pounds..	\$50.00
(3) 10,000 pounds or more.....	\$80.00

(c) For any vehicle designed, used or maintained as described in subdivision (a) hereof other than an electric vehicle fees shall be paid for registration according to the following schedule:

Weight	Fee
(1) When unladen, 3,000 pounds or more, but less than 6,000 pounds and if not used primarily on the premises of the owner.....	\$8.00
(2) When unladen, 3,400 pounds or more, but less than 6,000 pounds and if used primarily on the premises of the owner.....	\$8.00
(3) When unladen, 6,000 pounds or more but less than 10,000 pounds and equipped with not more than two axles	\$40.00
(4) When unladen, 10,000 pounds or more and equipped with not more than two axles.....	\$50.00
(5) When unladen, 6,000 pounds or more and equipped with three or more axles.....	\$70.00

CHAPTER 836

An act to amend Section 6060.6 of the Business and Professions Code, relating to bar examinations, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor June 12, 1945. Filed with Secretary of State
June 12, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 6060.6 of the Business and Professions Code is amended to read:

Qualifica-
tions of
students
of law

6060.6. Any student who has heretofore registered and commenced the study of law, or who may hereafter register and commence the study of law prior to termination of hostilities between the United States and the nations with which the United States is now at war as determined by act of Congress or proclamation of the President, in a law school accredited by the examining committee which requires substantially the full time of its students for 24 months, or a part only of its students' time for 36 months, and who shall have graduated from such school, shall be deemed to have satisfied the requirements of subsection (1) or (2) of subdivision (g) of Section 6060; provided, however, that the course of study in such law school shall consist of a minimum of 1,080 hours of classroom instruction, and 90 weeks of full-time work or 144 weeks of part-time work.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Many students, including veterans returning to civilian life, otherwise qualified to take the bar examinations may not be qualified to take such examination scheduled to be given October, 1945, and may be delayed in taking such examinations an additional year unless this act take effect immediately. It is essential in the public interest that delays and loss of time be kept at a minimum during the present emergency and readjustments to civilian life be encouraged to the utmost.

CHAPTER 837

An act to amend Section 95 of the State Employees' Retirement Act and Section 21331 of the Government Code, relating to the State Employees' Retirement System, and providing for the election of optional benefits in lieu of retirement allowances.

Stats 1931,
p 1442,
amended

[Approved by Governor June 13, 1945. Filed with Secretary of State June 13, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 95 of the State Employees' Retirement Act is amended to read:

Stats 1939,
p 2592

Sec. 95. Until the first payment on account of any retirement allowance is made, a member or a beneficiary may elect to receive the actuarial equivalent of his retirement allowance as of the date of retirement, in a lesser retirement allowance, payable throughout life with one of the options set forth in Sections 96 to 99, inclusive, or may remake or change any such election.

Options on
retirement

Every such election, however, shall be subject to the condition that if the member or beneficiary dies after retirement and within 30 days from the date upon which his election or changed election is received at the office of the Retirement System in Sacramento, the election is void and of no effect, and the death shall be considered as that of a member before retirement, unless the board, upon its determination that the election would have been received at the office of the Retirement System in Sacramento more than 30 days prior to the death but for circumstances not within the control of the member or beneficiary and not based upon any consideration of health, family relationship, or other consideration personal to the member or beneficiary, waives the condition and accepts the election.

SEC. 2. Section 21331 of the Government Code is amended to read:

21331. Such election, revocation, or change of election shall be made prior to the making of the first payment on account of any retirement allowance. If the member dies after retirement and within 30 days from the date upon which his election or changed election is received at the office of this system in Sacramento, his election is of no effect, and his death shall be considered as that of a member before retirement unless the board, upon its determination that the election would have been received at the office of this system in Sacramento more than 30 days prior to the death but for circumstances not within the control of the member and not based upon any consideration of health, family relationship, or other consideration personal to the member, accepts the election.

Time of
exercising
election

SEC. 3. Section 2 of this act becomes operative only if Part 3 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 3 takes effect; at which time Section 95 of the State Employees' Retirement Act is hereby repealed.

Effect
Stats 1945,
Ch 123

CHAPTER 838

An act amending the heading of, and adding Sections 22428, 22429, and 22430 to, Article 5 of Chapter 4 of Division 11 of the Education Code, relating to library districts.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

The people of the State of California do enact as follows:

Article
heading

SECTION 1. The heading of Article 5, of Chapter 4 of Division 11 of the Education Code is hereby amended to read as follows:

Article 5. Change of Boundaries and Dissolution

SEC. 2. Section 22428 is hereby added to Article 5, of Chapter 4 of Division 11 of the Education Code, to read as follows:

Annexation
and exclu-
sion of
territory

22428. Territory may be annexed to or excluded from a library district organized under this chapter in the manner provided in Division 3 of the District Organization Act, upon petition signed by not less than 50 voters residing in the territory the annexation or exclusion of which is requested.

SEC. 3. Section 22429 is hereby added to Article 5, of Chapter 4 of Division 11 of the Education Code, to read as follows:

Elections

22429. An election, pursuant to Section 509 of the District Organization Act is not required unless protests to the annexation or exclusion are made by 50 or more taxpayers and residents of the district.

SEC. 4. Section 22430 is hereby added to Article 5 of Chapter 4 of Division 11 of the Education Code, to read as follows:

Exclusion of
tax-exempt
property

22430. An election is not necessary in any event where it is proposed to exclude territory, all of which is exempt from taxation.

CHAPTER 839

An act to repeal Chapter 8, Part 4, Division 6 of the Welfare and Institutions Code, comprising Sections 7350 to 7354, inclusive, and to add Section 7500.5 to said code, relating to the powers and duties of the State Department of Institutions and the Division of Extramural Care, and providing for community mental hygiene clinics to be maintained and established by the department.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 8 of Part 4 of Division 6 of the Welfare and Institutions Code, comprising Sections 7350 to 7354, inclusive, relating to the Division of Extramural Care in the Department of Institutions, is repealed.

SEC. 2. Section 7500.5 is added to said code to read:

7500.5. The Department of Mental Hygiene may:

Powers of Department of Mental Hygiene

(a) Disseminate educational information relating to the prevention, diagnosis and treatment of mental illness, mental disorder, or mental deficiency.

(b) Upon request, advise all public officers, organizations and agencies interested in the mental health of the people of the State.

(c) Conduct such educational and related work as will tend to encourage the development of proper mental hygiene facilities throughout the State.

The department may organize, establish and maintain community mental hygiene clinics for the prevention, early diagnosis and treatment of mental illness, deficiency or disorder. Such clinics may be maintained only for persons not requiring institutional care, who voluntarily seek the aid of such clinics. Such clinics may be maintained at the locations in the communities of the State designated by the director, or at any institution under the jurisdiction of the department designated by the director.

The department may establish such rules and regulations as are necessary to carry out the provisions of this section. This section does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

CHAPTER 840

An act providing for the transfer to the Department of Education exclusive jurisdiction and control over certain lands.

[Approved by Governor June 13, 1945. Filed with Secretary of State June 13, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby transferred to the exclusive jurisdiction and control of the Department of Education, for the use and benefit of the California Maritime Academy all lands, salt marsh, tide lands and submerged lands, whether filled or unfilled, owned by the State and included within that portion of the territory of the County of Solano, State of California, described as follows:

Transfer of lands for California Maritime Academy

Beginning at a point on the high water mark of Carquinez Straits at the southwest corner of the tract of land containing 10.4 acres now or formerly owned by the Great Western Power Company, and which point is also on the northerly line of Tide Land Survey No. 12 as said Tide Land Survey is described in patent therefor from the State of California, running thence southwesterly on the prolongation of the westerly line of the land of the said Great Western Power Company to a point, which point is the intersection of said line with the southerly line of Tide Land Survey No. 12 and which is the true point

Description

of beginning; thence running southwesterly on the prolongation of the westerly line of the land of the said Great Western Power Company to a point where said line intersects the bulkhead line between U. S. E. D. points No. 40 and No. 42b; thence running northwesterly following said bulkhead line to a point, which point is the intersection of the bulkhead line by the southwesterly prolongation of the westerly property line of the tract of land containing 25 acres more or less, owned by the State of California, California Maritime Academy; thence running northeasterly along the said prolongation of the westerly line of land of said California Maritime Academy to a point where said line intersects the southerly line of Tide Land Survey No. 12; thence running easterly and southerly following the southerly and westerly lines of said Tide Land Survey No. 12 to the true point of beginning.

Conditions

The lands herein described are transferred, subject to the express reservation and condition that the State of California may at any time in the future use said lands, or any portion thereof, for highway purposes without compensation, to the Department of Education or the California Maritime Academy, their successors or assigns, or any person, firm, or public or private corporation, claiming under them, except that in the event improvements have been placed upon the property taken by the State compensation shall be paid to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

CHAPTER 841

An act to amend Sections 391 and 401 of, and to add Sections 391.5, and 391.6 to, the Agricultural Code, relating to estrays and trespassing animals.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 391 of the Agricultural Code is amended to read:

Custody of
estrays

391. Any person finding any estray domestic animal or animals upon premises in his possession, or upon highways adjacent thereto, may seize the same and have a lien thereon for all expenses incurred in seizing, keeping and caring for said animal or animals. No person shall remove them from the possession of such lienholder or from the possession of the officer to whom they may have been delivered. In the counties of Trinity, that portion of Shasta, outside of the area described in Section 391.5, Siskiyou, Lassen, and Modoc by reason of the fact that they are devoted chiefly to grazing, any person finding at any time any estray domestic animal or animals upon premises to which he has the right of possession, shall not have the right to seize said domestic animal or animals, nor shall he

Exception

have a lien thereon unless said premises are entirely enclosed with a good and substantial fence.

SEC. 2. Section 391.5 is added to the Agricultural Code, to read:

391.5. The portion of Shasta County within the following metes and bounds is declared not to be devoted chiefly to grazing:

Beginning at the intersection of the Reading Grant line and the northwest corner of the Anderson-Cottonwood Irrigation District, thence southerly along said Reading Grant line to the first intersection with the boundary of the dissolved Happy Valley Irrigation District; thence counterclockwise around the boundaries of said dissolved Happy Valley Irrigation District to the southeast corner of Section 20, T. 30 N., R. 4 W., M. D. B. and M.; thence directly east along section lines to the westerly boundary line of the Anderson-Cottonwood Irrigation District; thence counterclockwise around the boundaries of said district to Cottonwood Creek; thence down Cottonwood Creek to its confluence with the Sacramento River; thence counterclockwise along the most easterly and northerly boundary lines of said Anderson-Cottonwood Irrigation District, including a crossing of the Sacramento River, to the point of beginning.

SEC. 3. Section 391.6 is added to said code, to read:

391.6. The board of supervisors of the County of Shasta may, if it determines that all or any part of said county has ceased to be devoted chiefly to grazing, provide by ordinance that stray animals may thereafter be taken up on unenclosed property in such county or part of county. It is the intent and purpose of this section that the provisions of law generally applicable throughout the State shall be extended to all of said county when the conditions upon which the exceptions were based have ceased to exist.

SEC. 4. Section 401 of the Agricultural Code is amended to read:

401. The act entitled "An act concerning lawful fences, and animals trespassing upon lawfully enclosed lands," passed March 30, 1850, and an act entitled "An act concerning lawful fences in the counties of San Bernardino, Colusa, Shasta, Tehama and Placer," approved April 18, 1859, insofar as the provisions of each of said acts apply to or affect the counties of Trinity, Shasta, except that portion described in Section 391.5, and Siskiyou, are expressly continued in force, except as to goats, swine or hogs, which may be taken up in said counties when said goats, swine or hogs stray or trespass on lands of others. The provisions of this article apply to goats, swine or hogs in said counties, but in all other respects the acts named in this section are continued in full force therein, it being determined that the conditions prevailing in said counties of Trinity, Shasta, except that portion described in Section 391.5, and Siskiyou demand the continued application of said statutes in said counties until such time as action is taken in accordance with Section 391.6.

Shasta
County
Territory
not chiefly
grazing

Same

Acts contin-
ued in force
Stats 1850,
p 131
Stats 1859,
p 279

CHAPTER 842

An act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1276 of the Code of Civil Procedure is amended to read:

Application
for change
of name

1276. All applications for change of names must be made to the superior court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; or if such person is under 21 years of age, if a male, and under the age of 18 years of age, if a female, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend.

Contents of
petition

The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence.

CHAPTER 843

An act to amend Section 4041.11 of the Political Code, relating to the powers of boards of supervisors.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4041.11 of the Political Code is amended to read:

Powers of
boards of
supervisors

4041.11. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers:

Pounds

(1) To maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers. All expenses of operation and maintenance, and the compensation of the poundkeepers shall be paid out of the fines imposed and collected from the owners of impounded animals, or from the general fund of the county, or both.

Dogs and
predatory
animals

(2) To provide for the prevention of injuries to sheep by dogs, and destruction and control of predatory animals, and to tax dogs and direct the application of the tax.

Pests and
plant
diseases

(3) To provide for the control or destruction of gophers, squirrels, other wild animals, noxious weeds, plant diseases, and

insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

(4) To enter into agreements with the Director of Agriculture for the purpose of cooperating in the administration and enforcement of those provisions of law subject to the jurisdiction of the Department of Agriculture and/or county agricultural commissioners, county sealers of weights and measures, and county livestock inspectors. Agreements

CHAPTER 844

An act to amend Section 6332 of the Education Code, relating to statements by school districts of receipts and expenditures.

[Approved by Governor June 13, 1945 Filed with Secretary of State
June 13, 1945] In effect
September
15, 1945

The people of the State of California do enact as follows :

SECTION 1. Section 6332 of the Education Code is amended to read:

6332. The statement shall be in the form prescribed by the Superintendent of Public Instruction. Statement of
receipts and
expenditures

CHAPTER 845

An act to add Section 2163.6 to the Welfare and Institutions Code, relating to aid to the aged in respect to income and property qualifications of applicants and recipients.

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows :

SECTION 1. Section 2163.6 is added to the Welfare and Institutions Code, to read:

2163.6. For the purposes of this chapter the term personal property shall not include interment plots as defined in Section 7022 of the Health and Safety Code, nor money placed in trust or insurance for funeral or interment expenses or similar purposes, nor to any contract rights connected therewith, if such money, insurance, or contract rights do not exceed five hundred dollars (\$500) in value. Funeral ex-
penses, etc

CHAPTER 846

An act to amend Section 884 of the Welfare and Institutions Code, relating to medical, surgical, or dental care for persons alleged to come within the provision of Section 700 of the Welfare and Institutions Code.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 884 of the Welfare and Institutions Code is amended to read:

Medical,
surgical, or
dental care

884. Whenever it appears to the juvenile court that any person concerning whom a petition has been filed in said court alleging that said person comes within the provision of Section 700 of this code, is in need of medical, surgical or dental care, and that there is no parent, guardian or person standing in loco parentis capable or willing to authorize remedial care or treatment for such person, the court, upon the written recommendation of a qualified physician, and after due notice to the parent, guardian or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical or dental care for said person. Nothing in this section, however, shall be construed as limiting the right of a parent, guardian or person standing in loco parentis in providing any medical or other remedial treatment recognized or permitted under the laws of this State.

CHAPTER 847

An act to amend Section 4061 and to repeal Section 385 of the Insurance Code, relating to insurance.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 385 of the Insurance Code is repealed.

SEC. 2. Section 4061 of said code is amended to read:

Provisions
in policy

4061. Every such insurer must print upon its policies such by-laws or mutual conditions as will define the liability of a policyholder.

CHAPTER 848

An act to amend Section 8653 of the Health and Safety Code, relating to family interment plots.

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 8653 of the Health and Safety Code is amended to read:

8653. Any surviving spouse, parent, child or heir who has a right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative of either the deceased owner or of his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

Waiver of
right of
interment

CHAPTER 849

An act to add Section 328f to the Civil Code, relating to the transfer of shares of stock or other securities registered in the names of joint tenants.

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 328f is added to the Civil Code, to read:

328f. Whenever certificates for shares or other securities issued by domestic or foreign corporations are to be or have been issued or transferred to two or more persons in joint tenancy on the books or records of the corporation, it shall be presumed in favor of such corporation, its registrar, and its transfer agent that such shares or other securities are owned by such persons in joint tenancy and not otherwise. No domestic or foreign corporation or its registrar or transfer agent shall be liable for transferring or causing to be transferred on the books of such corporation to the surviving joint tenant or tenants any share or shares or other securities theretofore issued by such corporation to two or more persons in joint tenancy on the books or records of the corporation, whether or not such transfer was made with actual or constructive knowledge by such corporation or its registrar or transfer agent of the existence of any understanding, agreement, condition, or evidence that such shares or securities were to be held or are held other than in joint tenancy, or of the invalidity of the joint tenancy or of a breach of trust by such joint tenant or tenants.

Transfer of
shares, etc.,
in joint
tenancy

CHAPTER 850

An act to amend Sections 736b, and 737a, 737d, 737g, 737h, 737j, 737l, 737m, 737n, 737o, 737p, 737q, 737r, 737s, 737u, 737v, 737w, 737y, 737z, 737ca to 737nn, inclusive, 737pp to 737yy, inclusive, and 737aac to 737fff, inclusive, of the Political Code, relating to the salaries of judges of the superior court.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State
June 13, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 736b of the Political Code is amended to read:

Superior
judges'
salaries
Amount to
be paid by
State

736b. The annual salary of each of the judges of the superior court of the State of California shall be such as has been or may be fixed by the Legislature, of which amount the State shall pay the sum of five thousand dollars (\$5,000) and the remainder thereof shall be paid by the county or city and county in and for which the judge is elected or appointed. In no county shall the salary of a judge of the superior court be less than five thousand dollars (\$5,000).

SEC. 2. Section 737a of said code is amended to read:

Alameda

737a. The annual salary of each of the judges of the Superior Court in and for the County of Alameda is twelve thousand dollars (\$12,000).

SEC. 3. Section 737d of said code is amended to read:

Butte

737d. The annual salary of the judge of the Superior Court in and for the County of Butte is eight thousand five hundred dollars (\$8,500).

SEC. 4. Section 737g of said code is amended to read:

Contra Costa

737g. The annual salary of each of the judges of the Superior Court in and for the County of Contra Costa is ten thousand dollars (\$10,000).

SEC. 5. Section 737h of said code is amended to read:

Del Norte

737h. The annual salary of the judge of the Superior Court in and for the County of Del Norte is six thousand dollars (\$6,000).

SEC. 6. Section 737j of said code is amended to read:

Fresno

737j. The annual salary of each of the judges of the Superior Court in and for the County of Fresno is eight thousand dollars (\$8,000).

SEC. 7. Section 737l of said code is amended to read:

Humboldt

737l. The annual salary of each of the judges of the Superior Court in and for the County of Humboldt is eight thousand dollars (\$8,000).

SEC. 8. Section 737m of said code is amended to read:

Imperial

737m. The annual salary of each of the judges of the Superior Court in and for the County of Imperial is seven thousand dollars (\$7,000).

SEC. 9. Section 737n of said code is amended to read:

See also
Stats 1945,
Ch 1086
Inyo

737n. The annual salary of the judge of the Superior Court in and for the County of Inyo is six thousand dollars (\$6,000).

SEC. 10. Section 737o of said code is amended to read : See also
 737o. The annual salary of each of the judges of the Superior Court in and for the County of Kern is nine thousand dollars (\$9,000). Stats 1945, Ch 412 Kern

SEC. 11. Section 737p of said code is amended to read See also
 737p. The annual salary of the judge of the Superior Court in and for the County of Kings is eight thousand dollars (\$8,000). Stats 1945, Ch. 827 Kings

SEC. 12. Section 737q of said code is amended to read :
 737q. The annual salary of the judge of the Superior Court in and for the County of Lake is seven thousand five hundred dollars (\$7,500). Lake

SEC. 13. Section 737r of said code is amended to read :
 737r. The annual salary of the judge of the Superior Court in and for the County of Lassen is seven thousand dollars (\$7,000). Lassen

SEC. 14. Section 737s of said code is amended to read :
 737s. The annual salary of each of the judges of the Superior Court in and for the County of Los Angeles is twelve thousand dollars (\$12,000). Los Angeles

SEC. 15. Section 737u of said code is amended to read See also
 737u. The annual salary of the judge of the Superior Court in and for the County of Marin is ten thousand dollars (\$10,000). Stats 1945, Ch 659 Marin

SEC. 16. Section 737v of said code is amended to read :
 737v. The annual salary of the judge of the Superior Court in and for the County of Mariposa is seven thousand dollars (\$7,000). Mariposa

SEC. 17. Section 737w of said code is amended to read : See also
 737w. The annual salary of the judge of the Superior Court in and for the County of Mendocino is seven thousand dollars (\$7,000). Stats 1945, Ch 795 Mendocino

SEC. 18. Section 737y of said code is amended to read :
 737y. The annual salary of the judge of the Superior Court in and for the County of Modoc is seven thousand dollars (\$7,000). Modoc

SEC. 19. Section 737z of said code is amended to read :
 737z. The annual salary of the judge of the Superior Court in and for the County of Mono is seven thousand dollars (\$7,000). Mono

SEC. 20. Section 737aa of said code is amended to read : See also
 737aa. The annual salary of the judge of the Superior Court in and for the County of Monterey is ten thousand dollars (\$10,000). Stats 1945, Ch 674 Monterey

SEC. 21. Section 737bb of said code is amended to read
 737bb. The annual salary of the judge of the Superior Court in and for the County of Napa is nine thousand five hundred dollars (\$9,500). Napa

SEC. 22. Section 737cc of said code is amended to read :
 737cc. The annual salary of the judge of the Superior Court in and for the County of Nevada is seven thousand two hundred dollars (\$7,200). Nevada

- SEC. 23.** Section 737dd of said code is amended to read:
 Orange 737dd. The annual salary of each of the judges of the Superior Court in and for the County of Orange is nine thousand dollars (\$9,000).
- SEC. 24.** Section 737ee of said code is amended to read:
 Placer 737ee. The annual salary of the judge of the Superior Court in and for the County of Placer is eight thousand dollars (\$8,000).
- SEC. 25.** Section 737ff of said code is amended to read:
 Plumas 737ff. The annual salary of the judge of the Superior Court in and for the County of Plumas is seven thousand dollars (\$7,000).
- SEC. 26.** Section 737gg of said code is amended to read:
 See also Stats 1915, Ch 963
 Riverside 737gg. The annual salary of each of the judges of the Superior Court in and for the County of Riverside is eight thousand dollars (\$8,000).
- SEC. 27.** Section 737hh of said code is amended to read:
 Sacramento 737hh. The annual salary of each of the judges of the Superior Court in and for the County of Sacramento is ten thousand dollars (\$10,000).
- SEC. 28.** Section 737ii of said code is amended to read:
 San Benito 737ii. The annual salary of the judge of the Superior Court in and for the County of San Benito is seven thousand dollars (\$7,000).
- SEC. 29.** Section 737jj of said code is amended to read:
 See also Stats 1915, Ch 224
 San Bernardino 737jj. The annual salary of each of the judges of the Superior Court in and for the County of San Bernardino is nine thousand dollars (\$9,000).
- SEC. 30.** Section 737kk of said code is amended to read:
 San Diego 737kk. The annual salary of each of the judges of the Superior Court in and for the County of San Diego is ten thousand dollars (\$10,000).
- SEC. 31.** Section 737ll of said code is amended to read:
 San Francisco 737ll. The annual salary of each of the judges of the Superior Court in and for the City and County of San Francisco is twelve thousand dollars (\$12,000).
- SEC. 32.** Section 737mm of said code is amended to read:
 San Joaquin 737mm. The annual salary of each of the judges of the Superior Court in and for the County of San Joaquin is eight thousand five hundred dollars (\$8,500).
- SEC. 33.** Section 737nn of said code is amended to read:
 San Luis Obispo 737nn. The annual salary of the judge of the Superior Court in and for the County of San Luis Obispo is seven thousand five hundred dollars (\$7,500).
- SEC. 34.** Section 737pp of said code is amended to read:
 Santa Barbara 737pp. The annual salary of each of the judges of the Superior Court in and for the County of Santa Barbara is nine thousand five hundred dollars (\$9,500).
- SEC. 35.** Section 737qq of said code is amended to read:
 See also Stats 1915, Ch 679
 Santa Clara 737qq. The annual salary of each of the judges of the Superior Court in and for the County of Santa Clara is eight thousand five hundred dollars (\$8,500).

SEC. 36. Section 737rr of said code is amended to read:

737rr. The annual salary of the judge of the Superior Court ^{Santa Cruz} in and for the County of Santa Cruz is nine thousand dollars (\$9,000).

SEC. 37. Section 737ss of said code is amended to read:

737ss. The annual salary of the judge of the Superior Court ^{Shasta} in and for the County of Shasta is seven thousand five hundred dollars (\$7,500).

SEC. 38. Section 737tt of said code is amended to read:

737tt. The annual salary of the judge of the Superior Court ^{Sierra} in and for the County of Sierra is six thousand five hundred dollars (\$6,500).

SEC. 39. Section 737uu of said code is amended to read:

737uu. The annual salary of the judge of the Superior Court ^{Siskiyou} in and for the County of Siskiyou is seven thousand dollars (\$7,000).

SEC. 40. Section 737vv of said code is amended to read:

737vv. The annual salary of each of the judges of the Superior Court in and for the County of Solano is nine thousand five hundred dollars (\$9,500).

SEC. 41. Section 737ww of said code is amended to read:

737ww. The annual salary of each of the judges of the Superior Court in and for the County of Sonoma is nine thousand dollars (\$9,000).

SEC. 42. Section 737xx of said code is amended to read:

737xx. The annual salary of each of the judges of the Superior Court in and for the County of Stanislaus is seven thousand two hundred dollars (\$7,200).

SEC. 43. Section 737yy of said code is amended to read:

737yy. The annual salary of the judge of the Superior Court ^{Sutter} in and for the County of Sutter is eight thousand five hundred dollars (\$8,500).

SEC. 44. Section 737aaa of said code is amended to read:

737aaa. The annual salary of the judge of the Superior Court in and for the County of Trinity is seven thousand dollars (\$7,000).

SEC. 45. Section 737bbb of said code is amended to read:

737bbb. The annual salary of each of the judges of the Superior Court in and for the County of Tulare is nine thousand dollars (\$9,000).

SEC. 46. Section 737ccc of said code is amended to read:

737ccc. The annual salary of the judge of the Superior Court in and for the County of Tuolumne is seven thousand dollars (\$7,000).

SEC. 47. Section 737ddd of said code is amended to read:

737ddd. The annual salary of the judge of the Superior Court in and for the County of Ventura is ten thousand dollars (\$10,000). ^{See also Stats 1945, ch 778 Ventura}

SEC. 48. Section 737eee of said code is amended to read:

737eee. The annual salary of the judge of the Superior Court in and for the County of Yolo is seven thousand five hundred dollars (\$7,500).

Yuba SEC. 49. Section 737fff of said code is amended to read:
737fff. The annual salary of the judge of the Superior Court in and for the County of Yuba is eight thousand five hundred dollars (\$8,500).

CHAPTER 851

An act to repeal Section 3714 of the Political Code and to add Sections 3714 to 3714.26, inclusive, to said code, all relating to county budgets, declaring the urgency thereof, to take effect immediately.

In effect immediately [Approved by Governor June 13, 1945. Filed with Secretary of State June 13, 1945.]

The people of the State of California do enact as follows:

Repeal SECTION 1. Section 3714 of the Political Code is hereby repealed.

SEC. 2. A new section is added to said code, to be numbered 3714, to read:

Definitions 3714. As used in this chapter:

“Appropriations” means authorizations by the legislative body to make expenditures and incur liabilities for specific purposes.

“Surplus” means the excess of assets over liabilities and reserves in each separate fund.

“Available surplus” means that portion of surplus which has been realized and can be utilized immediately, and also that portion which can reasonably be estimated to be realized during the budget year to which it is being applied.

“Budget” means an estimate, as expressed in appropriation and revenue acts, ordinances, or resolutions, of

(a) Proposed expenditures for specific purposes for a given period, and

(b) The means of financing such expenditures.

“Capital outlay” means expenditures which result in the acquisition of or addition to fixed assets.

“Character,” as applied to an expenditure classification refers to the relationship of expenditures to current, prior, and future fiscal periods, namely: Whether the expenditure is an expense, a provision for the retirement of debt, or a capital outlay.

“Encumbrances” means obligations in the form of purchase orders or contracts and other commitments which are to be met from an appropriation and for which a part of the appropriation is reserved.

“Estimated revenue” means the amount of revenue estimated to accrue or to be received during a given period.

“Fund” means a sum of money or other resources (gross or net) set aside for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. A fund is a distinct financial or fiscal entity.

“General reserve” means a fund or funds used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures.

“Unappropriated reserves” mean a fund or funds to cover expenditures that have not been provided for or that have been insufficiently provided for or for unforeseen requirements.

“Maintenance and operation expenditures” means expenditures for carrying on activities, for upkeep, and for other current purposes, from which no permanent or subsequently convertible value is derived.

“Unencumbered balance” means that portion of cash remaining in a fund and not yet expended or encumbered. Also it means that portion of an appropriation not yet expended or encumbered.

“County” includes city and county.

“District” or “special district” does not mean or include a school district.

SEC. 3. Section 3714.1 is added to said code, to read:

3714.1. On or before the tenth day of July in each year, at such time as the county board of supervisors may direct, each county official, elective or appointive, or person in charge of any office, department, service, institution or district of the county, including township officers and the judges of any court of record and the executive head of each special district whose affairs and funds are under the supervision and control of the county board of supervisors or for which the county board of supervisors is ex officio the governing body, but excepting irrigation and reclamation and any other district where a tax levy for such district is not carried on the regular county assessment roll, shall file with the county auditor of such county an itemized estimate showing both the probable revenues from sources other than taxation that will accrue to his department, office, service, institution or district, during the fiscal year to which the budget is intended to apply and all expenditures required by such department, office, service, institution or district, for the same period, together with a brief explanatory statement of the requested increases over the budget of the current fiscal year. Such statement shall also show the increase in expenditures over the last completed fiscal year. The county board of supervisors shall submit to the county auditor a statement showing all new road and bridge construction and grade separation, classified by funds from which the same are to be financed, for the fiscal year to which the budget is intended to apply, together with the estimated cost thereof. The county board of supervisors shall also submit a similar statement showing their road and bridge maintenance or betterment program, as nearly as can be estimated, as well as an estimate of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bonds or other income not yet authorized; provided, that not to exceed 20 per cent of the moneys belonging to any road district, including revenues and taxes of the fiscal year to which the budget is intended to

Annual
financial
estimates
of officials

Exceptions

Road and
bridge con-
struction,
etc

apply, may be carried in an unappropriated reserve, and shall be available for appropriations for the use of said district to cover expenditures that have not been provided for or have been insufficiently provided for or for unforeseen requirements as they may arise.

SEC. 4. Section 3714.2 is added to said code, to read :

Form of
estimates

3714.2. Estimates required in Section 3714.1 shall be submitted on forms prescribed by the State Controller, and may only be varied or departed from with the approval of said department; provided, however, that any county may, without disturbing the uniformity of the forms and data prescribed, add to the information required or show the same in more detail. The county auditor is hereby directed to provide such forms, and it is made his duty to provide the estimates for interest and debt redemption requirements for the county, for special districts and for school districts and any other estimates for the fiscal year for which the budget is intended to apply and for such further period as will elapse before sufficient proceeds of a new tax levy are available, the preparation of which properly falls within the duties of his office; provided, that in the absence, failure, or disability of any official, or person, required to furnish estimates required in this section or in Section 3714.1, such estimates shall be furnished by the official or employee in charge of such office, department, service, institution, or district, during such absence or disability, or such estimate may be prepared by the county auditor.

SEC. 5. Section 3714.3 is added to said code, to read :

Tabulation of
expenditures

3714.3. (1) From such estimates the county auditor shall prepare a tabulation showing the complete expenditure program of the county and special districts for the period to which the budget is intended to apply, and the sources of revenue by which it is to be financed. Such tabulation shall set forth the amount of estimated revenue, for the fiscal year to which the budget is intended to apply, from

Estimated
revenue

(a) Sources other than taxation, through each office, department, service, institution, and district;

(b) Current taxes for the budget year except taxes levied on the secured roll pursuant to Section 3714.15 of this chapter.

The tabulation shall include corresponding amounts of revenue of the last completed fiscal year and estimated amounts of the year in progress, for comparison.

Contents of
tabulation

(2) The tabulation shall show the estimated available surplus, after allowing for outstanding orders, contracts, and other commitments, at the close of the current fiscal year, and the amount proposed to be raised by taxation in addition to the taxes mentioned in paragraph (1) of this section; the estimated expenditures for each office, department, service, institution, and district, for the period to which the budget is intended to apply, the actual expenditures for the last completed fiscal year, together with the sum of the actual expenditures that have accrued for the current fiscal year and an estimate of the total expenditures that will accrue for the current fiscal year in

progress if such estimate is presented before July 1st, and the sums necessary to be provided as unappropriated and general reserves as hereinafter in this chapter provided.

SEC. 6. Section 3714.4 is added to said code, to read :

3714.4. Such estimates of expenditures shall be classified to set forth the data by funds, organization units, character and objects of expenditure; the organization units may be subclassified by functions and activities at the discretion of the board, but the expenditures shall be classified under the general classes of

- (1) salaries and wages;
- (2) maintenance and operation;
- (3) capital outlay;
- (4) interest and debt redemption;
- (5) expenditures proposed to be made from bonds or other income not yet authorized.

SEC. 7. Section 3714.5 is added to said code, to read :

3714.5. Within the general class of salaries and wages, each salary rate shall be set forth separately, together with the title or designation of the position; provided and excepted, that in counties which have a salary ordinance in force, in which separate positions and salaries are designated, the salary rate for each separate position need not be set forth in the budget; provided, however, that if such salary rate for each separate position be not so set forth in the budget, the total salaries and wages for each organization unit shall be set forth therein. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made.

Expenditures coming under the general classification of maintenance and operation shall be arranged to show the major subdivisions and objects for which such expenditures are to be made.

Expenditures coming under the general classification of capital outlay shall be arranged to show the major subdivisions and objects for which such expenditures are to be made, except that expenditures for structural or nonstructural improvements shall be listed separately as to each project.

Under the general class of interest and debt redemption shall be set forth separately each series or issue of bonds together with its individual requirements for interest and redemption.

The total amount of emergency appropriations made during the last completed fiscal year shall be set forth separately together with a statement showing the amount issued for each emergency; a list of appropriations canceled showing the amount of each and a list showing each appropriation made from the unappropriated reserve and the amount thereof shall be included.

SEC. 8. Section 3714.6 is added to said code, to read :

3714.6. The said tabulation shall be submitted by the county auditor to the clerk of the county board of supervisors on or before the thirtieth day of July of each year, at such time as

the county board of supervisors may direct. Said county board of supervisors shall, upon receipt thereof, consider the same in detail and shall, on or before the tenth day of August of each year, at such time as the county board of supervisors may direct, make, except as otherwise provided in this chapter, any revisions, reductions, or additions therein that it may deem advisable, setting forth thereon such changes as have been made to make said budget conform to the judgment and conclusion of the county board of supervisors as to a proper financial program for the county for the period to which the budget is intended to apply; provided, however, that the estimate submitted by any official or person, as designated in this chapter, shall not be increased or reduced until such official or person shall have first had a hearing thereon before said board.

SEC. 9. Section 3714.7 is added to said code, to read:

Unappropriated
reserve

3714.7. The county board of supervisors may, if it deems it advisable, set aside a portion of each fund, to be known as unappropriated reserve, which shall not exceed 10 per cent of the total amount of the appropriations from said fund, exclusive of the amount of such reserve and general reserve; provided, however, that if no salary fund unappropriated reserve is established the general fund unappropriated reserve may exceed 10 per cent of the total appropriations of such fund but not to exceed 10 per cent of the appropriations of the general fund and salary fund; said unappropriated reserve shall be in addition to any and all other items contained in the budget; in lieu thereof a general unappropriated reserve may be established which shall not exceed 10 per cent of the total appropriations contained in the budget exclusive of all items for bond interest and redemption and exclusive of the amount of such reserve and general reserve.

Appropriation of unappropriated
reserve

The money in such unappropriated reserves, including accretions thereto from cancellations as hereinafter in this chapter provided, together with money received from subventions, grants, gifts or donations which is not specifically set forth in the budget, shall be available for appropriation by a four-fifths vote of the members of the county board of supervisors at any meeting of which all members shall have had reasonable notice, to cover expenditures that have not been provided for or not sufficiently provided for or for unforeseen requirements as they may arise.

SEC. 10. Section 3714.8 is added to said code, to read:

General
reserve

3714.8. Said budget may contain an amount or amounts to be known as a general reserve, or general reserves if carried in separate funds, in such sum or sums as the county board of supervisors shall deem sufficient, for the next succeeding fiscal year, to meet the cash requirements of any funds to which the county's credit may be legally extended for that portion of said next succeeding fiscal year until adequate proceeds of a new tax levy are available and to meet emergencies as hereinafter provided. The county board of supervisors may, if it deems it advisable, provide for the cancellation of such general

reserve or reserves at the end of each fiscal year and for the reestablishment of such reserve or reserves in each annual budget or may carry it forward as encumbered surplus and may add to it if deemed advisable. Funds provided through the medium of such general reserve or reserves shall be available for appropriation to cover expenditures made necessary upon the happening of any emergency as defined, and in the manner provided, in Section 3714.19.

SEC. 11. Section 3714.9 is added to said code, to read:

3714.9. The budget may include appropriations for proposed expenditures which are contingent upon the receipt of money from sources other than local taxation, which money shall be identified in the budget, but expenditures shall not be made from such appropriations in excess of such money actually received from such sources. Contingent expenditures

SEC. 12. Section 3714.10 is added to said code, to read:

3714.10. The budget may include a reserve or reserves which need not be itemized for proposed expenditures from sinking funds, accumulative building funds, accumulative capital outlay funds, and other accumulative funds now or hereafter authorized by law whether the expenditures therefrom are proposed to be made in the next succeeding fiscal year or thereafter. The board of supervisors shall provide for the cancellation of any such reserve or reserves at the end of each fiscal year and the reestablishment thereof in each annual budget as specific appropriations and/or reserves or may carry it forward as encumbered surplus, adding to it if necessary or desirable. Reserves for accumulative funds

SEC. 13. Section 3714.11 is added to said code, to read:

3714.11. Said tabulation provided for in Section 3714.3, with such revisions, additions, and changes as have been made therein as provided in this chapter, shall constitute the preliminary county budget for the period to which it is intended to apply. Preliminary county budget

On or before the tenth day of August in each year, at such time as the county board of supervisors may direct, said preliminary budget, in which shall be set forth the revised individual estimates and the tabulation thereof, shall be printed or otherwise reproduced in full in pamphlet form; such tabulation shall be in such form and there shall also be shown such fiscal information, as the State Controller may prescribe to provide for uniform reports as between various counties; provided, however, that any county may, without disturbing the uniformity of data presented, add to the information required or show the same in more detail. A sufficient number of such budget pamphlets shall be provided so that each taxpayer so desiring may obtain one. A copy thereof shall immediately be forwarded to the State Controller by the auditor, in accordance with the approved forms. On or before said date, the county board of supervisors shall publish a notice once in a newspaper of general circulation throughout the county, stating that the preliminary budget pamphlets are available to taxpayers requesting them; that on a date, stated in the notice, not less Pamphlets of preliminary budget
Notice of budget hearing

than 10 days after the date when the budget pamphlets are available, and at a time and place also stated in the notice, the county board of supervisors will meet for the purpose of fixing the final budget and that any taxpayer may appear thereat and be heard regarding the increase, decrease, or omission of any item of said budget, or for the inclusion of additional items therein.

SEC. 14. Section 3714.12 is added to said code, to read:

Auditor
Duties

3714.12. It shall be the duty of the county auditor or a deputy designated by him to attend the board's hearings on the matter contained in his tabulation and the preliminary budget, and to furnish said county board of supervisors with any additional data or information it may require.

SEC. 15. Section 3714.13 is added to said code, to read:

Hearing on
budget

3714.13. On or before the twentieth day of August of each year, at such time as the county board of supervisors may direct, said board shall meet at the time and place designated in the notice provided in Section 3714.11, at which time and place any taxpayer may appear and be heard regarding the increase, decrease or omission of any item of such budget, or for the inclusion of additional items therein. Such hearing shall be continued from day to day until concluded, but not to exceed a total of 10 days; provided, however, that such hearing shall be concluded before the expiration of 10 days if there are no requests or applications on file with the board for further hearing. The county board of supervisors shall have power to call in the official or person in charge of any office, department, service, institution, or district other than school districts, at the time the estimates for their respective offices are under consideration, for examination concerning such estimates, and such official or person shall be called by said county board of supervisors upon the request of any taxpayer for questioning upon such estimates.

Hearing on
streets and
roads

The board of supervisors shall upon request set aside at least one day of the period within which a hearing on the budget may be had at which any authorized officer of any city within the county may appear and be heard on matters pertaining to the financing of streets, roads and highways both within and without the incorporated areas of the county, provided such a hearing is requested on or before the first day of the budget hearings.

SEC. 16. Section 3714.14 is added to said code, to read:

Adoption
of budget

3714.14. After the conclusion of such hearing and not later than the thirtieth day of August of each year at such time as the county board of supervisors may direct, said board, after making any revisions of, deductions from or increases or additions to said preliminary budget that it may deem advisable during or after the public hearing thereon, shall by resolution adopt the budget as so finally determined, provided that no increases or additions shall be made unless such items were proposed in writing and filed with the board

of supervisors before the close of the budget hearings. The resolution shall specify Contents of
resolution

- (1) Appropriations
 - (a) By general classes for
 - (I) Salaries and wages,
 - (II) Maintenance and operation,
 - (III) Capital outlay, equipment,
 - (IV) Interest and debt redemption;
 - (b) By items, for capital outlay, structural and non-structural improvements;
- (2) Reserves, by funds and purposes;
- (3) The means of financing the expenditure program.

The several amounts of proposed expenditures specified in the resolution as finally adopted shall be and become appropriated for the several offices, departments, services, institutions and districts, for the period to which the budget is intended to apply; provided, however, that, if the appropriations and reserves as adopted for any fund or special district require a tax levy greater than the legal limit as determined by the equalized valuations as shown on the assessment roll, such appropriations or reserves or both shall be decreased so as to come within the legal requirements and these revised amounts shall be the amounts deemed to be appropriated for such purposes for such period. Nothing in this chapter shall be construed as removing or in any way affecting any tax limit fixed by law. A copy of the completed budget shall be filed in the office of the county board of supervisors. Appropriations

Sec. 17. Section 3714.15 is added to said code, to read :

3714.15. On or before the first day of September, the county board of supervisors shall fix the rates of county and district taxes, other than the taxes mentioned in paragraph (1) of Section 3714.3, designating the number of cents levied for each fund on each one hundred dollars (\$100) of taxable value in the county for the current fiscal year and shall levy the State, county, and district taxes. The rate shall be such as will produce after due allowance for delinquency as fixed by law or as fixed by the board of supervisors at the same time and in same manner as tax rates are fixed the amount found by deducting, from the total of appropriations and reserves established as provided in Section 3714.14: Fixing tax
rates

(a) The amount of estimated revenue from other sources, mentioned in paragraph (1) of Section 3714.3;

(b) Available surplus. Such revenue and surplus may be reestimated at the time of making the tax levies and may be either increased or decreased and the amounts so determined by the board of supervisors shall be conclusive and final.

All taxes shall be levied, upon the taxable property in the county, as provided by law, in specific sums. The tax for county and local purposes shall not exceed the amount specified in the budget, after allowing for delinquency as fixed by law or as fixed by the board of supervisors the amount of which shall be estimated in the budget and may be increased or Levy of taxes

decreased at the time of fixing the tax rates; provided, however, that when in the determination of any tax rate, a fraction of a cent occurs, the county board of supervisors, in its discretion, may adopt a rate ending in the next higher cent, or it may so adjust certain fractional rates that the total thereof, to be used in the computation of the total of a group of taxes for entry on the roll, will end in a full cent; an excess over the amount specified in the budget, arising from the use of such full cent tax rates, shall not be deemed a violation of the preceding provision. Any cash collections resulting from such excess or from an excess resulting from any other cause shall not invalidate the levies but shall be applied in the next succeeding budget year as available surplus unless its expenditure is otherwise authorized by law.

Any resolution fixing tax rates shall be sufficient if it specifies after the name of each entity or fund the amount of the corresponding rate. Such entity or fund may be designated in any manner sufficient to identify it. Each such rate shall be deemed to be upon each one hundred dollars (\$100) of assessed valuation of property and only such property which is legally subject to such tax. The current rates for property not sufficiently secured as provided in Article 13, Section 9a of the California Constitution shall be deemed levied in the amounts as therein provided and need not be formally levied by the board of supervisors.

SEC. 18. Section 3714.16 is added to said code, to read:

Copies to
State
Controller

3714.16. The auditor shall immediately forward a copy of the completed budget and tax levies to the State Controller in accordance with the form approved by the State Controller.

SEC. 19. Section 3714.17 is added to said code, to read:

Transfers
and revisions

3714.17. Transfers or revisions may be made within any of the three general classes, salaries and wages, maintenance and operation, and capital outlay, by a resolution formally adopted by the county board of supervisors at a regular or special meeting and entered in its minutes. In the case of road and bridge maintenance appropriations, any lawful transfer deemed necessary may be made; and it is further provided that the county board of supervisors may, by a four-fifths vote of the members, at any meeting of which all members have had reasonable notice, cancel any appropriation in whole or in part that is not needed and return the amount canceled to the undistributed reserve (which if not previously created is thereby established) of the fund from which such appropriation was originally made.

SEC. 20. Section 3714.18 is added to said code, to read:

Budget ap-
propriations

3714.18. The estimates of expenditures, classified as required in Section 3714.4, and as finally fixed and adopted by said county board of supervisors, or as thereafter revised by addition, cancellation, or transfer as provided in Sections 3714.7 and 3714.17, shall constitute the appropriations for the county for the period to which the budget is intended to apply and the county board of supervisors and every other county official, or person, including township officers and judges of any court of

record, shall be limited in the making of expenditures or the incurring of liabilities to the amount of such appropriations respectively except as otherwise provided by law. Expenditures made, liabilities incurred, or warrants issued in excess of any of the budget appropriations as herein defined, or except as otherwise provided by law, shall not be a liability of the county, but the official making or incurring such expenditure in an amount known by him to be in excess of the available balance of the appropriation against which it is drawn, shall be liable therefor personally and upon his official bond. The county board of supervisors shall approve no claim, and the county auditor shall issue no warrant for any expenditure in excess of said budget appropriations, as herein defined, except upon an order of a court of competent jurisdiction, or for an emergency as hereinafter in this chapter provided, or as otherwise provided by law.

Excess
expenditures

Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter, no such expenditure shall be made or obligations therefor incurred, except such preliminary expenditures as may be now provided by law, until such bonds have been duly authorized and sold.

Expenditures
financed
from bond
issues

SEC. 21. Section 3714.19 is added to said code, to read:

3714.19. Upon the happening of any emergency caused by war, fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or for the settlement of approved claims for personal injuries, or for property damages, exclusive of claims arising from the operation of any public utilities owned by the county, or to meet mandatory expenditures required by law, the county board of supervisors may make the expenditure necessary to meet such emergency, after adopting a resolution in which shall be stated the facts constituting the emergency; such resolution shall be adopted by a four-fifths vote of the members of such board present at any meeting of the time and place of which all the members of the board shall have had reasonable notice.

Emergency
expenditures

All emergency expenditures shall be paid by warrant from any moneys in the county treasury, in any fund from which such expenditure may properly be paid, and the county treasurer is hereby authorized and directed to pay such warrants out of any moneys in the treasury in such fund. If at any time, there shall be insufficient moneys in the treasury to pay any of such warrants, then such warrants shall be registered, bear interest, and shall be called in the manner provided by law for other county warrants.

SEC. 22. Section 3714.20 is added to said code, to read:

3714.20. Nothing in this chapter shall be construed as effecting the right of a county to levy, appropriate, and expend for highway purposes the maximum tax provided in Section 1550

Highway
expenditures,
etc.

of the Streets and Highways Code, in addition to available surplus; provided further, that all balances remaining to the credit of any fund which is not to be continued in the succeeding fiscal year shall revert to the general fund, except as to such funds as belong to special districts and are not a part of general county finances.

SEC. 23. Section 3714.21 is added to said code, to read:

Expenditures
before final
adoption of
budget

3714.21. If at the beginning of any fiscal year the appropriations necessary for the support of the various county offices, departments, services, institutions, or districts for such fiscal year shall not have been made, the several amounts proposed, in the preliminary budget, to be appropriated for the objects and purposes therein specified, so far as the same shall relate to the operation and maintenance expenses, shall be deemed to be appropriated for such objects and purposes, until the county board of supervisors shall complete the budget for the current fiscal period and the county auditor shall approve the payments necessary for the support of the various county offices, departments, services, institutions, or districts on the basis of the appropriations proposed in the preliminary budget if it has been complete; otherwise the amounts deemed appropriated shall be based upon the budget of the preceding year.

SEC. 24. Section 3714.22 is added to said code, to read:

Monthly
financial
statement

3714.22. As soon as practicable after the end of each month, the county auditor shall submit to the county board of supervisors a statement showing such information with respect to the condition of each separate budget appropriation as the county board of supervisors may require.

SEC. 25. Section 3714.23 is added to said code, to read:

Duties of
State
Controller

3714.23. It is hereby made the duty of the State Controller to prescribe forms, to initiate or approve changes therein whenever in his judgment changes are advisable, and to promulgate such rules, regulations, and classifications as may be necessary to carry out the provisions of this chapter in relation to budgets.

SEC. 26. Section 3714.24 is added to said code, to read:

Estimates
of school
districts

3714.24. For the sole purpose of making possible the printing or mimeographing of a proposed expenditure program of moneys collected through county and district tax levies, in order to make possible a ready analysis of such tax levies by the taxpayers and county officials of the county, the governing board of each school district shall submit to the county on or before July 20th, through the county superintendent of schools in the manner heretofore prescribed by law and on forms prescribed by the State Department of Education, an itemized statement of the revenues and expenditures of the district for the school year beginning July 1st. Such estimate shall not be made a part of any tabulation or budget prepared under this chapter and shall not be subject to, or construed to come within, any section of this chapter other than this section; nor shall any officer or employee of a school district be subject to any section of this chapter other than this section.

SEC. 27. Section 3714.25 is added to said code, to read:

3714.25. The provisions of this chapter shall not apply to any fund which under the Education Code or any law's subject to expenditure, allocation, or apportionment by the county superintendent of schools and which is not derived from appropriations made by the county board of supervisors. Apportionments of school funds excluded

SEC. 28. Section 3714.26 is added to said code, to read:

3714.26. Nothing in this chapter shall be deemed or construed to apply to, control, or affect, the powers, operations, taxes, or taxing power of any district in the county whose affairs and funds are not under the supervision and control of the county board of supervisors. Exceptions

SEC. 29. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. Constitutionality

SEC. 30. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Inasmuch as this act provides the method by which the appropriation for the usual current expenses of the various counties and districts of the State are to be prepared and submitted, and inasmuch as this information and data must be compiled before the beginning of the next fiscal year, it is necessary that this act take effect immediately. Urgency

CHAPTER 852

An act to add Section 4a to, and to amend Section 67 of, the State Employees' Retirement Act, and to add Sections 20307 and 20681.5 to, and to amend Section 20684 of, the Government Code, relating to the State Employees' Retirement System, and providing for the inclusion therein of certain State employees whose compensation is paid other than by the State, and for contributions by members and by the State. Stats 1931, p 1442, amended

[Approved by Governor June 13, 1945 Filed with Secretary of State June 13, 1945] In effect October 1, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4a is added to the State Employees' Retirement Act, to read: New section

Sec. 4a. When any person who is an employee of the State within the meaning of Section 4 is assigned to the performance of work for which his compensation is paid, pursuant to a stat- Inclusion of State employee paid other than by State

ute or duly authorized contract entered into by the State or the State office or department by which the person is employed, out of funds not directly controlled by the State, such person shall continue to be an "employee" of the State for the purposes of this act during the time he is assigned to the performance of such work, and the service rendered by him during such assignment shall be "State service," notwithstanding the provisions of Sections 4 and 8 relating to payment of compensation.

This section shall apply to service rendered prior to its effective date by any member who, within 90 days after said effective date, notifies the Retirement Board that he elects to be credited with service so rendered, and who makes contributions in respect to all such service not constituting prior service as provided in Section 67. This section shall also apply to the status of every such person while rendering such service prior to its effective date.

Stats 1937,
p 2281
Deduction of
members'
contributions

SEC. 2. Section 67 of said act is amended to read:

Sec. 67. The Board of Administration shall certify to the head of each office or department of the State and to the comptroller of the university the normal rate of contribution as provided in this act for each member in such office, department, or the university respectively. The head of each office or department of the State shall apply such rate of contribution to so much of the compensation of each member as does not exceed four hundred sixteen dollars and sixty-six cents (\$416 66) per month and shall certify to the State Controller on each and every pay roll the amount to be contributed and shall furnish immediately to the Board of Administration a copy of each and every such pay roll; and each such amount shall be deducted by the head of each office or department and shall be remitted to the board.

Contribu-
tions of
members
paid other
than by
State

When a member employed by the State is assigned to service for which he is compensated from funds not directly controlled by the State, he shall contribute to the Retirement Fund at the rate certified by the Board of Administration, applied to the compensation earnable by him immediately preceding such assignment. The head of each State office or department in which a member assigned to such service is employed shall notify the member of his individual rate of contribution and the amount of the monthly contribution payable by him to the Retirement Fund, and shall furnish monthly to the Board of Administration a list of the employees so assigned during the preceding month, together with the rate of compensation earnable by each. Within 15 days of the receipt of compensation for such service in any month, the member rendering such service shall transmit his contribution in respect to such service to the office of the Retirement System in Sacramento. Any such contribution remaining unpaid for 30 days after the completion of the assignment of the member and his return to the State pay roll shall be deducted from his compensation for the

next succeeding month or months as the Board of Administration may provide by rule. Every member who has elected pursuant to Section 4a to be credited with service rendered prior to the effective date of Section 4a shall contribute to the Retirement Fund, at times and in a manner fixed by the Board of Administration, amounts equal to the contributions which he would have made to the fund during the time he was rendering so much of such service as does not constitute prior service if he had then been a member of the Retirement System, on the basis of his compensation earnable at the time he was assigned to service for which he was compensated from funds not directly controlled by the State. Time during which a member serves under such assignment shall be considered for the purpose of qualification for retirement and death benefits, but shall not be considered for calculation of retirement benefits unless the member has contributed as provided in this paragraph. When any such contributions have been made, the State shall thereupon contribute an amount equal to that which it would have contributed under Sections 108 and 109 of this act if the contributions had been deducted from compensation to the member from funds directly controlled by the State, and for the purposes of said sections the compensation paid to the member shall be deemed to have been paid from the support fund of the State department or office by which the member was employed during such service.

The comptroller of the university shall apply the rate of contribution certified to him by the board to so much of the compensation of each member employed by the university as does not exceed four hundred sixteen dollars and sixty-six cents (\$416.66) per month, and the contributions so determined shall be deducted by the comptroller of the university from the compensation of each such member; each such amount shall be remitted to the board and the comptroller of the university shall furnish to the board a copy of each and every salary roll and pay roll from which such amounts have been deducted.

Each contribution deducted and remitted or otherwise paid to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution shall be full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by members during the period covered by such payment, except their claims to the benefits to which they may be entitled under the provisions of this act.

SEC. 3. Section 20307 is added to Article 1 of Chapter 3 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

20307. When any person who is an employee of the State within the meaning of Section 20012 is assigned to the performance of work for which his compensation is paid, pursuant to statute or duly authorized contract entered into by the State or the State agency by which the person is employed, out of funds not directly controlled by the State, such person shall continue

Employees of
university

Credit to
member's
account

Inclusion of
State em-
ployee paid
other than
by State

to be an "employee" of the State for the purposes of this part during the time he is assigned to the performance of such work, and the service rendered by him during such assignment shall be "State service," notwithstanding the provisions of Sections 20012 and 20801 relating to payment of compensation.

This section shall apply to service rendered prior to its effective date by any member who, within 90 days after said effective date, notifies the Retirement Board that he elects to be credited with service so rendered, and who makes contributions in respect to all such service not constituting prior service as provided in Section 20681.5. This section shall also apply to the status of every such person while rendering such service prior to its effective date.

SEC. 4 Section 20681.5 is added to the Government Code, to read:

Payment of
contributions

20681.5. When a member employed by the State is assigned to service for which he is compensated from funds not directly controlled by the State, he shall contribute to the Retirement Fund at the rate certified by the board, applied to the compensation earnable by him immediately preceding such assignment. The head of each State agency in which a member assigned to such service is employed shall notify the member of his individual rate of contribution and the amount of the monthly contribution payable by him to the Retirement Fund, and shall furnish monthly to the board a list of the employees so assigned during the preceding month, together with the rate of compensation earnable by each. Within 15 days of the receipt of compensation for such service in any month, the member rendering such service shall transmit his contribution in respect to such service to the office of this system in Sacramento. Any such contribution remaining unpaid for 30 days after the completion of the assignment of the member and his return to the State pay roll shall be deducted from his compensation for the next succeeding month or months as the board may provide by rule. Every member who has elected pursuant to Section 20307 to be credited with service rendered prior to the effective date of Section 20307 shall contribute to the Retirement Fund, at times and in a manner fixed by the board, amounts equal to the contributions which he would have made to the fund during the time he was rendering so much of such service as does not constitute prior service if he had then been a member of this system, on the basis of his compensation earnable at the time he was assigned to service for which he was compensated from funds not directly controlled by the State. Time during which a member serves under such assignment shall be considered for the purpose of qualification for retirement and death benefits, but shall not be considered for calculation of retirement benefits unless the member has contributed as provided in this section. When any such contributions have been made, the State shall thereupon contribute an amount equal to that which it would have contributed under Chapter 6 of this part if the contributions had been deducted from compensation to the member from funds directly

controlled by the State, and for the purposes of Chapter 6 the compensation paid to the member shall be deemed to have been paid from the support fund of the State agency by which the member was employed during such service.

SEC. 5. Section 20684 of the Government Code is amended to read :

20684. Each member's contribution deducted and remitted or otherwise paid to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution is in full discharge of all claims and demands whatsoever for the service rendered by the members during the period covered by such payment, except the benefits afforded by this part.

Credit to member's account

SEC. 6. The provisions of this act amending or adding sections of the Government Code become operative only if Part 3 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session. If and when said provisions become operative, the sections of the State Employees' Retirement Act added or amended by this act are hereby repealed.

Effect Stats. 1945, Ch 123

This amendatory act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the Fifty-sixth Regular Session of the Legislature.

Effective date

CHAPTER 853

An act to amend Sections 14030, 14031, 14032, 14033, 14034, 14035, and 14036 of the Government Code, relating to Revolving Funds, in the Department of Public Works

[Approved by Governor June 13, 1945. Filed with Secretary of State June 13, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 14030 of the Government Code is amended to read:

See also Stats. 1945, Ch 118

14030. The Division of Architecture Revolving Fund in the State treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than State appropriations, for expenditure on work within the powers and duties of the Division of Architecture, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, and other building and improvement projects, as authorized by the State agency for which such an appropriation is made or, as to funds from sources other than State appropriations, as may be authorized by written agreement between the

Division of Architecture Revolving Fund Deposits

contributor or contributors of such funds and the Division of Architecture, when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Division of Architecture for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

See also
Stats 1945,
Ch 118
Expenditures

SEC. 2. Section 14031 of said code is amended to read:

14031. The Division of Architecture shall file against the Division of Architecture Revolving Fund all claims covering expenditures incurred in connection with services, new construction, major construction and equipment, minor construction, maintenance, improvements, and equipment, and other building and improvement projects, and the State Controller shall draw his warrant therefor against that fund.

See also
Stats 1945,
Ch 118
Unused
balances

SEC. 3. Section 14032 of said code is amended to read:

14032. The Division of Architecture shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unused balance in any portion of the fund shall on approval by the Department of Finance be withdrawn from the revolving fund and transferred to the credit of the appropriation from which it was transferred or, as to funds from other than State appropriations, be paid out or refunded as provided in the agreement relating to the contributions.

See also
Stats 1945,
Ch 118
Withdrawals
from revolving
funds

SEC. 4. Section 14033 of said code is amended to read:

14033. Without at the time furnishing vouchers and itemized statements, the department may, with the approval of the Department of Finance, withdraw from the Division of Architecture Revolving Fund or from any appropriations for the support of the Division of Architecture, or from the Water Resources Revolving Fund or from any appropriations for the support of the Division of Water Resources, not exceeding fifty thousand dollars (\$50,000) in the aggregate at any one time, to be used as a revolving fund where payments of compensation earned or cash advances are necessary.

See also
Stats 1945,
Ch 118
Water
Resources
Revolving
Fund
Deposits

SEC. 5. Section 14034 of said code is amended to read:

14034. The Water Resources Revolving Fund in the State treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than State appropriations, for expenditure on work within the powers and duties of the Division of Water Resources or of the Department of Public Works, acting through the State Engineer, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by the State agency for which such an appropriation is made or, as to funds from sources other than State appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Water Resources or the Department of Public

Works, acting through the State Engineer, when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Division of Water Resources or the Department of Public Works, acting through the State Engineer, for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provision of Section 16304.

SEC. 6. Section 14035 of said code is amended to read:

14035. The Division of Water Resources or the Department of Public Works, acting through the State Engineer, shall file against the Water Resources Revolving Fund all claims covering expenditures incurred in connection with services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, and the State Controller shall draw his warrant therefor against that fund.

See also
Stats 1945,
Ch 118
Expenditures

SEC. 7. Section 14036 of said code is amended to read:

14036. The Division of Water Resources or the Department of Public Works, acting through the State Engineer, shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unused balance in any portion of the fund shall on approval by the Department of Finance be withdrawn from the revolving fund and transferred to the credit of the appropriation from which it was transferred or, as to funds from other than State appropriations, be paid out or refunded as provided in the agreement relating to the contributions.

See also
Stats 1945,
Ch 118
Unused
balances

CHAPTER 854

An act to amend Section 1277 of the Code of Civil Procedure, relating to changes in names of persons.

[Approved by Governor June 13, 1945. Filed with Secretary of State June 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1277 of the Code of Civil Procedure is amended to read:

1277. Upon the filing of the said petition the court shall thereupon make an order reciting the filing of the application, the name of the person by whom it is filed and the name proposed, and directing all persons interested in said matter to appear before the court, at a time and place specified, not less than four or more than eight weeks from the time of making such order, to show cause why the application for change of name should not be granted. A copy of the order to show cause must be published for four successive weeks in some newspaper of general circulation to be designated in the order,

Change of
name
Order to
show cause

Publication

printed in the county, if a newspaper be printed therein, or, if no newspaper be printed in the county, a copy of such order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is held, for a like period. Proof must be made to the satisfaction of the court, of such publication, or posting, at the time of the hearing of the application.

Four weekly publications shall be sufficient publication of said order to show cause. If said order is published in a daily newspaper, publication once a week for four successive weeks shall be sufficient.

CHAPTER 855

Stats 1931,
p 2085,
amended

An act to add Section 35.5 to the State Civil Service Act and Section 18708.5 to the Government Code, relating to exempt positions.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State June 13, 1945.]

The people of the State of California do enact as follows:

New section

SECTION 1. Section 35.5 is added to the State Civil Service Act, to read:

Survey of
exempt
positions

Sec. 35.5. Upon the request of the Director of Finance, the board shall examine any position exempt from civil service, and make a survey of the classification, duties, responsibilities, and proper salary range of such position with respect to comparable positions in civil service and report such findings and facts to the Director of Finance.

SEC. 2. Section 18708.5 is added to the Government Code, to read:

Survey of
exempt
positions

18708.5. Upon the request of the Director of Finance, the board shall examine any position exempt from civil service, and make a survey of the classification, duties, responsibilities, and proper salary range of such position with respect to comparable positions in civil service and report such findings and facts to the Director of Finance.

Effect
Stats 1945,
Ch 133

SEC. 3. Section 2 of this act becomes operative only if Part 2 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 35.5 of the State Civil Service Act, added by this act, is hereby repealed.

CHAPTER 856

An act to add Article 5, comprising Sections 540 to 542, inclusive, to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, relating to the registration and examination of sanitarians employed full time in State and local departments of public health.

[Approved by Governor June 14, 1945 Filed with Secretary of State
June 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Article 5, comprising Sections 540 to 542, inclusive, is added to Chapter 1 of Part 2 of Division 1 of the Health and Safety Code, to read:

Article 5. Sanitarians

540. "Sanitarian," as used in this article, means a person ^{Sanitarian} trained in the field of sanitary science and technology who is qualified to carry out educational and inspectional duties and enforce the law in the field of sanitation.

541. The governing body of a city, of a county, or of a local ^{Registration} health district may employ on a full time basis one or more sanitarians each of whom shall be a registered sanitarian as provided for in this article for the purpose of the enforcement of such State statutes relative to public health, and such rules and regulations of the State Board of Public Health, and any local ordinances of a city, county or local health district that relate to the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation or housing; provided, however, that any person who shall be known as assistant sanitarian may without a certificate of registration ^{Employment of assistant} be employed to work under the supervision of a registered sanitarian until such time as he may be qualified by examination as provided under Section 542 (b), such time not to exceed two years of such employment.

542. The State department shall certify as a registered ^{Qualifications} sanitarian any person who qualifies himself by one of the following procedures:

(a) The State department shall accept for registration as a registered sanitarian (1) any person who on or before January 1, 1946, has passed an official civil service examination as certified by an official agency qualifying him as a sanitarian, food and market inspector, sanitary inspector, or housing inspector, given by the State, or by any city, county or local health district of the State; or (2) any person who has prior to the effective date hereof been employed as a sanitarian, food and market inspector, sanitary inspector, or housing inspector by the State, any city, any county, or any city and county, or any local health district of the State.

Examination (b) The State department may hold examinations in various parts of the State for the purpose of determining persons who are qualified and competent to act as registered sanitarians who desire to become employed on a full time basis in health departments of the State, or of any city, or any county, or of any local health district of the State in the enforcement of State statutes relative to public health, the rules and regulations of the State Board of Public Health and local ordinances pertaining to public health. The State department shall issue a certificate as a registered sanitarian to each person who passes such examination. The State Board of Public Health may by rule establish minimum standards and qualifications for such persons.

CHAPTER 857

Stats 1883,
p 93,
amended *An act to amend Sections 764 and 862.16 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of city councils in cities of the fifth and sixth class.*

In effect
September
15, 1945 [Approved by Governor June 14, 1945. Filed with Secretary of State June 14, 1945.]

The people of the State of California do enact as follows:

Stats 1927,
p 502 SECTION 1. Section 764 of the act cited in the title hereof is amended to read:

Fifth class
cities.
Powers of
boards of
trustees Sec. 764. The board of trustees of such city shall have power:

1. To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; provided, that they shall not have any power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding 10 years for the purpose of erecting bathhouses thereon.

3. To contract for supplying the said city with water, and gas, and electric lights or other lights for municipal purposes; to purchase, lease, construct or otherwise acquire waterworks, electric plants, and gas works or plants or any of same, and all machinery, conductors, lands, appliances and all other things needed therefor, and to supply said city with, and to sell to the inhabitants of said city, gas, electric light or other light, and heat, and power; provided, that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election shall vote in favor of such proposition.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To establish, construct and maintain drains and sewers, and to provide by ordinance for a general system of sewers, and the expense of building and maintaining the same.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose and collect from every male inhabitant between the ages of 21 and 60 years, an annual street poll tax, not exceeding two dollars (\$2), and no other road poll tax shall be collected within the limits of such city; that any member of a volunteer fire company in such city shall be exempt from such tax.

8. To impose and collect an annual license, not exceeding two dollars (\$2) on every dog owned or harbored within the limits of the city.

9. To levy and collect, annually, a property tax which shall be apportioned as follows: For the general fund, not exceeding sixty cents (\$0.60) on each one hundred dollars (\$100); for street fund, not exceeding thirty cents (\$0.30) on each one hundred dollars (\$100); for school fund, not exceeding twenty-five cents (\$0.25) on each one hundred dollars (\$100); for sewer fund, not exceeding ten cents (\$0.10) on each one hundred dollars (\$100). The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar (\$1) on each one hundred dollars (\$100) of the assessed value of all real and personal property within such city; provided, however, that the board of trustees, by unanimous vote, may elect to levy a total tax, during any year, not exceeding one dollar and twenty-five cents (\$1.25) on each one hundred dollars (\$100) of the assessed value of all real and personal property within such city, and in that case may apportion the part of said tax over one dollar (\$1) on one hundred dollars (\$100) of the assessed value of all real and personal property within such city among the different funds, as they may deem proper.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of licenses upon the same, and to provide for the collection of the same by suit or otherwise.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow.

12. To erect and maintain buildings for municipal purposes.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telephone, telegraph and electric light lines therein.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; provided, that no change in the boundaries of any ward shall be made within 60 days next before the date of said general municipal election, nor within 20 months after the same shall have been established or altered. Whenever such city shall be divided into wards, the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

16. To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five hundred dollars (\$500), nor the term of such imprisonment exceed six months.

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, shades, awnings, signs, or any structure of a dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein; to regulate or prohibit the storage of gunpowder and combustible or explosive materials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other

local, policy, sanitary, and other regulations as do not conflict with general laws.

20. To levy and collect a property tax in addition to that now authorized by law for the purpose of improving, repairing, and maintaining any and all streets, avenues, lanes, alleys, courts, places and sidewalks of said municipality, which have heretofore been accepted by said municipality, under and pursuant to the provisions of any street improvement act, providing for the acceptance of streets by said municipality, which such tax shall not exceed thirty cents (\$0.30) on each one hundred dollars (\$100) of the assessed value of all real and personal property within such municipality.

21. To exercise any power heretofore or hereafter conferred upon cities of the sixth class by the provisions of this act.

SEC. 2. Section 862.16 of the act cited in the title hereof is amended to read: Stats. 1935, p. 2069

Sec. 862.16. To impose fines, penalties, and the forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment or both; but no such fine shall exceed five hundred dollars (\$500), nor the term of imprisonment exceed six months. Sixth class cities. Power of city council to impose penalties

CHAPTER 858

An act to amend Sections 331 and 338 of, and to add Section 339 to, the Vehicle Code, relating to drivers' licenses.

[Approved by Governor June 14, 1945. Filed with Secretary of State June 14, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 331 of the Vehicle Code is amended to read:

331. Notice of Change of Address. (a) Whenever any person after applying for or receiving an operator's or chauffeur's license moves from the address named in such application or in the license issued to him, he shall within 10 days thereafter notify the department in writing of his old and new address. Notice of change of address

(b) The department may thereupon change the address as shown upon the license or application or, should the department for any reason fail to so change the address upon the license, then the licensee shall mark out the former address on the face of the license and type or write the new address in ink on the reverse of the license with the date and signature of the licensee.

SEC. 2. Section 338 of the Vehicle Code is amended to read:

338. Unlawful Use of License. It is unlawful for any person: Unlawful use of license

(a) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered operator's or chauffeur's license.

(b) To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another.

(c) To display or represent as one's own any operator's or chauffeur's license not issued to him.

(d) To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked or canceled.

(e) To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

(f) To permit any unlawful use of an operator's or chauffeur's license issued to him.

(g) To do any act forbidden or fail to perform any act required by this division.

(h) To photograph, photostat, duplicate or in any way reproduce any operator's or chauffeur's license or facsimile thereof in such a manner that it could be mistaken for such a license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by the provisions of this code.

SEC. 3. Section 339 is added to the Vehicle Code, to read:

Misstatement
in minor's
application

339. Misstatement in Minor's Application. Any parent or guardian who signs any application of a minor for an operator's or chauffeur's license or any supporting document or statement, which application, document or statement contains any material false statement, shall be guilty of a misdemeanor.

CHAPTER 859

Stats. 1937,
p 2184,
amended

An act to amend Sections 2, 4, 6, 7, 8, 9, 11, 12, 15, 17, 18, 19, 19.1, 20, 21, and 23 of, and to add one new section to be numbered 14 1 to, the Corporation Income Tax Act, relating to the levy and collection of taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

In effect
immediately

[Approved by Governor June 14, 1945. Filed with Secretary of State June 14, 1945.]

The people of the State of California do enact as follows:

Stats 1943,
p 1347

SECTION 1. Section 2 of the Corporation Income Tax Act is hereby amended to read as follows:

Definitions

Sec. 2. For the purposes of this act and unless otherwise required by the context:

(a) The word "commissioner" as used in this act means the Bank and Corporation Franchise Tax Commissioner.

(b) The term "corporation" as herein used shall include every corporation, association, and Massachusetts or business trust, except a bank or banking association. It shall also include any corporation operated by any receiver, liquidator, referee, trustee or other officers or agents appointed by any court. For the purposes of this act a Massachusetts or business trust

includes every business organization consisting essentially of an arrangement whereby property is conveyed to one, or more than one, trustee for purposes other than the mere conservation of assets, collection and disbursing of fixed and periodic income, or the securing of an obligation.

(c) The words "taxable year" mean the calendar year or the fiscal year, upon the basis of which the net income is computed under this act; if no fiscal year has been established they mean the calendar year.

"Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this act or under regulations prescribed by the commissioner, the period for which such return is made.

(d) The words "fiscal year" mean an accounting period of 12 months ending on the last day of any month other than December.

(e) The words "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act.

(f) The word "State" shall include the Territories of Alaska and Hawaii, the District of Columbia, and the possessions of the United States.

(g) The term "counsel for the commissioner," as used in Sections 20, 23 and 24 of this act, means attorney or attorneys appointed or employed by the commissioner and acting subject to the approval and under the supervision of the Attorney General.

SEC. 2. Section 4 of the Corporation Income Tax Act is hereby amended to read as follows: Stats 1943,
p. 2728

Sec. 4. The following corporations shall be exempt from taxation under this act: Exempt
corporations

(a) Labor organizations.

(b) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this act.

(c) Corporations classified as diversified management companies under Section 5 of the Federal Investment Company Act of 1940, and registered as provided in that act.

(d) Fraternal beneficiary societies, orders, or associations, (A) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (B) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents.

(e) Cemetery companies owned and operated exclusively for the benefit of their members; or which are not operated for profit; or any corporation chartered for cemetery purposes and permitted by its charter to engage in any business related to that purpose, no part of the net earnings of which inures to the benefit of any shareholder or member thereof.

(f) Corporations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.

(g) Business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(h) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes.

(i) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.

(j) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (A) no part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (B) 85 per centum or more of the income consists of amounts collected from members and amounts contributed to the association by the employer of the members for the sole purpose of making such payments and meeting expenses.

(k) Teachers' retirement fund associations of a purely local character, if (A) no part of their net earnings inures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual, and (B) the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments.

(l) Religious or apostolic corporations, if such corporations have a common treasury or community treasury, even if such corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro rata shares, whether distributed or not, of the net income of the corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received.

(m) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (A) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (B) no part

of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

SEC. 3. Section 6 of the Corporation Income Tax Act is hereby amended to read as follows: Stats 1913,
p 1347

Sec. 6. (a) "Gross income" includes gains, profits, and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever, including interest which now or hereafter constitutionally may be taxed Gross
income

(b) The following items shall not be included in gross income and shall be exempt from taxation under this act: Exclusions

(1) Amounts received under life insurance policies and contracts paid by reason of the death of the insured, but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(2) Amounts received (other than amounts paid by reason of the death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon. In the case of a transfer for a valuable consideration by assignment or otherwise, of a life insurance, endowment or annuity contract or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be excluded from gross income under paragraph (1) of this subsection. The preceding sentence shall not apply in the case of such a transfer if such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor.

(3) Income which this State is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this State.

(4) Income, other than rent, derived by a lessor of real property upon the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee.

(5) Income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to such debt, tax, or amount. For the purposes of this paragraph:

(A) The term "bad debt" means a debt on account of worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

(B) The term "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

(C) The term "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

(D) The term "recovery exclusion," with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the commissioner of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this act or the Bank and Corporation Franchise Tax Act, reduced by the amount excludible in previous taxable years with respect to such debt, tax, or amount under this paragraph.

Stats 1929,
p 19

(6) The amount of any income of a corporation attributable to the discharge, within the taxable year, of any indebtedness of the taxpayer (or for which a corporation is liable) evidenced by a security (as hereinafter in this paragraph defined) if a corporation makes and files at the time of filing the return, in such manner as the commissioner by regulations prescribes, its consent to the regulations prescribed under Section 12 (b) (3). In such case the amount of any income of a corporation attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. As used in this paragraph the term "security" means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by any corporation.

(7) The amount of any income attributable to the discharge, within the taxable year, of any indebtedness of a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, to the extent that such income is deemed to have been realized by reason of a modification in or cancellation in whole or in part of such indebtedness pursuant to an order of a court in a receivership proceeding or in a proceeding under Section 77 of the National Bankruptcy Act, as amended. In such case the amount of any income of the corporation attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to

such indebtedness shall not be allowed as a deduction. Subsection 6 (b) (6) shall not apply with respect to any discharge of indebtedness to which this paragraph applies.

(c) (1) The term "dividend" when used in this act means Dividends any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913, or out of the earnings or profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year), without regard to the amount of the earnings and profits at the time the distribution was made.

(2) For the purposes of this act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the adjusted basis of the stock provided in Section 12.

(3) Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under Section 10. In the case of amounts distributed (whether before or after the effective date of this amendment) in partial liquidation (other than a distribution within the provisions of subdivision (7) of this subsection of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits. In the case of amounts distributed (whether before January 1, 1934, or on or after such date) in partial liquidation (other than a distribution within the provisions of subdivision (7) of this subsection or stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of subdivision (2) of this subsection for the purpose of determining the taxability of subsequent distributions by the corporation.

(4) If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913, and is not a dividend, then the amount of such distribution shall be applied against and reduce the adjusted basis of the stock provided in Section 12, and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property.

(5) (A) A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock shall be treated as a dividend to the extent that it constitutes income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution of the United States.

(B) Whenever a distribution by a corporation is, at the election of any of the shareholders (whether exercised before or after the declaration thereof), payable either (i) in its stock or in rights to acquire its stock, of a class which if distributed without election would be exempt from tax under paragraph (A), or (ii) in money or any other property (including its stock or rights to acquire its stock, of a class which if distributed without election would not be exempt from tax under paragraph (A)), then the distribution shall constitute a taxable dividend in the hands of all shareholders, regardless of the medium in which paid.

(6) If a corporation cancels or redeems its stock (whether or not such stock was issued as a stock dividend) at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock, to the extent that it represents a distribution of earnings or profits accumulated after February 28, 1913, shall be treated as a taxable dividend.

(7) The distribution heretofore or hereafter made to a distributee by or on behalf of a corporation of its stock or securities or stock or securities in another corporation shall not be considered a distribution of earnings or profits of any corporation:

(A) If no gain to such distributee from the receipts of such stock or securities was recognized under the provisions of the Federal Revenue Act of 1936 or prior Federal revenue acts in effect at the time of the distribution, or

(B) If the distribution was not subject to tax in the hands of such distributee under the Federal Revenue Act of 1936 or prior Federal revenue acts in effect at the time of the distribution because it did not constitute income to him within the meaning of the Sixteenth Amendment to the Constitution of the United States or because exempted to him under Section 115 (f) of the Federal Revenue Act of 1934, or a corresponding provision of a prior Federal revenue act.

As used in this subsection, the term "stock or securities" includes rights to acquire stock or securities.

(8) As used in this subsection the term "amount distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock.

(9) If the whole or any part of a dividend is paid to a shareholder in any medium other than money the property received other than money shall be included in gross income at its fair

market value at the time as of which it becomes income to the shareholder.

(10) The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation for the purpose of the computation of earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain. Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing net income under the law applicable to the year in which such sale or disposition was made. Where in determining the adjusted basis used in computing such realized gain or loss the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings or profits, then the latter adjustment shall be used in determining the increase or decrease above provided. For the purposes of this subsection, a loss with respect to which a deduction is disallowed under Section 7(d) of this act or Section 8(d) of the Bank and Corporation Franchise Tax Act shall not be deemed to be recognized.

Where a corporation receives (after February 28, 1913) a distribution from a second corporation which (under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, the amount of such distribution shall not increase the earnings and profits of the first corporation in the following cases:

(A) No such increase shall be made in respect of the part of such distribution which (under such law) is directly applied in reduction of the basis of the stock in respect of which the distribution was made.

(B) No such increase shall be made if (under such law) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received.

For the purposes of this subdivision, the words "law applicable to the year" shall be deemed to refer to this act or, prior to January 1, 1937, the United States Revenue Act in force for the year in which the distribution, sale or other disposition was made.

(11) (A) If any increase or decrease in the earnings or profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in paragraph (B), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913

(B) If the application of subdivision (10) to a sale or other disposition after February 28, 1913, results in a loss which is

to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding subdivision (10) and in lieu of the rule provided in paragraph (A) of this subdivision, the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

Canceled
debts

(d) (1) If the indebtedness of a corporation is canceled or forgiven in whole or in part without payment, the amount so canceled or forgiven shall constitute income to the extent the value of the property (including franchises) of the corporation exceeds its liabilities immediately after the cancellation or forgiveness. The remainder of the amount of indebtedness so canceled or forgiven, if any, shall be applied in reduction of the basis of the assets to the extent the basis thereof exceeds the value thereof immediately after the cancellation or forgiveness, such reduction to be made in accordance with regulations prescribed by the commissioner.

If an indebtedness is not paid by the time an action to enforce payment is barred by limitation, the indebtedness shall be considered canceled or forgiven within the meaning of this subsection unless it can be established that the period of limitation has been extended by a new promise in writing.

(2) If a stockholder of a corporation cancels any indebtedness owing to the stockholder by the corporation, such cancellation shall not constitute income to the corporation except to the extent that the corporation received a tax benefit, under this act, from such indebtedness.

Stats 1943,
p 1347

SEC. 4. Section 7 of the Corporation Income Tax Act is hereby amended to read as follows:

Deductions
from gross
income
Expenses

Sec. 7. In computing "net income" the following deductions shall be allowed:

(a) (1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title or in which it has no equity.

(2) No deduction shall be allowable under paragraph (1) and (3) to a corporation for any contribution or gift which would be allowable as a deduction under subsection (1) were it not for the 5 per centum limitation therein contained and for the requirement therein that payment must be made within the taxable year.

(3) All the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income shall be allowed.

(b) Interest paid or accrued during the taxable year on indebtedness of the taxpayer to the extent that such interest exceeds the corporation's income from interest and dividends (other than dividends deductible under the provisions of subdivision (h) of this section and other than dividends from corporations, 50 per centum or more of the outstanding stock of which is owned by the taxpayer) which is exempt from the tax imposed by this act; or to the extent of interest and dividends included in the measure of the tax imposed by this act, whichever is the greater.

(c) (1) Taxes or licenses paid or accrued during the taxable year, other than taxes paid to the State under this act, and other than taxes on or according to or measured by income or profits paid or accrued within the taxable year imposed by the authority of (a) the Government of the United States or any foreign country, (b) any State, Territory, county, city and county, school district, municipality, or other taxing subdivision of any State or Territory, and other than taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against local benefits as is properly allocable to maintenance or interest charges.

(2) In the case of a tax imposed by any State, Territory, district, or possession of the United States, or any political subdivision thereof, upon persons engaged in selling tangible personal property at retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, or upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of such tax is separately stated, then to the extent that the amount so stated is paid by the purchaser (otherwise than in connection with the purchaser's trade or business) to such person such amount shall be allowed as a deduction in computing the net income of such purchaser as if such amount constituted a tax imposed upon and paid by such purchaser.

(d) Losses sustained during the taxable year and not compensated for by insurance or otherwise, except that such losses may, with the consent of the commissioner, be accounted for as of a different period. In the case of any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within 30 days before or after the date of such sale or other disposition, the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or other disposition, no

deduction for the loss shall be allowed unless the claim is made by a taxpayer, a dealer in stocks or securities, and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed. Upon the subsequent sale or disposition of shares of stock or securities, in respect of which a loss has been disallowed, the basis for measuring gain or loss in the case of the property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis shall be decreased in the amount of the difference.

Worthless
debts

(e) Debts which become worthless within the taxable year, or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable in part only the commissioner may allow such debt as a deduction in an amount not in excess of the part charged off within the taxable year as a deduction; provided, however, that if a debt was actually worthless prior to January 1, 1943, but was not ascertained to be worthless and charged off prior to said date, a deduction may be taken therefor during the first taxable year ending after December 31, 1942; and, provided, that if a portion of a debt is claimed and allowed as a deduction in any year no deduction shall be allowed in any subsequent year for any portion of the debt which in any prior year was charged off, regardless of whether claimed as a deduction in such prior year.

Obsoles-
cence, etc.,
of property

(f) A reasonable allowance for exhaustion, wear and tear and obsolescence of property used in the trade or business, or of property held for the production of income. The basis on which such allowance is to be computed in respect of any property is the adjusted basis provided in Section 12(b) for the purpose of determining the gain upon the sale or other disposition of such property. A taxpayer may elect to claim a deduction for amortization of emergency facilities (as defined by Section 124 of the Internal Revenue Code as amended) under regulations prescribed by the commissioner.

Depletion

(g) (1) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the commissioner. In any case in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate (but not the basis for depletion) shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases

the deductions shall be equitably apportioned between the lessor and the lessee.

(2) (A) The basis upon which depletion is to be allowed in respect of any property shall be the adjusted basis provided in Section 12(b) for the purpose of determining the gain upon the sale or other disposition of such property, except as provided in paragraphs (B), (C) and (D) of this subsection. Basis for depletion allowance

(B) In the case of mines (other than metal, coal, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, potash, ball and sagger clay, rock asphalt or sulphur mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within 30 days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance under subdivision (1) of this subsection based on discovery value provided in this paragraph shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance under subdivision (1) of this subsection be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit. Mines

(C) In the case of oil and gas wells the allowance for depletion under subdivision (1) of this subsection shall be 27½ per centum of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under subdivision (1) of this subsection be less than it would be if computed without reference to this paragraph. Oil and gas wells

(D) (1) The allowance for depletion under subdivision (1) of this subsection shall be, in the case of coal mines, 5 per centum, in the case of metal mines, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, ball and sagger clay or rock asphalt mines, and potash mines or deposits 15 per centum, and, in the case of sulphur mines or deposits, 23 per centum, of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not Coal mines, etc

exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under subsection (1) of this section be less than it would be if computed without reference to this paragraph.

(2) As used in (D) (1) hereof, the term "gross income from the property" means the gross income from mining. The term "mining," as used herein, shall be considered to include not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products. The term "ordinary treatment processes," as used herein, shall include the following: (i) In the case of coal—cleaning, breaking, sizing, and loading for shipment; (ii) in the case of sulphur—pumping to vats, cooling, breaking, and loading for shipment; (iii) in the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment; and (iv) in the case of lead, zinc, copper, gold, silver, or fluorspar ores, potash, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including as an ordinary treatment process electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore, including the furnacing of quicksilver ores.

Dividends
taxed to
corporation
declaring

(h) (1) Dividends received during the taxable year from a corporation taxable under this act declared from income which has been taxed under the provisions of this act to the corporation declaring the dividends, and dividends received during the taxable year from a bank or corporation doing business in this State declared out of income which has been included in the measure of the tax imposed by the Bank and Corporation Franchise Tax Act, Statutes 1929, Chapter 13, as amended, upon the bank or corporation declaring the dividends.

Building
and loan
association
returns

(i) In the case of a building and loan association, organized and operating wholly or partly on a mutual plan, or a Federal savings and loan association, organized and operating wholly or partly on a mutual plan, the return paid or credited on or apportioned to their withdrawable shares.

Income of
cooperative
marketing
associations

(j) In the case of farmers, fruit growers, or like associations organized and operated in whole or in part on a cooperative or a mutual basis, (1) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, which may include reasonable reserves, on the basis of either the quantity or the value of the products furnished by them, or (2) for

the purpose of purchasing, or producing, supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or their agents; or when done on a nonprofit basis for or with nonmembers.

(k) In the case of other associations organized and operated in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members, or with nonmembers, done on a nonprofit basis. Other cooperative associations

(l) In the case of a corporation, contributions or gifts^{Gifts} payment of which is made within the taxable year to or for the use of:

(1) The United States, any State, Territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes; or

(2) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or under the law of the United States, or of any State or Territory, or of the District of Columbia, or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, veteran rehabilitation service, literary, or educational purposes or for the prevention of cruelty to children (but in the case of contributions or gifts to a trust, chest, fund, or foundation, payment of which is made within a taxable year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or

(3) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(4) A corporation or organization which is organized in the United States or any of its possessions by or for members of the armed forces of the United States for the purpose of aiding or assisting members of such forces or their relatives if no part of the net earnings of such corporation or organization inures to the benefit of any private shareholder or individual; to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefits of this subsection. Such contributions or gifts shall be allowable as deductions

only if verified under rules and regulations prescribed by the commissioner.

Contribu-
tions of
employer to
stock bond,
etc., plans.

(m) (1) If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under subsection (a) but shall be deductible, if deductible under subsection (a) without regard to this subsection, under this subsection but only to the following extent:

(A) In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under Section 12 (f) of The Personal Income Tax Act, in an amount determined as follows:

Stats 1935,
p. 1090
See Sec.
18156,
R & T C.

(i) An amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the commissioner upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(ii) Any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years, or

(iii) In lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(iv) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum

amount deductible for such year in accordance with the foregoing limitations.

(B) In the taxable year when paid, in an amount determined in accordance with subparagraph (A) of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of Section 12(f) of The Personal Income Tax Act, and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year toward the purchase of such retirement annuities.

(C) In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under Section 12(f) of The Personal Income Tax Act, in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year beginning after December 31, 1942, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph (A). If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph.

(D) In the taxable year when paid, if the plan is not one included in paragraphs (A), (B), or (C), if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

(E) For the purposes of subparagraphs (A), (B), and (C), a taxpayer on the accrual basis shall be deemed to have made a

payment on the last day of the year of accrual if the payment is on account of such taxable year and is made within 60 days after the close of the taxable year of accrual.

(F) If amounts are deductible under subparagraphs (A) and (C), or (B) and (C), or (A), (B), and (C), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in a taxable year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan.

If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan.

(2) Any deduction allowable under this act (as it read prior to the 1943 amendment) for a taxable year beginning before January 1, 1943, which was apportioned to any taxable year beginning after December 31, 1943, shall be allowed as a deduction for the years to which so apportioned to the extent allowable under this subsection as it then read if it had remained in force with respect to such year.

(3) In the case of a stock bonus, pension, profit-sharing or annuity plan in effect on or before September 1, 1943:

(A) Such a plan shall not become subject to the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code until the beginning of the first taxable year beginning after December 31, 1943.

(B) Such a plan shall be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code for the period beginning with the beginning of the first taxable year following December 31, 1943, and ending December 31, 1945, if the provisions of the plan satisfy such requirements by December 31, 1945, and if by that time, all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943.

(C) If the contribution of an employer to such a plan in the employer's taxable year beginning in 1943, exceeds the maximum amount deductible for such year under paragraphs (1) and (2) the amount deductible in such year shall not be less than the sum of:

(i) The amount paid in such taxable year prior to September 1, 1943, and deductible under Section 7 (a) ; and

(ii) With respect to the amount paid in such taxable year on or after September 1, 1943, that proportion of the amount deductible for the taxable year under paragraphs (1) and (2) which the number of months after August 31, 1943, in the taxable year bears to 12.

(4) In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after September 1, 1943, such a plan shall be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code for the period beginning with the date on which such plan was put into effect and ending December 31, 1945, if all of the provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943.

(5) In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after December 31, 1944, the plan will be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code for the period beginning with the date on which it was put into effect and ending with the fifteenth day of the third month following the close of the taxable year of the employer in which the plan was put into effect if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period.

(n) In the case of a bondholder, who makes the election in the method and under the conditions prescribed in Section 7 (n) (4), the deduction for amortizable bond premium provided in subsection 7 (n) (1), (2) and (3). Amortizable
bond
premiums

(1) In the case of any bond, as defined in subsection (3), the following rules shall apply to the amortizable bond premium (determined under subsection (2)) on the bond for any taxable year beginning after December 31, 1942: Rules
applicable

(A) In the case of a bond (other than a bond the interest on which is excludible from gross income), the amount of the amortizable bond premium for the taxable year shall be allowed as a deduction.

(B) In the case of any bond the interest on which is excludible from gross income, no deduction shall be allowed for the amortizable bond premium for the taxable year.

(2) (A) For the purposes of paragraph (B), the amount of bond premium, in the case of the holder of any bond, shall be

determined with reference to the amount of the basis (for determining loss on sale or exchange) of such bond, and with reference to the amount payable on maturity or on earlier call date, with adjustments proper to reflect unamortized bond premium with respect to the bond, for the period prior to the date as of which subsection (1) becomes applicable with respect to the taxpayer with respect to such bond.

(B) The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to such year.

(C) The determinations required under paragraphs (A) and (B) shall be made—

(i) In accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(ii) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium, prescribed by the commissioner.

“Bond”

(3) As used in this section, the term “bond” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any bank or corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), with interest coupons or in registered form, but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

Election

(4) The amount of the amortizable bond premium for the taxable year shall be allowed as a deduction only if a taxpayer has elected to claim such deduction. Such elections shall be made in accordance with such regulations as the commissioner shall prescribe. If such election is made with respect to any bond, it shall also apply to all such bonds held by the taxpayer at the beginning of the first taxable year to which the election applies and to all such bonds thereafter acquired by it, and shall be binding for all subsequent taxable years with respect to all such bonds of the taxpayer, unless, upon application by the taxpayer, the commissioner permits him, subject to such conditions as the commissioner deems necessary, to revoke such election.

Stats 1943,
p 1347

SEC. 5. Section 8 of the Corporation Income Tax Act is hereby amended to read as follows:

Items not
deductible

Sec. 8. In computing net income no deduction shall be allowed for:

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property; or for

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or for

(c) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially inter-

ested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy;

(d) Any amount otherwise allowable as a deduction which is allocable to one or more classes of income (regardless of whether any such income was received or accrued during the taxable year) not included in the measure of the tax imposed by this act.

(1) Any amount paid or accrued on indebtedness incurred or continued to purchase a single premium life insurance or endowment contract. For the purposes of this paragraph, if substantially all the premiums on a life insurance or endowment contract are paid within a period of four years from the date on which such contract is purchased, such contract shall be considered a single premium life insurance or endowment contract;

(2) Amounts paid or accrued for such taxes and carrying charges as, under regulations prescribed by the commissioner, are chargeable to capital account with respect to property, if the taxpayer elects, in accordance with such regulations, to treat such taxes or charges as so chargeable.

(e) (1) Except in case of distributions in liquidation, losses from sales or exchanges of property directly or indirectly between an individual and a corporation in which such individual owns directly or indirectly more than 50 per centum in value of the outstanding stock.

(2) For the purpose of this subdivision an individual shall be considered as owning the stock owned directly or indirectly by his family and the family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors and lineal descendants.

(f) In computing net income no deduction shall be allowed under Section 7 (a), relating to expenses incurred, or under Section 7 (b), relating to interest accrued:

(1) If such expenses or interest are not paid within the taxable year or within two and one-half months after the close thereof; and

(2) If, by reason of the method of accounting of the person or corporation to whom the payment is to be made, the amount thereof is not, unless paid, includible under the provisions of The Personal Income Tax Act or Bank and Corporation Franchise Tax Act or this act in the gross income of such person or corporation for the year in which or with which the taxable year of the taxpayer ends; and

Stats 1935,
p 1090
Stats 1929,
p 19

(3) If, at the close of the taxable year of the taxpayer or at any time within two and one-half months thereafter, both the taxpayer and the person to whom the payment is to be made are persons between whom losses would be disallowed under Section 8 (e), or if the corporation to which payment is to be made is owned by, or owns, the taxpayer to the extent of more than 50 per centum in value of the outstanding stock.

The amount of expenses incurred or interest accrued the deduction of which is disallowed under this subsection in the year incurred or accrued, may be deducted in the year paid.

Stats 1943,
p 1347

SEC. 6. Section 9 of the Corporation Income Tax Act is hereby amended to read as follows:

Inventories

Sec. 9. (1) Whenever in the opinion of the commissioner, the use of inventories is necessary clearly to determine the income of any taxpayer, inventory shall be taken by such taxpayer upon such basis as the commissioner may prescribe, conforming as nearly as may be to the best accounting practice and most clearly reflecting the income.

Methods

(2) (A) A taxpayer may use the following method (whether or not such method has been prescribed under subdivision (1)) in inventorying goods specified in the application required under paragraph (B): (1) Inventory them at cost; (2) treat those remaining on hand at the close of the taxable year as being: First, those included in the opening inventory of the taxable year (in the order of acquisition) to the extent thereof, and second, those acquired in the taxable year; and (3) treat those included in the opening inventory of the taxable year in which such method is first used as having been acquired at the same time and determine their cost by the average cost method.

(B) The method described in paragraph (A) may be used (1) only in inventorying goods (required under subdivision (1) to be inventoried) specified in an application to use such method filed at such time and in such manner as the commissioner may prescribe; and (2) only if the taxpayer establishes to the satisfaction of the commissioner that the taxpayer has used no procedure other than that specified in subparagraphs (2) and (3) of paragraph (A) in inventorying such goods to ascertain the income, profit, or loss of the first taxable year for which the method described in paragraph (A) is to be used, for the purpose of a report or statement covering such taxable year (i) to shareholders, partners, or other proprietors, or to beneficiaries, or (ii) for credit purposes.

(C) The change to, and the use of, such method shall be in accordance with such regulations as the commissioner may prescribe as necessary in order that the use of such method may clearly reflect income.

(D) In determining income for the taxable year preceding the taxable year for which such method is first used, the closing inventory of such preceding year of the goods specified in such application shall be at cost.

Change
in method

(E) If a taxpayer, having complied with paragraph (B), uses the method described in paragraph (A) for any taxable year, then such method shall be used in all subsequent taxable years unless with the approval of the commissioner a change to a different method is authorized; or the commissioner determines that the taxpayer has used for any such subsequent taxable year some procedure other than that specified in (2) of paragraph (A) in inventorying the goods specified in the application to ascertain the income, profit, or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year (i) to shareholders, partners, or other proprietors, or beneficiaries, or (ii) for credit purposes; and

requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent taxable year or any taxable year thereafter.

In either of the above cases, the change to, and the use of, the different method shall be in accordance with such regulations as the commissioner may prescribe as necessary in order that the use of such method may clearly reflect income.

(3) (A) If, for any taxable year beginning after December 31, 1942, and prior to the termination of the present war as proclaimed by the President of the United States, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of this paragraph apply and so notifies the commissioner, and if, at the time of such election, it is established to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B), and if the closing inventory of a subsequent taxable year, ending not more than three years after the termination of the present war as proclaimed by the President, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be adjusted as follows:

(i) Increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost; or

(ii) Decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation.

The taxes imposed by this act for the year of such liquidation and for all taxable years intervening between such year and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(B) The term "involuntary liquidation," as used in this paragraph, means the sale or other disposition of goods inventoried under the method described in this subsection, either voluntary or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the taxable year in which such sale or other disposition occurred such goods as would, if on hand at the close of such taxable year, be subject to the application of the provisions of this subsection, if such failure on the part of the taxpayer is due, directly and exclusively, (i) to enemy capture or control of sources of limited foreign supply;

(ii) to shipping or other transportation shortages; (iii) to material shortages resulting from priorities or allocations; (iv) to labor shortages; or (v) to other prevailing war conditions beyond the control of the taxpayer.

Increase

(C) If, in the case of any taxpayer subject to the provisions of subparagraph (A), the closing inventory of the taxpayer for a taxable year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of such goods for the taxable year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation) and not previously replaced, and if the liquidation was an involuntary liquidation shall be taken into purchases and included in the closing inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

Election

(D) An election by the taxpayer to have the provisions of this paragraph apply, once made, shall be irrevocable and shall be binding for the year of the involuntary liquidation and for all determinations for subsequent taxable years insofar as they are related to the year of liquidation or replacement.

Prevented
adjustment:

(E) If the adjustments specified in subparagraph (A) are, with respect to any taxable year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within three years from such date, by any provision or rule of law (other than this subparagraph), such adjustments shall nevertheless be made if, in respect of the taxable year for which the adjustment is sought, a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within three years after the date of the filing of the income tax return for the year of replacement. If, at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this paragraph shall be limited to the increase or decrease of the tax imposed by this act previously determined for such taxable year which results solely from the effect of subparagraph (A), and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if, on the date of the filing of the income tax return for the year of the replacement, three years remain before the expiration of the periods of limitation upon assessment or the filing of claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with rules and regulations prescribed by the commissioner. The amount to be assessed and collected under this paragraph in the same manner as if it were a deficiency or to be credited or refunded in the same manner as if it were an overpayment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption,

gain, or loss, other than one resulting from the effect of subparagraph (A). Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A).

SEC. 7. Section 11 of the Corporation Income Tax Act Stats 1943,
p 1347 is hereby amended to read as follows:

Sec. 11. (a) Upon the sale or exchange of property, the Recognition
of gain
or loss entire amount of the gain or loss, determined under Section 10, shall be recognized, except as hereinafter provided in this section.

(b) (1) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(2) No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

(3) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(4) No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

(5) No gain or loss shall be recognized if property is transferred to a corporation by one or more taxpayers solely in exchange for stock or securities in such corporation, and immediately after the exchange such taxpayer or taxpayers are in control of the corporation; but in the case of an exchange by two or more taxpayers this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to its interest in the property prior to the exchange.

Where the transferee assumes a liability of a transferor, or where the property of a transferor is transferred subject to a liability, then for the purpose only of determining whether the amount of stock or securities received by each of the transferors is in the proportion required by this paragraph, the amount of such liability (if under subsection (k) it is not to be considered as other property or money) shall be considered as stock or securities received by such transferor.

(6) No gain or loss shall be recognized upon the receipt by a corporation of property distributed in complete liquidation of another corporation. For the purposes of this paragraph a

distribution shall be considered to be in complete liquidation only if:

(A) The corporation receiving such property was, on the date of the adoption of the plan of liquidation, and has continued to be at all times until the receipt of the property, the owner of stock (in such other corporation) possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and the owner of at least 80 per centum of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), and was at no time on or after the date of the adoption of the plan of liquidation and until the receipt of the property the owner of a greater percentage of any class of stock than the percentage of such class owned at the time of the receipt of the property; and

(B) No distribution under the liquidation was made before the first day of the first taxable year of the corporation beginning after December 31, 1935; and either

(C) The distribution is by such other corporation in complete cancellation or redemption of all its stock, and the transfer of all the property occurs within the taxable year; in such case the adoption by the shareholders of the resolution under which is authorized the distribution of all the assets of such corporation in complete cancellation or redemption of all its stock, shall be considered an adoption of a plan of liquidation, even though no time for the completion of the transfer of the property is specified in such resolution; or

(D) Such distribution is one of a series of distributions by such other corporation in complete cancellation or redemption of all its stock in accordance with a plan of liquidation under which the transfer of all the property under the liquidation is to be completed within three years from the close of the taxable year during which is made the first of the series of distributions under the plan, except that if such transfer is not completed within such period, or if the taxpayer does not continue qualified under subparagraph (A) until the completion of such transfer, no distribution under the plan shall be considered a distribution in complete liquidation.

If such transfer of all the property does not occur within the taxable year the commissioner may require of the taxpayer such bond, or waiver of the statute of limitations on assessment and collection, or both, as he may deem necessary to insure, if the transfer of the property is not completed within such three-year period, or if the taxpayer does not continue qualified under subparagraph (A) until the completion of such transfer, the assessment and collection of all taxes imposed by this act then due or to become due, to the extent attributable to property so received. A distribution otherwise constituting a distribution in complete liquidation within the meaning of this paragraph shall not be considered as not constituting such a distribution merely because it does not constitute a distribution or liquidation within the meaning of the corporate law under which the distribution is made; and for the purposes of this paragraph a

transfer of property of such other corporation to the taxpayer shall not be considered as not constituting a distribution (or one of a series of distributions) in complete cancellation or redemption of all the stock of such other corporation, merely because the carrying out of the plan involves (i) the transfer under the plan to the taxpayer by such other corporation of property, not attributable to shares owned by the taxpayer, upon an exchange described in paragraph (4) of this subsection, and (ii) the complete cancellation or redemption under the plan, as a result of exchanges described in paragraph (3) of this subsection, of the shares not owned by the taxpayer.

(7) No gain or loss shall be recognized to a shareholder from a distribution of stocks or securities in liquidation of a corporation made pursuant to an order of the Federal Securities and Exchange Commission under authority vested in it by that act of Congress known as the Public Utility Holding Company Act of 1935 as amended.

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(8) No loss shall be recognized if property of a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, is transferred, after December 31, 1942, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under Section 77 of the National Bankruptcy Act, as amended, to a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding. The term "reorganization," as used in this paragraph, shall not be limited by the definition of such term in subsection (g).

(9) No gain or loss shall be recognized if property of a corporation (other than a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended) is transferred in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership, foreclosure, or similar proceeding, or

(B) In a proceeding under Section 77B or Chapter X of the National Bankruptcy Act, as amended, to another corporation organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other corporation.

(c) (1) If an exchange would be within the provisions of subsection (b) (1), (2), (3), or (5), or within the provisions of subsection (L), of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph or by subsection (L) to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) of this subsection but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

(d) If an exchange would be within the provisions of subsection (b) (4) or (9) of this section if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then:

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(e) If an exchange would be within the provisions of subsection (b) (1) to (5), or (9) or within the provisions of subsection (L), inclusive, of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

Involuntary
conversion

(f) If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the commissioner, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain shall be recognized, but loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain).

(g) As used in this section (other than subsection (b) (9) and subsection (L)) and Section 12 (other than subsection (a) (18)):

Definitions

(1) The term "reorganization" means (A) a statutory merger or consolidation, or (B) the acquisition by one corporation in exchange solely for all or a part of its voting stock: Of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of another corporation; or of substantially all the properties of another corporation, but in determining whether the exchange is solely for voting stock, the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded, or (C) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its shareholders or both are in control of the corporation to which the assets are transferred, or (D) a recapitalization, or (E) a mere change in identity, form, or place of organization, however effected.

"Reorganization"

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

"Party to reorganization"

(h) As used in this section the term "control" means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and at least 80 per centum of the total number of shares of all other classes of stock of the corporation.

"Control"

(i) In determining the extent to which gain shall be recognized in the case of any of the exchanges (made after the date of the enactment of this act) described in subsection (b) (3), (4), (5), or (6), or described in so much of subsection (c) as refers to subsection (b) (3) or (5), or described in subsection (d), a corporation created or organized in a foreign country shall not be considered as a corporation unless, prior to such exchange, it has been established to the satisfaction of the commissioner that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of income taxes or franchise taxes imposed by this State.

Exchange of property of foreign corporation

(j) For nonrecognition of gain or loss in the case of installment obligations, see Section 10 (e) (4).

Installment obligations

(k) Where upon an exchange the taxpayer receives as part of the consideration property which would be permitted by subsection (b) (4) or (5) or (9) of this section to be received without the recognition of gain if it were the sole consideration, and as part of the consideration another party to the exchange assumes a liability of the taxpayer or acquires from the taxpayer property subject to a liability, such assumption or acquisition shall not be considered as "other property or money" received by the taxpayer within the meaning of subsection (c), (d) or (e) of this section and shall not prevent the exchange from being within the provisions of subsection (b)

Assumption of taxpayer's liability

(4) or (5) or (9); except that if, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition was a purpose to avoid State tax on the exchange, or, if not such purpose, was not a bona fide business purpose, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this section, be considered as money received by the taxpayer upon the exchange. In any suit or proceeding where the burden is on the taxpayer to prove that such assumption or acquisition is not to be considered as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

Burden
of proof

(l) No gain or loss shall be recognized upon an exchange consisting of the relinquishment or extinguishment of stock or securities in a corporation the plan of reorganization of which is approved by the court in a proceeding described in subsection (b) (9), in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate such plan of reorganization.

Reorganiza-
tion approved
by court

(m) If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate the policies of the commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of subsection (f) of this section. For the purposes of subsection (f) of this section as made applicable by the provisions of this subsection, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, upon such sale or exchange to which subsection (f) of this section is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss upon sale or exchange of property, of a character subject to the allowance for depreciation under Section 7 (f), remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the commissioner. Any election made by the taxpayer under this subsection shall be made by a statement to that effect in the return for the taxable year in which the sale or exchange takes place and such election shall be binding for the taxable year and all subsequent taxable years.

Certification
by Federal
Communi-
cations
Commission

SEC. 8. Section 12 of the Corporation Income Tax Act Stats 1943,
p 1347 is hereby amended to read as follows:

SEC. 12. (a) The basis of property shall be the cost of such Basis of
property property; except that:

(1) If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

(2) If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that if such basis (adjusted for the period prior to the date of the gift as provided in subsection (b)) is greater than the fair market value of the property at the time of the gift, then for the purpose of determining loss the basis shall be such fair market value. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the commissioner shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the commissioner finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the commissioner as of the date or approximate date at which, according to the best information that the commissioner is able to obtain, such property was acquired by such donor or last preceding owner.

(3) If the property was acquired after December 31 1920, by a transfer in trust (other than by a transfer in trust by a gift, bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made.

(4) If the property was acquired, after February 28 1913, upon an exchange described in Section 11 (b) to (e), inclusive, or Section 11 (L), the basis (except as provided in paragraph (12) of this subsection) shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by Section 11 (b) or Section 11 (L), to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. Where as a part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this paragraph, be considered as money

received by the taxpayer upon the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

(5) If the property was acquired:

(A) After December 31, 1917, and in a taxable year beginning before January 1, 1936, by a corporation in connection with a reorganization, and immediately after the transfer an interest or control in such property of 50 per centum or more remained in the same persons or any of them; or

(B) In a taxable year beginning after December 31, 1935, by a corporation in connection with a reorganization, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made. This paragraph shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee as the consideration in whole or in part for the transfer.

(6) If the property was acquired after December 31, 1920, by a corporation:

(A) By the issuance of its stock or securities in connection with a transaction described in Section 11 (b) (5) (including, also, cases where part of the consideration for the transfer of such property to the corporation was property or money, in addition to such stock or securities), or

(B) As paid in surplus or as a contribution to capital, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made.

(7) If the property was acquired, after February 28, 1913, as the result of a compulsory or involuntary conversion described in Section 11 (f), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made.

(8) If the property consists of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under Section 7 (d) of this act, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, then the basis shall be the basis of the stock or securities so sold or disposed of, increased or decreased, as the case may be, by the difference, if any, between the price at which the property was

acquired and the price at which such substantially identical stock or securities were sold or otherwise disposed of.

(9) In the case of property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined, in accordance with regulations prescribed by the commissioner, without regard to intercompany transactions in respect of which gain or loss was not recognized. The basis in case of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, or the Federal Revenue Act of 1938, shall be determined in accordance with regulations prescribed under Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936 or the Federal Revenue Act of 1938. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, or the Federal Revenue Act of 1938, shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, or the Federal Revenue Act of 1938, applicable to such period.

(10) If the property was acquired, after February 28, 1913, in any taxable year beginning prior to January 1, 1934, and the basis thereof, for the purposes of the Federal Revenue Act of 1932 was prescribed by Section 113 (a) (6), (7), or (9) of such act, then for the purpose of this act the basis shall be the same as the basis therein prescribed in the Federal Revenue Act of 1932.

(11) In the case of property acquired before March 1, 1913, if the basis otherwise determined under this subsection, adjusted (for the period prior to March 1, 1913) as provided in subsection (b), is less than the fair market value of the property as of March 1, 1913, then the basis for determining gain shall be such fair market value. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date.

(12) If the property was received by a corporation upon a distribution in complete liquidation of another corporation within the meaning of Section 11 (b) (6), then the basis shall be the same as it would be in the hands of the transferor.

(13) If the property was acquired after February 28, 1913, in any taxable year beginning prior to January 1, 1936, and the basis thereof, for the purposes of the Federal Revenue Act of 1934 was prescribed by Section 113 (a) (6), (7), or (8) of such act, then for the purposes of this act the basis shall be the same as the basis therein prescribed in the Federal Revenue Act of 1934.

(14) (A) If the property was acquired by a shareholder in a corporation and consists of rights to acquire stock in such corporation acquired by him after February 28, 1913, in a distribution by such corporation, and (1) the right to acquire such stock was acquired in a taxable year beginning before January 1, 1937 (except as provided in subparagraph (B)), or (2) the right to acquire such stock was acquired in a taxable year beginning after December 31, 1936, and its distribution did not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution of the United States, then the basis of the stock in respect of which the rights were declared and the right to acquire stock, respectively, shall, in the shareholder's hands be determined by allocating between the stock and the right to acquire stock the adjusted basis of the stock, such allocation to be made under regulations which shall be prescribed by the commissioner.

(B) If a stock right was acquired prior to January 1, 1937, and it constituted income within the purview of the Sixteenth Amendment to the Constitution of the United States, the basis of the stock in respect of which the rights were declared shall not be affected and the basis of the right shall be its fair market value as of the date of its acquisition.

(C) Where the shareholder acquired the right to acquire such stock in a taxable year beginning before January 1, 1943, and sold the same, and there was included in the gross income for such year of sale the entire amount of the proceeds of such sale, then if before the effective date of the 1943 amendments to this act the taxpayer has not asserted (by claim for a refund or credit or otherwise), that any part of the proceeds of the sale of such rights should be excluded from gross income for the year of its sale, the basis of the stock shall be determined without regard to paragraphs (A) and (B) and no part of the proceeds of the sale of such rights shall ever be excluded from the gross income for the year of such sale.

(15) If the property of a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, was acquired after December 31, 1942, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under Section 77 of the National Bankruptcy Act, as amended,

and the acquiring corporation is a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, organized or made use of to effectuate a plan or reorganization approved by the court in such proceeding, the basis

shall be the same as it would be in the hands of the railroad corporation whose property was so acquired. The term "reorganization," as used in this paragraph, shall not be limited by the definition of such term in Section 11 (g).

(16) If the property of any street, suburban, or interurban electric railway corporation engaged as a common carrier in the transportation of persons or property in interstate commerce was acquired after December 31, 1942, in pursuance of an order of the court having jurisdiction of such corporation in a proceeding under Section 77B of the National Bankruptcy Act, as amended, and the acquiring corporation is a street, suburban, or interurban electric railway engaged as a common carrier in the transportation of persons or property in interstate commerce, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, then, notwithstanding the provisions of Section 270 of Chapter X of the National Bankruptcy Act, as amended, the basis, for any taxable year beginning after December 31, 1942, shall be the same as it would be in the hands of the corporation whose property was so acquired. The term "reorganization," as used in this paragraph, shall not be limited by the definition of such term in Section 11 (g).

(17) In the case of stocks or securities received by a taxpayer on or after January 1, 1943, under circumstances described in Section 11 (b) (7), the basis of such stocks or securities shall be the same as that of the stocks or securities for the surrender of which they were acquired.

(18) If the property was acquired by a corporation upon a transfer to which Section 11 (b) (9), or so much of Section 11 (d) or (e) as relates to Section 11 (b) (9), is applicable, the basis in the hands of the acquiring corporation shall be the same as it would be in the hands of the corporation whose property was so acquired, increased in the amount of gain recognized to the corporation whose property was so acquired under the law applicable to the year in which the acquisition occurred, and such basis shall not be adjusted under subsection (b) (3) by reason of a discharge of indebtedness pursuant to the plan of reorganization under which such transfer was made.

(b) The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis determined under subsection (a), adjusted as hereinafter provided.

(1) Proper adjustment in respect of the property shall in all cases be made:

(A) For expenditures, receipts, losses, or other items, properly chargeable to capital account, but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining net income for the taxable year or prior taxable years;

(B) For exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent sustained prior to January 1, 1937, and for periods thereafter to the extent allowed (but not

less than the amount allowable) under this act; provided, however, that if a taxpayer has not claimed an amortization deduction for an emergency facility, an adjustment shall be made only to the extent ordinarily provided under Section 7 (f).

(C) In the case of stock (to the extent not provided for in the foregoing subparagraphs) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation, which was classified as a personal service corporation, under the provisions of the Federal Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of Section 218 of the Federal Revenue Act of 1918 or 1921).

(D) In the case of any bond (as defined in Section 7 (n) (3)) the interest on which is wholly exempt from the tax imposed by this act, to the extent of the amortizable bond premium disallowable as a deduction pursuant to Section 7 (n) (1) (B), and in the case of any other bond (as defined in such section) to the extent of the deductions allowable pursuant to Section 7 (n) (1) (A) with respect thereto.

Substituted
basis"

(2) The term "substituted basis" as used in this subsection means a basis determined under any provision of subsection (a) of this section, providing that the basis shall be determined:

(A) By reference to the basis in the hands of a transferor, donor, or grantor, or

(B) By reference to other property held at any time by the person for whom the basis is to be determined.

Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, then the adjustments provided in paragraph (1) of this subsection shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases.

(3) Where in the case of a corporation any amount is excluded from gross income under Section 6 (b) (6) on account of the discharge of indebtedness the whole or a part of the amount so excluded from gross income shall be applied in a reduction of the basis of any property held (whether before or after the time of the discharge) by the taxpayer during any portion of the taxable year in which such discharge occurred. The amount to be so applied (not in excess of the amount so excluded from gross income, reduced by the amount of any deduction disallowed under Section 6 (b) (6)) and the particular properties to which the reduction shall be allocated, shall be determined under regulations (prescribed by the commissioner) in effect at the time of the filing of the consent by the taxpayer referred to in Section 6 (b) (6). The reduction shall

be made as of the first day of the taxable year in which the discharge occurred except in the case of property not held by the taxpayer on such first day, in which case it shall take effect as of the time the holding of the taxpayer began.

(c) Neither the basis nor the adjusted basis of any portion of real property shall, in the case of the lessor of such property, be increased or diminished on account of income derived by the lessor in respect of such property and excludible from gross income under Section 6 (b) (4). If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by a lessee in respect of such property was included in gross income of the lessor for any taxable year beginning before January 1, 1943, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income. Leased property

SEC. 9. Section 14.1 is added to the Corporation Income Tax New section Act, to read as follows:

Sec. 14.1. (a) If (1) any person or persons acquire, on or after October 8, 1940, directly or indirectly, control of a corporation, or (2) any corporation acquires, on or after October 8, 1940, directly or indirectly, property of another corporation, not controlled, directly or indirectly, immediately prior to such acquisition, by such acquiring corporation or its stockholders, the basis of which property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and the principal purpose for which such acquisition was made is evasion or avoidance of tax under this act by securing the benefit of a deduction, credit, or other allowance which such person or corporation would not otherwise enjoy, then such deduction, credit, or other allowance shall not be allowed. For the purposes of clauses (1) and (2), control means the ownership of stock possessing at least 50 per centum of the total combined voting power of all classes of stock entitled to vote or at least 50 per centum of the total value of shares of all classes of stock of the corporation. Acquisition of corporation

(b) In any case to which subsection (a) is applicable the commissioner is authorized— Authority of commissioner

(1) To allow as a deduction or allowance any part of any amount disallowed by such subsection, if he determines that such allowance will not result in the evasion or avoidance of tax for which the acquisition was made; or

(2) To distribute, apportion, or allocate gross income, and distribute, apportion, or allocate the deductions or allowances the benefit of which was sought to be secured, between or among the corporations, or properties, or parts thereof, involved, and to allow such deductions or allowances so distributed, apportioned, or allocated, but to give effect to such allowance only to such extent as he determines will not result in the evasion or avoidance of tax for which the acquisition was made; or

(3) To exercise his powers in part under paragraph (1) and in part under paragraph (2).

Stats 1943,
p 1347

SEC. 10. Section 15 of the Corporation Income Tax Act is hereby amended to read as follows:

Annual
accounting
period

Sec. 15. 'The net income shall be computed upon the basis of the taxpayer's annual accounting period, fiscal year or calendar year as the case may be, in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of said commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year, or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

Increase in
redemption
price

If, in the case of a taxpayer owning any noninterest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, the increase in the redemption price of such obligation occurring in the taxable year does not (under the method of accounting used in computing its net income) constitute income to taxpayer in such year, such taxpayer may, at its election made in its return for any taxable year beginning after December 31, 1942, treat such increase as income received in such taxable year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all such obligations thereafter acquired by taxpayer and shall be binding for all subsequent taxable years, unless upon application by taxpayer the commissioner permits taxpayer, subject to such conditions as the commissioner deems necessary, to change to a different method. In the case of any such obligations owned by the taxpayer at the beginning of the first taxable year to which its election applies, the increase in the redemption price of such obligations occurring between the date of acquisition and the first day of such taxable year shall also be treated as income received in such taxable year.

Election

Change in
accounting
period

If the taxpayer changes its accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the commissioner, be computed on the basis of such new accounting period subject to the following provisions:

Separate
return

(a) If a taxpayer, with the approval of the commissioner, changes the basis of computing net income from fiscal year to calendar year, a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31st. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the beginning of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the

period between the close of the former fiscal year and the date designated as the beginning of the new fiscal year.

(b) Where a separate return is made under paragraph (a) on account of a change in the accounting period then the income shall be computed on the basis of the period for which separate return is made. The due date of the separate return for such period is the fifteenth day of the third month following the close of that period. Basis of computation

(c) The tax for any period beginning in one calendar year (hereinafter in this section called "first calendar year") and ending in the following calendar year (hereinafter in this section called "second calendar year") where the law applicable to the computation of taxes for the taxpayers reporting on a calendar year basis differs for the second calendar year from the law applicable to the first calendar year, shall (except as otherwise provided) be the sum of (1) the same proportion of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such year, which the portion of such period falling within the first calendar year is of the entire period; and (2) the same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period. Change in law applicable to tax computation

Any tax that has been paid under the law applicable to the first calendar year if in excess of the tax imposed by this section shall be refunded or credited to the taxpayer as provided in Section 20. Any tax in addition to that paid under the law applicable to the first calendar year made necessary by this section shall be immediately due and payable upon notice and demand from the commissioner.

Sec. 11. Section 17 of the Corporation Income Tax Act is hereby amended to read as follows: Stats 1937, p 2184

Sec. 17. (a) One-half the amount of tax disclosed by the return shall be due and payable as the first installment of the tax on or before the due date for filing the return as provided herein, or the due date as extended by the commissioner. The balance of the tax shall be due and payable as the second installment on or before the fifteenth day of the ninth month following the close of the taxable year. A tax imposed by this act or any installment thereof may be paid at the election of the taxpayer, prior to the date prescribed for its payment. Payment of taxes

(b) The tax, and any additions thereto, imposed by this act, shall be paid to the commissioner at Sacramento, or to his authorized representatives at any branch office. Remittances may be in the form of uncertified check, payable to the Franchise Tax Commissioner, during such time and under such regulations as the commissioner may prescribe, but if a check so received is not paid by the bank on which it is drawn, the taxpayer by whom such check is tendered shall remain liable for the payment of the tax, and all additions thereto, the same as if such check had not been tendered.

Stats 1943,
p 1347

SEC. 12. Section 18 of the Corporation Income Tax Act is hereby amended to read as follows:

Failing
to make
return
Penalties

Sec. 18. (a) If any taxpayer fails to make and file a return required by this act on or before the due date of the return or the due date as extended by the commissioner, then, unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, 5 per centum of the tax shall be added to the tax for each 30 days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total addition shall not exceed 25 per centum of the tax. The amount so added to the tax shall be due and payable upon notice and demand from the commissioner.

Demand

If any taxpayer, upon notice and demand by the commissioner, fails or refuses to make and file a return required by this act, the commissioner is authorized to make an estimate of the net income and to compute and levy the amount of the tax due under this act from any available information, and in such case 25 per centum of the tax (in addition to the amounts added under the provisions of the preceding paragraph of this subsection) shall be added to the tax and shall be due and payable upon notice and demand from the commissioner.

Refusing
information

If any corporation fails or refuses to furnish any information as requested in writing by the commissioner, the commissioner may add a penalty of 25 per centum of the amount of any additional tax assessed by the commissioner concerning the determination of which such information was required.

Neglect
to pay

(b) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency (in addition to such deficiency and other additions provided in this section) shall be assessed, collected, and paid in the same manner as if it were a deficiency.

Fraud

If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency and other additions provided in this section) shall be assessed, collected and paid in the same manner as if it were a deficiency.

Failure
to pay
Interest

(c) If the tax imposed by this act (whether determined by the commissioner or the taxpayer) or any installment or portion thereof is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax interest upon such unpaid amount at the rate of 6 per centum per year from the date prescribed for its payment until it is paid.

Extension
of time

If the time for the payment of the tax or any installment thereof is extended by the commissioner, or if the collection of a jeopardy assessment is stayed under Section 18.1 of this act, there shall be collected as part of such tax interest thereon at the rate of 6 per centum a year from the date upon which such payment should have been made if no extension had been granted or collection had not been stayed until the date the tax is paid.

Interest upon the amount determined as a deficiency shall be assessed and paid at the same time as the deficiency at the rate of 6 per centum per year from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed; provided, however, if any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid.

Where a deficiency, or any interest or additional amounts assessed in connection therewith, or any addition to the tax in case of delinquency provided for in subsection (a) of this section, is not paid in full within 10 days from the date of notice and demand from the commissioner, there shall be collected as a part of the tax, interest upon the unpaid amount at the rate of 6 per centum a year from the date of such notice and demand until it is paid.

SEC. 13. Section 19 of the Corporation Income Tax Act is hereby amended to read as follows: Stats 1943,
p 1347

Sec. 19. (a) As soon as practicable after the return is filed, the commissioner shall examine it and shall determine the correct amount of the tax. If the commissioner determines that the tax disclosed by the original return is less than the tax disclosed by his examination he shall mail notice or notices to the taxpayer at its post-office address (which must appear on its return) of the additional tax proposed to be assessed against it. Each notice shall set forth the details of the proposed additional assessment and of computing said tax. Notice of
additional
tax

(b) Within 60 days after the mailing of said notice the taxpayer may file with the commissioner a written protest against the levy of the proposed additional tax, as computed by the commissioner, specifying therein the grounds upon which the protest is based. Protest

(c) If no such protest is so filed the amount of the tax shall be final upon the expiration of said 60-day period. If a protest is so filed it shall be the duty of the commissioner to reconsider the computation and levy of the tax complained of, and if the taxpayer has so requested in its protest, it shall be the duty of the commissioner to grant said taxpayer, or its authorized representatives, an oral hearing. After consideration of the protest and the evidence adduced in the event of such oral hearing, the commissioner's action upon the protest shall be final upon the expiration of 30 days from the date when he mails to the taxpayer notice of his action, unless within that 30-day period the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. The appeal must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination, and the reasons therefor. Such determination shall be final upon the expiration of 30 days from the time of Hearing
Appeal
Rehearing

such determination unless within such 30-day period the taxpayer or the commissioner files a petition for rehearing with said board, in which event the board's determination shall not become final until the expiration of 30 days from the time the board issues its opinion on said petition.

Notice and demand

(d) When a deficiency has been determined and the tax has become final under the provisions of this section, the commissioner shall mail notice and demand to the taxpayer for the payment thereof, and such tax shall be due and payable at the expiration of 10 days from the date of such notice and demand.

Certificate of commissioner

(e) A certificate by the commissioner or of said board, as the case may be, of the mailing of the notices specified in this section shall be prima facie evidence of the computation and levy of the deficiency in tax and of the giving of said notices.

Limitation

(f) Except in the case of a fraudulent return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the taxpayer within four years after the return was filed and no deficiency shall be assessed or collected with respect to the year for which such return was filed unless such notice is mailed within such period; provided, that in the case of any taxpayer which shall agree with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in Federal income tax for any year, the period for mailing notices of proposed deficiency tax pursuant to this section shall (unless otherwise agreed between the commissioner and the taxpayer) be four years after the return was filed or six months after the date of the expiration of the agreed period for assessing deficiencies in Federal income tax, whichever period expires the later. For the purposes of this paragraph a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Extension of assessment period

(g) Where before the expiration of the time prescribed in this section for the assessment of the tax, the taxpayer has consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Excess tax due to mathematical error

(h) Any amount of tax in excess of that disclosed by the return, due to a mathematical error, or failure of the taxpayer to compute properly the liability based on the net income reported on its return, notice of which has been mailed to the taxpayer, shall not be considered a deficiency assessment within the meaning of this section. The taxpayer shall have no right of protest or appeal as herein provided, based on such notice, nor shall such assessment or collection be prohibited by any of the provisions of this section.

Bankruptcy, etc

(i) Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of

the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the commissioner in respect of a tax imposed by this act upon such taxpayer may be immediately assessed. In such cases the trustee in bankruptcy or receiver shall give notice in writing to the commissioner of the adjudication of bankruptcy or the appointment of the receiver, and the running of the statute of limitations on the making of assessments shall be suspended for the period from the date of adjudication in bankruptcy or the appointment of the receiver to a date 30 days after the date upon which the notice from the trustee or receiver is received by the commissioner; but the suspension under this sentence shall in no case be for a period in excess of two years. Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the State Board of Equalization but no petition for any such redetermination shall be filed with said board after the adjudication of bankruptcy or the appointment of the receiver. Any portion of the claim allowed in such bankruptcy or receivership proceeding which is unpaid shall be paid by the taxpayer upon notice and demand from the commissioner after determination of such proceeding and may be collected in the manner provided in this act for the collection of delinquent taxes at any time within six years after termination of such proceeding.

SEC. 14. Section 19.1 of the Corporation Income Tax Act is hereby amended to read as follows: Stats 1939,
p 2902

Sec. 19.1. (a) When the correction of an erroneous inclusion or deduction of an item in the computation of income of any year results in an overpayment for one year and a deficiency for another year, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded as provided in Section 20. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made. Notwithstanding the provisions of Section 20, no interest shall in any case be allowed on any overpayment to the extent credited on deficiencies pursuant to the provisions of this section. Over-
payment
Credit on
deficiency

(b) The preceding paragraph is not intended, nor shall it be construed, as a limitation on the commissioner's right to offset or recoup barred assessments against overpayments.

SEC. 15. Section 20 of the Corporation Income Tax Act is hereby amended to read as follows: Stats 1943,
p 1347

Sec. 20. (a) If, in the opinion of the commissioner, or the State Board of Equalization, as the case may be, there has been Credits and
refunds

an overpayment of tax, penalty or interest by a taxpayer for any year for any reason, the amount of such overpayment shall be credited against any taxes then due from the taxpayer under this act, and the balance shall be refunded to the taxpayer or its successor through reorganization, merger, or consolidation, or to stockholders upon dissolution. No such credit or refund shall be allowed or made until approved by the State Board of Control. No such credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of overpayment, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the commissioner has certified the overpayment to the State Board of Control for approval of the refunding or the crediting thereof. If (a) the taxpayer has, within the period prescribed in the preceding sentence, agreed in writing, under the provisions of Section 19, to extend the time within which the commissioner may propose an additional assessment, or (b) if the taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in Federal income tax for any year, the period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the commissioner may make an assessment under such circumstances, except that the provisions of the preceding sentence shall apply to any claim filed, or credit or refund allowed or made, before the execution of such agreement. Insofar as the claim for credit or refund relates to an overpayment on account of the deductibility, under Section 7 (e), of a debt as one which became worthless, or an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount, under Section 6 (b) (5) due to an adjustment of a bad debt deduction under Section 7 (e), in lieu of the period of limitation prescribed in the second preceding sentence, the period shall be seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made. A refund claim upon which action has become final shall not thereafter be considered a refund claim within the meaning of the foregoing provision except to the extent allowed. Every claim for refund must state the specific grounds upon which the claim is founded.

(b) If the commissioner disallows any claim for refund, he shall notify the taxpayer accordingly. At the expiration of 90 days from the mailing of such notice, the commissioner's action upon the claim shall be final unless, within such 90-day period, the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. If the commissioner fails to mail notice of action on any refund claim within six months after the claim was filed, the taxpayer may, prior to mailing of notice of action on the refund claim, consider the claim disallowed and appeal to said board. Appeals

Claim for
credit, etc

Extension
of time

Disallowance

Appeal

must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. Such determination shall be final upon the expiration of 30 days from the time of such determination unless within such 30-day period the taxpayer or the commissioner files a petition for rehearing with said board, in which event the board's determination shall not become final until the expiration of 30 days from the time the board issues its opinion on said petition.

Hearing and
determin-
ation

Rehearing

(c) Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of 6 per centum per annum as follows:

Interest

(1) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this act.

(2) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the commissioner.

(d) Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of 6 per centum per annum from the date the refund was made or the credit allowed, in an action brought by the commissioner in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California, and such actions shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General or the counsel for the commissioner, orders a change of place of trial. The Attorney General or the counsel for the commissioner must prosecute such action and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

Recovery of
erroneous
refunds

In the event that a tax has been illegally levied against a taxpayer, the commissioner shall set forth on his records the reasons therefor and thereafter shall authorize the cancellation of such tax.

Illegal
levy

(e) If, after filing a protest or an appeal to the State Board of Equalization, pursuant to Section 19, a taxpayer pays the tax protested, before the commissioner acts upon the protest, or the board upon the appeal, the commissioner or board shall treat the protest or the appeal as a claim for refund or an appeal from the denial of a claim for refund filed under this section.

Protest

Stats 1943,
p 1347

Failure
to make
return, etc

SEC. 16. Section 21 of the Corporation Income Tax Act is hereby amended to read as follows:

Sec 21. (a) If any return required by this act is not made, or if any taxpayer files a false or fraudulent return with intent to evade tax, the commissioner, at any time, may require a return or a supplementary return under oath, or may make an estimate of the net income, from any available information, and may propose to assess the amount of tax, interest and penalties due under this act. All the provisions of this act relative to delinquent taxes shall be applicable to the tax, interest and penalties computed and levied hereunder.

(b) When any assessment is proposed under the preceding paragraph, the taxpayer shall have the right to protest the same and to have an oral hearing thereon if requested, and also to appeal to the board from the commissioner's action on the protest; the taxpayer must proceed in the manner and within the time prescribed by Section 19.

Stats 1943,
p 1347

Action to
recover tax

SEC. 17. Section 23 of the Corporation Income Tax Act is hereby amended to read as follows:

Sec. 23. (a) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the assessment or collection of any tax under this act, but any taxpayer claiming that the tax computed and levied against it pursuant to Sections 18.1 and 19 of this act is void in whole or in part may bring an action against the commissioner for the recovery of the whole or any part of the amount paid. Such action must be filed within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, whichever period expires the later; provided, that no action shall be filed for the recovery of a deficiency assessment unless the taxpayer has made protest to the commissioner of the computation and levy complained of under the provisions of Section 19 hereof, or unless the taxpayer has filed a claim for refund for the tax in question under the provisions of Section 20.

Limitation

(b) Within 90 days after the mailing of the notice of the commissioner's action upon any refund claim, or in case of an appeal to the State Board of Equalization from the disallowance of any refund claim, within 90 days after the mailing of the notice of the board's determination of the appeal, the taxpayer may bring an action against the commissioner on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed as an overpayment.

If the commissioner fails to mail notice of action on any refund claim within six months after the claim was filed, the taxpayer may, prior to mailing of notice of action on the refund claim, consider the claim disallowed and bring an action against the commissioner on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed as an overpayment.

(c) Whenever under the provisions of this section an action ^{Service of} is commenced against the commissioner, a copy of the complaint ^{process} and the summons must be served upon the commissioner, or the assistant commissioner. A second copy of the complaint and summons must be furnished to the commissioner, but this requirement shall not be considered jurisdictional. At the time ^{Venue} the commissioner demurs or answers, he may demand that the action be tried in the Superior Court of the County of Sacramento, which demand must be granted. The Attorney General or the counsel for the commissioner must defend the action. The provisions of the Code of Civil Procedure, relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes. In any such action the court shall have power to render judgment for plaintiff for any part or portion of the tax, interest, penalties or cost found to be void and so paid by plaintiff upon such assessment.

(d) In any judgment of any court rendered for any over- ^{Interest} payment in respect of any tax imposed by this act, interest shall be allowed at the rate of 6 per centum per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the commissioner.

(e) In all actions now pending against the State Treasurer ^{Substitution} under the provisions of this act, the commissioner shall be substituted for the State Treasurer by the court wherein the action is pending. This substitution shall not in any way affect the rights of the plaintiff in said action.

(f) If judgment is rendered against the commissioner, the ^{Credit or} amount thereof shall first be credited against any taxes and ^{refund} interest due from the taxpayer under this act and the remainder refunded to the taxpayer or its successor by the State Treasurer on warrant drawn by the Controller.

SEC. 19. This act, inasmuch as it provides for a tax levy ^{Tax levy} for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 20. The provisions of this act effecting changes in the ^{Application} computation of taxes shall be applied only in the computation of ^{of act} taxes for taxable years beginning after December 31, 1944, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall mean those affecting income, deductions, rates, method of calculating tax, exclusions, exemptions and credits. Any amendment to any section of the Corporation Income Tax Act shall not, of itself, be taken as an indication that a change of meaning is intended.

CHAPTER 860

An act to amend Section 18682 of, and to add Sections 17324.17, 18165, 18166, and 18167 to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act take effect immediately.

In effect
unmodified

[Approved by Governor June 14, 1945. Filed with Secretary of State
June 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 17324.17 is added to the Revenue and Taxation Code, to read:

Stock bonus,
etc., plans
Deductions

17324.17. If the contribution of an employer to such a plan in the employer's taxable year beginning in 1943 exceeds the maximum amount deductible for such year under this article, the amount deducted in such year shall not be less than the sum of:

(a) The amount paid in such taxable year prior to September 1, 1943, and deductible under Sections 17301 and 17302 prior to their amendment in 1943, and Section 17303 prior to its repeal in 1943; and

(b) With respect to the amount paid in such taxable year on or after September 1, 1943, that proportion of the amount deductible for the taxable year under this article which the number of months after August 31, 1943, in the taxable year bears to 12.

SEC. 2. Section 18165 is added to said code, to read:

Years to
which plan
applies

18165. In the case of a stock bonus, pension, profit-sharing or annuity plan in effect on or before September 1, 1943:

(a) Such plan shall not become subject to the requirements of Sections 18159, 18160, 18161, 18162, 18163 and 18164 until the beginning of the first taxable year beginning after December 31, 1943;

(b) Such a plan will be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163 and 18164 for the period beginning with the beginning of the first taxable year following December 31, 1943, and ending December 31, 1945, if the provisions of the plan satisfy such requirements by December 31, 1945, and if by that time, all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943.

SEC. 3. Section 18166 is added to said code, to read:

Same

18166. In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after September 1, 1943, such a plan shall be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 for the period beginning with the date on which such plan was put into effect and ending December 31, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all

purposes with respect to the portion of such period after December 31, 1943.

SEC. 4. Section 18167 is added to said code, to read:

18167. In the case of a stock bonus, pension, profit-sharing ^{Same} or annuity plan put into effect after December 31, 1944, the plan will be considered as satisfying the requirement of Sections 18159, 18160, 18161, 18162, 18163, and 18164 for the period beginning with the date on which it was put into effect and ending with the fifteenth day of the third month following the close of the taxable year of the employer in which the plan was put into effect if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period.

SEC. 5. Section 18682 of said code is amended to read:

18682. If any taxpayer, upon notice and demand by the commissioner, fails or refuses to make and file a return required ^{Computation of tax by commissioner} by this part, the commissioner, notwithstanding the provisions of Section 18648, may estimate the net income and compute and levy the amounts of the tax due from any available information. In such case 25 per cent of the tax, in addition to the penalty added under Section 18681, shall be added to the tax and shall be due and payable upon notice and demand from the commissioner.

SEC. 6. This act, inasmuch as it provides for a tax levy ^{Tax levy} for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 7. This act shall become operative upon the taking ^{Operative date} effect of the Personal Income Tax Law, enacted by Chapter 659 of the Statutes of 1943, as amended, or upon the effective date of this act, whichever is the later.

CHAPTER 861

An act to amend Section 3051 of the Civil Code, relating to liens.

[Approved by Governor June 14, 1945. Filed with Secretary of State June 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3051 of the Civil Code is amended to read:

3051. Every person who, while lawfully in possession of an article of personal property renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safekeeping, or carriage thereof, has a special ^{Liens for service} lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person

who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable or feed yard proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock; and foundry proprietors and persons conducting a foundry business, have a lien, dependent on possession, upon all patterns in their hands belonging to a customer, for the balance due them from such customers for foundry work; and laundry proprietors and persons conducting a laundry business, and dry cleaning establishment proprietors and persons conducting a dry cleaning establishment, have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laundry work, and for the balance due them from such customers for dry cleaning work, but nothing in this section shall be construed to confer a lien in favor of a wholesale dry cleaner on materials received from a dry cleaning establishment proprietor or a person conducting a dry cleaning establishment; and veterinary proprietors and veterinary surgeons shall have a lien dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals; and keepers of garages for automobiles shall have a lien, dependent on possession for their compensation in caring for and safe-keeping, and for making repairs and performing any labor upon or furnishing supplies or materials for such automobiles; provided, however, that where the possession of, or lien upon, any automobile held under a claim of lien hereunder is lost by reason of fraud, trick or device, the repossession of said automobile by said garage keeper shall revive the lien so lost; provided, further, that any lien thus revived shall be subordinate to any sale, lien, encumbrance, right, title or interest in such automobile acquired or exercised in good faith and for value by any person between the time of loss of possession and the time of repossession.

CHAPTER 862

An act to add Sections 2456.1 and 3591.1 to the Education Code, and to amend Education Code Sections 3661.1 and 3671, relating to the formation of districts.

[Approved by Governor June 14, 1945 Filed with Secretary of State June 14, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2456.1 is hereby added to the Education Code, to read as follows:

2456.1. The Superintendent of Public Instruction shall set the petition for hearing and at least 30 days prior thereto shall send by registered mail to the superintendent of each school district which will be affected by the formation of the new district a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be heard by the Superintendent of Public Instruction. Notice of intent to form new district

SEC. 2. Section 3591.1 is hereby added to the Education Code, to read as follows:

3591.1. The State Board of Education shall set the petition for hearing and at least 30 days prior thereto shall send by registered mail to the superintendent of each school district which will be affected by the proposed organization of the high school district a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be heard. Notice of intent to form high school district

SEC. 3. Education Code Section 3661.1 is hereby amended to read as follows:

3661.1. The State Board of Education shall set the petition for hearing and at least 30 days prior thereto shall send by registered mail to the superintendent of each school district which will be affected by the proposed organization of the union high school or joint union high school district a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be heard. Should the State Board of Education approve the petition, the county superintendent of schools shall within 20 days after receiving notice from the State Board of Education of its approval of the petition, call an election for the determination of the question and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein. Notice of intent to form union high school district

SEC. 4. Education Code Section 3671 is hereby amended to read as follows:

3671. Any elementary or union elementary school district electing to withdraw from a high school district shall continue to be liable for the same proportion of the bonded indebtedness of the high school district incurred before the withdrawal, as it would have been liable for had it not withdrawn. Liability of withdrawing district for bonded debt

CHAPTER 863

An act to amend Section 14135 of the Education Code and to add Section 14135.1 to said code, relating to classified employeecs, declaring the urgency thereof, to take effect immediately.

In effect immediately [Approved by Governor June 14, 1945. Filed with Secretary of State June 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 14135 of the Education Code is hereby amended to read as follows:

Layoffs 14135. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed by the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.

SEC. 2. Section 14135.1 is hereby added to the Education Code, to read as follows:

Reemployed after resignation 14135.1. Whenever any noncertificated employee of any school district who, at the time of his resignation, was classified as permanent, is, or has been, reemployed within three years after his last day of service, the governing board of the district shall disregard the break in service of said employee and classify him as, and restore to him all of the rights of, a permanent employee; provided, that if said employee at the time of resignation was a member of any State or district retirement system, he shall be reinstated as a member of said system or systems with all rights previously held, including any credit for prior service; provided, further, that the period of the absence from service shall not be counted as time served for any purpose.

Urgency SEC. 3. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and as such shall take effect immediately.

The facts constituting such urgency are as follows:

Veterans are returning in considerable numbers to claim their former positions in the classified service of the schools. As they come back persons who have been promoted to take their place fall back to their former positions. Unless such persons can count the seniority gained in the higher position they may find themselves junior to others who entered their regular class later than they. In case of layoff after their return to their regular position the alleged promotion would in such cases count against them unless they were able to accrue seniority while occupying the higher position.

Because of the effects of the war upon noncertificated school personnel an acute manpower shortage has developed in many sections of the State, thus seriously impairing the educational system of the State. It has become necessary to induce those who have resigned to return to school service. Restoration of classification, retirement, and other rights lost by reason of separation, will assist in securing the return of many competent school employees and thus help to relieve the manpower shortage.

CHAPTER 864

An act to amend Section 951 of the Fish and Game Code, relating to trawl nets.

[Approved by Governor June 14, 1945 Filed with Secretary of State
June 14, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 951 of the Fish and Game Code is amended to read:

951. "Trawl nets" include paranzella nets, beam trawls, otter trawls, and shrimp trawls. "Trawl nets,"

CHAPTER 865

An act to amend Section 953 and to repeal Section 958 of the Fish and Game Code, relating to use of trawl nets.

[Approved by Governor June 14, 1945 Filed with Secretary of State
June 14, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 953 of the Fish and Game Code is amended to read:

953. In Districts 4, 19, 19A, 20, 20A and 21, trawl nets or drag nets may not be possessed. Trawl nets prohibited

SEC. 2. Section 958 of said code is repealed.

Repeal

CHAPTER 866

An act to amend Section 705 of the Vehicle Code, relating to weight limitations.

In effect
September
15, 1945

[Approved by Governor June 14, 1945 Filed with Secretary of State
June 14, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 705 of the Vehicle Code is amended to read:

Ratio of
weight to
length

705. Ratio of Weight to Length. Every vehicle whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with both subdivisions (a) and (b) of this section. The limitations imposed by this section are in addition and supplemental to all other provisions of this code imposing limitations upon the size and weight of vehicles.

(a) The total gross weight with load imposed on the highway by any group of two or more consecutive axles of a vehicle or of a combination of vehicles where the distance between the first and last axles of said two or more consecutive axles is 18 feet or less, shall not exceed that given for the respective distance in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
3	30,100
4	30,800
5	31,500
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(b) The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall

not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

(c) The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

CHAPTER 867

An act to add Chapter 5, comprising Sections 11500 to 11528, inclusive, to Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative procedure.

In effect
September
15 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5, comprising Sections 11500 to 11528, inclusive, is added to Part 1 of Division 3 of Title 2 of the Government Code to read:

CHAPTER 5. ADMINISTRATIVE PROCEDURE.

Definitions

11500. In this chapter unless the context or subject matter otherwise requires:

(a) "Agency" includes the State boards, commissions and officers enumerated in Section 11501 and those to which this chapter is made applicable by law, except that wherever the word "agency" alone is used the power to act may be delegated by the agency and wherever the words "agency itself" are used the power to act shall not be delegated unless the statutes relating to the particular agency authorize the delegation of the agency's power to hear and decide.

(b) "Party" includes the agency, the respondent and any person, other than an officer or an employee of the agency in his official capacity, who has been allowed to appear in the proceeding.

(c) "Respondent" includes any licensee against whom an accusation is filed pursuant to Section 11503 and any applicant for a license against whom a statement of issues is filed pursuant to Section 11504.

(d) "Hearing officer" means a hearing officer qualified under Section 11502.

(e) "Agency member" means any person who is a member of any agency enumerated in Section 11501 and includes any person who himself constitutes an agency.

Agencies
included

11501. (a) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California.

Board of Osteopathic Examiners of the State of California.

Board of Nurse Examiners of the State of California.

State Board of Optometry.

California State Board of Pharmacy.

State Department of Public Health.

State Board of Public Health.

Board of Examiners in Veterinary Medicine.

State Board of Accountancy.

California State Board of Architectural Examiners.

State Board of Barber Examiners.
 State Board of Registration for Civil Engineers.
 Registrar of Contractors.
 State Board of Cosmetology.
 State Board of Funeral Directors and Embalmers.
 Structural Pest Control Board.
 Yacht and Ship Brokers Commissioner.
 Director of Professional and Vocational Standards.
 Secretary of State.
 State Fire Marshal.
 State Mineralogist.
 Director of Agriculture.
 Labor Commissioner.
 Real Estate Commissioner.
 Commissioner of Corporations.
 Department of Social Welfare.
 Social Welfare Board.
 Department of Institutions.
 Board of Pilot Commissioners for the Bays of San Francisco,
 San Pablo and Suisun.
 Board of Pilot Commissioners for Humboldt Bay and Ear.
 Board of Pilot Commissioners for the Harbor of San D. ego.
 Fish and Game Commission.
 State Board of Education.
 State Board of Equalization.
 Insurance Commissioner.
 Building and Loan Commissioner.

(b) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

11502. (a) The Director of the Department of Professional and Vocational Standards has power to appoint a staff of hearing officers for the department as provided in Section 1105 of the Business and Professions Code. Any agency requiring full-time hearing officers for the purposes of this act has power to appoint them for the particular agency. Each hearing officer shall have been admitted to practice law in this State for at least five years immediately preceding his appointment and shall possess any additional qualifications established by the State Personnel Board for the particular class of position involved

Qualifications
of hearing
officers

(b) All persons now employed or on reemployment lists or in the military service who, pursuant to and in accordance with the terms and provisions of their civil service classifications and prior to the effective date of this act, shall have performed functions similar to those of a hearing officer in an agency may act as hearing officers in the same agency and shall not be subject to the qualifications provisions of subdivision (a).

(c) Full-time hearing officers serving pursuant to appointment under subdivision (a) shall be paid at the rate of not less than four thousand eight hundred dollars (\$4,800) per year.

Accusation

11503. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Hearing on issuance or renewal of license

11504. (a) Proceedings to determine whether a license should be issued or renewed shall be governed by the provisions of this chapter except that: if the proceeding is commenced by the agency, a statement of the issues to be determined shall be served as provided in Section 11505 in place of the accusation; but if the hearing is held at the request of the respondent the provisions of Sections 11505 and 11506 shall not apply, and a statement of the issues to be determined together with the notice of hearing shall be delivered or mailed to the parties as provided in Section 11509.

(b) If in any proceeding to determine whether a license should be issued or renewed the respondent fails to file a notice of defense, where one is required, or to appear at the hearing, and if the burden of proof is on the respondent to establish his right to the issuance or renewal of a license, Section 11520 shall not apply and the agency may act without taking evidence.

Acquiring jurisdiction on service of accusation

11505 (a) Upon the filing of the accusation the agency shall serve a copy thereof on the respondent as provided in subdivision (c). The agency may include with the accusation any information which it deems appropriate, but it shall include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506. The copy of the accusation shall include or be accompanied by a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon him of the accusation, and that failure to do so will constitute a waiver of his right to a hearing.

(b) The statement to respondent shall be substantially in the following form:

Unless a written request for a hearing signed by or on behalf of the person named as respondent in the accompanying accusation is delivered or mailed to the agency within 15 days after the accusation was personally served on you or mailed to you, [here insert name of agency] may proceed upon the accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to: [here insert name and address of agency].

(c) The accusation and all accompanying information may be sent to respondent by any means selected by the agency. But no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent shall have been served personally or by registered mail as provided herein, or shall have filed a notice of defense or otherwise appeared. Service may be proved in the manner authorized in civil actions. Service by registered mail shall be effective if a statute or agency rule requires respondent to file his address with the agency and to notify the agency of any change, and if a registered letter containing the accusation and accompanying material is mailed, addressed to respondent at the latest address on file with the agency.

11506. (a) Within 15 days after service upon him of the accusation the respondent may file with the agency a notice of defense in which he may :

Notice of
defense

- (1) Request a hearing;
- (2) Object to the accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- (3) Object to the form of the accusation on the ground that it is so indefinite or uncertain that he can not identify the transaction or prepare his defense;
- (4) Admit the accusation in whole or in part;
- (5) Present new matter by way of defense.

Within the time specified respondent may file one or more notices of defense upon any or all of these grounds, but all such notices shall be filed within that period unless the agency in its discretion authorizes the filing of a later notice.

(b) The respondent shall be entitled to a hearing on the merits if he files a notice of defense, and any such notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file such notice shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in subdivision (a) (3), all objections to the form of the accusation shall be deemed waived.

(c) The notice of defense shall be in writing signed by or on behalf of the respondent and shall state his mailing address. It need not be verified or follow any particular form.

11507. At any time before the matter is submitted for decision the agency may file or permit the filing of an amended or supplemental accusation. All parties shall be notified thereof. If the amended or supplemental accusation presents new charges the agency shall afford respondent a reasonable opportunity to prepare his defense thereto, but he shall not be entitled to file a further pleading unless the agency in its discretion so orders. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation may be made orally and shall be noted in the record.

Amendment
of accusation

11508. The agency shall determine the time and place of hearing. The hearing shall be held in San Francisco if the transaction occurred or the respondent resides within the First

Time and
place of
hearing

District Court of Appeal district, in the County of Los Angeles if the transaction occurred or the respondent resides within the Second or Fourth District Court of Appeal districts, and in the County of Sacramento if the transaction occurred or the respondent resides within the Third District Court of Appeal district. Provided that the agency, if the transaction occurred in a district other than that of respondent's residence, may select the county appropriate for either district; the agency may select a different place nearer the place where the transaction occurred or the respondent resides; or the parties by agreement may select any place within the State.

Notice of
hearing

11509. The agency shall deliver or mail a notice of hearing to all parties at least 10 days prior to the hearing. The hearing shall not be prior to the expiration of the time within which the respondent is entitled to file a notice of defense.

The notice to respondent shall be substantially in the following form but may include other information:

You are hereby notified that a hearing will be held before [here insert name of agency] at [here insert place of hearing] on the ____ day of _____, 19____, at the hour of _____, upon the charges made in the accusation served upon you. You may be present at the hearing, may be but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to [here insert appropriate office of agency].

Subpoenas

11510. (a) Before the hearing has commenced the agency shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Section 1985 of the Code of Civil Procedure. After the hearing has commenced the agency itself hearing a case or a hearing officer sitting alone may issue subpoenas and subpoenas duces tecum.

(b) The process issued pursuant to subdivision (a) shall extend to all parts of the State and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend at a place out of the county in which he resides unless the distance be less than 100 miles from his place of residence, except that the agency, upon affidavit of any party showing that the testimony of such witness is material and necessary, may indorse on the subpoena an order requiring the attendance of such witness.

(c) All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their

residences as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of \$3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

11511. On verified petition of any party, an agency may ^{Depositions} order that the testimony of any material witness residing within or without the State be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall set forth the nature of the pending proceeding; the name and address of the witness whose testimony is desired; a showing of the materiality of his testimony; a showing that the witness will be unable or can not be compelled to attend; and shall request an order requiring the witness to appear and testify before an officer named in the petition for that purpose. Where the witness resides outside the State and where the agency has ordered the taking of his testimony by deposition, the agency shall obtain an order of court to that effect by filing a petition therefor in the superior court in Sacramento County. The proceedings thereon shall be in accordance with the provisions of Section 11189 of the Government Code.

11512. (a) Every hearing in a contested case shall be ^{Conduct of hearing} presided over by a hearing officer. The agency itself shall determine whether the hearing officer is to hear the case alone or whether the agency itself is to hear the case with the hearing officer.

(b) When the agency itself hears the case the hearing officer shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the hearing officer. When the hearing officer alone hears a case he shall exercise all powers relating to the conduct of the hearing.

(c) A hearing officer or agency member shall voluntarily disqualify himself and withdraw from any case in which he can not accord a fair and impartial hearing or consideration. Any party may request the disqualification of any hearing officer or agency member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing can not be accorded. Where the request concerns an agency member the issue shall be determined by the other members of the agency. Where the request concerns the hearing officer the issue shall be determined by the agency itself if the agency itself hears the case with the hearing officer, otherwise the issue shall be determined by the hearing officer. No agency member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the existence of a quorum qualified to act in the particular case.

(d) The proceedings at the hearing shall be reported by a phonographic reporter.

Evidence:

11513. (a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

Affidavit, in
lieu of oral
evidence

11514. (a) Evidence may be introduced by any party in affidavit form in lieu of oral testimony and shall be given the same effect as if the affiant had testified orally, provided that the opposing parties shall have the right, on request made prior to submission of the case for decision, to cross-examine the affiant. At the time the affidavit is introduced the agency shall give notice of the right of cross-examination and copies shall be delivered to the opposing parties.

(b) Prior to the hearing the agency may mail or deliver any affidavits to respondent, together with a notice that it proposes to introduce such affidavits at the hearing in lieu of oral testimony, and that unless respondent, within 10 days after such mailing or delivery, or the expiration of the time to request a hearing, whichever is later, files a request to cross-examine a particular affiant at the hearing, his right to cross-examine such affiant shall be deemed waived. If within such time respondent requests the right to cross-examine an affiant, the affidavit of that affiant may be introduced in evidence only if the right to cross-examine him is afforded at the hearing.

(c) The notice to the respondent shall be substantially in the following form:

The accompanying affidavit of [here insert name of affiant] will be introduced as evidence against you. [Here insert name of affiant] will not be called to testify orally and you will not be entitled to question him unless you notify [here insert name of agency] at [here insert address of agency] that you wish

to cross-examine him. To be effective your request must be received by [here insert name of agency] on or before [here insert date].

(d) If the respondent fails to file a notice of defense or to appear at the hearing affidavits may be filed in support of the accusation and may thereupon be used as proof without any notice to respondent.

11515. In reaching a decision official notice may be taken, either before or after submission of the case for decision, of any generally accepted technical or scientific matter within the agency's special field, and of any fact which may be judicially noticed by the courts of this State. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the agency.

11516. The agency may order amendment of the accusation after submission of the case for decision. Each party shall be given notice of the intended amendment and opportunity to show that he will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence in his behalf. If such prejudice is shown the agency shall reopen the case to permit the introduction of additional evidence.

11517. (a) If a contested case is heard before an agency itself the hearing officer who presided at the hearing shall be present during the consideration of the case and if requested, shall assist and advise the agency. Where a contested case is heard before an agency itself, no member thereof who did not hear the evidence shall vote on the decision.

(b) If a contested case is heard by a hearing officer alone, he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the agency as a public record. The agency itself may adopt the proposed decision in its entirety, or may reduce the proposed penalty and adopt the balance of the proposed decision.

(c) If the proposed decision is not adopted as provided in subdivision (b) each party shall be furnished with a copy of the proposed decision. The agency itself may decide the case upon the record, including the transcript, with or without taking additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer he shall prepare a proposed decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party. The agency itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present either oral or written argument before the agency itself. If additional oral evidence

is introduced before the agency itself no agency member may vote unless he heard the additional oral evidence.

Form and
notice of
decision

11518. The decision shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings or by reference thereto. The decision shall be in writing and certified as correct by the agency. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

Effective
date of
decision

11519. The decision shall become effective 30 days after it is delivered or mailed to respondent unless: a reconsideration is ordered within that time, or the agency itself orders that the decision shall become effective sooner, or a stay of execution is granted. A stay of execution may be included in the decision or if not included therein may be granted by the agency at any time before the decision becomes effective.

If respondent was required to register with any public officer, a notification of any suspension or revocation shall be sent to such officer after the decision has become effective.

Defaults and
uncontested
cases

11520. If the respondent fails to file a notice of defense or to appear at the hearing, the agency itself may take action based upon the respondent's express admissions or upon other evidence. Nothing herein shall be construed to deprive the respondent of the right to make any showing by way of mitigation.

Reconsid-
eration

11521. (a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to respondent, or on the date set by the agency itself as the effective date of the decision if such date occurs prior to the expiration of the 30-day period. If no action is taken on a petition within the time allowed for ordering reconsideration the petition shall be deemed denied.

(b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to a hearing officer. A reconsideration assigned to a hearing officer shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself no agency member may vote unless he heard the evidence.

Reinstatement and
reduction of
penalty

11522. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor. This section shall not apply if the

statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

11523. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the agency. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the agency and shall be delivered to petitioner, within 20 days after a request therefor by him, upon the payment of the expense of preparation and certification thereof. The complete record includes the pleadings, all notices and orders issued by the agency, any proposed decision by a hearing officer, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the agency to prepare all or any part of the record the time within which a petition may be filed shall be extended until five days after its delivery to him. The agency may file with the court the original of any document in the record in lieu of a copy thereof.

11524. The agency may grant continuances at any stage of the proceedings.

11525. If any person in proceedings before an agency disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the agency shall certify the facts to the superior court in and for the county where the proceedings are held. The court shall thereupon issue an order directing the person to appear before the court and show cause why he should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action before a superior court.

11526. The members of an agency qualified to vote on any question may vote by mail.

11527. Any sums authorized to be expended under this chapter by any agency shall be a legal charge against the funds of the agency.

11528. In any proceedings under this chapter any agency, agency member, secretary of an agency or hearing officer has power to administer oaths and affirmations and to certify to official acts.

CHAPTER 868

An act to add Section 1091.5 to the Code of Civil Procedure, relating to the judicial review of administrative decisions.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 1094.5 is added to the Code of Civil Procedure, to read:

Court review
of admini-
trative
orders

1094.5. (a) Where the writ is issued for the purpose of inquiring into the validity of any final administrative order or decision made as the result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in the inferior tribunal, corporation, board or officer, the case shall be heard by the court sitting without a jury. All or part of the record of the proceedings before the inferior tribunal, corporation, board or officer may be filed with the petition, may be filed with respondent's points and authorities or may be ordered to be filed by the court. If the expense of preparing all or any part of the record has been borne by the prevailing party, such expense shall be taxable as costs.

Jurisdiction

(b) The inquiry in such a case shall extend to the questions whether the respondent has proceeded without, or in excess of jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

Abuse of
discretion

(c) Where it is claimed that the findings are not supported by the evidence, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence; and in all other cases abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.

Relevant
evidence

(d) Where the court finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before respondent, it may enter judgment as provided in subdivision (e) of this section remanding the case to be reconsidered in the light of such evidence; or, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, the court may admit such evidence at the hearing on the writ without remanding the case.

Judgment

(e) The court shall enter judgment either commanding respondent to set aside the order or decision, or denying the writ. Where the judgment commands that the order or decision be set aside, it may order the reconsideration of the case

in the light of the court's opinion and judgment and may order respondent to take such further action as is specially enjoined upon it by law but the judgment shall not limit or control in any way the discretion legally vested in the respondent.

(f) The court in which proceedings under this section are instituted may stay the operation of the administrative order or decision pending the judgment of the court, provided that no such stay shall be imposed or continued if the court is satisfied that it is against the public interest. If an appeal is taken from a denial of the writ, the order or decision of the agency shall not be stayed except upon the order of the court to which such appeal is taken. If an appeal is taken from the granting of the writ, the order or decision of the agency is stayed pending the determination of the appeal unless the court to which such appeal is taken shall otherwise order. Where any final administrative order or decision is the subject of proceedings under this section, if the petition shall have been filed while the penalty imposed is in full force and effect the determination shall not be considered to have become moot in cases where the penalty imposed by the administrative agency has been completed or complied with during the pendency of such proceedings.

Stay of order
or decision

CHAPTER 869

An act to amend Section 102 of, and to add Sections 110.5 and 110.6 to, the Business and Professions Code, relating to the divisions, boards and bureaus of the Department of Professional and Vocational Standards, and relating to the employment of hearing officers and the continued study of administrative procedure.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 102 of said code is amended to read :

102. Upon the request of any board regulating, licensing, or controlling any professional or vocational occupation created by an initiative act, the Director of Professional and Vocational Standards may take over the duties of the board under the same conditions and in the same manner as provided in this code for other boards of like character. Such boards shall pay a proportionate cost of the administration of the department on the same basis as is charged other boards included within the department. Upon request from any such board which has adopted the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as rules of procedure in proceedings before it, the director shall assign hearing officers for such proceedings in accordance with Section 110.5.

Administra-
tion of board
created by
initiative
act, etc.

SEC. 2. Section 110.5 is added to said code, to read:

Hearing
officers

110.5. The department shall maintain a staff of hearing officers qualified under Section 11502 of the Government Code, who, together with any additional employees assigned for that purpose, shall constitute the Division of Administrative Procedure. The department may employ hearing officers on a permanent, part-time or intermittent basis and shall maintain a staff which is sufficient to fill the needs of the various State agencies. Upon request from any agency the director shall assign a hearing officer for any proceeding arising under Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, but such person shall be deemed an employee of the department and not of the agency to which he is assigned. Upon assignment such persons may be temporarily transferred for payroll purposes only to the agency to which they are assigned or they may be retained as employees of the department and the agency to which they are assigned charged pursuant to Chapter 3 of Part 1 of Division 3 of Title 2 of the Government Code with the cost of the services, including the salary and provisions for retirement, vacation and sick leave. When not engaged in hearing cases, hearing officers may be assigned by the director to perform other duties vested in the department, including those provided for in Section 110.6.

SEC. 3. Section 110.6 is added to said code, to read:

Study of ad-
ministrative
procedure

110.6. The department is authorized and directed, through its division of administrative procedure, to study the subject of administrative law and procedure in all its aspects; to submit its suggestions to the various agencies in the interests of fairness, uniformity and the expedition of business; and to report its recommendations to the Governor and Legislature at the commencement of each regular session. All departments, agencies, officers and employees of the State shall give the department ready access to their records and full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control.

CHAPTER 870

An act to amend Sections 59.5, 587, 995, 995.1, 1074, and 1075 and to repeal Sections 585, 586, and 995.2 of the Fish and Game Code, relating to administrative procedure of the Fish and Game Commission.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 59.5 of the Fish and Game Code is amended to read:

Penalties

59.5. Any person violating the provisions of this chapter, or the rules or regulations issued thereunder, is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine

of not more than five hundred dollars (\$500), or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment, in the discretion of the court. In addition to the penalties heretofore provided, if after a hearing the commission shall find that there has been fraud, misrepresentation, or lack of good faith in connection with a license or operations thereunder, the commission is hereby authorized to revoke a license issued under this chapter. The proceedings to revoke a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

SEC. 2. Section 587 of said code is amended to read :

587. The commission may revoke and refuse to reissue for a period of not more than one year, the license of :

Revocation of license to harvest kelp, etc

(a) Any person who harvests any kelp from a bed which is closed, between the time of service of notice upon him of the closing of said bed and the decision of the commission upon a hearing as to the necessity for such closing.

(b) Any person who violates any law, or rule or regulation of the commission relating to kelp. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

SEC. 3. Section 995 of said code is amended to read :

995. No license shall be suspended or revoked pursuant to Section 994 until the filing of a complaint with the commission by any of the following :

Complaint for suspension, etc. of commercial fishing licenses

(a) The commanding officer of a vessel owned or operated by the United States or any department or agency thereof.

(b) Any other officer of any such vessel who is authorized by his commanding officer to file such complaint.

(c) Any commanding officer of any military or naval activity affected by the licensee's operation of a vessel, or any other officer of such activity authorized by such commanding officer to file a complaint.

SEC. 4. Section 995.1 of said code is amended to read :

995.1. The proceedings to revoke or suspend a commercial fishing license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Procedure

SEC. 5. Section 1074 of said code is amended to read :

1074. A written complaint may be made to the commission against any person who violates any of the provisions of this article, or any regulation made thereunder, by any person having information or knowledge of such a violation. If the person charged is found guilty of the offense charged, the commission may suspend for a period not to exceed 90 days any license issued by any State board or officer to such person to take, buy, sell, can or preserve fish or fishery products. No other license shall be issued to such person during such period of suspension.

Suspension of licenses

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the commission shall have all the powers granted therein.

SEC. 6. Section 1075 of said code is amended to read:

Deposition:

1075. The commission or any person appointed by it to conduct a hearing may, in any investigation or hearing held under the provisions of this article, cause the deposition of witnesses, residing within or without the State, to be taken in the manner prescribed by law for deposition in civil actions in the superior courts of this State, and may compel the attendance of witnesses and the production of documents and papers. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Repeals

SEC. 7. Sections 585, 586, and 995.2 of said code are repealed.

CHAPTER 871

An act to amend Sections 113, 12003, and 12752 of the Education Code, and to add Section 2.5 to, to amend Section 4 of, and to repeal Section 5 of an act entitled "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943, relating to administrative procedure of the State Board of Education.

Stats. 1943,
p. 2785,
amended

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 113 of the Education Code is amended to read:

Witnesses
before State
Board of
Education

113. The board shall issue subpoenas to compel the attendance of witnesses before the board, or any member thereof, in the same manner as any court in this State. Whenever the testimony of any witness upon any matter pending before it is material, the president shall cause the attendance of the witnesses before the board, or a member of the board, to testify concerning the matter, and the board may make a reasonable allowance for this purpose not exceeding the fees of witnesses in civil cases. The allowance shall be paid for out of the appropriation for the expense of the board, but in no instance shall an allowance be made in favor of a witness who appears in behalf of a claimant. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 12003 of said code is amended to read :

12003. The Commission of Credentials may review the cases of applicants for credentials and life diplomas, and when it is satisfied that any candidate fully meets the standard set by the State Board of Education it may issue the proper documents. Where a hearing is held under this article the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein.

See also
Stats 1945,
Ch 1205

Powers of
Commission
of Creden-
tials

The documents shall be issued upon the regular forms used by the State Board of Education and shall bear the signatures of the secretary and the president of the board or their facsimile signatures, countersigned by an assistant secretary authorized to perform that service.

SEC. 3. Section 12752 of said code is amended to read :

12752. The State Board of Education shall revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the public school system, or for evident unfitness for service, life diplomas, documents, or credentials issued pursuant to this code. The proceedings under this article by the State Board of Education shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Revocation
of creden-
tials, etc

SEC. 4. Section 2.5 is added to the act cited in the title hereof, to read :

New section

2.5. Where a hearing is held under Section 2 the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein.

Denial of
license to
foreign lan-
guage school
Procedure

SEC. 5. Section 4 of said act is amended to read :

Stats 1943,
p 2785

Sec. 4. Visitation and Supervision; Revocation of License. A school, institute, class or course licensed as provided in this act shall be subject to visitation and supervision by any officer or employee of the State Department of Education designated by the State Board of Education.

Supervision,
etc.

A license granted to such school, institute, class or course as provided in this act shall be subject to revocation by the State Board of Education, upon due notice after an opportunity to be heard before the State Board of Education, or a committee thereof, or an officer of the State Board of Education in each case designated by the State Board of Education. Such license shall be revoked when it shall appear to the satisfaction of the State Board of Education that such school, institute, class or course is being conducted, maintained and operated under the conditions prescribed in Section 2 of this act as being sufficient for a denial of such license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein.

Revocation
of license

Procedure

SEC. 6 Section 5 of said act is repealed.

Repeal

CHAPTER 872

An act to amend Sections 1354 and 1371 of, and to add Section 1392 to, the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the Harbor of San Diego.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1354 of the Harbors and Navigation Code is amended to read:

Witnesses

1354. The president may administer oaths and may, under his hand and seal issue subpoenas for the attendance of witnesses in all cases arising before the board. A witness disobeying a subpoena shall incur a penalty of one hundred dollars (\$100) which may be recovered by a civil action in the name of the president of the board. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 1371 of the Harbors and Navigation Code is amended to read:

Examina-
tions, license
renewals

1371. Pilots appointed by the board shall be carefully examined as to their qualifications and, if found to be qualified and worthy, they shall receive licenses as pilots for the term of 12 months. Their licenses shall be annually renewed unless the board has good cause to withhold renewal.

Whenever the board deems it has good cause, or intends for any reason to withhold renewal, the secretary of the board shall serve notice in writing on the pilot, specifying the causes, at least 10 days before the expiration of his license and the pilot is entitled to a full hearing before the board. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

SEC. 3. Section 1392 is added to said code, to read:

Suspension
and revoca-
tion of
licenses

1392. The proceedings to suspend or revoke a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

CHAPTER 873

An act to amend Sections 1254 and 1290 of the Harbors and Navigation Code, relating to administrative procedure of the Board of Pilot Commissioners for Humboldt Bay and bar.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1254 of the Harbors and Navigation Code is amended to read:

1254. The president of the board may administer oaths in regard to any matter properly before it and he may issue subpoenas in like cases for witnesses. A witness disobeying such subpoena served on him shall incur a penalty of one hundred dollars (\$100), which may be recovered by the president in a civil action. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code

SEC. 2. Section 1290 of said code is amended to read:

1290. Licenses of pilots are forfeited and shall be revoked by the board in the following cases:

- (a) A failure to renew his bond or sureties when required by the board.
- (b) Wilful violation of any duty prescribed by law or by a regulation of the board.
- (c) Negligently losing a vessel.
- (d) Mental derangement.
- (e) Habitual drunkenness.

Notice of any charge and an opportunity to defend himself shall be given to the accused pilot before his removal. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

CHAPTER 874

An act to amend Sections 1101, 1155, 1192 and 1193 of the Harbors and Navigation Code, relating to administrative procedure of the State Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1101 of the Harbors and Navigation Code is amended to read:

1101. Pilots licensed by commissioners shall be carefully examined as to their qualifications, and, if found to be qualified and worthy, they shall receive licenses as pilots for a term of

Examina-
tions, license
renewals

12 months. Licenses shall be renewed annually unless the commissioners have good cause to withhold renewal. Whenever the commissioners deem they have cause, or intend for any reason to withhold renewal of a pilot's license, the secretary of the board of commissioners shall serve notice, in writing, on the pilot, specifying the causes, at least 10 days before the expiration of his license. The pilot is thereupon entitled to a full hearing before the board. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

SEC. 2. Section 1155 of said code is amended to read:

Witnesses

1155. The president of the board may administer oaths in regard to any matter properly before it and he may issue subpoenas for witnesses in like cases. A witness disobeying such subpoena served on him shall incur a penalty of one hundred dollars (\$100), for which judgment may be recovered by the president in a civil action. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 1192 of said code is amended to read:

Revocation of licenses

1192. If, upon a hearing the board adjudges that the pilot is guilty of any of the acts or causes sufficient for depriving him of a license, the board shall revoke his license. The order shall be entered of record in the minutes by the secretary. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 4. Section 1193 of said code is amended to read:

Denial of renewal

1193. A pilot, who has been notified that his license will not be renewed, is entitled to a trial and hearing, in the same manner that other charges and accusations against pilots are tried.

In all such cases and in all cases of revocation of license or suspension of a pilot for any cause, the final decision of the board is subject to judicial review in accordance with law, and upon such review the court shall exercise its independent judgment on the evidence.

CHAPTER 875

An act to amend Sections 5703 and 5753 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Institutions.

In effect September 15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5703 of the Welfare and Institutions Code is amended to read:

Examination of conduct of licensed establishment

5703. The department may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the inmates

of the establishment so demand, the department may, for just and reasonable cause, suspend or revoke any such license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 2. Section 5753 of said code is amended to read:

5753. Upon proof of the violation of any provision of Part 2 of Division 6 of this code, the license to any person to operate such private institution, hospital, establishment, home, or sanitarium may be suspended or revoked by the Department of Institutions. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

Suspension
or revoca-
tion of
license

CHAPTER 876

An act to amend Section 1045, 1621, 1625, 2304, 2305, 2355, and 2356 of the Welfare and Institutions Code, relating to administrative procedure in the Department of Social Welfare.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1045 of the Welfare and Institutions Code is amended to read:

See also
Stats 1945,
Ch 307

1045. (a) Whenever any appeal to, or hearing before, the board is otherwise authorized by law, the appeal shall be made, or the hearing applied for, within one year after the order or other action complained of. The board may rehear any matter within six months after its original order or decision, on its own motion or on application of any interested party. Any such appeal, hearing, or rehearing may be heard by the board, or a referee designated by the board.

Blind and
Appeals

(b) The board or referee conducting an appeal, hearing, or rehearing shall have all the powers and authority conferred upon the head of a department in Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

(c) If an appeal, hearing, or rehearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. Only the board may make such final decision.

(d) This section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 1624 of said code is amended to read:

Child care
institution,
Renewal
of license

1624. Application for renewal of a permit or license shall be filed 10 days prior to its expiration each year. If the application is not so filed, the license or permit is automatically canceled. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 3. Section 1625 of said code is amended to read:

Revocation
of licenses

1625. Permits or licenses may be revoked for cause after a hearing before the State Department of Social Welfare or an approved and accredited inspection service. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 4. Section 2304 of said code is amended to read:

Institutions
for aged
Renewal
of license

2304. Application for renewal of a permit or license shall be filed 10 days prior to its expiration. If such application is not so filed, such license or permit is automatically canceled. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 5. Section 2305 of said code is amended to read:

Revocation
of licenses

2305. Permits or licenses may be revoked for cause after a hearing before the State Department of Social Welfare or an approved and accredited inspection service. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 6. Section 2355 of said code is amended to read:

Life care
homes
Expiration
of certificate

2355. A certificate of authority issued by the State Department of Social Welfare shall expire 12 months from its date of issuance, and application for renewal of same shall be filed 10 days prior to its expiration. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 7. Section 2356 of said code is amended to read:

Revocation
of certificate

2356. Certificates of authority may be revoked for cause after a hearing before the State Social Welfare Board. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

CHAPTER 877

An act to amend Section 10100 and to repeal Sections 10103, 10104, 10105, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, and 10116 of the Business and Professions Code, relating to administrative procedure of the Real Estate Commissioner.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 10100 of the Business and Professions Code is amended to read:

10100. Before denying, suspending or revoking any license issuable or issued under the provisions of this part, the commissioner shall proceed as prescribed by Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Revocation
of licenses

SEC. 2. Sections 10103, 10104, 10105, 10107, 10108, 10109, 10110, 10111, 10112, 10113, 10114, 10115, and 10116 of said code are repealed.

Repeals

CHAPTER 878

An act to amend Sections 1584, 1597 and 1663 and to repeal Sections 1598 and 1599 of the Labor Code, relating to administrative procedure of the Labor Commissioner.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1584 of the Labor Code is amended to read:

1584. The commissioner upon proper notice and hearing may refuse to grant a license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the commissioner shall have all the power granted therein.

Employment
agencies
Refusal
of license

SEC. 2. Section 1597 of said code is amended to read:

1597. Before revoking or suspending any license, the Labor Commissioner shall afford the holder of such license an opportunity to be heard in person or by counsel. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Notice and
hearing

SEC. 3. Section 1663 of said code is amended to read:

1663. No part of the provisions of Part 6, Chapter 1 of this code shall be applicable to an artists' manager, except as expressly provided in Sections 1650 to 1663, inclusive, of this

Code sections
applicable
to artists'
manager

code, and except that Sections 1584 and 1597 shall be so applicable and the following sections, in the terms thereof now in effect, shall be so applicable, to wit: Sections 1550, 1582, 1583, 1585, 1586, 1587, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1620, 1621, 1623, 1630, 1636, 1637, 1638, 1639, 1640, 1640.5, 1642, 1643, 1644, 1646, 1647, 1647.5 and 1648; and for such purpose, each of said last mentioned sections, in the terms thereof now in effect, shall be read, applied, administered and enforced as though expressly made applicable to an artists' manager.

Repeals

SEC. 4. Sections 1598 and 1599 of said code are repealed.

CHAPTER 879

An act to amend Sections 2256, 2257, 2258, 2259, and 2260 and to repeal Sections 2261, 2262, and 2263 of the Public Resources Code, relating to administrative procedure of the State Mineralogist.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2256 of the Public Resources Code is amended to read:

Mining
licenses
Protests and
hearings

2256. Protest may be made by any person to the issuing of a license, and when such protests are filed with the State Mineralogist, he shall give notice of and hold a public hearing upon the protest before issuing the license. The State Mineralogist may reject any application for a license after a hearing upon the protest. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Mineralogist shall have all the powers granted therein.

SEC. 2. Section 2257 of said code is amended to read:

Revocation

2257. The State Mineralogist may revoke any license for failure on the part of the licensee to observe any of the provisions of this chapter, or when the licensee has violated the provisions of any law of the State relating to ore buying or of any law relating to larceny or receiving stolen property. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Mineralogist shall have all the powers granted therein.

SEC. 3. Section 2258 of said code is amended to read:

Calendar,
etc

2258. A daily calendar shall be kept of all hearings by the State Mineralogist, which shall be posted in a conspicuous place in his office for at least three days before the date of such hearing. The State Mineralogist shall keep a record of all charges, protests, and hearings, and may refuse to issue and shall suspend or revoke any license for any good cause shown, within the meaning and purpose of this chapter.

SEC. 4. Section 2259 of said code is amended to read

2259. When it is shown that any licensee or applicant, Action following decision either before or after conviction, is guilty of any conduct in violation of this or any law relating to such business, the State Mineralogist shall suspend or revoke the license of the licensee, or reject the application of the applicant.

SEC. 5. Section 2260 of said code is amended to read

2260. Whenever, for any reason, a license is revoked, the New license after revocation State Mineralogist shall not issue another license to the licensee until the expiration of at least one year from the date of revocation of the license.

SEC. 6. Section 2261, 2262, and 2263 of said code are Repeals repealed.

CHAPTER 880

An act to amend Section 13320 and 13613 and to repeal Sections 13321, 13322, 13323, 13324, 13614, 13615, and 13616 of the Health and Safety Code, relating to administrative procedure of the State Fire Marshal.

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 13320 of the Health and Safety Code is amended to read: See also Stats 1945, Ch 1517

13320. The State Fire Marshal shall revoke any license to operate a clothes cleaning establishment, or any permit relating to the storage of a volatile and inflammable product, for any of the following causes: Revocation of licenses and permits

(a) If the licensee or permittee has violated, or has caused or permitted a violation of, any of the provisions of this chapter.

(b) If the licensee or permittee has operated his establishment, or caused or permitted it to be operated, in an unlawful or careless manner dangerous to persons or property. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Fire Marshal shall have all the powers granted therein.

SEC. 2. Section 13613 of said code is amended to read:

13613. The State Fire Marshal may refuse to issue or renew, or may suspend or revoke, any certificate of registration or license for any of the following causes: See also Stats 1945, Ch 1517

(a) Obtaining, or attempting to obtain, a certificate of registration or license by fraudulent misrepresentations. Revocation, etc., of certificates or licenses

(b) Unlawful conduct or practices, including failure to observe the requirements of municipal ordinances concerning dry cleaning or the installation of equipment.

(c) The violation of any of the provisions of this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Fire Marshal shall have all the powers granted therein.

Repeals

SEC. 3. Sections 1332~~1~~, 13322, 13323, 1332~~4~~, 13614, 13615 and 13616 of said code are repealed.

CHAPTER 881

An act to amend Section 7570 and to repeal Sections 7571, 7572, 7573, 7574, 7575, 7576, and 7577 of the Business and Professions Code, relating to administrative procedure of the Director of Professional and Vocational Standards.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 7570 of the Business and Professions Code is amended to read:

Revocation
of private
detective
license

7570. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Repeals

SEC. 2. Sections 7571, 7572, 7573, 7574, 7575, 7576, 7577 of said code are repealed.

CHAPTER 882

An act to amend Section 8952 and to repeal Section 8953 of the Business and Professions Code, relating to administrative procedure of the Yacht and Ship Brokers Commission.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 8952 of the Business and Professions Code is amended to read:

Revocation,
etc., of
yacht
and ship
broker's
license

8952. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Repeal

SEC. 2. Section 8953 of said code is repealed.

CHAPTER 883

An act to amend Sections 8620, 8621, and 8634 and to repeal Sections 8622, 8623, 8626, 8627, 8628, 8629, 8630, 8631, and 8633 of the Business and Professions Code, relating to administrative procedure of the Structural Pest Control Board.

[Approved by Governor June 15, 1945 Filed with Secretary of State In effect
June 15, 1945] September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 8620 of the Business and Professions Code is amended to read:

8620. The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person acting as, or making application for a license as, an operator or field representative. Pest control operator's license Investigation and revocation

After hearing, the board may temporarily suspend or permanently revoke a license issued under the provisions of this chapter if the holder, while a licensee or applicant, is guilty of or commits any one or more of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 2. Section 8621 of said code is amended to read:

8621. All accusations against licensees shall be filed within two years after the act or omission alleged as the ground for disciplinary action. Accusations

SEC. 3. Section 8634 of said code is amended to read:

8634. In any proceeding for review by a court, the person desiring a review shall pay the sum of twenty cents (\$.20) for each 100 words of the transcript of the record and one dollar (\$1) for the certification thereof. Costs of transcripts

SEC. 4. Sections 8622, 8623, 8626, 8627, 8628, 8629, 8630, 8631, and 8633 of said code are repealed. Repeals

CHAPTER 884

An act to amend Sections 7686, 7686.5, and 7690 and to repeal Sections 7688, 7688.5, 7689, and 7689.5 of the Business and Professions Code, relating to administrative procedure of the State Board of Funeral Directors and Embalmers.

[Approved by Governor June 15, 1945 Filed with Secretary of State In effect
June 15, 1945.] September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7686 of the Business and Professions Code is amended to read: Revocation, etc., of funeral director's and embalmer's license

7686. The board may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has been found guilty by the board of any of the acts or omissions

constituting grounds for disciplinary action. The providings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 2 of Title 2 of the Government Code, and the board shall have all the powers granted herein.

Accusations
SEC. 2. Section 7686.5 of said code is amended to read:
7686.5. All accusations against licensees shall be filed with the secretary within one year after the performance of the act or omission alleged as the ground for disciplinary action.

Disciplinary measures
SEC. 3. Section 7690 of said code is amended to read:
7690. The board may discipline every accused licensee whose default has been entered or who has been tried and found guilty, after formal hearing, of any act or omission constituting a ground for disciplinary action.

- Any of the following penalties may be imposed by the board:
- (a) Suspension of the disciplinary order.
 - (b) Reproval, public or private.
 - (c) Probation.
 - (d) Suspension of the right to practice.
 - (e) Revocation of the right to practice.
 - (f) Such other penalties as the board deems fit.

Repeals
SEC. 4. Section 7688, 7688.5, 7689, and 7689.5 of said code are repealed.

CHAPTER 885

An act to amend Section 7425, and to repeal Sections 7426, 7427, 7428, and 7429 of the Business and Professions Code, relating to administrative procedure of the State Board of Cosmetology.

In effect
September
15, 1945
[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 7425 of the Business and Professions Code is amended to read:

Revocation, etc., of cosmetology license
7425. The board shall not renew, or may revoke or suspend at any time any license required by the provisions of this chapter on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Repeal
SEC. 2. Sections 7426, 7427, 7428, and 7429 of said code are repealed.

CHAPTER 886

An act to amend Sections 7073, 7091, and 7100 and to repeal Sections 7092, 7093, 7094, 7096, 7097, 7098, 7099, 7101, 7103, 7104, and 7105 of the Business and Professions Code, relating to administrative procedure of the Registrar of Contractors.

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7073 of the Business and Professions Code is amended to read:

7073. If information brought to the attention of the registrar concerning the character and integrity of an applicant is such that, in the registrar's discretion, it would be proper to deny the application, the registrar shall forthwith notify the applicant to show cause within not more than 30 days, why the application should not be denied. The proceedings shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the registrar shall have all the powers granted therein.

Denial of
contractor's
license

SEC. 2. Section 7091 of said code is amended to read:

All accusations against licensees shall be filed within two years after the act or omission alleged as the ground for disciplinary action. The proceedings under this article shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the registrar shall have all the powers granted therein.

Accusations

SEC. 3. Section 7100 of said code is amended to read:

7100. In any proceeding for review by a court, the court may in its discretion, upon the filing of a proper bond by the licensee in an amount to be fixed by the court, but not less than one thousand dollars (\$1,000), guaranteeing the compliance by the licensee with specific conditions imposed upon him by the registrar's decision, if any, permit the licensee to continue to do business as a contractor pending entry of judgment by the court in the case. There shall be no stay of the registrar's decision pending an appeal or review of any such proceeding unless the appellant or applicant for review shall file a bond in all respects conditioned as, and similar to, the bond required to stay the effect of the registrar's decision in the first instance.

Stay pending
court
review

The person desiring a review shall pay to the registrar the sum of twenty cents (\$.20) for each 100 words of the transcript of the record and proceedings certified to the reviewing court.

SEC. 4. Sections 7092, 7093, 7094, 7096, 7097, 7098, 7099, 7101, 7103, 7104, and 7105 of said code are repealed.

Repeals

CHAPTER 887

An act to amend Sections 6776 and 8781 and to repeal Sections 6777, 6778, 8782, and 8783 of the Business and Professions Code, relating to administrative procedure of the State Board of Registration for Civil Engineers.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 6776 of the Business and Professions Code is amended to read:

Civil
engineer's
license
Disciplinary
proceedings

6776. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Land
surveyor's
license
Procedure

SEC. 2. Section 8781 of said code is amended to read:

8781. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Repeals

SEC. 3. Sections 6777, 6778, 8782, and 8783 of said code are repealed.

CHAPTER 888

An act to amend Section 6570 and to repeal Sections 6571, 6572, 6573, and 6574 of the Business and Professions Code, relating to administrative procedure of the State Board of Barber Examiners.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 6570 of the Business and Professions Code is amended to read:

Barber's
license
Revocation,
etc

6570. The board shall not refuse to issue or renew and shall not suspend or revoke any certificate of any person for any of the causes for disciplinary action unless the proceedings are conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Repeals

SEC. 2. Sections 6571, 6572, 6573, and 6574 of said code are repealed.

CHAPTER 889

An act to amend Sections 5560, 5561, and 5570 and to repeal Sections 5562, 5563, 5564, 5566, 5567, 5568, 5569, 5574, 5575, 5576 of the Business and Professions Code, relating to administrative procedure of the California State Board of Architectural Examiners.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5560 of the Business and Professions Code is amended to read:

See also
Stats 1945,
Ch 1231

5560. The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any architect and may temporarily suspend for a period not exceeding one year or permanently revoke the certificate, whether it be a provisional or a final certificate, of any such architect who is guilty of or commits any one or more of the acts of omissions constituting grounds for disciplinary action under this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Architect's
license
Disciplinary
action

SEC. 2. Section 5561 of said code is amended to read:

See also
Stats 1945,
Ch 1231

5561. All accusations against licensees shall be filed within two years after the act or omission alleged as the ground for disciplinary action.

Accusations

SEC. 3. Section 5570 of said code is amended to read:

5570. In any proceeding for review by a court, the court may in its discretion, upon the filing of a proper bond by the holder of the certificate in an amount to be fixed by the court, guaranteeing the compliance by the holder of the certificate with specific conditions imposed upon him by the board's decision, if any, permit the holder of the certificate to continue to practice as an architect pending entry of judgment by the court in the case. There shall be no stay of the board's decision pending an appeal or review of any such proceeding unless the appellant or applicant for review shall file a bond in all respects conditioned as, and similar to, the bond required to stay the effect of the board's decision in the first instance.

Stay pending
court review

The person desiring a review shall pay to the secretary of the board the sum of twenty cents (\$0 20) for each 100 words of the transcript of the record and proceedings certified to the court.

SEC. 4. Sections 5562, 5563, 5564, 5566, 5567, 5568, 5569, 5574, 5575 and 5576 of said code are repealed.

Repeals

CHAPTER 890

An act to amend Section 4875 and to repeal Sections 4876, 4877, 4878, 4879 and 4880 of the Business and Professions Code, relating to administrative procedure of the Board of Examiners in Veterinary Medicine.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 4875 of the Business and Professions Code is amended to read:

Veterinary
license
Revocation,
etc

4875. By a vote of four members, the board may revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in this State after notice and hearing for any of the causes provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Repeals

SEC. 2. Sections 4876, 4877, 4878, 4879 and 4880 of said code are repealed.

CHAPTER 891

An act to amend Section 1265 of the Business and Professions Code, to amend Sections 1222 and 1227 and to repeal Section 1228 of the Health and Safety Code, and to amend Section 9 of an act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to administrative procedure of the State Board of Public Health.

Stats. 1925,
p 931,
amended

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 1265 of the Business and Professions Code is amended to read:

Revocation
of clinical
laboratory
technology
licenses

1265. A license under this chapter may be revoked by the board for good cause after hearing on notice. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Investigation
of applica-
tions for
clinic and
dispensary
licenses

SEC. 2. Section 1222 of the Health and Safety Code is amended to read:

1222. Upon the filing of any application for a permit or for renewal, the director shall investigate the facts set forth in the

application. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 3. Section 1227 of the Health and Safety Code is amended to read:

1227. Permits may be revoked for violations of this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 4. Section 1228 of the Health and Safety Code is repealed.

SEC. 5. Section 9 of the act cited in the title hereof is amended to read:

9. The State Board of Public Health may for the following cause or causes suspend or revoke a license issued under this act:

The nonpayment of said pro rata share of the cost, or failure to comply with a demand for a cash deposit or other security by the holder of such license.

The noncompliance with the regulations of the State Board of Public Health.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

CHAPTER 892

An act to amend Section 4530 of the Business and Professions Code, to amend Sections 1406, 1409 and 1615 and to repeal Sections 1616, 1617, and 1620 of the Health and Safety Code, and to amend Section 11503 of the Insurance Code, relating to administrative procedure of the State Department of Public Health.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4530 of the Business and Professions Code is amended to read:

4530. The department may revoke a certificate issued to any person for gross incompetency, dishonesty, addiction to the use of alcohol or narcotic drugs, or for any habit rendering him unsafe or unfit to care for the sick. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 2. Section 1406 of the Health and Safety Code is amended to read:

1406. The department shall prescribe the conditions upon which permits shall be granted. Where a hearing is held under

Revocation

Stats 1941, p 2699 See also Stats 1945, Ch 1209

Cannery license- Revocation, etc

In effect September 15, 1945

Trained attendant- Revocation of certificate

See also Stats 1945, Ch 1418

Maternity hospitals Permits

in this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

See also
Stats 1945,
Ch 1418

SEC. 3. Section 1409 of the Health and Safety Code is amended to read:

Revocation

1409. The permit shall continue until it is revoked for cause after a hearing. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 4. Section 1615 of the Health and Safety Code is amended to read:

Laboratory
license
Revocation
etc

1615. Licenses shall be suspended or revoked by the State department for the violation of any provision of this chapter or of any rule or regulation made by the State department under authority conferred by this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

Repeals

SEC. 5. Sections 1616, 1617, and 1620 of the Health and Safety Code are repealed.

SEC. 6. Section 11503 of the Insurance Code is amended to read:

Hospital
standards

11503. The State Department of Public Health shall have the right and power to investigate, regulate and enforce the hospital standards set forth in Section 11501 in respect to all hospitals furnishing and rendering hospital services under the provisions of this chapter and to revoke certificates of approval theretofore issued to any hospital, or any hospital service corporation. Upon complaint deemed by the department to be sufficient to warrant such action, or upon its own motion, the State Department of Public Health shall hold a hearing at which the corporation or hospital under investigation and against which action is proposed to be taken shall have the right to be heard. At such hearing the department shall have the right to order and direct the corporation or the hospital, as the case may be, and within such period of time as the board may prescribe, to remedy and remove the causes complained of and in which to comply with the acts and things required in such order, and may continue the hearing until the expiration of said period of time. If the department upon final hearing shall find that its order has not been complied with, and that the hospital does not possess the hospital standards set forth in Section 11501, or that services are rendered by the hospital service corporation in and through hospitals not possessing said standards, the board shall enter its order revoking the certificate of approval to any such hospital or hospital service corporation and shall notify the Commissioner of Insurance in writing of the fact of such revocation and of the fact that the services rendered under the hospital service plan are not being rendered by hospitals holding certificates of approval.

Upon receipt of such notice, it shall be the duty of the Commissioner of Insurance to revoke his certificate of authority to the establishment, maintenance and operation by such corporation of a nonprofit hospital service plan. The proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Department of Public Health shall have all the powers granted therein.

CHAPTER 893

An act to amend Section 4210 of the Business and Professions Code, relating to administrative procedure of the California State Board of Pharmacy.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4210 of the Business and Professions Code is amended to read:

4210. The board may revoke and suspend certificates issued under the provisions of this chapter upon the grounds provided by this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Pharmacy
certificates
Revocation,
etc

CHAPTER 894

An act to amend Section 3090 and to repeal Section 3091 of the Business and Professions Code, relating to administrative procedure of the State Board of Optometry.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3090 of the Business and Professions Code is amended to read:

3090. The certificate of registration of any person registered under the provisions of this chapter, or any former act relating to the practice of optometry, may be revoked or suspended for a fixed period by the board for any of the causes provided in this article or for unprofessional conduct, gross ignorance or inefficiency in his profession or for any violation of the provisions of this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Optometry
certificate:
Revocation,
etc

SEC. 2. Section 3091 of said code is repealed.

Repeal

CHAPTER 895

An act to amend Section 2750 and to repeal Sections 2751, 2752, 2753, 2754, 2755, 2756, 2757, and 2758 of the Business and Professions Code, relating to administrative procedure of the Board of Nurse Examiners of the State of California.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2750 of the Business and Professions Code is amended to read:

Nursing
license
Disciplinary
action

2750. Every licensee may be disciplined as provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Repeals

SEC. 2. Sections 2751, 2752, 2753, 2754, 2755, 2756, 2757, and 2758 of said code are repealed.

CHAPTER 896

An act to amend Sections 2360, 2364, and 2555 and to repeal Sections 2365, 2366, 2367, 2368, 2369, 2370, and 2371 of the Business and Professions Code, relating to administrative procedure under the chapter on medicine of said code.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2360 of the Business and Professions Code is amended to read:

Medical
license
Revocation,
etc

2360. Every certificate issued may be suspended or revoked. The board shall refuse a certificate to any applicant guilty of unprofessional conduct. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Procedure

SEC. 2. Section 2364 of said code is amended to read:

2364. No action shall be taken against the holder of any certificate nor, on the grounds of unprofessional conduct, shall any applicant be refused any certificate until the board follows the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Dispensing
optician's
certificate:
Revocation,
etc

SEC. 3. Section 2555 of said code is amended to read:

2555. Certificates issued hereunder may in the discretion of the Board of Medical Examiners be suspended or revoked for incompetence in filling prescriptions or any violations of

the provisions of this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 4. Sections 2365, 2366, 2367, 2368, 2369, 2370, and 2371 of said code are repealed. Repeals

CHAPTER 897

An act to amend Sections 1670, 1674, 1745, and 1747 and to repeal Sections 1671, 1672, 1673, 1675, 1676, and 1677 of the Business and Professions Code, relating to administrative procedure of the Board of Dental Examiners of California.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1 Section 1670 of the Business and Professions Code is amended to read:

1670. Any dentist may have his license revoked or suspended by the board for unprofessional conduct or for gross ignorance or inefficiency in his profession, or for any other cause provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. Dental
license
Revocation,
etc

SEC. 2. Section 1674 of said code is amended to read:

1674. If the board finds the charges or any of them true, it may make an order reprimanding the accused, or placing him on probation, or revoking his license, or suspending it. Disciplinary
action

SEC. 3. Section 1745 of said code is amended to read:

1745. But notwithstanding the payment of the fee, however, the license may at any time be forfeited or revoked for a violation of any provisions of this chapter that are applicable to dental hygienists. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 4. Section 1747 of said code is amended to read:

1747. The Board of Dental Examiners may revoke or suspend the license of any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provisions of this article, and the board may also revoke or suspend a license of any dental hygienist violating the provisions of this article. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. Dental and
dental
hygienist
licenses
Revocation,
etc

SEC. 5. Sections 1671, 1672, 1673, 1675, 1676, and 1677 of said code are repealed. Repeals

CHAPTER 898

An act to amend Section 5019 of the Business and Professions Code, relating to administrative procedure of the State Board of Accountancy.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 1353

Accountancy
certificate
Revocation,
etc

SECTION 1. Section 5019 of the Business and Professions Code is amended to read:

5019. The board may revoke or suspend for cause any certificate. A revocation shall receive the affirmative vote of at least four members of the board. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

CHAPTER 899

Stats 1931,
p 483,
amended

In effect
September
15, 1945

An act to amend Sections 11.04 and 11.05 of the Building and Loan Association Act, relating to the administrative procedure of the Building and Loan Commissioner.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

Stats 1931,
p 483

Licenses
Issuance

SECTION 1. Section 11.04 of the Building and Loan Association Act is amended to read:

Sec. 11.04. Issuance of Licenses. Application for the issuance of an agent's license or a salesman's license shall be made by paying the commissioner the fee for such license and by filing with the commissioner: (a) a verified application in such form as the commissioner shall from time to time require, giving references at least five in number and information as to the honesty, integrity, experience and ability of the applicant if a natural person, or of the copartners if a copartnership, or of the officers and directors and employees to be directly in charge of the business involved if a corporation; (b) a request from an association licensed by the commissioner for the issuance of such agent's license or salesman's license, as the case may be; (c) a copy or duplicate of a written appointment by such association of the applicant as the agent or salesman of such association, and (d) the bond in Section 11.03 of this act mentioned. Upon receipt of the foregoing, the commissioner, if satisfied as to the honesty, integrity and qualifications of the applicant, shall issue such license.

Refusal to
issue

Otherwise he shall refuse to issue such license; provided, however, that no such license shall be refused until the applicant and the association involved have each been given an

opportunity to be heard in support of the application. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Licenses shall be in such form as the commissioner shall prescribe and each license may be limited to such territory as the association may request and each license shall state that the authority of the licensee is derived from and limited by this act and documents on file in the commissioner's office and that it is not a license for a branch of an association; and shall state the full and correct corporate name and principal office of the association involved.

Form of license

An agent's license shall be obtained for each agency and may be issued on request of an association for which the agent holds another agent's license and payment of the regular fee, unless the commissioner shall require an additional application or an additional bond or both.

Agents

Upon this act going into effect the commissioner shall without charge and upon surrender of any license then in effect, issue in lieu thereof a license complying with this act, provided this act, either before or after its going into effect, has been complied with in all respects except as to the form of application.

Existing licenses

The fee for licenses and renewals is hereby fixed at one dollar (\$1) for each year or fraction thereof. The commissioner shall have power to issue licenses and renewals in the month of June preceding the year for which they are effective and in such case shall account for and pay over the fees received therefor, and the same shall be considered as if received by him on or after July 1st following.

Fees

SEC. 2. Section 11.05 of said act is amended to read:

Stats 1931, p 483

Sec. 11.05. Expiration, revocation, suspension and renewal of licenses. All licenses and renewals in respect of agents and salesmen shall be for the year ending June thirtieth, upon which date they shall expire by limitation, unless sooner revoked by the commissioner for cause or canceled by him at the written request of the association involved. In case of revocation or cancellation, the license shall immediately be surrendered to the commissioner.

Expiration, etc. of licenses

If any agent or salesman has wilfully misstated any material fact in his application or has obtained his license in an unfair manner or by misrepresentation or concealment or has conducted his business in a dishonest manner or in such manner as to cause injury to the public or those dealing with him, or to any association formerly his or its principal or employer, or has wilfully violated any of the provisions of this act or of his authority, the commissioner shall revoke, or suspend for a period to be fixed by the commissioner, the license of such agent or salesman, and shall notify him and his association thereof. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Revocation or suspension

Renewal

All licenses shall be renewed upon request of the association involved and payment of the annual fee therefor, without a new application unless the commissioner shall demand a new application by written notice to both the licensee and the association involved at least 10 days before the expiration of the license to be renewed.

CHAPTER 900

An act to amend Sections 120, 215.12, 352, 380.58, 723, 737.11, 747, 1041, 1043, 1072, 1175, 1178, 1241, and 1254, and to repeal Sections 1074, 1176 and 1177, of the Agricultural Code, relating to administrative procedure affecting various businesses in the agricultural field.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 748

Nursery
license

SECTION 1. Section 120 of the Agricultural Code is amended to read:

120. It is unlawful to sell any nursery stock without first having obtained an annual license so to do from the director. Such license for the fiscal year shall be issued to any person who sells plants at any place in the State upon receipt of payment of a minimum fee of ten dollars (\$10), to which shall be added the sum of two dollars (\$2) for each branch sales yard, store or sales location owned and operated in the State as an additional fee, and the sum of fifty cents (\$.50) for each acre or portion thereof after the first acre; provided, that in no case shall the fee for such acreage exceed fifteen dollars (\$15). The applicant shall further satisfy the director of his or its character and good faith in seeking to carry on the business of selling nursery stock.

The fees for the renewal of the annual license shall be paid between the first day of April and the first day of July of each year for the fiscal year beginning July 1st of such year. Failure to pay the renewal license fee prior to the eleventh day of July of each year, for the year ensuing, shall ipso facto work a forfeiture of the right to sell nursery stock. Any person who has been previously licensed to sell nursery stock and whose right to so sell has been forfeited shall not be issued a renewal license except upon written application to the department, accompanied by a sum equal to the regular license fee plus a restoration fee in an amount equal to the regular license fee; but no such restoration fee shall be required of any person whose application for renewal of license is accompanied by his affidavit that prior to the date of his application he has not sold any nursery stock during any part of the fiscal year for which he applies for renewal of license.

A person not regularly engaged in the nursery business, shall not be required to pay the above-mentioned fee if his sales of plants amount to less than one hundred dollars (\$100) within any one fiscal year and if he has reported to the commissioner his intention to make such sales. All plants sold by him must be of his own production, and sold for planting within the county where grown. Exception

The license may be suspended or revoked or issuance refused when, after investigation and hearing, it is determined that the licensee or the applicant has wilfully refused to comply with the laws and regulations relative to nursery stock or to any pest which might be carried by such nursery stock. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein. Revocation, etc

Retail florists and others who sell plants at retail for indoor decorative purposes only are exempt as to such plants from the provisions of this section.

Persons who sell seeds and who do not sell or ship any other kinds of nursery stock are exempt from the provisions of this section.

SEC. 2. Section 215.12 of said code is amended to read :

215.12. The director may refuse to grant or may revoke a license when satisfied of the existence of the following and after due hearing: Refusal of revocation of sales yard license

(a) Where the applicant or licensee has violated the laws or regulations of the State governing interstate or intrastate movement of animals.

(b) Where false or misleading statements have been made as to the health or physical condition of swine handled or sold through such yards, or there has been fraud or misrepresentation in connection with health certificates or certificates of immunization.

(c) Where there has been a continuous course of dealings of such nature as to satisfy the director of the inability or unwillingness of the licensee to conduct the business of operating such sales yard in conformity with the provisions of this article.

(d) Where the licensee fails to practice measures of sanitation, inspection, disinfection, and treatment of swine handled or sold through such yard as provided for in this article.

(e) Where there has been a continuous or persistent failure to keep records as required or where there is a refusal of the licensee to produce such records for inspection of the director or his representative.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 3. Section 352 of said code is amended to read :

352. The director may revoke a license for a wilful violation of any of the provisions of this article, after notice to the interested party and a hearing, and a license so revoked shall not be reissued except upon the payment of a renewal fee of twenty- Revocation of slaughter-house license

five dollars (\$25). The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 4. Section 380.58 of said code is amended to read:

Revocation
of license
to slaughter
houses, etc

380.58. The director may revoke a license for a wilful violation of any of the provisions of this article, after notice to the interested party and a hearing, and a license so revoked shall not be reissued except upon the payment of a renewal fee of twenty-five dollars (\$25). The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 5. Section 723 of said code is amended to read:

See also
Stats 1947,
Ch 383

Revocation
of milk,
dairy, etc.,
licenses

723. The licenses or permits issued in accordance with the provisions of Articles 4, 5, 6 and 7 of Chapter 2, Article 4 of Chapter 3, Articles 5 and 6 of Chapter 4, and Section 500 5 of this division, upon a hearing before the director of which the licensee or permittee shall have a written notice of the time and place of said hearing and the charges made against him may be suspended or revoked by the director if, after written notice, the licensee or permittee fails, after 30 days, to comply with the laws, rules and regulations under which the license or permit was granted. No such 30 days' notice will be required where the premises or appurtenances are in a manifestly insanitary condition nor in cases of manipulation of measures, weights, samples or tests for milk fat content or bacterial counts of milk or cream upon which payment is based, or the record thereof. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 6. Section 737.11 of said code is amended to read:

Refusal or
revocation
of license

737.11. The director may refuse to grant any license herein provided and may revoke or suspend any such license as the case may require when he is satisfied that any applicant or licensee has violated any provision of this chapter, or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Orders
included in
decision

The decision may include an order refusing, revoking or suspending the license applied for or held by the respondent, or affixing such other conditional and probationary orders as may be proper for the enforcement of this chapter or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter.

After any decision including any conditional or probationary orders, should respondent fail, refuse or neglect to comply with any such orders, the director may suspend or revoke the license in accordance with the procedure provided in this section.

Previous violation by any applicant, or by any person connected with said applicant, of any provision of this chapter, or of any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream, formulated under the provisions of this chapter, shall be good and sufficient ground for denial, revocation or suspension of a license.

SEC. 7. Section 747 of said code is amended to read :

747. The director shall license all persons subject to the terms of a marketing agreement. No person shall engage in any occupation or business regulated by a marketing agreement unless he holds a license. Any license so issued may be revoked by the director, after notice and opportunity to be heard, for a violation of any provision of such agreement. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein. In addition to any other penalty, every person violating any provision of a marketing agreement is liable for civil penalty of one hundred dollars (\$100) for each day's violation.

See also
Stats 1947,
Ch 1217

Licenses in
occupations
regulated by
marketing
agreements

SEC. 8. Section 1041 of said code is amended to read :

1041. The director, after hearing, may cancel the registration of or refuse to register any person who sells or proposes to sell any commercial fertilizers or agricultural minerals detrimental or injurious to plants when applied as directed, or which are known to be of little or no value for the purpose for which they are intended, or as to which false or misleading claims are made or implied. He may cancel the registration of any person who repeatedly violates the provisions of this article. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Cancellation
of registration
to sell
commercial
fertilizers,
etc

SEC. 9. Section 1043 of said code is amended to read :

1043. Every person who sells or deals in any of the substances defined in subdivisions (a), (b) and (c) of Section 1022, before engaging in such occupation, shall be licensed by the director. If the applicant is employed in such business the application shall state the name and address of the employer. All licenses issued under the provisions of this section shall expire on December 31st of each year. Each application shall be accompanied by a fee of two dollars (\$2). When a license is issued to a corporation upon an application signed by or bearing the name of the president of the corporation a display license shall be issued to the corporation and a personal license to the president. For each officer and employee engaged in selling, other than the president, an additional fee of two dollars (\$2) shall be paid, and a personal license issued to each such

Licenses

person. When the license is issued to a partnership a display license shall be issued to the partnership and a personal license issued to one member of the partnership whose name is designated in the application. For each additional member or employee engaged in selling, an additional fee of two dollars (\$2) is required and a personal license shall be issued to each such person; provided, that employees of persons or firms who sell packaged goods only from a fixed place of business and solicit no sales outside thereof shall not be required to have the employee license herein required. If a new license is not obtained within one calendar month after the expiration of a license there shall be added to the fee a penalty of two dollars (\$2) for each license. No penalty shall be collected if the licensee makes an affidavit that no business was done during the period he was not licensed. The payment of such fee or penalty is not a bar to prosecution for doing business without a license. When a license is issued to an individual engaged in such business both a display license and a personal license shall be issued to him. All display licenses shall be posted conspicuously in the place of business of the licensee. Where a licensee maintains more than one place of business duplicate display licenses shall be applied for and issued upon the payment of a fee of one dollar (\$1) each. The director may investigate the actions of any licensee and may, after notice and hearing, suspend or revoke the license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

No such license shall be required of a nonprofit, cooperative, agricultural marketing association by reason of such association's selling any of the substances defined in subdivisions (a), (b) and (c) of Section 1022 to its members.

SEC. 10. Section 1072 of said code is amended to read:

Cancellation
or refusal
to register
economic
poison

1072. The director may, after hearing, cancel the registration of, or refuse to register, any economic poison:

(a) Which is of little or no value for the purpose for which it is intended, or which is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety when properly used, and may require such practical demonstration as may be necessary to determine said facts.

(b) Concerning which false or misleading statements are made or implied by the registrant or his agent, either verbally or in writing or in the form of advertising literature.

The director may cancel the license of, or, refuse to license any manufacturer, importer, or dealer in economic poison who repeatedly violates any of the provisions of this article or the rules and regulations of the director.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein. The provisions of this section shall not be a condition precedent to

the institution of any action to prosecute a violation of this article.

SEC. 11. Section 1175 of said code is amended to read:

1175. The director may upon his own motion and shall, upon the verified complaint in writing of any person, investigate the actions of any dairy produce exchange and may temporarily suspend or permanently revoke licenses issued under the provisions of this chapter whenever the holder thereof is guilty of:

Revocation
of dairy
produce
exchange
licenses

(a) Failure to supply all the information required by the provisions of subdivisions a, b, c, and d of Section 1173.

(b) Making any false statements or misrepresentations of facts to the director.

(c) Fraud or deception in his or its application for or procurement of a license.

(d) Any other conduct, whether of the same or a different character than herein above specified, which is unlawful.

(e) Violation of any law or ordinance of the State or any city or county of the rules of the Federal Trade Commission governing unfair trade practices in the handling of butter, cheese or eggs.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 12. Section 1178 of said code is amended to read:

1178. If judicial review of the decision of the director is sought the decision of the director shall remain in effect pending the determination of such review, unless the party seeking review shall file with the court a bond in a sum to be fixed by the court, in favor of the people and conditioned upon the faithful performance of all those things which are ordered to be done, or the faithful observance of such restraint as may be directed by the director. Said bond shall be for the benefit of any person having dealings with, the person seeking review and any such person so dealing with the same shall have the right to commence a suit thereon in his own name against the person seeking review and his sureties.

Effect of
appeal on
decision of
director

SEC. 13. Section 1241 of said code is amended to read:

1241. Any license issued to any person to classify or to weigh any product under this chapter may be suspended or revoked by the director whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product correctly. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Suspension or
revocation of
weighers'
licenses

SEC. 14. Section 1254 of said code is amended to read:

1254. The director may suspend or revoke any license issued under this chapter, for any violation of or failure to comply with any provisions of this chapter or of the rules; and

Suspension or
revocation of
warehouse-
man's license

regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the director, whenever he deems necessary, may suspend a license temporarily without hearing. Except as herein provided, the proceedings under this section shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Repeals

SEC. 15. Sections 1074, 1176 and 1177 of said code are repealed.

CHAPTER 901

An act to amend Sections 383.5, 700, 704, 765, 766, 783, 783.5, 851, 852, 1512, 1707, 1720.06, 1731, 1732, 1760.5, 1776, 1807.5, 1813, 1821, 11063, 12223, 12282, 12924, and 12975.5, and to repeal Sections 767, 1734, 1818, and 11064 of, and to add Section 1649.5 to the Insurance Code, relating to administrative procedure affecting the transaction of insurance business.

In effect
September
15 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 383.5 of the Insurance Code is amended to read:

Motor
vehicle
insurance

383.5. "Document," as used in this section, means a policy or a certificate evidencing insurance under a master policy. Such policy or certificate shall conform to Section 381 and shall segregate the premiums charged for each risk insured against. Such a certificate, in lieu of specifying the risks insured against, may designate them by name or by description.

"Owner" as used in this section means any person who is named as an insured in such contract of insurance or document, or in a loss payable clause therein, and, whether or not he is named therein, the vendee, pledgor, or chattel mortgagor of a motor vehicle where insurance contracts subject to this section are procured with respect to the motor vehicle by or on behalf of either party to the purchase, pledge, or mortgage.

Every contract of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles shall be embodied in a document.

The original or a true copy of such document shall be delivered to each owner. Where it is executed by an insurer, the insurer shall deliver the original or a true copy:

(a) To the agent or broker who negotiated the insurance, for delivery to each owner of the motor vehicle, or

(b) To each owner of the motor vehicle.

The agent or broker receiving such original or copy shall deliver one to each owner. Where coverage subject to this sec-

tion is evidenced by a document executed by an agent licensed under Article 1, Chapter 5, Part 2, of this division, and not by an insurer, the agent and not the insurer is responsible for delivery of the original or a true copy to each owner.

The licenses of any agent or broker found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Section 1731, or the certificate of authority of any insurer found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Section 704.

The purpose of this section is to prevent fraud or mistake in connection with the transaction of insurance covering motor vehicles and in furtherance of that purpose the commissioner may make reasonable rules and regulations therefor.

SEC. 2. Section 700 of the Insurance Code is amended to read:

700. A person shall not transact any class of insurance business in this State without first being admitted for such class. Such admission is secured by procuring a certificate of authority from the commissioner. Such certificate shall not be granted until the applicant conforms to the requirements of this code and of the laws of this State prerequisite to its issue. After such issue the holder shall continue to comply with the requirements as to its business set forth in this code and in the laws of this State. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the Commissioner shall have all the powers granted therein.

Issuance of
certificate of
authority

SEC. 3. Section 704 of said code is amended to read:

704. The commissioner may suspend the certificate of authority of an insurer for not exceeding one year whenever he finds, after proper hearing following notice, that such insurer engages in any of the following practices:

Suspension

(a) Conducting its business fraudulently.

(b) Not carrying out its contracts in good faith.

(c) Habitually and as a matter of ordinary practice and custom compelling claimants under policies to either accept less than the amount due under the terms of the policies or resort to litigation against such insurer to secure the payment of the amount due.

The order of suspension shall prescribe the period of such suspension.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 4. Section 765 of the Insurance Code is amended to read:

765. If an insurer knowingly violates any provisions of this article, or knowingly permits any officer, agent, or employee so to do, the commissioner, after a hearing in accordance with

Penalty

the procedure provided in Section 704, may suspend the insurer's certificate of authority to do the class of insurance in which the violation of this article occurred.

SEC. 5. Section 766 of said code is amended to read:

Penalty

766. If an insurance agent, broker, or solicitor knowingly and wilfully violates any of the provisions of this article, the commissioner, after a hearing in accordance with the procedure provided in Section 1781, may suspend or revoke the violator's license.

SEC. 6. Section 783 of said code is amended to read:

Penalty

783. Whenever any insurance agent, broker, or solicitor knowingly violates any provisions of Sections 780 or 781, the commissioner, after a hearing in accordance with the procedure provided in Section 1731, may suspend the license of any such person for not exceeding three years.

SEC. 7. Section 783.5 of said code is amended to read:

Penalty

783.5. If an insurer knowingly violates any provision of Sections 780 or 781, or knowingly permits any officer, agent, or employee so to do, the commissioner, after a hearing in accordance with the procedure provided in Section 704, may suspend the insurer's certificate of authority to do the class of insurance in respect to which the violation occurred.

SEC. 8. Section 851 of said code is amended to read:

Examination of applicant and issuance of certificate

851. The commissioner shall examine such application, and shall make such further investigation of the applicant and its affairs as he deems advisable. He shall issue the certificate if, from such examination, the commissioner is satisfied that:

(a) The business reputation of the applicant and, in the case of a firm or corporation, its officers or members, is good.

(b) The sale of the securities proposed to be sold by it would not be unfair, unjust or inequitable to the purchasers thereof.

(c) Neither it nor its officers or members have violated any of the provisions of this article.

(d) Neither it nor its officers or members have engaged or are about to engage in any fraudulent transaction.

Otherwise, he shall deny the application and notify the applicant of his decision.

Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 9. Section 852 of said code is amended to read:

Revocation, etc

852. The commissioner may at any time in accordance with the procedure provided in Section 1731 suspend or revoke any broker's or agent's certificate issued by him if he finds that the holder thereof is of bad business repute, or has violated any provision of this article, or has engaged, or is about to engage in any fraudulent transaction.

SEC. 10. Section 1512 of said code is amended to read:

Abrogation of certificate of authority

1512. In addition to the foregoing penalties and where not otherwise provided, the penalty for failure or refusal to comply with any or all of the provisions of this chapter upon the part

of the attorney, shall be the refusal, suspension or revocation of certificate of authority. Before such refusal, suspension or revocation, notice and hearing shall be given such attorney in accordance with the procedure provided in Section 704.

SEC. 11. Section 1649.5 is added to said code, to read:

1649.5. Where a hearing is held under Section 1649 the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. ^{Hearing}

SEC. 12. Section 1707 of said code is amended to read:

1707. A license shall not be refused by the commissioner without an opportunity to the applicant to be heard in support of his application. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. ^{Hearing upon denial of license}

SEC. 13. Section 1720.06 of said code is amended to read:

1720.06. A license shall not be refused by the commissioner on the basis of Section 1720.05, excepting subdivisions (g) and (h), without hearing on notice to the applicant held within 60 days after his application is filed in proper form. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. ^{Hearing}

SEC. 14. Section 1731 of said code is amended to read:

1731. The commissioner may suspend or revoke any license of an insurance agent, broker, or solicitor, life agent, surplus line broker or motor club agent if, after a hearing upon reasonable notice, he determines that any of the following facts exist in respect to any person authorized to act under such license: ^{Prohibited acts Penalties}

(a) Such person has violated any provision of law relating to conduct of business which could lawfully be done only under authority conferred by such license.

(b) Such person has knowingly or wilfully made a misstatement in an application to the commissioner for a license or in a document filed in support of such an application, or has obtained his license by concealment or knowing misrepresentation.

(c) The purpose of obtaining such license was to evade or prevent the enforcement of any provision of this code or other insurance laws.

(d) Such person has engaged in a fraudulent practice or conducts his business in a dishonest manner.

(e) Such person has shown that he was incompetent or untrustworthy in the conduct of his business or has by commission of a wrongful act or practice in the course of his business exposed the public or those dealing with him to the danger of loss.

(f) Such person has knowingly misrepresented the terms or effect of an insurance policy or contract while acting in the course of his business.

(g) Such person has failed to perform a duty expressly enjoined upon him by a provision of this code, or has committed an act expressly forbidden by such a provision.

(h) Such person has committed a public offense, shown by a final judgment of conviction, having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody, or payment of money or property. Upon any conviction of such offense, the commissioner may suspend the license of the person so convicted until the judgment is made final or other final judgment issues.

(i) Such person has aided or abetted any person in an act or omission which would constitute grounds for suspension, revocation, or refusal of license to the person aided or abetted.

(j) Such person has permitted any person in his employ to violate any provision of this code.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 15. Section 1732 of said code is amended to read:

Refusal of
license

1732. In addition to any other matters required to be shown to him in order to obtain a license to act as an insurance agent, broker, solicitor, or life agent, surplus line broker or motor club agent, the commissioner may refuse to grant any such license unless the applicant makes a showing satisfactory to him that none of the facts specified in Section 1731 exist in respect to the applicant or its members. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 16. Section 1760.5 of said code is amended to read:

Exemption.

1760.5. The provisions of this chapter limiting the insurance which may be placed with nonadmitted insurers and requiring any report thereof shall not apply to:

(a) Reinsurance of the liability of an admitted insurer.

(b) Insurance against perils of navigation, transit or transportation upon hulls, freights or disbursements, or other ship-owner interests; upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination and including war risks; and marine builder's risks, dry docks and marine railways, including insurance of ship repairer's liability, and protection and indemnity insurance, but excluding insurance covering bridges or tunnels

(c) Aircraft insurance

(d) Insurance on property or operations of railroads engaged in interstate commerce.

Special lines'
surplus line
broker

The insurance specified in the foregoing paragraphs (b), (c), and (d), may be placed with a nonadmitted insurer only by and through a special lines' surplus line broker. The

license of a special lines' surplus line broker shall be applied for and procured and shall be subject to the same fees for filing on issuance in the same manner as the license of a surplus line broker, except that in lieu of the bond required by subdivision (b) of Section 1765, there shall be delivered to the commissioner a bond in the form, amounts, and conditions specified in Section 1644 of this code and only one fee shall be collected from one person for both licenses. Such licensee in respect to such business shall be subject to all the provisions of this chapter except Sections 1761, 1763 and 1775.5.

The commissioner may, in respect to business written or placed under the provisions of this section, require such information and reports thereof as he considers necessary, convenient or advisable for tax or statistical purposes.

Each placing of insurance in violation of this chapter is a misdemeanor.

The commissioner may revoke, suspend or deny any license granted pursuant to this code in accordance with the procedure provided in Section 1731 or any certificate of authority granted pursuant to this code in accordance with the procedure provided in Section 704 whenever he finds that the licensee or holder of the certificate has committed a violation of this section.

Revocation
of license,
etc

The premium for insurance placed by or through a special lines' surplus line broker pursuant to this section shall not be subject to the tax imposed upon such broker based upon gross premiums paid for insurance placed under authority conferred by his license.

SEC. 17. Section 1776 of said code is amended to read:

1776. Any surplus line broker who wilfully fails or refuses to report to the commissioner any insurance on subject matter located within this State placed under his name with non-admitted insurers, or who, by wilful omission from the records required to be maintained by him for such purpose, attempts to evade the payment of taxes on any such insurance, is, in addition to being required to pay the tax, together with a penalty equal in amount to the tax, guilty of a misdemeanor.

Offenses

It is a misdemeanor for any surplus line broker or special lines' surplus line broker to accept or pay directly or indirectly any consideration or remuneration for or in connection with the placing of insurance which, if done by a person within this State, is governed by the provisions of this chapter, when such placing was not done by a person licensed therefor pursuant to this chapter.

It is a misdemeanor for any agent or broker to solicit, negotiate or effect any insurance governed by the provisions of this chapter in nonadmitted insurers, except by and through a surplus line broker or special lines' surplus line broker licensed pursuant to this chapter. Except in the case of insurance specified in paragraph (b) of Section 1760.5, it is a misdemeanor for any surplus line broker or special lines' surplus line broker to accept, place, pay, or permit the payment of

commission or other remuneration on insurance placed by him under authority of his license to any person other than one holding a license to act as an insurance agent, insurance broker, surplus line broker, or special lines' surplus line broker, except that such business may be accepted by such surplus line broker or special lines' surplus line broker directly from an assured or other person who would likewise be entitled to place the same directly with an admitted insurer without the solicitation, negotiation or effecting thereof by an insurance agent or broker.

Revocation
of license,
etc.

The commissioner may deny, suspend or revoke any license issued pursuant to this code if he finds after notice and hearing in accordance with the procedure provided in Section 1731 that the licensee has violated any provision of this section.

The permission granted in this chapter to place any insurance in a nonadmitted insurer shall not be deemed or construed to authorize any such insurer to do business in this State.

SEC. 18. Section 1807.5 of said code is amended to read:

Hearing

1807.5. The commissioner shall not suspend or revoke any license, issued under this article, without first granting a hearing, upon reasonable notice to the applicant, except that he may temporarily suspend any such license for a period not exceeding 15 days pending such hearing. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 19. Section 1813 of said code is amended to read:

Revocation
of license,
etc.

1813. The commissioner, after notice and hearing, in accordance with the procedure provided in Section 1731 may suspend, revoke, or deny any license or certificate of authority issued pursuant to any provision of this code whenever he finds that the holder thereof has violated any provisions of this chapter.

SEC. 20. Section 1821 of said code is amended to read:

Hearing

1821. A license shall not be refused by the commissioner without providing an opportunity to the applicant within 60 days to be heard and produce evidence in support of his application. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Scope of code

The provisions of Section 1730 to 1736, inclusive, are applicable to persons licensed under this chapter and the words "insurance agent" used in those sections include persons licensed under this chapter.

SEC. 21. Section 11063 of said code is amended to read:

Revocation
of certificate
of authority

11063. When the commissioner finds in accordance with the procedure provided in Section 704 that an admitted foreign society has exceeded its powers, has failed to comply with any provisions of this chapter, is conducting business fraudulently, or is not carrying out its contracts in good faith, he may revoke its certificate of authority.

SEC. 22. Section 12223 of said code is amended to read:

12223. The commissioner shall revoke or suspend the certificate of authority of a motor club whenever, after a hearing, he finds in accordance with the procedure provided in Section 704 that any of the following circumstances exist:

- (a) The club has violated any provision of this part.
- (b) It is insolvent.
- (c) Its assets are less than its liabilities.
- (d) It or its officers, refuse to submit to an examination.
- (e) It is transacting business fraudulently.

The commissioner shall give notice of such revocation or suspension to the public in such manner as he deems proper.

SEC. 23. Section 12282 of said code is amended to read:

12282. Such license may, upon notice and hearing, be suspended or revoked by the commissioner in accordance with the procedure provided in Section 1731 for misrepresentation, fraud or any other violation of this part.

SEC. 24. Section 12924 of said code is amended to read:

12924. (a) The commissioner may issue subpoenas for witnesses to attend and testify before him on any subject touching insurance business, or in aid of his duties. Such process may be served, obeyed, and enforced as provided in the Code of Civil Procedure for civil cases. A defaulting witness may be punished as provided in the Penal Code.

All the provisions of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure, relating to means of production of evidence out of court, shall be applicable to any hearing or investigation under this section. The provisions of this subdivision shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, such proceedings to be governed solely by the said chapter.

(b) A person shall not be excused from testifying or from producing any book, document, or other thing under his control upon any such hearing or investigation on the ground that his testimony, or the book, document, or other thing required of him, may tend to incriminate him, or may have a tendency to subject him to a punishment for a felony or misdemeanor; but no person shall be prosecuted or punished by any criminal action or proceeding for or on account of any act, transaction, matter or thing concerning which he is so compelled to testify under oath, except for perjury committed in such testimony.

SEC. 25. Section 12975.5 of said code is amended to read:

12975.5. The commissioner may in any investigation or hearing conducted by him take or cause to be taken the deposition of any witness residing within or without this State and may pay the expense thereof out of the Insurance Fund. He may pay out of the Insurance Fund to any witness subpoenaed by him the necessary and reasonable traveling expenses of any such witness, to the place of hearing or investigation and return and a per diem of two dollars (\$2) for each day that such witness is in attendance at or en route to and from such

place of hearing or investigation in obedience to such subpoena. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, such proceedings to be governed solely by the said chapter.

Repeals SEC. 26. Sections 767, 1734, 1818 and 11064 of said code are repealed.

CHAPTER 902

Stats 1917, p. 673, amended
Stats 1937, p. 2232, amended
Stats 1909, p. 969, amended
Stats 1927, p. 51, amended
Stats 1939, p. 2679 and 2886, amended

An act to amend Section 15 of, and to add Sections 7.5, 9.5, and 23.5 to, the Corporate Securities Act; to amend Section 8 of, and to add Section 3.5 to, an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937; to amend Sections 8, 13, and 22.5 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939; to amend Sections 8, 13, and 23 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939; to amend Sections 15.3 and 15.4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927; to amend Sections 7, 12 and 23 of the California Small Loan Act, Chapters 953 and 1045 of the Statutes of 1939; relating to administrative procedure of the Commissioner of Corporations.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

New section SECTION 1. Section 7.5 is added to the Corporate Securities Act, to read:

Hearing SEC. 7.5. Where a hearing is had under Section 7, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

New section SEC. 2. Section 9.5 is added to the Corporate Securities Act, to read:

Hearing SEC. 9.5. Where a hearing is had under Section 9, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 3. Section 15 of the Corporate Securities Act is amended to read: Stats 1943,
p 2954

Sec. 15. Every order, decision, license or other official act of the commissioner shall be subject to review in accordance with law. Review of
orders

Except for review of proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, a written petition praying that the order, decision, permit or evidence of other official act be issued, modified or set aside in whole or in part may be filed in the superior court of the State of California, within 60 days after the issue of such order, decision, permit or evidence of other official act of the commissioner or after completion of application to the commissioner and failure or refusal of the commissioner to act upon said application. Petition

SEC. 4. Section 23.5 is added to the Corporate Securities Act, to read: New section

Sec. 23.5. The provisions of Section 23 shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. Application
of section

SEC. 5. Section 3.5 is added to an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, to read: New section

Sec. 3.5. Where a hearing is held under Section 3 the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. Hearing

SEC. 6. Section 8 of an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, is amended to read: Stats 1937,
p 2232

Sec. 8. Every order, decision, license or other official act of the commissioner shall be subject to review in accordance with law. Review of
orders, etc

Stats 1939,
p 2667

SEC. 7. Section 8 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, is amended to read:

Require-
ments for
license

Sec. 8. Requirements for License. Upon the filing of such application and the payment of such fees and the approval of such bond, the commissioner shall investigate the facts and if he shall find (a) that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this act, he shall thereupon issue and deliver a license to the applicant to engage in business in accordance with the provisions of this act at the location specified in the application. The license shall remain in effect until it is surrendered, revoked or suspended. It shall expire at noon on the thirty-first day of December of any calendar year if, on or before the twentieth day of December of such year, the licensee fails to file an application to renew it and pay the annual license fee for the next succeeding calendar year.

Denial of
application

If the commissioner finds that any applicant does not possess the requirements specified in this section, he shall, upon reasonable opportunity to be heard, deny the application and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the one hundred dollars (\$100) investigation fee to cover the costs of investigating the application. The commissioner shall approve or deny every application for license hereunder within sixty (60) days from the filing thereof with the said fees and the said approved bond.

Procedure

Procedure. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Stats 1939,
p 2667

SEC. 8. Section 13 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, is amended to read:

Revocation
of license

Sec. 13. Revocation of License. The commissioner shall, upon reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that:

(a) The licensee has failed to pay the annual licensee fee or to maintain in effect the bond or bonds required under the provisions of this act or to comply with any demand, ruling, or requirement of the commissioner lawfully made pursuant to and within the authority of this act; or that

(b) The licensee has violated any provision of this act or any rule or regulation lawfully made by the commissioner under and within the authority of this act; or that

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

Suspension of License. The commissioner may upon three (3) days' notice and a hearing, suspend any license for a period not exceeding thirty (30) days, pending investigation. Suspension of license

Surrender of License. Any licensee may surrender any license by delivering to the commissioner written notice that he thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender. Surrender of license

No revocation or suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any borrower.

Procedure. Except in cases in which the time for setting the hearing is shortened as herein provided, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the commissioner shall have all the powers granted therein. Procedure

Sec. 9. Section 22.5 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, is amended to read: Stats 1939, p 2667

Sec. 22.5. Review. Every order, decision, license or other official act of the commissioner shall be subject to review in accordance with law. Review

Sec. 10. Section 8 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, is amended to read: Stats 1939, p 2874

Sec. 8. Requirements for License. Upon the filing of such application and the payment of such fees and the approval of such bond, the commissioner shall investigate the facts, and if he shall find (a) that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this act, he shall thereupon issue and deliver a license to the applicant to engage in business in accordance with the provisions of this act at the location specified in the application. The license shall remain in effect until it is surrendered, revoked or suspended. It shall expire at noon on the thirty-first day of December of any calendar year if, on or before the twentieth day of December of such year, the licensee fails to file an application to renew it and pay the annual license fee for the next succeeding calendar year. Requirements for license

If the commissioner finds that any applicant does not possess the requirements specified in this section, he shall, upon reasonable opportunity to be heard, deny the application and return to the applicant the bond and the sum paid by the applicant as a Denial of application

license fee, retaining the one hundred dollars (\$100) investigation fee to cover the costs of investigating the application. The commissioner shall approve or deny every application for license hereunder within 30 days from the filing thereof with the said fees and the said approved bond.

Procedure The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

*Stats 1936
p 2874*

SEC. 11. Section 13 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, is amended to read:

*Revocation
of license*

Sec. 13. Revocation of License. The commissioner shall, upon reasonable opportunity to be heard, revoke any license issued hereunder, if he shall find that:

(a) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under the provisions of this act or to comply with any demand, ruling, or requirement of the commissioner lawfully made pursuant to and within the authority of this act; or that

(b) The licensee has violated any provision of this act or any rule or regulation lawfully made by the commissioner under and within the authority of this act; or that

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

*Suspension
of license*

The commissioner may upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

*Surrender
of license*

Any licensee may surrender any license by delivering to the commissioner written notice that he thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

No revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

Every license issued hereunder shall remain in force and effect until the same shall have been surrendered, revoked, or suspended in accordance with the provisions of this act, unless application for renewal thereof for the succeeding calendar year is not filed with the commissioner on or before December twentieth of the year preceding said calendar year for which such license is sought to be in effect.

Procedure

Except in cases in which the time for setting the hearing is shortened as herein provided, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the commissioner shall have all the powers granted therein.

SEC. 12. Section 23 of the Personal Property Brokers Act, Stats 1939, p 2374 as revised by Chapter 1044 of the Statutes of 1939, is amended to read:

Sec. 23. Review. Every order, decision, license or other official act of the commissioner shall be subject to review in accordance with law. Review

SEC. 13. Section 15.3 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, is amended to read: Stats 1939, p 2713

Sec. 15.3. Upon the filing of such application it shall be the duty of the commissioner to examine the same together with the other papers and documents filed therewith, and he may make or have made such further investigation of the applicant and its affairs as he shall deem advisable. If, from such examination, the commissioner shall be satisfied that the proposed plan of business of the applicant is not unfair, unjust or inequitable, that applicant intends to fairly and honestly transact its business, and that the securities which it proposes to issue and the methods to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a certificate authorizing it to engage in and carry on business as a credit union. If the commissioner is not so satisfied, he shall deny the application and refuse such certificate and notify the applicant in writing of his decision. Where a hearing is held under this section, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. Action on application Grant or denial Hearing

SEC. 14. Section 15.4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, is amended to read: Stats 1939, p 2713

Sec. 15.4. The commissioner may, upon reasonable opportunity to be heard, suspend or revoke any certificate issued hereunder if he shall find that said credit union has violated any provisions of this act, or any rule or regulation of the commissioner promulgated hereunder. Each certificate shall remain in full force and effect until suspended or revoked by the Commissioner of Corporations as herein provided. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. Suspension or revocation of certificate

SEC. 15. Section 7 of the California Small Loan Act, Chapter 1045 of the Statutes of 1939, is amended to read: Stats 1939, p 2886

Sec. 7. Requirements for License. Upon the filing of such application and the payment of such fees and the approval of such bond, the commissioner shall investigate the facts and if he shall find (a) that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, Requirements for license

and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this act, he shall thereupon issue and deliver a license to the applicant to engage in business in accordance with the provisions of this act at the location specified in the said application, which license shall remain in full force and effect until it is surrendered, revoked or suspended. It shall expire at noon on the thirty-first day of December of any calendar year if, on or before the twentieth day of December of such year, the licensee fails to file an application to renew it and pay the annual license fee for the next succeeding calendar year.

Denial of application

If the commissioner finds that any applicant does not possess the requirements specified in this section, he shall, upon reasonable opportunity to be heard, deny the application and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the one hundred dollars (\$100) investigation fee to cover the costs of investigating the application. The commissioner shall approve or deny every application for license hereunder within 60 days from the filing thereof with the said fees and the said approved bond.

Procedure

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Stats 1939,
p 2886

SEC. 16. Section 12 of the California Small Loan Act, Chapter 1045 of the Statutes of 1939, is amended to read:

Revocation
or suspension
of license

Sec. 12. Revocation or Suspension of License. The commissioner shall, upon reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that:

(a) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under the provisions of this act or to comply with any demand, ruling, or requirement of the commissioner lawfully made pursuant to and within the authority of this act; or that

(b) The licensee has violated any provision of this act or any rule or regulation lawfully made by the commissioner under and within the authority of this act; or that

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

Suspension
of license

The commissioner may, upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

Surrender
of license

Any licensee may surrender any license by delivering to the commissioner written notice that he thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

No revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

Every license issued hereunder shall remain in force and effect until the same shall have been surrendered, revoked, or suspended in accordance with the provisions of this act, or unless application for renewal thereof for the succeeding calendar year is not filed with the commissioner on or before December 20th of the year preceding said calendar year for which such license is sought to be in effect.

Except in cases in which the time for setting the hearing is shortened as herein provided, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the commissioner shall have all the powers granted therein. Procedure

Sec. 17. Section 23 of the California Small Loan Act, Chapter 1045 of the Statutes of 1939, is amended to read: Stats 1939,
p 2886

Sec. 23. Review of Decision. Every order, decision, license or other official act of the commissioner shall be subject to judicial review as provided by law. Review of
decision

SEC. 18. Section 7 of the California Small Loan Act, Chapter 953 of the Statutes of 1939, is amended to read: Stats 1939,
p 2679

Sec. 7. Requirements for License. Upon the filing of such application and the payment of such fees and the approval of such bond, the commissioner shall investigate the facts and if he shall find (a) that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this act, he shall thereupon issue and deliver a license to the applicant to engage in business in accordance with the provisions of this act at the location specified in the said application, which license shall remain in full force and effect until it is surrendered, revoked or suspended. It shall expire at noon on the thirty-first day of December of any calendar year if, on or before the twentieth day of December of such year, the licensee fails to file an application to renew it and pay the annual license fee for the next succeeding calendar year. Require-
ments for
license

If the commissioner finds that any applicant does not possess the requirements specified in this section, he shall, upon reasonable opportunity to be heard, deny the application and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the one hundred dollars (\$100) investigation fee to cover the costs of investigating the application. The commissioner shall approve or deny every application for license hereunder within sixty (60) days from the filing thereof with the said fees and the said approved bond. Denial of
application

Procedure

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Stats 1939,
p 2679

SEC. 19. Section 12 of the California Small Loan Act, Chapter 953 of the Statutes of 1939, is amended to read:

Revoked 101
or suspended
of license

Sec. 12. Revocation of License. The commissioner shall, upon reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that:

(a) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under the provisions of this act or to comply with any demand, ruling, or requirement of the commissioner lawfully made pursuant to and within the authority of this act; or that

(b) The licensee has violated any provision of this act or any rule or regulation lawfully made by the commissioner under and within the authority of this act; or that

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the commissioner in refusing originally to issue such license.

Suspension
of license

Suspension of License. The commissioner may upon three (3) days' notice and a hearing, suspend any license for a period not exceeding thirty (30) days, pending investigation.

Surrender
of license

Surrender of License. Any licensee may surrender any license by delivering to the commissioner written notice that he thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

Procedure

No revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

Except in cases in which the time for setting the hearing is shortened as herein provided, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the commissioner shall have all the powers granted therein.

Stats. 1939,
p 2679

SEC. 20. Section 23 of the California Small Loan Act, Chapter 953 of the Statutes of 1939, is amended to read:

Review of
decision

Sec. 23. Review of Decision. Every order, decision, license or other official act of the commissioner shall be subject to review as provided by law.

CHAPTER 903

An act to add Section 88.6 to the Agricultural Code, relating to the exercise of the power of eminent domain by district agricultural associations.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 88.6 is hereby added to the Agricultural Code, to read:

88.6. When the board of directors of a district agricultural association shall, by resolution, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition of any buildings or improvements situated on property owned by said association, in trust or otherwise, or of any outstanding rights to such property, such association may, with the approval of the Department of Finance, acquire such buildings, improvements or outstanding rights by condemnation.

Acquisition
of buildings
on associa-
tion property

The use by such association of its property shall be considered a more necessary public use than the use thereof by any grantee, lessee or licensee for the purposes specified in Section 86 of this chapter.

CHAPTER 904

An act to add Sections 4000.2, 4000.3, 4000.4, and 4000.5 to the Public Resources Code, relating to prevention and suppression of fires.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4000.2 is added to the Public Resources Code, to read:

4000.2. The State Board of Forestry shall classify the lands of the State, without regard to any classification of lands made by or for any Federal agency or purpose, for the purpose of determining areas thereof in which the financial responsibility of preventing and suppressing fires shall be primarily the responsibility of the State. The prevention and suppression of fires in all areas not so classified is primarily the responsibility of local or Federal agencies, as the case may be.

Areas of
state re-
sponsibility

SEC. 2. Section 4000.3 is added to said code to read:

4000.3. The board shall include within the areas in which the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State the following lands:

Lands
included

(a) Lands covered wholly or in part by forests or by trees producing or capable of producing forest products.

(b) Lands covered wholly or in part by timber, brush, undergrowth, or grass, whether of commercial value or not, which protect the soil from excessive erosion, retard runoff of water or accelerate water percolation, where such areas are sources of water which is available for irrigation or for domestic or industrial use.

(c) Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to the lands described in subsections (a) and (b) hereof.

SEC. 3. Section 4000.4 is added to said code, to read:

Lands
excluded

4000.4. The board shall exclude from such areas all the following lands:

(a) Lands owned or controlled by the Federal Government or any agency thereof.

(b) Lands within the exterior boundaries of incorporated cities.

(c) Such other lands within the State as do not come within the classes described in Section 4000.3.

SEC. 4. Section 4000.5 is added to said code, to read:

Establish-
ment of
boundaries

4000.5. In establishing boundaries of the areas described in Section 4000.3 the board may for the purposes of administrative convenience designate roads, pipelines, streams, or other recognizable landmarks as arbitrary boundaries.

Clarke-
McNary Act
not a
criterion

43 Fed
Stats.,
p. 653

SEC. 5. The primary responsibility of the State of preventing and suppressing forest fires is not confined or limited to Clarke-McNary lands and the classification of lands for the purposes of the Clarke-McNary Act is no criterion whatsoever for the classification of lands for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State.

CHAPTER 905

An act to add Section 4056a to the Political Code, relating to county ordinances and providing for codification thereof.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4056a is added to the Political Code, to read:

Codification
of county
ordinances

4056a. Any or all ordinances of any county, or city and county, which have been enacted and published in accordance with the provisions of the charter thereof or the general laws of the State, and which have not been repealed, may be compiled, consolidated, revised, indexed, including such restatement and substantive change as may be necessary in the interest of clarity and arranged as a comprehensive ordinance code and such code adopted by reference by the passage of an ordinance

for such purpose, which ordinance shall be required to be adopted and approved in the manner provided by charter or general law governing the passage of ordinances for such county, or city and county. The ordinance code itself need not be published in the manner required for other ordinances but not less than three copies of such code shall be filed, for use and examination by the public, in the office of the clerk of such county, or city and county, as the case may be, prior to the adoption thereof. After the code has been adopted all ordinances pertaining to the subjects therein, thereafter adopted shall be amendatory or revisory of the code, and no section of the code shall be revised or amended by reference, but the section revised or amended shall be readopted and published at length as revised or amended

CHAPTER 906

An act to amend Section 202 of the Welfare and Institutions Code, relating to the care, maintenance and attendance of the indigent sick and dependent poor.

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 202 of the Welfare and Institutions Code is hereby amended to read:

202. (a) The board shall not let the care, maintenance or attendance of such indigent sick or dependent poor by contract to any person. However, in cases of unusual difficulty or which require treatment or the use of facilities not immediately available in the county hospital the board may secure by agreement, for the indigent sick, hospital service within or without the county at cost from any public hospital, clinic, rest home, or sanitarium, or at an agreed rate from any private hospital, clinic, rest home, or sanitarium in the State. Such agreements shall be made only with those hospitals, clinics, rest homes, or sanitariums which are qualified to render and are actually rendering services to the sick, economically and efficiently, and the books of which reflect accurately in monthly statements the per diem cost of hospital service.

Contracts
for care of
indigent
sick, etc

(b) The county may also contract with public or private hospitals or clinics for emergency hospital service to persons admissible to the county hospital, and for continued hospital service to indigent patients at the expense of the county after the emergency has ceased to exist, if the per diem cost, inclusive of all services of whatsoever nature, does not exceed the cost of the same type of service in a hospital operated by the county pursuant to Section 203 of this code. The county shall pay to the public or private hospital or clinic the cost of the emergency service provided during the first 24 hours to all patients who are unable to pay for the service provided to them.

(c) As used in this section, "hospital service" includes medical, surgical, radiological, laboratory, nursing and such other care and service as may be necessary for the treatment of the sick or injured.

(d) The county may also contract with licensed boarding homes for 24-hour care for dependent children under the age of 21 years, when suitable facilities are not otherwise available in any institution or establishment maintained and operated by the county.

CHAPTER 907

An act to add Article 9 to Division 6, Part 1, Chapter 1, of the Welfare and Institutions Code, authorizing the creation in certain counties of the office of public guardian to act as guardian of persons or property or both and relating to such public guardian.

In effect
September
15, 1945

[Approved by Governor July 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Article 9, comprising Sections 5175-5189, inclusive, is added to Division 6, Part 1, Chapter 1, of the Welfare and Institutions Code, to read as follows:

Article 9. Public Guardian

Office of public guardian, etc 5175. In any county having a population of one million (1,000,000) or over the board of supervisors may by ordinance create the office of public guardian and such subordinate positions as may be necessary and fix compensation therefor. Such board of supervisors may appoint a public guardian to fill such office and provide for the appointment to the subordinate positions.

Public administrator 5176. Such board of supervisors may provide by ordinance that the public administrator shall be ex officio public guardian.

Termination of office 5177. The board of supervisors may by ordinance terminate the office of public guardian.

Designation of other appointee 5178. Whenever the public administrator has been designated ex officio public guardian the board of supervisors may by ordinance terminate such designation and appoint another public guardian and all authority shall vest in the successor.

Designation of public administrator 5179. Whenever the board of supervisors has not designated the public administrator as ex officio public guardian but has appointed another to the office of public guardian it may terminate such appointment and by ordinance may designate that the public administrator shall be ex officio public guardian and all authority shall vest in the successor.

Authority 5180. The authority of the public guardian or ex officio public guardian shall cease upon the termination of his office as such public guardian or ex officio public guardian and his authority shall vest in his successor.

5181. In proper cases any such public guardian may apply to a court of competent jurisdiction for appointment as guardian of the person and estate or person or estate of any person in the county who is a patient under the provisions hereof or who is a recipient of aid under any of the provisions of this code where it appears that such person requires a guardian and where it appears that such person's estate does not exceed five thousand dollars (\$5,000) in probable value.

Guardian
of persons
and estates,
etc

5182. The public guardian shall file an official bond in such amount as may be fixed, from time to time, by the board of supervisors, which bond shall inure to the joint benefit of the several guardianship estates and the county, and such public guardian shall not be required to file bonds in individual guardianship estates.

Official bond

5183. All funds coming into the custody of the public guardian shall be deposited in the county treasury and disbursed therefrom by proper warrant.

Deposit of
funds

5184. If necessary the public guardian in his discretion may employ private attorneys where the cost thereof can be defrayed out of guardianship estate funds.

Employment
of attorneys

5185. Where the market value of the real and personal property of the guardianship estate appears to be less than twenty-five dollars (\$25) it shall not be necessary to have such property appraised and no appraisal shall be required in any guardianship estate handled by the public guardian where the estate consists of money only or money and other property of a market value of twenty-five dollars (\$25) or less.

Appraisal
of estates

5186. No guardianship fees shall be charged or received from any estate by the public guardian, the district attorney or the county counsel.

Fees of
public guardian,
etc

5187. No fees shall be charged or received by the county clerk for the filing of any such guardianship petition nor for any official service performed by him in the course of the guardianship proceedings.

Court fees

5188. Necessary expenses of the public guardian in the conduct of any guardianship estate may be advanced by the county and if so ordered by the board of supervisors such expenses shall be a county charge, but the county shall be reimbursed therefor out of any funds or property of the estate by the public guardian.

Expenses

5189. Insofar as the provisions of this Article 9 may be in conflict with the provisions of Section 5077 of this code, the latter section is hereby repealed.

Effect

CHAPTER 908

An act to amend and renumber the article heading of Article 1 of, and to add Sections 3261 and a new article, comprising Sections 3200 to 3203, inclusive, to, Chapter 2 of Part 1 of Division 4 of, and to amend Sections 154 and 3253 of, the Welfare and Institutions Code, relating to State institutions for the blind, and transferring from the Department of Institutions to the Department of Education all powers, duties, jurisdiction, purposes, functions, funds, property, and records of the Department of Institutions in respect to the Industrial Home for the Adult Blind and the salesrooms and industrial workshops for the blind.

In effect September 15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

Article heading

SECTION 1. The article heading of Article 1 of Chapter 2 of Part 1 of Division 4 of the Welfare and Institutions Code is renumbered and amended to read:

Article 1.5. Training Center for Adult Blind

SEC. 2. Article 1, comprising Sections 3200 to 3203, inclusive, is added to Chapter 2 of Part 1 of Division 4 of the Welfare and Institutions Code, to read:

Article 1. Administration

Industrial Home for Adult Blind transferred to Department of Education

3200. The Department of Education shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Department of Institutions in respect to the Industrial Home for the Adult Blind and all salesrooms and industrial workshops for the instruction of the blind and other physically handicapped persons now or hereafter established. Wherever in this chapter or in any other provision of law heretofore or hereafter enacted relating to the Industrial Home for the Adult Blind or to any salesroom, industrial workshop for the blind, or blind shop, the term "Department of Institutions" is used, it shall be construed to refer to and mean the Department of Education.

Possession of records

3201. The Department of Education shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land, and other property, real or personal, now or hereafter held by or for the benefit of the Department of Institutions for or in behalf of the Industrial Home for the Adult Blind and each salesroom, industrial workshop for the blind, and blind shop.

Powers of Director of Education

3202. The Director of Education shall exercise the powers conferred and perform the duties imposed upon the department by this chapter.

3203. The institution heretofore known as the Industrial Home for the Adult Blind shall hereafter be known and designated as the Training Center for Adult Blind. Wherever, in this chapter or in any other provision of law heretofore or hereafter enacted, reference is made to the Industrial Home for the Adult Blind, it shall be construed to refer to and mean the Training Center for Adult Blind

Training
Center for
Adult Blind

SEC. 3. Section 154 of said code is amended to read:

154. The department has jurisdiction over the following institutions:

Jurisdiction
of Depart-
ment of
Mental
Hygiene

- Agnews State Hospital.
- Camarillo State Hospital.
- Mendocino State Hospital.
- Napa State Hospital.
- Norwalk State Hospital.
- Pacific Colony.
- Patton State Hospital.
- Sonoma State Home.
- Stockton State Hospital.
- The Langley Porter Clinic.

SEC. 4. Section 3261 is hereby added to the Welfare and Institutions Code, to read as follows:

3261. Persons who are residents of the Industrial Home for the Adult Blind on the effective date of this section, and who are aged or enfeebled and can no longer work in some trade or trades in the Industrial Home for the Adult Blind, shall not be discharged from said home due to their aged or enfeebled condition and inability to work at a trade or trades in the home.

Aged and
enfeebled
residents
of home

SEC. 5. Section 3253 of the Welfare and Institutions Code is hereby amended to read as follows:

3253. The Department of Education may:

Powers of
Department
of Education

(a) Make rules for the government and direction of the home, and prescribe conditions for the admission of applicants thereto, and the admission pursuant to such conditions, having regard to an equitable representation from each county of the State.

(b) Designate the trades which shall be regularly taught in the institution.

(c) Purchase, from time to time, such materials as are suitable to the requirements of the manufacturing and other departments of the home, audit the bills therefor, and forward them to the State Controller.

(d) Fix the market price of all wares manufactured in the home, and of all wares manufactured elsewhere by nonresident beneficiaries, and provide for and regulate the sale of all such manufactured wares.

(e) Fix the compensation of common laborers and of all other employees in the home, whose wages are not established in this chapter.

(f) Grade and fix the price of skilled and unskilled labor and the amount of work required in the various departments to constitute a day's labor; it may permit the inmates to work at piecework.

(g) Authorize work to be let out to blind people, in such manner that blind people who require such work may receive it at their residences. The department shall pay liberal prices for such piecework, so that the compensation therefor may approximate the compensation of resident laborers. In no case, however, shall the department incur any indebtedness for labor contracts with the beneficiaries, resident or otherwise, when there is not sufficient money on hand to pay such indebtedness.

(h) Take, receive, manage, and invest all moneys or property bequeathed or donated to the home, in accordance with the wishes of the testator or donor; or if no conditions are attached to the bequests or donations, then the department may invest such moneys or proceeds of property for the best interests of the home. If any donation or bequest is trammelled with any religious conditions of a sectarian character, or conditioned in any manner antagonistic to the provisions of this chapter, or in conflict with any necessary rule or regulation of the home, the department may refuse to accept such donation or bequest. Donations or bequests may be received by the State Treasurer, or by the department; but no donation or bequest accompanied by any condition shall be received until it has been ordered approved and received by the department, and notice thereof given to the State Controller. Any bequest or donation received or collected by the department shall be immediately paid over to the State Treasurer, and at the same time the department shall forward to the State Controller a verified statement thereof. All moneys received by the State Treasurer shall be placed to the credit of the "Fund of the Industrial Home of Adult Blind." The investment of funds by the department shall be made in the same manner as the approval of claims, and shall be subject likewise to the action of the State Board of Control.

(i) Appoint field officers or teachers to teach handicrafts to the adult blind of the State who are not inmates of the home and give them such other instruction as may ameliorate their condition. The department may prescribe the duties and fix the compensation of such field officers and teachers, who shall be under the direction and supervision of the superintendent of the home.

(j) Discharge from the home any inmate thereof, whenever in the discretion of the department such discharge is in furtherance of the primary object of the home, which is to give instruction in a trade or trades to the greatest possible number of the blind of the State to enable them to become self-supporting and to effect an equitable geographical distribution of the benefits of the home.

CHAPTER 909

An act to add Section 206.5 to the Welfare and Institutions Code, relating to county ambulance service.

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 206.5 is added to the Welfare and Institutions Code, to read:

206.5. The board of supervisors in each county or city and county, having a population of one million or more, may purchase ambulances, establish and maintain an ambulance service, and prescribe rules for the government and management thereof. In any county where such a service has been established, any person who has been injured in an accident or is ill and in need of immediate transportation to a hospital may be taken to any available hospital. If he is indigent and unable to pay for the service, the cost shall be a proper charge against the county. If he is not indigent, he shall reimburse the county for the cost of transportation, which shall be in accordance with a schedule to be adopted by the board, and in no case less than the actual cost.

Ambulance
service

CHAPTER 910

An act to add Section 3066 to the Civil Code, relating to liens for services and storage.

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3066 is added to the Civil Code, to read:

3066. (a) Any garment, clothing, wearing apparel or household goods remaining in the possession of a person, firm, partnership or corporation, on which cleaning, pressing, glazing or washing has been done or upon which alterations or repairs have been made, or on which materials or supplies have been used or furnished, for a period of 90 days or more after the completion of such work may be sold to pay the reasonable or agreed charges and the costs of notifying the owner or owners. Provided, however, that the person, firm, partnership, or corporation to whom such charges are payable and owing shall first notify the owner or owners of the time and place of such sale. Provided further, that property that is to be placed in storage after any of the services or labors mentioned herein, shall not be affected by the provisions of this section.

Liens for
service and
storage

(b) All garments, clothing, wearing apparel or household goods placed in storage, or on which any of the services or labors mentioned in the preceding section of this act have been performed and then placed in storage by agreement and remaining

Liens for
property

in the possession of a person, firm, partnership or corporation without the reasonable or agreed charges having been paid for a period of 12 months, may be sold to pay said charges. Provided that the person, firm, partnership or corporation to whom the charges are payable, shall first notify the owner or owners thereof of the time and place of sale. Provided, however, that the persons, firms, partnerships, or corporations operating as warehouses or warehousemen shall not be affected by this section.

Notice

(c) The posting or mailing of a registered letter, with a return address marked thereon, addressed to the owner or owners, at their address given at the time of delivery of the article or articles to a person, firm, partnership or corporation to render any of the services or labors set out in this act, stating the time and place of sale, shall constitute notice. Said notice shall be posted or mailed at least 30 days before the date of sale. The cost of posting or mailing said letter shall be added to the charges.

Disposition
of proceeds

(d) The person, firm, partnership or corporation to whom the charges are payable shall, from the proceeds of the sale, deduct the charges due plus the costs of notifying the owner and shall hold the overplus, if any, subject to the order of the owner and shall immediately thereafter mail to the owner thereof at his address, if known, a notice of the sale, the amount of the overplus, if any, due him, and at any time within 12 months, upon demand by the owner, pay to the owner said sums or overplus in his hands

Posting
required

(e) All persons, firms, partnerships or corporations taking advantage of this act must keep posted in a prominent place in their receiving office or offices at all times two notices which shall read as follows:

“All articles cleaned, pressed, glazed, laundered, washed, altered or repaired and not called for in 90 days shall be sold to pay charges.” “All articles stored by agreement and charges not having been paid for 12 months will be sold to pay charges.”

CHAPTER 911

An act to add Article 1.5, comprising Section 20041, to Chapter 1 of Division 10 of the Education Code, relating to withdrawal of money from the State treasury by The Regents of the University of California.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5, comprising Section 20041, is added to Chapter 1 of Division 10 of the Education Code, to read:

Article 1.5. Withdrawal from State Treasury

20041. Any sum of money specifically appropriated to, or for the use of, or expenditure by, The Regents of the University

Withdrawal
of funds by
University of
California

of California, other than money appropriated by a State budget act for the general support of the University of California, may be withdrawn at any time in its entirety from the State treasury, at the direction of The Regents of the University of California, upon a warrant payable to the treasurer of The Regents of the University of California.

CHAPTER 912

An act to amend Section 959 of the Fish and Game Code, relating to dip nets.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 959 of the Fish and Game Code is amended to read:

959. Dip nets may be used to take fish, other than game fish, Dip nets subject to the following restrictions:

(a) In Districts 1, 1½, 2, 3, and 4, dip nets may not be baited, and may not measure more than six feet in greatest breadth.

(b) In District 19, dip nets six feet or less in greatest breadth may be used. In said district such dip nets may not be used within 750 feet of any pier, wharf, jetty or breakwater, except to take anchovies, squids, and sardines for bait, and to take smelt.

(c) In District 20, dip nets more than six feet in greatest breadth may not be used or possessed.

CHAPTER 913

An act to repeal Section 950 of the Fish and Game Code, relating to halibut nets.

[Approved by Governor June 15, 1945 Filed with Secretary of State June 15, 1945] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 950 of the Fish and Game Code is Repeal repealed.

CHAPTER 914

An act to amend Section 900 of the Fish and Game Code, relating to trammel nets.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 900 of the Fish and Game Code is amended to read:

"Trammel
net"

900. "Trammel net" includes nets constructed of more than one wall of webbing.

CHAPTER 915

An act to amend Section 920 and to repeal Section 926 of the Fish and Game Code, relating to round haul nets.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 920 of the Fish and Game Code is amended to read:

"Round haul
nets"

920. As used in this article, "round haul nets" are circle seines and include purse seines, ring or half ring and lampara nets.

Repeal

SEC. 2. Section 926 of said code is repealed.

CHAPTER 916

An act to amend Sections 1584 and 1591 of the Insurance Code, relating to insurance.

In effect
September
15, 1945

[Approved by Governor June 13, 1945. Filed with Secretary of State June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1584 of the Insurance Code is amended to read:

Amount of
deposit by
alien insurer

1584. The amount of such deposit shall be equal to the minimum amount of the paid-in capital required of incorporated insurers issuing policies on a reserve basis and doing the same classes of insurance for which such alien insurer is admitted, but the commissioner may accept such deposit in excess of such amount. Such deposit may be treated as a part of the assets of the depositing insurer. For the purpose of computing the amount of the deposit, the value of the securities shall not

be estimated in excess of the par value nor of the market value thereof.

SEC. 2. Section 1591 of said code is amended to read:

1591. In addition to complying with all other applicable requirements of this code, every admitted alien insurer shall on or before the first day of March in each year after the year 1941, file with the commissioner a statement on a form prescribed by him, showing as of the thirty-first day of December then next preceding, the following information:

(a) All of its assets within the United States on deposit with officers of any State thereof for the benefit and security of all the policyholders, or of all the policyholders and creditors, of such alien insurer within the United States. Such assets so deposited are designated "general State deposits."

(b) All of its assets within the United States, other than general State deposits, on deposit with officers of any State thereof for the benefit and security of all the policyholders, or policyholders and creditors, of such alien insurer within the State of deposit or of certain classes of policyholders, or policyholders and creditors, either within the State of deposit or within the United States. Such assets so deposited are designated "special State deposits." The value to be allowed in such statement for any special State deposit shall not exceed the liability secured thereby.

(c) All of its assets within the United States, other than general State deposits and special State deposits, held by any trustee for the benefit and security of all the policyholders, or of all the policyholders and creditors, of such alien insurer within the United States. Such assets so held are designated "trusteed assets."

(d) The amount of interest receivable, accrued at the date of such statement on the general State deposits, the special State deposits, and the trusteed assets of such alien insurer, if such interest is collectible by the State or trustee.

(e) All of the reserves and other liabilities arising out of policies or obligations issued, assumed or incurred by such alien insurer in the United States. Said reserves and other liabilities are designated as "liabilities in the United States."

For the purpose of determining the liabilities in the United States of such alien insurer there may be deducted:

(1) From the amount of such liabilities for unpaid losses, the amount, included therein, of reinsurance recoverable from insurers authorized to do business in any State in which such alien insurer is authorized to do business.

(2) From the amount of such liabilities for unearned premiums, first, the unearned portion, included in such amount, of premiums receivable by such alien insurer from its agents or policyholders under policies issued by it in the United States and not more than 90 days past due on the date of such statement, and second, the unearned portion, included in such amount, of reinsurance premiums receivable by such alien

insurer from other insurers authorized to do business in any State in which such alien insurer is authorized to do business.

(3) Those liabilities in the United States, pertaining to any asset in the United States of such alien insurer, other than the assets described in subdivisions (a), (b), (c) and (d), but such deduction shall in no case exceed that portion of the value of such asset which is applicable to the liability pertaining thereto.

(4) If such alien insurer is a life insurer, the amount of the unpaid principal and interest of any loan made by it to the holder of, and solely on the security of, any policy of life insurance or annuity contract issued or assumed by it, on the life of or to any person in the United States. Such amount shall in no case exceed the amount of the reserve required to be maintained on such policy or annuity contract by such insurer. Such amount is designated as "policy loans in the United States."

(5) Such further information required by the commissioner, as he deems necessary to apply the provisions of this article.

CHAPTER 917

An act to amend Sections 1649, 1652, 1678, 1679, 1691, 1691.3, 1706, 1708, 1709, 1720.1, 1808, 1810.5, 1810.7 and 1811 of the Insurance Code, to repeal Section 1708.6 of the Insurance Code, to add Sections 1678.5, 1679.1, 1690.4, 1708.7, 1709.1, 1807.7 and 1831.95 to the Insurance Code and to add to Chapter 5, Part 2, Division 1 of said code a new article to be numbered 3.5 comprising Section 1740; all relating to insurance.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1649 of the Insurance Code is amended to read:

1649. The commissioner shall investigate the qualifications of the applicants. Except as otherwise prescribed in this article he may issue the license applied for to an applicant on a showing satisfactory to him that the following facts exist:

(a) The applicant is properly qualified to perform the duties of an insurance agent, broker, or solicitor.

(b) Granting the license will not be against public interest.

(c) The applicant intends actively and in good faith to carry on the business of insurance agent, broker, or solicitor.

(d) In the case of a corporate applicant, the articles of incorporation permit it to act as an insurance agent or broker.

(e) In the case of an association or copartnership applying for such a license, its articles of association or agreement of partnership do not forbid it from so acting.

Conditions
of licensing

(f) The license is not being secured for the purpose of writing of insurance as to which the right to take commission is limited by Section 760, at a cost less than specified in such contracts.

(g) In the case of a person who has not held a license to act as an insurance agent, broker, or solicitor, covering any part of the annual period terminating on the July 1st preceding the time to be covered by the license applied for, and in the case of a person to whom the provisions of subdivision (d) of Section 1679 are applicable, the applicant has within six months preceding the date of issue of the license, taken and passed the qualifying examination for the license applied for.

(h) The applicant is of good business reputation.

SEC. 2. Section 1652 of said code is amended to read :

1652. The insurance solicitor's license shall be issued to, and shall remain in the possession of, the employing agent or broker until canceled, or until the licensee withdraws from the employ. Immediately upon the withdrawal the employer shall return the solicitor's license to the commissioner for cancellation. If unable to return the license, the employer shall furnish evidence of loss or destruction satisfactory to the commissioner, who shall thereupon cancel the license and shall enter the cancellation in his records. After such cancellation and upon notifying the commissioner in writing of change of office, or change of employer, the solicitor is entitled to the issuance of a new license for the unexpired period provided that if a filing fee has already been paid with respect to a portion of a license period another fee with respect to that same portion shall not be required.

SEC. 3. Section 1678 of said code is amended to read :

1678. The commissioner shall require in advance the following fees:

(a) For filing the application for each license of an individual insurance broker, ten dollars (\$10).

(b) For filing the application for each license of an individual agent or solicitor, four dollars (\$4).

(c) For giving to any person the qualifying examination for a license under this article, five dollars (\$5).

(d) For filing the application for a license of a nonresident broker, one hundred dollars (\$100).

(e) For filing the application for each license of a copartnership, association, or domestic corporation as an insurance broker, ten dollars (\$10) for each person named therein to exercise the brokership powers.

(f) For filing the application for each license of a copartnership, association, or domestic corporation as an insurance agent, four dollars (\$4) for each person named therein to exercise the agency powers.

(g) For filing the first amendment to an application or for filing the first amended application, one dollar (\$1).

(h) For filing the application for an endorsement adding to the persons named in a license as entitled to exercise agency powers, four dollars (\$4) for each name so added.

(i) For filing the application for an endorsement removing from any license the name of any person theretofore designated as entitled to exercise agency or brokership powers, one dollar (\$1).

(j) For filing the application for an endorsement adding to the persons named in a license as entitled to exercise brokership powers, ten dollars (\$10) for each name so added.

(k) For filing the application for a certificate of convenience, the same fee as for filing the application for a license to act in the same capacity.

(l) For filing the application for each license of a foreign corporation as an insurance agent, fifty dollars (\$50) plus four dollars (\$4) for each person named therein to exercise the agency powers.

(m) For filing the application for each license of a foreign corporation as an insurance broker, fifty dollars (\$50) plus ten dollars (\$10) for each person named therein to exercise the brokership powers.

(n) For filing each annual notice of intention to keep a license in force, a fee in the same amount as that hereinabove specified for filing the application for that license.

SEC. 4. Section 1678.5 is added to said code, to read:

License
Periods

1678.5. Commencing with July 1, 1946, all licenses issued under this article shall be for license periods the length of which shall be fixed by the commissioner, said length never to exceed four years. Such licenses may be issued for all of the said periods, or upon application made during any period for the balance thereof. If any such license period is fixed at a term in excess of one year, licenses may be kept in force from year to year until expiration by the filing, in the form prescribed and provided by the commissioner, of annual notices of intention to keep licenses in force pursuant to Section 1679 and by the payment of the fees referred to therein.

SEC. 5. Section 1679 of said code is amended to read:

Notice of
intention to
renew, etc

1679. (a) Annual notices of intention to keep licenses in force or applications for renewal of licenses, as the case may be, may be filed on or before May 1st of each year upon payment of the fee for filing specified in Section 1678.

(b) Such notices or applications may be filed between May 1st and July 1st upon payment of a fee twice that specified in Section 1678 for such filing.

(c) The commissioner shall mail notice for forfeiture of license rights not later than June 20th, to:

(1) The licensee.

(2) The employing agent or broker, if any.

(3) The appointing insurers, if any.

Failure to mail such notice shall not continue the right to a license.

(d) Upon failure to file such notice or application as provided in either (a) or (b) hereof, the license shall expire on July 1st, but the holder may make an application for a new license and shall take and pass the qualifying examination.

(e) No notice or application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the proper fee for its filing has been paid at, the office of the commissioner during office hours, or unless both such document and fee have been filed and remitted pursuant to Section 1034 of the Political Code.

SEC. 6. Section 1679.1 is added to said code, to read:

1679.1. If any person be unlicensed under this article on April 1st, the commissioner shall not issue any permanent license to such person between April 1st and July 1st of any year unless that person shall have also filed a notice of intention to keep the license in force or an application for renewal of the license, as the case may be, for that period directly following such July 1st to which such notice of intention or application for renewal relates and shall have paid the fee for filing specified in Section 1678. As to the filing of such notice of intention to keep the license in force or renewal application, as the case may be, the provisions of Section 1679 shall not be applicable.

SEC. 7. Section 1690.4 is added to said code, to read:

1690.4. Subject to the provisions of Section 1690.3, all restricted licenses shall be kept in force and shall be renewed in the same manner and at the same time and subject to the same conditions as are applicable to the appropriate form of unrestricted license.

SEC. 8. Section 1691 of said code is amended to read:

1691. Limited licenses as travel insurance agents may be issued to employees of railroad, steamship, airline, and other organizations engaged in transporting persons as common carriers and to individuals or employees of persons engaged in selling transportation on such common carriers.

Travel insurance agents are restricted to the sale of insurance to persons entitled by ticket or otherwise to transportation on a common carrier, as follows:

(a) Transportation ticket policies in the form prescribed by Chapter 4, Part 2, Division 2, of this code.

(b) Baggage insurance on the personal effects of such persons while in transit or while in any hotel or other building en route during any journey.

Before receiving a limited license as travel insurance agent, an employee-applicant shall file with the commissioner a document executed by his employer authorizing the employee to act as travel insurance agent when licensed.

Upon termination of the employment, the employer shall notify the commissioner and the licensee shall return the license to the commissioner for cancellation or shall furnish proof of loss satisfactory to the commissioner. Upon receiving notice of termination of employment, the commissioner shall cancel the license.

Fees

The provisions of Section 1678.5 shall be applicable to licenses under this section, except that all reference therein to fees shall be deemed to be to the fees specified in this section.

Application for license or renewal

Original application for such a license shall be made by the licensee. Application for renewal of the license and the filing of annual notices of intention to keep it in force shall be made by the insurer for whom the agent is appointed to act. Renewal applications or notices of intention to keep licenses in force, as the case may be, may be filed.

(a) On or before May 1st of each year upon payment of the fee for filing specified herein.

(b) Between May 1st and July 1st upon payment of a fee double that specified herein.

Failure to renew

Upon failure to file such application or notice as provided in (a) or (b) hereof, the license shall expire on July 1st, but the holder thereof may make an application for a new license. If such application be filed within one year from such July 1st, the filing fee shall be twice that specified herein. The fee for filing application for a license to act as a limited travel agent or renewal thereof, or for filing notice of intention to keep such license in force, as the case may be, shall be one dollar (\$1) as respects each such license.

Conditions of licensing

SEC. 9. Section 1706 of said code is amended to read:

1706. A license shall not be issued until the commissioner has satisfied himself upon evidence presented and recorded as to the integrity of the applicant and that said applicant is qualified in the following respects to hold a license;

(a) That the applicant is of good business reputation;

(b) That the applicant has had experience or instruction in life insurance, or will be given the necessary instructions within 30 days after the issuance of the license, to the end that the interests of the insuring public and of the insurers may be reasonably served;

(c) That the applicant intends to engage in business as a life agent to do an insurance business with the general public and is not actuated principally in applying for a license by the prospect of insuring the life or health of himself or that of relatives or employers, or of a single person;

(d) That the applicant has never been refused a license or had a license revoked by any public insurance authority for reasons that should preclude the granting of the license applied for;

(e) That the applicant intends to carry on in good faith the business of life agent;

(f) That the applicant does not seek the appointment for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this State;

(g) That the granting of the license applied for will not be in violation of such laws either in letter or in spirit;

(h) That the applicant has, within six months preceding the date of issue of the license, taken and passed the qualification examination for the license applied for. The requirements of

this subsection shall not apply to an applicant who holds a license as a life agent of a life insurer, nor to an applicant who has held a license to act as a life agent for any part of the annual period terminating on the January 1st preceding the time to be covered by the license applied for and to whom the provisions of subdivision (f) of Section 1709 are not applicable.

SEC. 10. Section 1708 of the Insurance Code is amended to read:

1708. In lieu of proceeding under Sections 1704 and 1705, a person who is licensed as a life agent for one or more life insurers may be appointed to transact life insurance for one or more additional life insurers by the filing with the commissioner of a certificate of appointment by a life insurer desiring to authorize him to transact life insurance on its behalf. Certificate of appointment

The certificate of appointment shall bear written evidence of acceptance of the appointment by the agent. Unless the license of the life agent is suspended by the commissioner, the appointment shall remain in effect until the end of the license period in which it is filed, until canceled by the insurer, or until the license of the agent is revoked, whichever event first occurs. License period as used herein shall mean the period covered by the payment of a single filing fee.

Upon the filing of a certificate of appointment pursuant to this section, or an application and statement pursuant to Sections 1704 and 1705, the commissioner shall, subject to the provisions of this article, issue to the person appointed a license to act as life agent.

SEC. 11. Section 1708.6 of said code is repealed. Repeal

SEC. 12. Section 1708.7 is added to said code, to read:

1708.7. Commencing with January 1, 1946, all licenses issued under this article shall be for license periods the length of which shall be fixed by the Insurance Commissioner, said length never to exceed four years. Such licenses may be issued for all of the said periods, or upon application made during any period for the balance thereof. If any such license period is fixed at a term in excess of one year, licenses may be kept in force from year to year until expiration by the filing, in the form prescribed and provided by the commissioner, of annual notices of intention to keep licenses in force pursuant to Section 1709 and by the payment of the fees referred to therein. License period

SEC. 13. Section 1709 of said code is amended to read:

1709. (a) Annual notices of intention to keep licenses in force or applications for renewal of licenses, as the case may be, may be filed on or before November 1st upon payment of the fee for filing an application prescribed in Section 1713 or Section 1713.6. Notice of intention to renew, etc

(b) Such notices or applications may be filed between November 1st and January 1st upon payment of a fee twice that set forth in Section 1713 or Section 1713.6 for filing an application.

(c) The commissioner shall mail notice of forfeiture of license rights not later than December 20th, to :

- (1) The licensee.
- (2) The appointing insurer.

Failure to mail such notice shall not continue the right to a license.

(d) The licensee must file a separate notice or application with respect to each insurer for whom he is licensed. The insurer shall join in such notice or application. The provisions of subdivisions (a) and (b) are applicable respectively to the filing of each such notice or application.

Failure to file notice

(e) Upon failure to file such notice or application for any insurer as provided in either (a) or (b) hereof, the license to act for such insurer shall expire on January 1st.

(f) Upon the failure to file such notice or application as provided in either (a) or (b) hereof for at least one insurer, all license rights of the licensee shall expire on January 1st, and to reacquire a license under this article the licensee must make application for a new license and take and pass the qualifying examination.

(g) No notice or application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the proper fee for its filing has been paid at, the office of the commissioner during office hours, or unless both such document and fee have been filed and remitted pursuant to Section 1034 of the Political Code.

SEC. 14. Section 1709.1 is added to said code, to read :

Period during which licenses not issued

1709.1. If any person be unlicensed under this article on October 1st, the commissioner shall not issue any permanent license to such person between October 1st of any year and the following January 1st unless that person shall have also filed a notice of intention to keep the license in force or an application for renewal of the license, as the case may be, for that period directly following such January 1st to which such notice of intention or application for renewal relates and shall have paid the fee for filing specified in Section 1713. As to the filing of such notice of intention to keep the license in force or renewal application, as the case may be, the provisions of Section 1709 shall not be applicable.

SEC. 15. Article 3.5 comprising Section 1740 is added to said code, to read :

Article 3.5. License Property Right

Surrender of license document

1740. The commissioner shall at all times retain full property rights in any document evidencing any license subject to Chapters 5, 7 and 8 of this part. He may require the surrender of the said document :

- (a) During any period of its suspension.
- (b) Upon its revocation for cause.
- (c) Upon its cancellation for failure to meet any statutory prerequisites to its maintenance in force.

(d) Upon the death of any natural person holding the license or named to transact thereon.

(e) Upon the dissolution of any corporate holder thereof, or the dissolution or alteration of any partnership holding such license.

(f) Upon the failure of the licensee to file the annual notice of intention to keep his license in force, specified in Sections 1679, 1709 and 1808.

(g) For the purpose of making such corrections on its face as are required to make the said license accurately reflect any changing conditions.

(h) For any other proper reason.

SEC. 16. Section 1807.7 is added to said code, to read :

1807.7. Commencing with July 1, 1946, all licenses issued under this article shall be for license periods the length of which shall be fixed by the commissioner, said length never to exceed four years. Such licenses may be issued for all of the said periods, or upon application made during any period for the balance thereof. If any such license period is fixed at a term in excess of one year, licenses may be kept in force from year to year until expiration by the filing, in the form prescribed and provided by the commissioner, of annual notices of intention to keep licenses in force pursuant to Section 1808 and by the payment of the fees referred to therein.

SEC. 17. Section 1808 of said code is amended to read :

1808. (a) Annual notices of intention to keep licenses in force or applications for renewal of licenses, as the case may be, may be filed on or before May 1st of each year upon payment of the fees for filing specified in Section 1811.

(b) Such notices or applications may be filed between May 1st and July 1st upon payment of a fee twice that specified in Section 1811 for such filing.

(c) The commissioner shall mail notice for forfeiture of license rights not later than June 20th, to :

- (1) The licensee.
- (2) The employing bail agent or permittee, if any.
- (3) The appointing insurers, if any.

Failure to mail such notice shall not continue the right to a license.

(d) Upon failure to file such notice or application as provided in either (a) or (b) hereof, the license shall expire on July 1st, but the holder may make an application for a new license and shall take and pass the qualifying examination.

(e) No notice or application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the proper fee for its filing has been paid at, the office of the commissioner during office hours, or unless both such document and fee have been filed and remitted pursuant to Section 1034 of the Political Code.

SEC. 18. Section 1810.5 of said code is amended to read:

Examination
of applicant

1810.5. The commissioner shall not issue a bail license to any person unless and until the applicant takes and passes an examination given by the commissioner as provided in this chapter. This prohibition shall not apply with respect to persons who were licensed under this chapter during any part of the annual period terminating on the July 1st preceding the time to be covered by the license applied for and to whom the provisions of subdivision (d) of Section 1808 are not applicable.

SEC. 19. Section 1810.7 of said code is amended to read:

Temporary
license

1810.7. The commissioner may issue to an applicant who has never theretofore held any bail license, a temporary license. Such temporary license shall be issued without examination pending a fulfillment of the examination requirements, and shall continue effective for the balance of the license period for which issued if the applicant takes and passes the examination pursuant to notification by the commissioner while the temporary license is in force. Failure by the holder of a temporary license to take the examination pursuant to notification by the commissioner of the time and place of the examination shall terminate all rights or privileges conferred by the temporary license at the close of the date of said examination. Upon failure of the applicant to pass the examination when taken, the commissioner shall cancel the temporary license. In the event that the temporary license is issued within six months of the expiration of the license period, an additional temporary license may be granted for the next license period effective for such time after the commencement of such subsequent license period as the commissioner determines, but in no event exceeding six months from and after the date of issue of the first temporary license. License period as used herein shall mean the period covered by the payment of a single filing fee.

SEC. 20. Section 1811 of said code is amended to read:

Fees

1811. For his services in connection with the filing of any application or request for any license under this chapter, the commissioner shall charge and collect the following fees:

(a) For filing an application or request for bail agent's license or bail solicitor's license, ten dollars (\$10).

(b) For filing an application or request for bail permittee's license, fifty dollars (\$50).

(c) For filing an application for examination, five dollars (\$5).

(d) For filing each annual notice of intention to keep a license in force, a fee in the same amount as that hereinabove specified for filing the application for that license.

SEC. 21. Section 1831.95 is added to said code, to read:

"License
period"

1831.95. License period as used in this chapter shall mean the license period covered by the payment of a single filing fee.

SEC. 22. Section 1720.1 of the Insurance Code is amended to read:

Application
of article

1720.1. The provisions of Article 2 of this chapter concerning the license period and the procedure and time for

filing applications for renewal of licenses and for filing annual notices of intention to keep licenses in force are applicable to licenses authorized by this chapter except that participation in such applications or notices by an admitted insurer is not required. The fee for filing an application for the issuance or renewal of a license to act as a life insurance analyst or an annual notice of intention to keep such a license in force is ten dollars (\$10). As respects life insurance analysts all references in Section 1709 to fees shall be deemed to be to the fee herein specified. The fee for giving the qualifying examination for life insurance analyst is twenty-five dollars (\$25).

SEC. 23. Section 1691.3 of said code is amended to read:

1691.3. The commissioner may make reasonable rules and regulations necessary for the convenient administration of the provisions of this code respecting the licensing and renewal of licenses of travel insurance agents.

CHAPTER 918

An act to amend Sections 1691, 10310, 10333, 10334, 10335, and 10343 of the Insurance Code, and to add to Chapter 4, Part 2, Division 2 of the Insurance Code a new article to be numbered 2.5 and to be comprised of a new section numbered 10295, all relating to insurance.

[Approved by Governor June 15, 1945 Filed with Secretary of State In effect
June 15, 1945] September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1691 of the Insurance Code is amended to read:

1691. Limited licenses as travel insurance agents may be issued to employees of railroad, steamship, airline, and other organizations engaged in transporting persons as common carriers and to individuals or employees of persons engaged in selling transportation on such common carriers.

Travel insurance agents are restricted to the sale of insurance to persons entitled by ticket or otherwise to transportation on a common carrier, as follows:

(a) Transportation ticket policies in the form prescribed by Chapter 4, Part 2, Division 2, of this code

(b) Baggage insurance on the personal effects of such persons while in transit or while in any hotel or other building en route during any journey.

Before receiving a limited license as travel insurance agent, an employee-applicant shall file with the commissioner a document executed by his employer authorizing the employee to act as travel insurance agent when licensed.

Upon termination of the employment, the employer shall notify the commissioner and the licensee shall return the license to the commissioner for cancellation or shall furnish proof of loss satisfactory to the commissioner. Upon receiving notice

of termination of employment, the commissioner shall cancel the license.

The provisions of Section 1678.5 shall be applicable to licenses under this section, except that all reference therein to fees shall be deemed to be to the fees specified in this section.

Application
for license
or renewal

Original application for such a license shall be made by the licensee. Application for renewal of the license and the filing of annual notices of intention to keep it in force shall be made by the insurer for whom the agent is appointed to act. Renewal applications or notices of intention to keep licenses in force, as the case may be, may be filed.

(a) On or before May 1st of each year upon payment of the fee for filing specified herein.

(b) Between May 1st and July 1st upon payment of a fee double that specified herein.

Failure to
renew

Upon failure to file such application or notice as provided in (a) or (b) hereof, the license shall expire on July 1st, but the holder thereof may make an application for a new license. If such application be filed within one year from such July 1st, the filing fee shall be twice that specified herein. The fee for filing application for a license to act as a limited travel agent or renewal thereof, or for filing notice of intention to keep such license in force, as the case may be, shall be one dollar (\$1) as respects each such license.

SEC. 2. Section 10310 of said code is amended to read:

Requisites
for issuance,
etc., of
policy

10310. Such disability policy shall not be issued or delivered to any person in this State:

(a) Unless the entire consideration therefor is expressed in the policy.

(b) Unless the times at which the insurance takes effect and terminates are stated in a portion of the policy above the evidence of its execution by the insurer.

(c) If the policy purports to insure more than one person.

(d) Unless every printed portion and any endorsements or attached papers are plainly printed in type of which the face is not smaller than 10 point.

(e) Except in the case of transportation ticket policies, unless a brief description of the policy is printed on its first page and on a filing back in type with the face not smaller than 14 point.

(f) Unless the exceptions of the policy are printed with the same prominence as the benefits to which they apply.

(g) Unless, if any portion of such policy purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity to an amount less than that provided for the same loss occurring under ordinary circumstances, such portion is printed in bold-face type and with greater prominence than any other portion of the text of the policy.

SEC. 3. Section 10333 of said code is amended to read:

10333. Except in the case of transportation ticket policies, there shall be a standard provision relative to changes in the contract, which shall be in the following form: Representations of applicant or agent

2. No statement made by the applicant for insurance not included herein shall avoid the policy or be used in any legal proceeding hereunder. No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon.

SEC. 4. Section 10334 of said code is amended to read:

10334. Except in the case of transportation ticket policies, there shall be a standard provision relative to reinstatement of policy after lapse, which shall be in any of the three following forms: Form (A) shall be used in policies which insure only against loss from accident; form (B) shall be used in policies which insure only against loss from sickness; and form (C) shall be used in policies which insure against loss from both accident and sickness. Reinstatement after lapse

(A) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy, but only to cover loss resulting from accidental injury thereafter sustained.

(B) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover such sickness as may begin more than 10 days after the date of such acceptance.

(C) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover accidental injury thereafter sustained and such sickness as may begin more than 10 days after the date of such acceptance.

SEC. 5. Section 10339 of said code is amended to read:

10339. Except in the case of transportation ticket policies, there shall be a standard provision, relative to examination of the person of the insured and relative to autopsy, which shall be in the following form: Examination or autopsy

8. The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim hereunder, and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law.

SEC. 6. Section 10343 of said code is amended to read:

10343. Except in the case of transportation ticket policies, there shall be a standard provision providing for cancellation of the policy at the instance of the insured, which shall be in the following form: Cancellation by insured

12. If the insured shall at any time change his occupation to one classified by the insurer as less hazardous than that stated

in the policy, the insurer, upon written request of the insured, and surrender of the policy, will cancel the same and will return to the insured the unearned premium.

Sec. 7. Article 2 5 is added to Chapter 4, Part 2, Division 2 of said code, to read:

Article 2 5. Transportation Ticket Policies

"Transportation ticket policy"

10295. A transportation ticket policy is any ticket policy of disability insurance sold at transportation stations, depots, or ticket offices by the employees of railroads, steamship lines, air lines and other organizations engaged in transporting persons as common carriers, or by individuals or employees of persons engaged in selling transportation on such common carriers, having as its dominant feature the protection of the insured from a transportation hazard.

CHAPTER 919

An act to add Section 10331.5 to the Insurance Code and to amend Sections 10332, 10335, 10338, 10340, 10341, 10342 and 10344 of the Insurance Code, all relating to standard provisions for disability insurance policies.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 10331.5 is added to the Insurance Code, to read:

"Schedule type policies"

10331.5. As used in this article, "schedule type policies" means policies which by their terms afford insurance only with respect to such and so many of the various types of coverage described in the forms thereof as for which separate premium charges are made and specified in a schedule on the first page thereof.

SEC. 2. Section 10332 of said code is amended to read:

Contract

10332. There shall be a standard provision relative to the contract which shall be in one of the following three forms. Form (A) shall be used in policies which do not provide for reduction of indemnity on account of change of occupation, and form (B) shall be used in policies which do so provide. Form (C) shall be used in all policies providing for reduction of indemnity on account of change of occupation only as respects part of the accident coverage or part of the health coverage thereunder. If form (B) or form (C) is used and the policy provides indemnity against loss from sickness, the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured." If form (C) is used and the policy provides indemnity against loss from sickness the words "or sickness" may be

inserted therein immediately after the words "where the injuries."

(A) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance. No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation.

(B) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits so fixed by the insurer for such more hazardous occupation.

If the law of the State in which the insured resides at the time this policy is issued requires that prior to its issue a statement of the premium rates and classification of risks pertaining to it shall be filed with the State official having supervision of insurance in such State, then the premium rates and classification of risks mentioned in this policy shall mean only such as have been last filed by the insurer in accordance with such law, but if such filing is not required by such law, then they shall mean the insurer's premium rates and classification of risks last made effective by it in such State prior to the occurrence of the loss for which the insurer is liable.

(C) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits so fixed by the insurer for such more hazardous occupation. No such mentioned modification or reduction shall be effective with respect to indemnities which by the terms of the policy, including any riders attached thereto, are not subject to modification or reduction where the injuries do not arise out of or in the course of the insured's occupation or employment.

If the law of the State in which the insured resides at the time this policy is issued requires that prior to its issue a statement of the premium rates and classification of risks pertaining

to it shall be filed with the State official having supervision of insurance in such State then the premium rates and classification of risks mentioned in this policy shall mean only such as have been last filed by the insurer in accordance with such law, but if such filing is not required by such law then they shall mean the insurer's premium rates and classification of risks last made effective by it in such State prior to the occurrence of the loss for which the insurer is liable.

SEC. 3. Section 10335 of said code is amended to read:

Notice of
claim

10335. There shall be a standard provision relative to time of notice of claim, which shall be in any of the three following forms: Form (A) shall be used in policies which insure only against loss from accident; form (B) shall be used in policies which insure only against loss from sickness, and form (C) shall be used in policies which insure against loss from both accident and sickness and in all schedule type policies. If form (A) or form (C) is used the insurer may at its option add thereto the following: "In event of accidental death immediate notice thereof must be given to the insurer." The words in parentheses may be used only in schedule type policies.

(A) 4. Written notice of injury on which claim may be based must be given to the insurer within 20 days after the date of the accident causing such injury.

(B) 4. Written notice of sickness on which claim may be based must be given to the insurer within 10 days after the commencement of the disability from such sickness.

(C) 4. Written notice of injury or of sickness (if covered by this policy) on which claim may be based must be given to the insurer within 20 days after the date of the accident causing such injury or within 10 days after the commencement of disability from such sickness.

SEC. 4. Section 10338 of said code is amended to read:

Proof of loss

10338. There shall be a standard provision relative to filing proof of loss which shall be in the one of the following forms appropriate to the indemnities provided. The words in parentheses may be used only in schedule type policies.

(A) 7. Affirmative proof of loss must be furnished to the insurer at its said office within 90 days after the date of the loss for which claim is made.

(B) 7. Affirmative proof of loss must be furnished to the insurer at its said office within 90 days after the termination of the period of disability for which the company is liable.

(C) 7. Affirmative proof of loss must be furnished to the insurer at its said office in case of claim for loss of time from disability (if covered by this policy) within 90 days after the termination of the period for which the insurer is liable, and in case of claim for any other loss, within 90 days after the date of such loss.

SEC. 5. Section 10340 of said code is amended to read:

Time of
payments

10340. There shall be a standard provision relative to the time within which payments other than those for loss of time on account of disability shall be made. Such provision shall

be in either of the following two forms and may be omitted from any policy providing only indemnity for loss of time on account of disability. The insurer shall insert in the blank space either the word "immediately" or appropriate language to designate such period of time, not more than 60 days as it desires. Form (A) shall be used in policies which do not provide indemnity for loss of time on account of disability; and form (B) in policies which do so provide and in all schedule type policies.

(A) 9. All indemnities provided in this policy will be paid ----- after receipt of due proof.

(B) 9. All indemnities provided in this policy for loss other than that of time on account of disability will be paid ----- after receipt of due proof.

SEC. 6. Section 10341 of said code is amended to read :

10341. There shall be a standard provision relative to periodical payments of indemnity for loss of time on account of disability. Such provision shall be in the following form and may be omitted from any policy not providing for such indemnity. The insurer shall insert, in the first blank space of the form, appropriate language to designate the proportion of accrued indemnity it desires to pay, which may be all or any part not less than one-half. In the second blank space the insurer shall insert any period of time not exceeding 60 days. The words in parentheses may be used only in schedule type policies.

10. Upon request of the insured and subject to due proof of loss ----- accrued indemnity for loss of time on account of disability (if covered by this policy) will be paid at the expiration of each ----- during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof.

SEC. 7. Section 10342 of said code is amended to read :

10342. There shall be a standard provision relative to indemnity payments which shall be in either of the two following forms. Form (A) shall be used in policies which designate a beneficiary and in all schedule type policies, and form (B) in policies which do not designate any beneficiary other than the insured :

(A) 11. Indemnity for loss of life of the insured is payable to the beneficiary if surviving the insured, and otherwise to the estate of the insured. All other indemnities of this policy are payable to the insured.

(B) 11. All the indemnities of this policy are payable to the insured.

SEC. 8. Section 10344 of said code is amended to read :

10344. There shall be a standard provision relative to the rights of the beneficiary under the policy. Such provision shall be in the following form and may be omitted from any policy not designating a beneficiary. The words in parentheses may be used only in schedule type policies.

13. Consent of the beneficiary (if designated in this policy) shall not be requisite to surrender or assignment of this policy, or to change of beneficiary, or to any other changes in the policy.

CHAPTER 920

An act to amend Section 10380 of the Insurance Code, relating to disability insurance.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 10380 of the Insurance Code is amended to read:

False
statements

10380. Except as provided in Section 10113, the falsity of any statement in the application for any policy covered by this chapter shall not bar the right to recovery under the policy unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer.

CHAPTER 921

An act to repeal Sections 1560 and 1561 of the Insurance Code, relating to conditions of doing business applicable to foreign insurers.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Sections 1560 and 1561 of the Insurance Code are repealed.

CHAPTER 922

An act to amend Sections 5015 and 5157 of the Public Resources Code, relating to ocean beaches and to beach and cliff erosion.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5015 of the Public Resources Code is amended to read:

Supervision
of ocean
beach de-
velopment,
etc.

5015. The State Park Commission is the agency of the State designated to supervise and charged with, the acquisition, development, maintenance and protection of ocean beaches for

public recreational purposes and control and correction of beach and cliff erosion, and when the State shall provide for the expenditure of any money for the development and protection of public beaches owned by counties or municipalities, the State Park Commission is the agency of the State designated to supervise such expenditure.

In the performance of its powers and duties under this section the State Park Commission may cooperate with the United States, the Beach Erosion Board of the United States or with any other Federal agency or with any county or municipality, or with the State Lands Commission, or with any other State office, or with any or all such agencies and upon such terms and conditions and in such manner as will be for the best interests of the State. Insofar as matching funds required by this section are to be supplied by the United States or any agency thereof, such funds need not be deposited in the State treasury or otherwise made available for expenditure by the State but may be retained by the Federal agency for expenditure by it in carrying out the purpose of the appropriation as may be provided for by agreement therewith.

Cooperation
with other
agencies

No acquisition, development or protection of any beaches for public use or control and correction of beach or cliff erosion shall be accomplished in any county which has not adopted a master plan of beaches for that county, which plan shall provide for the acquisition, development, and control of ocean beaches in such county and which plan has been submitted to and approved by the State Park Commission nor shall any portion of an appropriation made by this State be expended for acquisition, development, improvement or protection of any ocean beaches or bays and inlets thereof for recreation purposes only, owned by a county or municipality or control and correction of beach or cliff erosion on beaches or cliffs owned by any person, corporation or other ownership or by a county or municipality unless moneys equal to or in excess of the amount to be expended from the appropriation for that purpose shall have been made available (by any person, corporation, political subdivision, public district or public subdivision other than the State, or by the Federal Government or its agencies) for expenditure by the State for that purpose, to the end that any sums expended for such acquisition, development, improvement or protection and control shall be matched by like or greater amounts from sources other than the State. Within the discretion of the State Park Commission, in lieu of any matching contribution in the form of money for the acquisition of any ocean beach within any city or any county, or city and county such city or county or city and county may contribute any ocean beach within its limits heretofore or hereafter acquired by it, subject to the approval of the State Park Commission, upon such terms as are mutually agreeable.

Master plan

Use of ap-
propriations

It is not intended that the provisions of this act shall prevent or restrict any county, city, county and city or political subdivision from appropriating and spending its own funds to

Local ex-
penditures

acquire, develop or protect any beach or cliff erosion within its jurisdiction even though said county has not yet adopted a master plan of beaches for that county, provided, that this shall not relieve any such county, city, county and city or political subdivision from compliance with Section 6301.

SEC. 2. Section 5157 of said code is amended to read:

Acquisition
of lands in
other
counties

5157. Any county may purchase or lease, or obtain by gift, lands located in the county or in other counties and may hold, improve, and maintain such lands for public parks, public beaches, public recreation areas or public boulevards.

Before land situated in another county may be so acquired and held, improved, and maintained, the consent by resolution of the board of supervisors of that county shall be obtained. Land acquired in conformity with the requirements of this section is subject to the jurisdiction, laws and ordinances of the acquiring county.

Structures
on tide or
submerged
lands

SEC. 3. All applications made to the State Lands Commission for erection of any structure on ocean tidelands or submerged lands or for depositing or removal therefrom of any material under Sections 6303 or 6321 or other section hereof shall be submitted by the commission to the Division of Beaches and Parks to make an examination and report thereon whenever the commission determines that the action proposed in such application might interfere with the recreational use of lands littoral to tidelands or submerged lands involved in such application. Should it be found that the action proposed in any application would unreasonably interfere with the maintenance or use thereof for recreational purposes, such application shall not be granted unless modified in a manner which may avoid such interference.

CHAPTER 923

An act to amend Section 40 of the Fish and Game Code, relating to county game wardens.

In effect
September
15, 1945

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 40 of the Fish and Game Code is amended to read:

Duties of
county fish
and game
warden

40. The county fish and game warden shall enforce the State laws relating to the protection of fish and game. He shall have the powers of a peace officer to make arrests for the violation of such laws. He shall report quarterly to the board of supervisors, giving a detailed statement of all arrests made, convictions had and fines collected, and a general statement in regard to the management of his office. A copy of such detailed statement shall, at the same time, be filed with the Fish and Game Commission.

CHAPTER 924

An act to amend Section 911 of the Insurance Code, relating to insurance.

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 911 of the Insurance Code is amended to read:

911. Sixth—Such statement shall also show the amount of premiums on insurance on subject matter in this State. Statement of
premiums

CHAPTER 925

An act to amend Sections 653.1, 653.3, 653.6, 653.7 and 653.9 of the Civil Code, all relating to cooperative corporations.

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 653.1 of the Civil Code is amended to read:

653.1. A cooperative corporation within the meaning of this title shall be deemed to be a corporation composed of ultimate producers and/or consumers in which each holder of shares and/or memberships having voting rights has one vote and no more, organized for the purpose of conducting any lawful business primarily for the mutual benefit of its shareholders and/or members who may be natural or legal persons, and the earnings, savings or benefits of which are used for the general welfare of the shareholders, members, or patrons or are distributed, whether in the form of cash, stock, or evidences of indebtedness or in goods or services proportionately and equitably among the persons for which it does business upon the basis of the amount of their transactions and/or participation in production; provided, however, that any such corporation may pay out of its net surplus earnings, savings or benefits, not to exceed 5 per centum, interest upon its capital stock. For the purpose of this act, any central organization composed wholly or in part of such corporations also shall be deemed a cooperative corporation. "Cooperative
corporation"

Central
organization

SEC. 2. Section 653.3 of the Civil Code is amended to read:

653.3. Five or more persons may form a cooperative corporation for any lawful purpose by filing articles of incorporation which shall contain: Articles of
incorporation

1. The name of the proposed corporation;
2. The purpose or purposes for which it is formed;

3. The total number of shares which the corporation shall have authority to issue and the aggregate par value, if any, of all shares, and (a) the par value of each share, or (b) a statement that all such shares are to be without par value, and/or the number and kind of memberships and the cost thereof, and any limitation on the number of shares or memberships permitted to be owned or held or voted by any one shareholder and/or member at any one time, and the amount of capital with which the association will begin business;

4. If the corporation is to be authorized to issue more than one class of shares, the total number of shares which the corporation shall have authority to issue and the aggregate par value of all shares that are to have a par value, and (a) the number of shares of each class that are to have a par value, and the par value of each share of each such class, and/or (b) the number of shares of each class that are to be without par value and the statement of the preferences, privileges, and restrictions granted to or imposed upon the respective classes of shares and/or upon the holders thereof. Except as to matters and things so stated, no distinction shall exist between said classes of shares or the holders thereof; provided, however, that in lieu of a statement of the dividend rate, the conversion rights, voting rights, the redemption price or the liquidation preferences of any class, the articles may authorize the board of directors within the limits and restrictions stated therein, to fix the dividend rate, the conversion rights, voting rights, the redemption price, or the liquidation preferences of any wholly unissued class of shares, or all or any of them;

5. The county in this State where the principal office for the transaction of the business of the corporation is to be located;

6. The number of its directors, not less than five nor more than 25;

7. The names and post-office addresses of the directors, who shall serve until the first annual meeting;

8. The names and post-office addresses of the subscribers for shares or memberships and a statement of the number of memberships or shares of stock which each agrees to take in the corporation.

SEC. 3. Section 653.6 of the Civil Code is amended to read:

By-laws

653.6. Before proceeding to do business the shareholders and/or members shall adopt by-laws not inconsistent with the provisions of this title. Such by-laws may provide for the management of the property, the regulation of the affairs, transfer of the shares of stock and/or memberships, the purchase of shares of stock and/or memberships as authorized, calling of meetings of shareholders and/or members, election of directors, the number of shareholders and/or members necessary to constitute a quorum, the method of returning and distributing net savings or earnings, and such other rules and regulations as may be by the directors deemed necessary for the proper management of the business of the corporation. The presence in

person of 10 per cent of the holders of shares and/or memberships having voting rights, at any meeting, shall constitute a quorum for the transaction of business, unless the by-laws provide a greater number.

SEC. 4. Section 653.7 of the Civil Code is amended to read:

653.7. Every such corporation shall be managed by a board of directors. The directors shall be elected by the shareholders and/or members at such time and for such terms not exceeding three years as the by-laws may prescribe, and shall hold office until their successors are elected, and enter upon the discharge of their duties. The officers of every such corporation shall be a president, one or more vice presidents, who must be directors, and a secretary and a treasurer, who need not be directors, who shall be elected annually by the directors. One person may hold the office of secretary and treasurer. A majority of all the shareholders and/or members, at any regular or special meeting duly called, may remove any director for cause, and fill the vacancy.

Upon written request of at least 20 per centum of the shareholders and/or members, the secretary shall call a special meeting of the shareholders and/or members for the purpose to which the request relates.

SEC. 5. Section 653.9 of the Civil Code is amended to read:

653.9. Any holder of shares and/or memberships having voting rights shall be entitled to cast one vote and no more, regardless of the number of shares and/or memberships held by him, excepting only that the articles of incorporation of a central organization which shall have been formed or which exists under the provisions of this title may provide that each cooperative corporation which is a shareholder or member thereof shall be entitled to cast one or more additional votes in the affairs of said central organization for any stipulated number of voting members in such cooperative corporation, and/or for any stipulated volume of business done by said cooperative corporation with said central organization. Certificates of stock shall not be issued to any subscriber until fully paid. The corporation shall have the right to purchase, at book value as conclusively determined by the directors, any share and/or membership offered for transfer, or the stock and/or membership of any deceased shareholder; and the corporation may provide in its by-laws for the purchase of shares and/or memberships held by any shareholder and/or member who shall have failed to patronize the corporation during the preceding corporate year to an amount prescribed in the by-laws.

There shall be no voting by proxy; provided, that a cooperative corporation covering an area which in the opinion of the shareholders and/or members shall be too large for the convenient assembling of its shareholders and/or members may provide in its by-laws for the formation of districts, and the holding of district meetings which may elect one or more delegates who shall represent their districts in annual and special meetings of the association, in a manner to be specified

in said by-laws. The vote of such delegates shall be taken as representing the votes of all the shareholders and/or members appearing upon the books of the corporation as residing in their respective districts, on all questions not covered by ballots submitted to all shareholders and/or members.

CHAPTER 926

An act to amend Sections 6005, 6006, 6010, 6011, 6012, 6563, 6701, 6901, 6907, and 6935 of the Revenue and Taxation Code and to add Section 6402 to said code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

In effect
immediately

[Approved by Governor June 15, 1945 Filed with Secretary of State
June 15, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 6005 of the Revenue and Taxation Code is amended to read:

“Person”

6005. “Person” includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, the United States, this State, any county, city and county, municipality, district, or other political subdivision of the State, or any other group or combination acting as a unit.

SEC. 1.5. Section 6006 of the Revenue and Taxation Code is amended to read:

“Sale”

6006. “Sale” means and includes:

(a) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or any means whatsoever, of tangible personal property for a consideration. “Transfer of possession,” “lease,” or “rental” includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) Any withdrawal, except a withdrawal pursuant to a transaction in foreign or interstate commerce, of tangible personal property from the place where it is located for delivery to a point in this State for the purpose of the transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of the property for a consideration.

(c) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(d) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(e) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(f) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(g) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

SEC. 1.7. Section 6010 of the Revenue and Taxation Code is amended to read:

6010. "Purchase" means and includes:

"Purchase"

(a) Any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

(b) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(c) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

SEC. 2. Section 6011 of the Revenue and Taxation Code is amended to read:

6011. "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

"Sales price"

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

The total amount for which the property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

"Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers upon rescission of the contract of sale when the entire amount charged therefor is refunded either in cash or credit, and when the property is returned within 90 days from the date of purchase.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) Transportation charges separately stated, if the transportation occurs after the purchase of the property is made.

SEC. 3. Section 6012 of the Revenue and Taxation Code is amended to read :

"Gross receipts"

6012. "Gross receipts" mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the board may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses, or any other expense.

(c) The cost of transportation of the property prior to its sale to the purchaser.

The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits, and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

"Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) Sale price of property returned by customers upon rescission of the contract of sale when the full sale price is refunded either in cash or credit, and when the property is returned within 90 days from the date of sale.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) Transportation charges separately stated, if the transportation occurs after the sale of the property is made to the purchaser.

For purposes of the sales tax, if the retailers establish to the satisfaction of the board that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

SEC. 3.7. Section 6402 is added to the Revenue and Taxation Code, to read:

6402. The storage, use, or other consumption in this State of property purchased from any unincorporated agency or instrumentality of the United States, except (a) any property reported to the Surplus Property Board of the United States as surplus property by any owning agency and (b) any property included in any contractor inventory, is exempted from the use tax. Property purchased from United States

“Surplus property,” “owning agency,” and “contractor inventory” as used in this section have the meanings ascribed to them in that act of the Congress of the United States known as the “Surplus Property Act of 1944.” Definitions

SEC. 4. Section 6563 of the Revenue and Taxation Code is amended to read:

6563. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. Increase or decrease of jeopardy determination

SEC. 4.5. Section 6701 of the Revenue and Taxation Code is amended to read:

6701. The board, whenever it deems it necessary to insure compliance with this part, may require any person subject thereto to deposit with it such security as the board may determine. The amount of the security shall be fixed by the board but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such manner as the board deems proper, or ten thousand dollars (\$10,000), whichever amount is the lesser. The amount of the security may be increased or decreased by the board subject to the limitations herein provided. The board may sell the security at public auction if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest, or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the board. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the person who deposited the security. Deposit of security

SEC. 5. Section 6901 of the Revenue and Taxation Code is amended to read:

6901. If the board determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected. Credit or refund of overpayments

or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

Any overpayment of the use tax by a purchaser to a retailer who is required to collect the tax and who gives the purchaser a receipt therefor pursuant to Article 1, Chapter 3, of this part shall be credited or refunded by the State to the purchaser.

SEC. 6. Section 6907 of the Revenue and Taxation Code is amended to read:

Interest

6907. Interest shall be paid upon any overpayment of any amount of tax at the rate of one-half of 1 per cent per month from the fifteenth day of the calendar month following the quarterly period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the fifteenth day of the calendar month following the date upon which the claimant, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 7. Section 6935 of the Revenue and Taxation Code is amended to read:

Judgment

6935. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any sales or use tax or amount of use tax due and payable from the plaintiff. The balance of the judgment shall be refunded to the plaintiff.

Tax levy

SEC. 8. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution take effect immediately, provided, however, that the provisions hereof shall become operative on July 1, 1945.

CHAPTER 927

An act to add Section 450.5 to the Fish and Game Code, relating to goggle fishing.

In effect
September
15, 1945

[Approved by Governor June 15, 1945. Filed with Secretary of State
June 15, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 450.5 is added to the Fish and Game Code, to read:

Taking fish
with spear

450.5. In Districts 18, 19, 20, and 21 fish, other than mollusks or crustaceans, that may be taken by other means may be taken

with spear by a person equipped with underwater type of goggles. This section does not authorize the taking of fish with spear by a person equipped with diving apparatus other than underwater type of goggles. No such fish may be sold.

CHAPTER 928

An act to add Section 29.1 to the Fish and Game Code, relating to bounties on crows.

[Approved by Governor June 16, 1945 Filed with Secretary of State
June 16, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 29.1 is added to the Fish and Game Code, to read:

29.1. Under such rules and regulations as the commission may prescribe the commission shall pay a bounty of fifteen cents (\$0 15) each on crows taken within the State. If the commission so provides, payments may be made through county clerks or other local officers and all such payments and expenses connected therewith shall be paid from the Fish and Game Preservation Fund.

CHAPTER 929

An act making an appropriation to the San Bernardino County Flood Control District for the payment of the cost of cooperation by the State with the United States in the construction of the project for flood control on the Santa Ana River Basin, Lytle and Cajon Creeks, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 16, 1945 Filed with Secretary of State
June 16, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of seven hundred fifty-two thousand six hundred dollars (\$752,600) or so much thereof as may be necessary is hereby appropriated to the San Bernardino County Flood Control District out of any money in the State treasury not otherwise appropriated, or if any other fund is made available for such purpose, then this appropriation shall be payable from such fund for payment of the costs of cooperation, except maintenance and holding the United States free from damages due to the construction works, by the State, required by Section 3 of the Act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), in the construction of the project for the control of floods on the Santa Ana River Basin, Lytle and Cajon Creeks approved and authorized by said Act of Congress.

SEC. 2. Said appropriation or portions thereof shall be made available to the San Bernardino County Flood Control

Appropriation to San Bernardino County Flood Control District

Approval of Director of Finance

District upon order of the Director of Finance after application therefor has been made to him by said San Bernardino County Flood Control District showing the necessity, purpose and use to be made of said funds or by showing that said San Bernardino County Flood Control District had made necessary advances or incurred obligations for the purpose of expediting the project hereinabove referred to and giving such other information as he may require. Expenditures of said sums shall be reported to the Director of Finance as and when required by him. Such report shall give such information as he may require. The Director of Finance may refuse to make any order transferring any of said funds if the provisions hereof are violated. The director shall render a report to the Legislature respecting the expenditure of said appropriation.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

That the flood control project contemplated in this act has been recommended by the United States Army Engineers for immediate construction so as to prevent the interruption in the movement of war freight and troops to the Pacific War Zone and the Federal Government has made available funds to meet the cost for the construction of such project and has made available material and labor so that the work of construction may go forward immediately. That unless the floods from the Lytle and Cajon Creeks are controlled by the immediate construction of such project, three transcontinental railroads, two main State highways, numerous war industries, as well as the City of San Bernardino and the City of Colton and the inhabitants thereof will be exposed to the dangers from floods during the coming winter. That heretofore floods from said Lytle and Cajon Creeks have assumed such proportions that the transportation systems of said railroads have been completely paralyzed for long periods of time, State highways and bridges have been destroyed, interrupting the flow of traffic and preventing the transportation of army supplies and troops to the Pacific War Zone. That the prosecution of the Pacific war and the movement of war material and troops into that war zone is largely dependent upon the said railroad system and highways, and that interruption of such traffic will materially endanger the prosecution of such war. That the seriousness of such condition is emphasized by the demand of the United States Army Engineers that the work upon such project be commenced immediately and prosecuted diligently to completion. That in order to proceed with such project and have said work proceed forthwith, it is necessary that the moneys herein appropriated be made available immediately for the purposes herein stated.

The projects involved are necessary for the preservation of lives and property of citizens of this State, and it is therefore necessary that this act take effect immediately.

CHAPTER 930

An act to amend Sections 293, 315 and 316 of, to repeal Section 307 of, and to add Section 307 to, the Vehicle Code, relating to suspensions and revocations.

[Approved by Governor June 16, 1945 Filed with Secretary of State
June 16, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 293 of the Vehicle Code is amended to read:

293. Limitation on Suspensions by Courts In no event shall a court revoke or suspend a license or the privilege of any person to operate a motor vehicle or as a condition of probation prohibit the operation of a motor vehicle for a period of time longer than that specified in this code. Any such prohibited order of a court, whether imposed as a condition of probation or otherwise, shall be null and void and the department shall restore or reissue a license to any person entitled thereto irrespective of any such invalid order of a court

SEC. 2. Section 307 of the Vehicle Code is hereby repealed. Repeal

SEC. 3. Section 307 is added to the Vehicle Code, to read:

307. Suspension of License upon Conviction under Section 502 or 505(b). (a) The department shall immediately suspend the privilege of any person to operate a motor vehicle upon a highway upon receipt of a duly certified abstract of the record of any court showing that such person has been convicted of any of the following crimes or offenses:

(1) Driving under the influence of intoxicating liquor, a misdemeanor.

(2) Reckless driving resulting in personal injuries under Section 505(b).

(b) Such suspension shall be for a period of 30 days.

(c) Any court in which any person is convicted of operating a motor vehicle while under the influence of intoxicating liquor, a misdemeanor, or of violating Section 505(b) shall require the surrender to it of any operator's or chauffeur's license held by such person and the court shall thereupon forward any said license to the department.

(d) In the event any person suffers a second or subsequent conviction upon a charge of operating a motor vehicle while under the influence of intoxicating liquor, a misdemeanor, or of violating Section 505(b), then the privilege of such person to operate a motor vehicle upon the highways of this State shall be suspended for a period of 90 days and such privilege shall not be restored thereafter unless and until such person gives proof of ability to respond in damages as provided in this code.

SEC. 4. Section 315 of the Vehicle Code is amended to read:

315. Procedure Upon Refusal, Suspension or Revocation of License or Issuance of Probationary License—Hearings. (a) A person shall be entitled to demand in writing a hearing

Procedure
upon refusal,
etc., of
license—
Hearings

before the director or his representative within 60 days after the department:

1. Has refused to issue such person an operator's or chauffeur's license;

2. Has given notice of the imposition of terms or conditions of probation;

3. Has given notice of the suspension or revocation of his privilege of operating a motor vehicle upon a highway or of an operator's or chauffeur's license issued to such person, unless such action by the department is made mandatory upon the department by the provisions of this code.

(b) If a hearing is demanded in writing within the period of 60 days the department shall fix a time and place therefor in the county wherein said applicant or licensee resides and shall give said person 10 days' notice of the time and place fixed for such hearing. An application for a hearing shall not operate to stay any action by the department referred to in subdivision (a) of this section.

(c) The hearing shall be conducted by the director or his representative or representatives, not exceeding three in number, who shall be appointed by the director and shall be officers or employees of the department. It shall be conducted as nearly as practicable according to the rules of practice and procedure governing the trial of civil actions and witnesses shall be summoned and oaths administered as provided in Section 353 of the Political Code. The person demanding such hearing shall have an opportunity at the hearing to present evidence with relation to the action taken by the department (for the consideration of the director or his representative).

(d) Upon the conclusion of such hearing, the representative or representatives of the director shall prepare findings and may make a recommendation to the director.

Sec. 5. Section 316 of the Vehicle Code is amended to read:

Proceedings
following
hearing

316. Proceedings Following Hearing. (a) The director, upon review of the records, evidence and of the findings, if any, shall render his decision sustaining, modifying or reversing the order of suspension or revocation or the refusal to issue a license or the order imposing terms or conditions of probation or he may suspend the prior action of the department and direct that probation be granted to such person and fix the terms and conditions of such probation.

(b) At any time within one year after action by the director under the foregoing provisions of this section the director upon receipt of application may again review any order made by him under this section and may sustain, modify or reverse any such order.

CHAPTER 931

An act to amend Sections 4, 10, 11 and 12 of, and to add Section 11.1 to, an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, firewardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, Statutes 1939, Chapter 174, relating to the county foresters, firewardens and firemen's pension system.

Stats 1939,
p 1416,
amended

[Approved by Governor June 16, 1945. Filed with Secretary of State June 16, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows.

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read:

Stats 1943,
p 2922

Sec. 4. For the purpose of providing and maintaining a fund to meet the payments of demands drawn for the payment of pensions and the expenses of said retirement board a fund is hereby created to be known as the "County foresters, firewardens and county fire protection district firemen's retirement fund." There shall be paid into said fund the following moneys, to wit:

Retirement
fund

(a) The normal rates of contribution of members which shall be based on the age at the nearest birthday at the time of entrance into the retirement system. The normal rates of contribution shall be such as will provide an average annuity at the lowest age at which the respective members shall be eligible for service retirement equal to one-half of terminal salary, according to the tables adopted by said board, subject to adjustment as provided for in subsection (f) of Section 3 hereof.

Employee
contributions

(b) Until revised as a result of the actuarial investigation and valuation provided for in subsection (f) of Section 3 hereof, the rate of contribution of each member shall be that percentage of the salary actually paid to him, disregarding any portion thereof in excess of three hundred dollars (\$300) per month,

Contribution
schedule

shown in the following table according to age at the time of entry into said retirement system :

Age at entry into system	Contribution, percentage of salary
21	4.31
22	4.48
23	4.66
24	4.85
25	5.05
26	5.26
27	5.49
28	5.73
29	5.98
30	6.25
31	6.54
32	6.85
33	7.18
34	7.54
35	7.93
36	8.34
37	8.80
38	9.30
39	9.86
40	10.47

The normal rate of contribution established for age 40 shall be the rate for any member who has attained a greater age before entrance into said retirement system. In like manner the normal rate of contribution established for age 21 shall be the rate for any member who enters said retirement system at a lesser age.

(c) The rate of contribution of members shall apply to so much of the salary actually paid to them, plus the monetary value as determined by the board of retirement of board, lodging, fuel, laundry and other advantages of any nature furnished to him made in payment for his services as does not exceed three hundred dollars (\$300) per month, and shall be deducted by the county auditor or other officer charged with the duty of drawing salary or wage warrants from the first salary or wage warrant drawn in each month in favor of each member of said retirement system which shall be paid by such auditor or other officer to the county treasurer and placed to the credit of each individual member's account. Payment of salaries and wages less such contribution shall be full and complete discharge and acquittance of all claims and demands whatsoever for service rendered by such members during the period covered by such payment except their claims to the benefits to which they may be entitled as members of such retirement system.

Deductions,
etc.

(d) Upon election by any said qualified person to come within the provisions of this act said person shall automatically be excluded from any other retirement system established under the laws of this State or any city, county or city and county therein, and any sums due such person under such other system shall be paid to him as in the case of separation from the service, it being the intention that the retirement system provided by this act shall be exclusive and that the persons entitled thereto shall not participate in any other system now or hereafter provided by law for county and/or county fire protection district officers or employees; provided, however, that where said person elects to come within the provisions of this act and elects to secure credit for prior service as a forester, firewarden or fireman under this act, and where such person has to his credit in any other pension system a sum exceeding that necessary to entitle said person to credit for said prior service as a forester, firewarden or fireman, there shall be refunded to said person so electing to come within this system only such sum due said person under said other pension system as exceeds the amount necessary to entitle said person to credit claimed for prior service as a forester firewarden or fireman, said sum to be determined on a 2 per cent basis applied to the aggregate salary and/or wage paid during the period of prior service claimed as a forester, firewarden or fireman; provided, however, where said person electing to secure credit for prior service as a forester, firewarden or fireman under this act has to his credit in any other pension system a sum less than that necessary to entitle him to credit for said prior service as a forester, firewarden or fireman, there shall be deposited in the retirement fund by said person so electing to come within this system a sum equal to the amount necessary to entitle said person to credit claimed for prior service as a forester, firewarden or fireman, and said amount said person has to his credit in any other pension system shall be transferred from such other system to the retirement fund of this system, to the credit of said person electing to secure credit for prior service as a forester, firewarden or fireman, said sum to be determined on a 2 per cent basis applied to the aggregate salary and/or wage paid during the period or prior service claimed as a forester, firewarden or fireman; and provided, also, where said person electing to secure credit for prior service as a forester, firewarden or fireman under this act, may further elect not to claim full credit for said prior service as a forester, firewarden or fireman, but only a fractional part of such prior service, in the event of such election to claim but a fractional part of said prior service as a forester, firewarden or fireman, said person will receive a refund or make deposit based on the amount to his credit on any other pension system as against the fractional part of said prior service claimed, said sum to be determined on a 2 per cent basis applied to the aggregate salary and/or wage paid during the period of prior service claimed as a forester, firewarden or fireman.

Exclusion
from exist-
ing system

Credit for
prior service

Deposit for
credit

Fractional
part of
credit

County and
district con-
tributions

(e) An amount to be determined and appropriated each year by the board of supervisors, said amount to be sufficient, together with the contribution of county forester, firewardens and county fire protection district firemen to meet all of the current demands, including deposit against said pension fund. The board shall monthly deposit all contributions received in the county treasury to the credit of said fund.

Appropri-
ations

From and after the date any system created by this act becomes operative, the board of supervisors shall in the preparation and adoption of the county or county fire protection districts budget, add to the appropriation for salaries and wages and include therein an appropriation equal in amount to the contributions to be made by members of said retirement system during the period for which said budget is being prepared.

Certification

The county auditor shall certify to said board of supervisors at the end of each month the total amount of contributions paid by members to said retirement fund, and said board of supervisors shall thereupon transfer a like amount for such appropriation to said retirement fund.

Interest

(f) All contributions and deposits shall bear simple interest at a rate to be fixed by said board of retirement with the approval of said board of supervisors but said rate shall in no event be greater than 4 per cent per annum.

Interest shall be credited semiannually on June 30th and December 31st to all contributions in said retirement fund to the credit of each member which have been on deposit for six months immediately prior to such date.

Separation
from service

(g) In any case where a member of said system shall have separated from the service of the county before retirement, and such separation is for any cause other than for permanent disability, there shall be paid to him, or, in case of his death while in the service, but before retirement, for any cause other than an injury received during the performance of his duty, or sickness caused by the discharge of such duty, there shall be paid to his legal representative, all the money paid in by him as his contribution to said fund, together with interest which shall have been credited to his account as provided for herein.

Reentrance
into service

(h) Any member may redeposit in the retirement fund, within one year after his reentrance into the service, an amount equal to that which he withdrew therefrom at the last termination of his membership. Said redeposit shall constitute reinstatement in the foresters, firewardens and fire protection district firemen's retirement system and said person making said redeposit shall thereupon be entitled to all of the privileges and benefits of said system.

Stats 1942,
p 2922

SEC. 2. Section 10 of the act cited in the title hereof is hereby amended to read:

Inclusion in
system

SEC. 10. Except as otherwise provided herein, all foresters, firewardens and firemen eligible for participation under the system provided by this act, shall be included in and shall be subject to the provisions of said act on the first day of the

calendar month following the expiration of 30 days after said act becomes operative in any county, or on the first day of the calendar month following the expiration of 30 days after their entrance into the service; provided, however, that any forester, firewarden or fireman may elect to be excluded from the provisions of this act at any time within 30 days after said act becomes operative in any county, and no employee who has so elected to be excluded, may thereafter be included in or participate in the system herein provided.

In the event that any member shall enter the armed forces of the United States during war or National emergency proclaimed by the President or Act of Congress providing for peacetime induction or conscription, and thereafter shall have returned to active service as a forester, firewarden or fireman within 90 days after the termination of such service during such war or emergency, he shall be deemed to have been in continuous service as a forester, firewarden or fireman during the time he was in such armed forces of the United States; provided, that he shall have during the period of his absence from active duty, or shall have within one year, or within such longer time not to exceed two additional years as the board may determine after his return from active duty, paid into said retirement fund an amount equal to the amount of contributions which he would have made had he remained on active duty.

SEC. 3. Section 11 of the act cited in the title hereof is hereby amended to read:

Sec 11. Any member shall be retired for disability regardless of age or amount of service, if incapacitated for the performance of duty as the result of an injury or disease occurring in and arising out of the course of his employment. Incapacity for performance of duty shall be determined by the board. Any member incapacitated for the performance of duty by reason of a cause not included in the immediately preceding sentence, shall be retired regardless of age but only after 10 years of service. As used in this section "service" means only service for which contribution provided for in this act has been made as a forester, firewarden or fireman as defined under Section 9 of this act.

Upon retirement of a member for service connected disability, such member shall receive an annual pension, payable in equal monthly installments, equal to one-half of his terminal salary; provided, that such pension shall in no case be more than one hundred fifty dollars (\$150) per month.

Whenever any member shall be killed, or die, as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement for service connected disability an annual pension shall be paid in equal monthly installments to his widow, or child, or children, in an amount equal to one-half of such member's terminal salary; provided, that such pension shall in no case be more than one hundred fifty dollars (\$150) per month. Said pension shall be paid to the widow, during her

Members in
armed forces

Stats 1943,
p 2922

Service
connected
disability
retirement

Pension

Family
pension

lifetime or until she remarries, and thereafter such pension shall be paid to the legally appointed guardian of the child or children of such deceased member until such child or children shall have attained the age of 18 years. or, should there be no widow, or widow qualified to receive such pension, then to such guardian of his child or children, until such child or children shall have attained the age of 18 years; provided, however, that no widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least five years prior to the date of his retirement; and provided further, that if such widow, child or children shall marry, then the pension paid to the person so marrying shall cease.

Nonservice
connected
disability
retirement

Upon retirement of a member for nonservice connected disability such member shall receive an annual pension, payable in monthly installments, as follows, dependent upon the aggregate length of his service:

After 10 years but less than 12 years of service, the sum of fifty dollars (\$50) per month;

After 12 years but less than 14 years of service, the sum of fifty-five dollars (\$55) per month;

After 14 years but less than 16 years of service, the sum of sixty dollars (\$60) per month;

After 16 years but less than 18 years of service, the sum of sixty-five dollars (\$65) per month;

After 18 years but less than 20 years of service, the sum of seventy dollars (\$70) per month;

After 20 years of service, the sum of seventy-five dollars (\$75) per month; provided, that in no case shall any pension for nonservice connected disability exceed an amount equal to one-half of the terminal salary of such member.

Medical
examinations

The board of retirement may, within its discretion, require any member retired for disability, under the age of 50 years, to undergo medical examination. The examination shall be made by a physician or physicians, appointed by said board, at the place of residence of said retired member or other place mutually agreed upon. Upon the basis of such examination said board shall determine whether such retired member is still incapacitated, physically or mentally, for service in the position held by him at the time of his retirement. If said board determines that such retired member is not so incapacitated, his pension shall be canceled forthwith, and subject to rules and regulations which may have been adopted by the county for the reinstatement or reemployment of personnel, he shall be eligible for reinstatement to a position in the class in which he was employed at time of retirement.

Cancellation
of pension

Reimburse-
ment

Should the pension of any such retired member be canceled, there shall be paid to him immediately out of said fund, an amount equal to his accumulated contributions, as of the date of his retirement, together with all interest which shall have been credited to his account as provided for herein, less an

amount equal to one-half of the pension payments made to him during the period of his retirement.

Should such retired member reenter county service and be eligible for membership in said retirement system, his rate of contribution for future years shall be that established for his age at the time of such reentry. He shall also receive credit for all service rendered by him prior to the time of his disability retirement; provided, that he shall have deposited into said fund within six months after his reinstatement or reemployment an amount equal to the amount paid to him upon cancellation of his pension.

At any time before the first payment on account of any pension is made, a member or beneficiary may elect to receive the actuarial equivalent at that time of his pension in a lesser pension payable throughout his life and that of his widow, if she survives him, in accordance with one or the other of the following options:

Option 1: Upon his death, such lesser pension shall be continued throughout the life of and paid to his widow.

Option 2: Upon his death one-half of such lesser pension shall be continued throughout the life of and paid to his widow.

SEC. 4. Section 11.1 is hereby added to said act, to read as follows:

Sec. 11.1. If a member who has served 15 years or more develops heart trouble it shall be presumed in any proceeding under this act by the board of retirement and by the court, that such heart trouble is an injury or disease occurring in and arising out of his employment, in the absence of evidence to the contrary.

SEC. 5. Section 12 of the act cited in the title heretofore is hereby amended to read:

Sec. 12. Whenever any person at the time this act becomes effective or thereafter shall have been duly appointed, selected, or elected and qualified and shall have served for 20 years or more in the aggregate for which contribution provided for in this act has been made, as a forester, firewarden or fireman, and who shall have reached the age of 60 years, said board shall order and direct that such person be retired as of the first day of the calendar month next succeeding and such person shall thereafter receive a pension payable in equal monthly installments during his lifetime, equal to one-half of his terminal salary; provided, however, that the amount of such pension shall in no case be more than one hundred fifty dollars (\$150) per month.

CHAPTER 932

An act to add Division 23, comprising Sections 32000 to 32313, inclusive, to the Health and Safety Code, relating to the establishment, organization, government and powers of hospital districts.

In effect
September
15, 1945

[Approved by Governor June 18, 1945 Filed with Secretary of State
June 18, 1945]

The people of the State of California do enact as follows:

SECTION 1. Division 23, comprising Sections 32000 to 32313, inclusive, is added to the Health and Safety Code, to read:

DIVISION 23. HOSPITAL DISTRICTS

CHAPTER 1. FORMATION OF DISTRICT

"The Local
Hospital
District
Law"
Territory
included

32000. This division shall be known and may be cited as "The Local Hospital District Law."

Exclusion

32001. A local hospital district may be organized, incorporated and managed as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this district need not be contiguous but the territory of a municipal corporation shall not be divided. No territory which is part of a county having a population in excess of 200,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States shall be included in any local hospital district.

Procedure
for forma-
tion, etc

Stats 1935,
p 2280

32002. The manner of formation of local hospital districts, the conducting of elections, the annexation and exclusion of territory and the consolidation and dissolution of such districts shall be as in the manner provided by "An act relating to governmental units known as districts, and providing a procedure for the organization, operation, government, consolidation and dissolution of such districts," approved June 12, 1933. The provisions of Section 4 of said act and all of the provisions of Divisions I, II, III and IV thereof are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein.

Petition for
formation

32003. Whenever the formation of a local hospital district is desired, a petition may be presented at a regular meeting of the supervising authority of the county in which the land, or a greater portion of the land, in the proposed district is situated, said petition to be signed by the registered voters residing within the boundaries of the proposed district, equal in number to at least 15 per cent of the number of votes cast in said proposed district for the office of Governor at the last preceding election at which a Governor was elected. The number of written protests required to terminate the proceedings shall be a majority of the registered voters residing in the proposed district.

In respect to an election held to determine whether or not a local hospital district shall be formed, the precincts shall be established, the election conducted, and the returns canvassed in such a manner that the results may be declared, and they shall be declared, separately as to each county supervisorial district in which is situated any of the land proposed to the voters for inclusion in the hospital district. If in any such supervisorial district a majority of the votes cast be in favor of organization, the supervising authority shall declare the hospital district duly organized and shall define its boundaries, including therein all of the lands that were proposed to the voters for inclusion in the hospital district and that are situated in any supervisorial district in which a majority of the votes cast are in favor of organization. If a majority of the votes cast in any supervisorial district be against organization, none of the land in that supervisorial district shall be included in the hospital district.

Election

Exclusion of nonconsenting supervisorial district

32004. A petition for annexation of land to a local hospital district shall be signed by registered voters residing within the territory proposed for annexation, equal in number to at least 15 per cent of the number of votes cast in that territory for the office of Governor at the last preceding election at which a Governor was elected. If, upon the hearing held pursuant to the provisions of Division 3 of the act cited in Section 32002, the governing body deems it for the best interest of the district that said territory, or part thereof, be annexed, it shall call and hold an election to decide whether or not the proposed annexation shall take place. If a majority of the votes cast at such election, in the district and in said territory respectively, be in favor of annexation, the district governing body shall by resolution declare the territory annexed and shall describe the altered boundaries of the district.

Annexation of territory

CHAPTER 2. BOARD OF DIRECTORS

Article 1. Election and Organization

32100. The elective officers of a local hospital district shall be a board of hospital directors consisting of five members, each of whom shall be a registered voter residing in the district and whose terms shall be four years, with the exception of the first board. The first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. Upon their appointment, the first board so appointed shall so classify themselves by lot that two members thereof shall go out of office upon the election and classification of their successors at the first general election after the district is formed, and three members will go out of office upon the election and qualification of their successors at the second general election after the district is formed.

Board of hospital directors

- Electors** 32101. All registered voters residing within the territory comprising a district organized under this division are qualified electors.
- Organization of board** 32102. The board of hospital directors shall meet on the first Monday subsequent to 30 days after the completion of organization of the district and shall organize by the election of one of their members as president and one as secretary.
- Compensation of members** 32103. The members of the board of directors shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board.
- Rules and regulations** 32104. The board of directors shall provide for the time and place of holding its regular meetings and the manner of calling the same, and shall establish rules for its proceedings and may adopt such rules and regulations not inconsistent with law as may be necessary for the exercise of the powers conferred and the performance of the duties imposed upon the board.
- Special meetings** 32105. Special meetings may be called by three directors and notice of the holding thereof shall be mailed to each member at least 48 hours before the meeting.
- Public meetings** 32106. All of the sessions of the board of directors, whether regular or special, shall be open to the public, and a majority of the members of the board shall constitute a quorum for the transaction of business.
- Quorum**

Article 2. Powers

- Powers of district** 32121. Each local hospital district shall have and exercise the following powers:
- (a) To have and use a corporate seal and alter it at pleasure;
 - (b) To sue and be sued in all courts and places and in all actions and proceedings whatever;
 - (c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district;
 - (d) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district;
 - (e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.
 - (f) To prescribe the duties and powers of the manager, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

(g) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school.

(h) To establish, maintain and operate one or more hospitals, situated within the territorial limits of the district.

(i) To do any and all other acts and things necessary to carry out the provisions of this division.

32122. The board of directors may purchase all necessary surgical instruments and hospital equipment and equipment for nurses' homes and all other property necessary for equipping a hospital and nurses' home. Instruments and equipment

32123. The board of directors may purchase such real property, and erect or rent and equip such buildings or building, room or rooms as may be necessary for the hospital. Real property

32124. The board of directors may establish a nurses' training school in connection with the hospital, prescribe a course of study for such training and after the completion of the course, provide for the issuance of diplomas to graduate nurses. Nurses' training school

32125. The board of directors may make and enforce all rules, regulations and by-laws necessary for the administration, government, protection and maintenance of hospitals under their management and all property belonging thereto and may prescribe the terms upon which patients may be admitted thereto. In fixing the rates the board shall, insofar as possible establish such rates as will permit the hospital to be operated upon a self-supporting basis. The board may establish different rates for residents of the district than for persons who do not reside within the district. Administration, etc

32126. The board of directors may provide for the operation and maintenance through tenants of the whole or any part of any hospital acquired or constructed by it pursuant to this division, and for such purpose may enter into any lease agreement which it believes will best serve the interest of the district. No such lease shall run for a term in excess of 10 years. Operation through lease agreements

32127. The receipts from the operation of any hospital shall be paid daily into the treasury of the district in a special operation fund. The board of directors may from time to time transfer into the operation fund such sums as it deems necessary from the local hospital district fund in the county treasury. The board of directors may from time to time make appropriations from the operation fund for the following purposes: Operation fund

(a) For the payment of operating expenses of the hospital.

(b) For repairs and reconstruction.

(c) For payment of interest and sinking fund on the bonds issued for the acquisition, construction, or completion of the hospital.

(d) For extensions and improvements.

(e) For a reserve fund.

CHAPTER 3. ASSESSMENTS

Article 1. Annual Assessments

Assessments on real and personal property 32200. Any district formed pursuant to this division may be financed by assessment on real and personal property within the district, pursuant to this chapter.

Estimates of amounts 32201. Annually, at least 15 days before the first day of the month in which county taxes are levied, the board of directors of each local hospital district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required under the provisions of this division during the next ensuing fiscal year.

Special tax 32202. The board of supervisors shall thereupon levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district.

Tax limitation 32203. The tax shall in no case exceed the rate of 20 cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property.

Method of computation, collection, etc 32204. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. All moneys so collected shall be paid into the county treasury to the credit of the particular local hospital district fund and shall be paid out on the order of the district board, signed by the president and secretary thereof.

Apportionment between counties 32205. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within said district as shown upon the last assessment rolls of the said counties, and the estimates apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

Article 2. Capital Outlays

Capital outlay fund 32221. The board of directors may establish a fund for capital outlays. If such a fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

Transfer of surplus funds 32222. At any time after the creation of a capital outlay fund, the board of directors may transfer to such fund any unincumbered surplus funds remaining on hand in the district at the end of any fiscal year.

Discontinuance of fund 32223. Whenever a capital outlay fund is established, it shall be used only for such purposes, except the board of directors may, by a four-fifth vote of all members, if it finds that the

fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the repayment of any bonds outstanding, or if there are no bonds outstanding, to any fund used for the payment of current expenses of the district.

Article 3. Special Assessments

32240. Whenever it is desired that expenditures be made by the district for the acquisition, construction, maintenance, or alteration of work for the purpose of facilitating the carrying out of the purpose of this division in any district, the board of directors thereof may submit to the electors of the district the question of whether or not the additional expenditure shall be made out of the proceeds of a special assessment to be levied in like manner and on the same basis as the regular annual assessment made by the district. Special assessments

32241. An election shall be held to authorize such assessment and may be called by the board of directors of the district in its discretion. Such an election shall be called upon presentation to the board of directors of a petition requesting the levy of the assessment and specifying the object and purposes for which the proceeds thereof shall be expended. Such petition must be signed by electors entitled to cast a number of votes at district elections equal to at least 15 per cent vote of the number of votes cast at the last district election. Election

32242. The resolution of the board of directors calling an election to decide whether a special assessment shall be levied, in addition to all other matters required by this division for a resolution calling an election, shall state the amount of the proposed expenditure for which assessment is to be levied, the amount of the assessment which will be levied to raise such amount for expenditure, allowing for a delinquency of 15 per cent, and the rate of the assessment necessary to raise such amount. Contents of resolution

32243. If two-thirds of the votes cast at the election are in favor of the special assessment, the board of directors shall cause the assessment to be levied in like manner as a regular assessment to pay the regular annual expenses of the district. Such special assessment shall be in addition to the limitation prescribed in Section 32203. Levy

CHAPTER 4. BONDS

32300. Bonds may be issued by a district for the purpose of acquiring, maintaining, constructing, or altering work, when, in the opinion of the directors, a special assessment would be inadvisable, and the expenses of such operations will be in excess of an amount which can reasonably be raised by the regular annual assessment for the running expenses of the district. Issuance of bonds

- Election** 32301. An election shall be held to authorize the issuance of any bonds of a district. The board of directors of a district may call such election at its discretion, and it shall call such election upon presentation to it of a petition requesting the issuance of bonds, specifying the purpose to which the proceeds are to be applied, and signed by electors of the district entitled to cast votes equal in number to at least 15 per cent of the total number of votes of all the electors of the district.
- Contents of resolution** 32302. The resolution of the board of directors calling a bond election, in addition to all of the matters required by this division for a resolution calling an election, shall state the amount of the proposed bond issue, the rate of interest thereon, and the maximum date of maturity of the bonds. If two-thirds of the votes cast at the bond election are in favor of the issuance of the bonds, the board of directors shall cause bonds to be issued.
- Powers of board of directors** 32303. The board of directors of any district issuing bonds shall, prior to the issuance of such bonds, determine by resolution entered on its minutes:
- (a) The denomination or denominations of the bonds.
 - (b) The aggregate par value of the bond issued.
 - (c) The date or dates of issuance of the bond.
 - (d) The date or dates of the maturity of the bond; but no bond shall mature more than 20 years after the date of issuance.
 - (e) The number and numerical sequence of the bonds maturing at each date of maturity.
 - (f) The annual rate of interest which the bonds shall bear.
 - (g) The number, numerical sequence, amount and dates of maturity of interest coupons to be attached to the bonds.
 - (h) The technical form and language of the bonds and of the interest coupons attached thereto.
- Maturity** 32304. Bonds first to mature in each issue shall mature not later than five years from the date of issuance thereof; and those last to mature of each issue shall mature not later than 20 years from the date of issuance thereof.
- Interest** 32305. The rate of interest to be borne by bonds issued under the authority of this chapter shall be uniform for all bonds of the same issue, and shall be fixed by the governing body issuing the bonds according to the then prevailing market conditions. The rate of interest shall not exceed a rate of 6 per cent per annum. The determination by the board of directors of the rate of interest shall be conclusive as to the then prevailing market conditions.
- Denomination** 32306. Bonds issued under the authority of this chapter shall be of a denomination not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000).
- Signatures** 32307. All bonds issued pursuant to this chapter shall be signed by the presiding officer and attested by the secretary of the board of directors of the district, and shall be valid as to future sale thereafter, regardless of whether at the time of sale the officer so signing is still the incumbent of such office.
- Legal investment** 32308. Where the total of the principal amounts of the bonds authorized to be issued by any hospital district does not exceed

10 per cent of the assessed valuation of all the property in the district as shown by the last equalized county assessment rolls of the county in which the district lies such bonds are legal investments for savings banks and may lawfully be purchased or received in pledge by banks and trust companies. Whenever any money or funds may be invested in bonds of any county, city and county, city, or other municipal or corporate body, such money or funds may be invested in bonds of hospital districts which are legal investments for savings banks.

32309. After the bonds have been issued, the board of directors may, from time to time, sell bonds in such quantities as may be necessary and most advantageous to raise money for the purposes for which they were issued. Sale of bonds

32310. Bonds shall be sold for at least par value. Before making any sales, the board of directors of the district shall, by resolution entered on its minutes, declare its intention to sell a specified amount of bonds, and the day, hour, and place of such sale. Notice of the sale shall be given by publication, and shall state that sealed proposals for the purchase of bonds will be received by the board of directors at its office until the day and hour named in the resolution. Same Notice

32311. At the time appointed, the board of directors shall open the proposals, and may sell the bonds or any portion thereof to the highest responsible bidder or bidders. Any and all bids may be rejected and no proposal shall be accepted unless accompanied by a certified check for such reasonable percentage of the amount of the bid as shall be determined by the board of directors, to apply to the purchase price of the bonds. The amount of such check shall be forfeited if, after the acceptance of the proposal the bidder refuses to accept the bond and to complete his purchase thereof on conditions stated in his bid. In case no award is made the board of directors thereafter may again advertise the bonds or any part thereof for sale. Acceptance or rejection of bids

32312. Bonds and the interest thereon shall be paid from revenues derived from assessments levied pursuant to this division. Payment

32313. The board of directors of every local hospital district in which bonds are issued, shall include in the annual assessment to pay the expenses of operation of the district a sum sufficient to pay the interest for the period covered by the assessments on all bonds outstanding and in addition a sum which, with approximately equal amounts each year thereafter until the maturity of the last issued, will be sufficient to make available sufficient moneys to pay the principal of each issue at maturity. Assessment for interest and redemption

CHAPTER 933

An act to amend Sections 799, 799.1, 800, 801, and 802.7 and to repeal Sections 798.6, 798.7, 802, and 802.5 of the Fish and Game Code, relating to abalones.

In effect
September
15, 1945

[Approved by Governor June 18, 1945 Filed with Secretary of State
June 18, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 799 of the Fish and Game Code is amended to read:

Diving
apparatus

799. Diving apparatus may not be used for the purpose of taking abalones in Districts 6, 7, 15, 16, 17, 19A, 20 and 20A.

Same

SEC. 2. Section 799.1 of said code is amended to read:
799.1. Diving apparatus may be used to take abalones, the shell of which is not less than eight inches measured in the greatest diameter, in Districts 18 and 19, and in District 10 only in waters lying south of Point Lobos, when the abalones are taken in water not less than 20 feet in depth. Abalones may be taken in these districts for commercial purposes only under a revocable permit of the commission, as provided in Section 802.

Bag and
possession
limits

SEC. 3. Section 800 of said code is amended to read:
800. In all districts it is unlawful to take more than 10 abalones of all species in the aggregate in any one day. Not more than one daily bag limit of abalones may be possessed by any person during one day, except that any person holding a permit as provided in Section 802 and a market or restaurant, where abalones are sold to the public, may possess any number of abalones legally taken under a permit as defined in Section 802.

Sale

SEC. 4. Section 801 of said code is amended to read:
801. It is unlawful to sell abalones taken by the holder of a sporting fishing license.

Commercial
purposes

SEC. 5. Section 802.7 of said code is amended to read:
802. Abalones may not be taken for commercial purposes except under a permit issued by the commission. The commission may grant a revocable permit to take abalones for commercial purposes under such restrictions, rules or regulations as the commission may prescribe.

Repeals

SEC. 6. Sections 798.6, 798.7, 802, and 802.5 of said code are repealed.

CHAPTER 934

An act to amend Sections 644, 3047, and 3048 of the Penal Code, relating to habitual criminals and parole.

[Approved by Governor June 18, 1945 Filed with Secretary of State
June 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 644 of the Penal Code is amended to read:

644. (a) Every person convicted in this State of the crime of robbery, burglary of the first degree, burglary with explosives, rape with force or violence, arson as defined in Section 447a of this code, murder, assault with intent to commit murder, train wrecking, felonious assault with a deadly weapon, extortion, kidnaping, escape from a State prison by use of force or dangerous or deadly weapons, rape or fornication or sodomy or carnal abuse of a child under the age of 12 years, conspiracy to commit any one or more of the aforementioned felonies, who shall have been previously twice convicted upon charges separately brought and tried, and who shall have served separate terms therefor in any State prison and/or Federal penal institution either in this State or elsewhere, of the crime of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem, escape from a State prison, rape or fornication or sodomy or carnal abuse of a child under the age of 12 years, conspiracy to commit any one or more of the aforementioned felonies shall be adjudged a habitual criminal and shall be punished by imprisonment in the State prison for life;

Punishment
of habitual
criminals
Period of im-
prisonment

(b) Every person convicted in this State of the crime of robbery, burglary of the first degree, burglary with explosives, rape with force or violence, arson as defined in Section 447a of this code, murder, assault with intent to commit murder, train wrecking, felonious assault with a deadly weapon, extortion, kidnaping, escape from a State prison by use of force or dangerous or deadly weapons, rape or fornication or sodomy or carnal abuse of a child under the age of 12 years, conspiracy to commit any one or more of the aforementioned felonies, who shall have been previously three times convicted, upon charges separately brought and tried, and who shall have served separate terms therefor in any State prison and/or Federal penal institution, either in this State or elsewhere, of the crime of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem,

escape from a State prison, rape or fornication or sodomy or carnal abuse of a child under the age of 12 years, conspiracy to commit any one or more of the aforementioned felonies, shall be adjudged an habitual criminal and shall be punished by imprisonment in the State prison for life;

(c) Provided, however, that in exceptional cases, at any time not later than 60 days after the actual commencement of imprisonment, the court may, in its discretion, provide that the defendant is not an habitual criminal, and in such case the defendant shall not be subject to the provisions of this section or of Sections 3047 and 3048 of this code;

(d) Nothing in this section shall abrogate or affect the punishment by death in any and all crimes now or hereafter punishable by death.

SEC. 2. Section 3047 of said code is amended to read:

Imprisonment prerequisite to parole
Habitual criminal having two previous convictions

3047. Any person imprisoned as an habitual criminal under paragraph (a) of Section 644 shall not be eligible for a release on parole until he shall have served a minimum term of at least 15 years with benefit only of credits as provided in Section 2920 of this code. A record shall be kept of credits which would have been earned under Sections 2789, 2921 and 2922 of this code had they been applicable to said person, and such credits may be considered by the Adult Authority in granting paroles but shall not reduce the minimum term herein specified.

SEC. 3. Section 3048 of said code is amended to read:

Same Habitual criminal having three previous convictions

3048. Any person imprisoned as an habitual criminal under paragraph (b) of Section 644 shall not be eligible for release on parole until he shall have served a minimum term of at least 20 years with benefit only of credits as provided in Section 2920 of this code. A record shall be kept of credits which would have been earned under Sections 2789, 2921 and 2922 of this code had they been applicable to said person, and such credits may be considered by the Adult Authority in granting paroles but shall not reduce the minimum term herein specified.

SEC. 4. Section 3048.5 is added to said code, to read:

Same Previous determination of habitual criminality

3048.5. Every person heretofore adjudged or determined to be an habitual criminal under either paragraph (a) or (b) of Section 644 of the Penal Code as that section read prior to the effective date of this act, who could have been adjudged or determined to be an habitual criminal under either paragraph (a) or (b) of Section 644 of said code as amended by this act shall be imprisoned in a State prison for life and shall be eligible for a release on parole as provided in Sections 3047 and 3048 respectively of the Penal Code as amended by this act; provided, however, that every such person heretofore adjudged or determined to be a habitual criminal under paragraph (a) of Section 644 of the Penal Code as that section read prior to the effective date of this act shall be eligible for a release on parole after he shall have served a minimum term of at least 12 years. Every other person heretofore adjudged or determined to be an habitual criminal under either paragraph (a) or (b) of

Section 644 of the Penal Code as that section read prior to the effective date of this act, shall be deemed to be imprisoned for life and shall be eligible for release on parole after he shall have served a minimum term of seven calendar years

CHAPTER 935

An act to amend Section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Stats 1925,
p 648,
amended

[Approved by Governor June 13, 1945. Filed with Secretary of State June 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the act cited in the title hereof is amended to read:

Stats 1943,
p 2445

Sec. 7. The municipal court in a city or city and county of the first and one-half class shall be constituted, and the judges, officers and attaches thereof shall be as herein enumerated and shall have the qualifications and shall receive the compensation herein affixed, as follows:

Los Angeles
Municipal
Court
Judges, etc

There shall be 30 judges, each of whom must be registered and qualified electors of the city wherein they are to serve and shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office and each of whom shall receive ten thousand dollars (\$10,000) payable in equal monthly installments; one clerk to be appointed by the judges of the court who shall receive six hundred fifty dollars (\$650) per month; one marshal to be appointed by the judges of the court, who shall receive six hundred dollars (\$600) per month; one referee to be appointed by the judges of the court who shall receive four hundred dollars (\$400) per month.

CHAPTER 936

An act to amend Section 9201 and to repeal Section 9202 of the Health and Safety Code, relating to the acquisition of non-perpetual care cemeteries by public cemetery districts.

In effect
September
15, 1945

[Approved by Governor June 19, 1945 Filed with Secretary of State
June 19, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 9201 of the Health and Safety Code is amended to read:

Acquisition
of nonperpetual
care
cemetery

9201. Any public cemetery district may acquire, by grant, gift, or any other method, any nonperpetual care cemetery existing in the district at the time of its formation in which there has not been interred any human dead for the period of twenty (20) years.

Repeal

SEC. 2. Section 9202 of said code is repealed.

CHAPTER 937

Stats 1937,
p 1898,
amended

An act to add Sections 16.5, 17.1, and 40.5 to the County Employees Retirement Act of 1937, relating to County employees' retirement systems.

In effect
September
15, 1945

[Approved by Governor June 19, 1945 Filed with Secretary of State
June 19, 1945.]

The people of the State of California do enact as follows:

New section

SECTION 1 Section 16.5 is hereby added to the act cited in the title hereof, to read as follows:

Institution
in two or
more
counties

Sec. 16.5. "District" also includes any institution operated by two or more counties, in one of which counties there has been adopted an ordinance placing the County Employees Retirement Act in operation.

New section
"Employee"

SEC. 2. Section 17.1 is added to said act, to read:

Sec. 17.1. "Employee" also includes any officer or other person employed by a district defined in Section 16.5 and whose compensation is paid from the funds of the district.

New section
Inclusion in
system

SEC. 3 Section 40.5 is added to said act, to read:

Sec. 40.5. The provisions of this act may be made effective by a resolution adopted by a majority of the governing board or committee of any institution operated by two or more counties provided one of the counties involved in the operation of said institution has adopted the provisions of this act. The employees of said institution shall thereupon become members of the retirement system of the county designated by the governing board or committee of the institution and all contributions made by the employees of said institution and by the governing board or committee managing the institution shall be paid into the county retirement system of the county selected. Thereafter the governing board or committee shall cause to be paid into the county operating the said retirement system, its proportionate share of the operation of the retirement system.

CHAPTER 938

An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

"County
Highway Aid
Act of
1945"

[Approved by Governor June 19, 1945 Filed with Secretary of State
June 19, 1945]

In effect
September
15, 1945

I object to the item of \$12,000,000 in Section 5 of Senate Bill No 608, and I reduce said amount to \$6,000,000 My reason for making this reduction is that an identical appropriation is made by Assembly Bill No 2180 I am similarly reducing the appropriation made by that bill in order that the total appropriation made by the two bills shall equal the sum of \$12,000,000.

EARL WARREN
Governor of California

The people of the State of California do enact as follows:

SECTION 1. Declaration of Policy. The Congress of the United States has enacted the Federal-Aid Highway Act of 1944 in which the sum of one hundred fifty million dollars (\$150,000,000) has been authorized to be appropriated for projects on the principal secondary and feeder roads, including farm to market roads, rural free delivery mail and public school bus routes in the various States. By apportionment of the authorization made pursuant to said Federal act, it is anticipated that the sum of approximately fifteen million dollars (\$15,000,000) will be made available for expenditure on such roads in California in the three-year period immediately following termination of the war on the basis provided in the Federal-Aid Highway Act. Said apportionment to California is to be made available for expenditure on either State highways or county highways which qualify under the Federal law. County highways throughout the State have deteriorated to such an extent as to be a matter of primary State concern. It is, therefore, determined by the Legislature that, insofar as permissible under Federal law, rules and regulations, at least eighty-seven and one-half per cent (87½%) of the money apportioned to California for such projects as are mentioned in subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 should be expended for the improvement of the county highways in this State. Inasmuch as these county highways are a matter of State concern and many of the counties are financially unable to furnish funds to be used with the Federal funds as required by Federal law, funds should be provided from State sources therefor.

Declaration
of policy
68 Fed.
Stats,
Ch 626

SEC. 2 As used in this act, "county highway" means county highway as defined by Section 25 of the Streets and Highways Code, which is on the system of secondary and feeder roads as defined by the Federal-Aid Highway Act of 1944

"County
highway"

Inasmuch as the funds available for construction of highways pursuant to the provisions of subdivision (b) of Section 3 of the

"Counts"

Federal-Aid Highway Act of 1944 may not be expended in any municipality of 5,000 or more population, "county" as used in this act does not include a city and county.

"Construction"

As used in this act, "construction" means construction as defined by the Federal-Aid Highway Act of 1944.

Effect on status of county highway

SEC. 3. The provisions of this act or any action taken pursuant to it (including construction on any county highway) shall not be deemed to change the status of any county highway into that of a State highway notwithstanding any other provision of law.

Public interest

SEC. 4. (a) It is in the interest of the State of California and of the counties of the State that at least eighty-seven and one-half per cent (87½%) of the moneys available for construction of highways in this State pursuant to the provisions of subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 be apportioned for expenditure among the counties of this State in the manner and in accordance with the formula prescribed in subdivision (b) of Section 4 of said Federal act for apportionment among the States.

Recommendation of projects

(b) The Department of Public Works shall in behalf of the State and the counties recommend such projects and take such other action within the powers conferred on it by law as to comply with paragraph (a) of this section and the other provisions of this act as fully as applicable Federal laws, rules, or regulations permit.

Appropriation

SEC. 5. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated the sum of twelve million dollars (\$12,000,000), which sum shall be transferred by the State Controller on the effective date of this act to the State Highway Fund and shall be expended by the Department of Public Works to pay the State's share for construction of county highways as provided in this act. The said sum of twelve million dollars (\$12,000,000) hereby appropriated shall be apportioned for expenditure in the counties of the State on the same formula as provided in subdivision (b) of Section 4 of said Federal act for apportionment of said Federal moneys among the several States. None of the appropriation hereby made shall be expended on any highway, street, or road which is not a county highway, except as expressly otherwise provided in this act.

Submission of projects

SEC. 6. The Department of Public Works shall notify each county on the effective date of this act or as soon thereafter as possible of the amount of money to be available for expenditure in said county from said Federal apportionment and of the amount of money available from the appropriation hereby made to pay the State's share in conjunction with the Federal aid in the county. Each county shall within six months after such notice submit to the department a description of the projects on county highways in said county which are approved by the county and are eligible for such Federal aid under said Federal-Aid Highway Act of 1944.

The boards of supervisors of the several counties and the department are authorized and directed to enter into cooperative agreements and to do all other things necessary and proper in their respective jurisdictions to secure such Federal aid for construction of county highways in accordance with the intent of this act. Any such agreement shall provide that the county will maintain the project when completed as required by Federal law, rules and regulations

Cooperative
agreements

SEC. 7. If any county notifies the department that it refuses to accept the benefits of this act on the terms and conditions specified herein and in the Federal law, rules and regulations, or if any county fails to submit a description of the projects desired by it within the six months period provided in Section 6 or within such further period of time not exceeding an additional six months as may be extended by the department, the amount of the appropriation hereby made available for expenditure in said county may be expended in the discretion of the California Highway Commission on any other highway, State or county, on the approved system of secondary and feeder roads within or without said county.

Nonaccept-
ance by
county

SEC. 8. The appropriation hereby made shall continue indefinitely to be available in the State Highway Fund to be used as provided in this act.

Availability
of appro-
priation

SEC. 9. Any county may by resolution of its board of supervisors request the department to expend all or any portion of the moneys available for expenditure in said county under this act on any State highway in the county, and in that event the department may pursuant to the provisions of the Federal-Aid Highway Act of 1944 as amended and supplemented expend such money on such State highway notwithstanding any other provisions of this act.

Expenditures
on State
highway

SEC. 10. Any county may enter into an agreement with any other county or counties or joint highway district or other public agency for the expenditure of moneys available pursuant to this act for expenditure in such county on any public highway system outside its limits, if such highway is eligible for Federal aid under subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944. The Department of Public Works may then expend the money in accordance with such contract.

Contracts
with other
counties, etc

SEC. 11. This act shall be known and may be cited as the County Highway Aid Act of 1945.

Short title

CHAPTER 939

"Humboldt
County Flood
Control Dis-
trict Act"

An act to create a flood control district to be called Humboldt County Flood Control District and dividing said district into zones; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

In effect
September
15, 1945

[Approved by Governor June 19, 1945 Filed with Secretary of State
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The people of the State of California do enact as follows:

- Short title SECTION 1. This act shall be known and may be cited as the "Humboldt County Flood Control District Act."
- Creation and boundaries of district SEC. 2 A flood control district is hereby created to be called the "Humboldt County Flood Control District." Said district shall consist of all the territory of the County of Humboldt lying within the exterior boundaries of said county excepting such islands of said county as lie in the Pacific Ocean. As used in this act the term "district" means the Humboldt County Flood Control District.
- Zones SEC. 3. The district is hereby divided into five zones which shall be numbered and denominated as hereinafter provided.
- Description SEC. 4. The following constitutes the number and description of each of the several zones within the district:
- Zone One Zone 1. Beginning at a point where the section line running east and west between Sections 4 and 9, T. 3 N., R. 2 W., H. M., intersects the shore line of the Pacific Ocean, and running thence east to the quarter section corner common to Sections 1 and 12, said T. 3 N., R. 2 W., H. M. thence south one-half mile to the center of Section 12, thence east one-fourth mile, thence south one-fourth mile, thence east one-fourth mile, thence south one-fourth mile to the southeast corner of Section 12, thence south one-fourth mile, thence east one-half mile to the State Highway Route 1, thence following said highway southerly to the westerly city limit line of Fortuna, thence following the said city limit line southerly and easterly to the State highway, thence following the State highway southerly through Sections 2, 11 and 14 to the south line of Section 14, thence east to the southeast corner of Section 14, T. 2 N., R. 1 W., H. M., thence south one mile to the southeast corner of

Section 23, thence west one-half mile, thence south three-fourths mile, thence east one-fourth mile, thence south one-fourth mile, thence east one-fourth mile to the southeast corner of Section 26, thence south to the State highway, thence following said State highway southeasterly to the south line of the northeast quarter of the northwest quarter of Section 36, thence east to the east line of Section 36, thence south to the south bank of Eel River at low water, thence following the low water line downstream to the subdivisional line running east and west through the center of Sections 22 and 23, T. 2 N., R. 1 W., H. M., thence west to the center of Section 22, thence north one-fourth mile, thence west one-half mile, thence north three-fourths mile to the quarter section corner common to Sections 15 and 16, thence west one and one-half mile to the center of Section 17, thence north one-half mile, thence west three-fourths mile, thence north to the south line of Philip Daoro property, thence westerly one-fourth mile, thence north to the northwest corner of the southwest quarter of the southeast quarter of Section 7, thence west one-fourth mile, thence north one-fourth mile, thence west one-fourth mile to the quarter section corner on the east line of Section 12, T. 2 N., R. 2 W., H. M., thence west one and three-fourths mile to the southwest corner of the city limits of Ferndale, thence north three-fourths mile, thence west three and one-quarter miles to the northwest corner of the southwest quarter of the southwest quarter of Section 5, T. 2 N., R. 2 W., H. M., thence south one-fourth mile, thence west one-half mile to the quarter section corner common to Sections 6 and 7, thence south one-fourth mile, thence west one-half mile more or less to the shore line of the Pacific Ocean, thence following said shore line northerly to the point of beginning.

Zone 2. Beginning at the northwest corner of Section 24, T. 2 N., R. 1 W., H. M., and running thence east one mile, thence south one-fourth mile, thence east one-half mile, thence south one-fourth mile, thence east one mile to the center of Section 20, thence south one-half mile, thence east one-half mile to the northeast corner of Section 29, thence south one-fourth mile, thence east three-fourths mile, thence north one-half mile, thence east one and one-fourth miles, thence south one-fourth mile, to the northwest corner of Section 26, in the State Highway Route 35, thence along the center of the State highway to the subdivisional line running east and west through the center of Section 26, thence east to the northeast corner of the northwest quarter of the southeast quarter of Section 26, thence south one-fourth mile, thence east one-fourth mile, thence south three-fourths mile, to the quarter section corner common to Sections 35 and 36, thence west one-fourth mile, thence north one-fourth mile, thence west one-fourth mile, thence north one-fourth mile, thence west one-fourth mile, thence north one-half mile, thence west one-fourth mile to the quarter section corner common to Sections 26 and 27, thence west one-half mile, thence south one-fourth mile, thence west one-half mile, thence south one-fourth mile to the southeast corner of Section 28, thence west one and

one-fourth miles, thence north one-fourth mile, thence west one-half mile, thence north one-fourth mile, thence west one-half mile, thence north one-fourth mile, thence west three-fourths mile to the northwest corner of the southwest quarter of the northwest quarter of Section 30, T. 2 N., R. 1 E., H. M., thence west one mile to the northwest corner of the southwest quarter of the northwest quarter of Section 25, T. 2 N., R. 1 W., H. M., thence north one and one-fourth miles to the point of beginning.

Zone Three:

Zone 3. Beginning at a point where the north line of T. 6 N., R. 1 W., H. M. intersects the shore line of the Pacific Ocean, and running thence east to the northwest corner of the northwest quarter of the northeast quarter of Section 1, thence south one-half mile more or less to the south line of the Julius Fisher Property, thence east one-half mile, thence south one-half mile to the northwest corner of Section 7, T. 6 N., R. 1 E., H. M., thence east three-fourths mile, thence south one-fourth mile, thence east one-half mile, thence south one-fourth mile, thence east seven-eighths mile more or less to the county road running north and south through the northwest quarter of the southwest quarter of Section 9, thence southerly on the county road to the north line of the southwest quarter of the southwest quarter of Section 9, thence east one and one-eighth miles to the northeast corner of the southwest quarter of the southwest quarter of Section 10, thence south one-fourth mile, thence east three-fourths mile, thence south one-fourth mile, thence east one-half mile, thence south one-fourth mile to the center of Section 14, thence east one-fourth mile, thence south to the center of State Highway Route Number 20, thence following the center line of Route 20 easterly and southerly to the south line of the northwest quarter of the northwest quarter of Section 19, T. 6 N., R. 2 E., H. M., thence east to the center of the northwest quarter of Section 19, thence south one-fourth mile, thence east to the State Highway Route Number 20, thence along the center of said State highway southeasterly to the subdivisional line running north and south through said Section 19 to the Hackett Road, thence along the Hackett Road southerly and easterly to the subdivisional line running north and south through the center of the northeast quarter of Section 30, thence south to the center of the northeast quarter of Section 30, thence east one-fourth mile, thence south one-fourth mile, thence east one-half mile to the center of Section 29, thence south one-fourth mile, thence east one-fourth mile, thence south one-fourth mile, thence east one-fourth mile to the southeast corner of Section 29, thence south one-half mile, thence west one and three-fourths mile, thence north one-half mile, thence west one-fourth mile to the northwest corner of Section 31, T. 6 N., R. 2 E., H. M., thence north one-fourth mile, thence west one-fourth mile, thence north one-fourth mile, thence west one-half mile, thence north one mile, thence west one-fourth mile to the quarter-section corner common to Sections 23 and 24, thence west one-fourth mile, thence north one-half mile, thence west one-fourth mile,

thence north one-fourth mile, thence west three-fourths mile to the center of the southeast quarter of Section 15, thence north one-fourth mile, thence west one mile, thence south one-half mile, thence west one-half mile, thence south one-fourth mile, thence west one-fourth mile, thence south three-fourths mile to the corner common to Sections 20, 21, 28 and 29, thence south one-half mile more or less to the city limit line of the City of Arcata, thence following said city limit line north-westerly and southerly to the southeast corner of the northwest quarter of the northwest quarter of Section 32, T. 6 N., R. 1 E., H. M., thence south to the shore line of Humboldt Bay, thence westerly along said shore line to the subdivisional line running east and west through Sections 34 and 35, T. 6 N., R. 1 W., H. M., thence west to the shore line of the Pacific Ocean, thence following said shore line northerly to the point of beginning.

Zone 4. Beginning at a point where the subdivisional line Zone Four running east and west through the center of Section 32, T. 11 N., R. 1 E., H. M., intersects the shore line of the Pacific Ocean, thence east one-fourth mile more or less to the center of Section 32, thence north one-fourth mile, thence east three-fourths mile, thence south one-fourth mile, thence east one-fourth mile to the center of Section 33, thence south one-fourth mile, thence east one-fourth mile, thence north one-fourth mile, thence east one-fourth mile to the quarter section corner common to Sections 33 and 34, thence north one-fourth mile, thence east one-fourth mile, thence north one-fourth mile, thence east three-fourths mile to the northeast corner of Section 34, thence south one-half mile, thence west one-fourth mile, thence south one-half mile, thence east one-half mile, thence south one-fourth mile, thence west one-half mile to the southeast corner of the northwest quarter of the northeast quarter of Section 3, T. 10 N., R. 1 E., H. M., thence west one-fourth mile, thence south one-fourth mile, thence west one-fourth mile, thence south one-fourth mile, thence west one-fourth mile, thence south one-fourth mile to the section corner common to Sections 3, 4, 9 and 10, thence west one-fourth mile, thence north one-fourth mile, thence west three-fourths mile, thence north one-half mile, thence west one mile more or less to the Pacific Ocean, thence following the shore line of the Pacific Ocean northerly to the point of beginning.

Zone 5. All the territory of the County of Humboldt not Zone Five included in the descriptions of the above numbered zones one, two, three and four.

The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones to be known as subzones within said district without reference to the boundaries of the zones described herein setting forth in said resolution a clear description thereof by metes and bounds, and entitling said subzone by specific subzone number, and institute subzone projects for the specific benefit of such subzones.

Proceedings for the establishment of such subzones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such subzones, which proceedings shall be instituted in the manner prescribed in Section 13 of this act.

Purposes
of act

SEC. 5. The objects and purposes of this act are to provide for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds in the district and the watercourses and watersheds of streams flowing into the district, and to increase, and to prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use within the district.

Powers of
district

SEC. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

Perpetual
successor
Suits

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Seal

3. To adopt a seal and alter it at pleasure.

Acquisition
and disposi-
tion of
property

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

Construction
of works,
etc

Storage, etc,
of waters

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of

water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

Prohibitions

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses and watersheds outside of the district of streams flowing into the district.

Flood and storm waters

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Humboldt, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

Cooperation with other agencies

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and

Technical and other investigations

locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

Entry upon
land for
use of
works, etc

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any State, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Humboldt County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Humboldt County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other

party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided. Indebtedness and bonds

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided. Taxes or assessments

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act. Contracts, etc

SEC. 7. The district shall have and may exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise, provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act, or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or

ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement, or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi public use is required by the district for flood or storm water control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

Governing
body

SEC. 8. The board of supervisors of Humboldt County shall be and is hereby designated as, and empowered to act as, ex officio the board of supervisors of the Humboldt County Flood Control District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the board of supervisors of the Humboldt County Flood Control District.

Ordinances,
etc

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Humboldt.

Officers,
agents and
employees

SEC. 9. The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Humboldt, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Humboldt County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Humboldt County Flood Control District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said Humboldt County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of Humboldt County.

Rules and
regulations,
etc

SEC. 10. The board shall have power to make and enforce all needful rules and regulations for the administration and

government of the district, and to appoint and employ all needful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

SEC. 11. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans to control the flood and storm waters of the district, and the zones thereof, and the flood and storm waters of streams that have their sources outside of said district but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without the district, or to save or conserve in any manner, any or all of such waters, and to protect the public highways, life and property within the district, and the watercourses and watersheds in the district and the watercourses and watersheds of streams flowing into the district, from damage relating to such waters, and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act; and such resolution may direct such engineer or engineers to make and file reports from time to time with the board, which shall show:

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement.

2. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired, or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Assistants Such engineer or engineers, employed by the board, shall have power and authority subject to the control and direction of said board, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

Removal The board may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

Determination of projects SEC. 12. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the district as a whole; or
2. For the common benefit of two or more zones hereinafter referred to as participating zones; or
3. For the benefit of a single zone; or
4. For the benefit of subzones that may be established by the board.

Zone projects SEC. 13. The board may institute projects for single zones and joint projects for two or more zones, and projects for subzones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone, subzone, or participating zones. For the purpose of acquiring authority to

Resolution of intention proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones, subzones, or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in such zone, subzone, or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone, subzone, or in each of said participating zones. Said notice must designate a public place in such zone, subzone, or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

Hearing At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the registered voters

residing within such zone, subzone, or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

SEC. 14. The board shall have power, in any year :

1. To levy ad valorem taxes or assessments upon all property ^{Tax laws} in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district, and

2. To levy taxes or assessments upon all property in each or any of said zones, subzones, and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones or subzones, according to the benefits derived or to be derived by said respective zones or subzones.

3. To levy taxes or assessments upon all property in each or any of said zones or subzones, according to the special benefits derived or to be derived by the specific properties therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones or subzones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones or subzones.

In the event of project of cooperation with any of the governmental bodies as authorized in Subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said Subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zones, subzones, or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone, subzone, or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for. ^{Special tax or assessment}

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones or subzones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones or subzones from the taxes or assessments levied under the provisions of Subdivision 2 of this section shall be expended for constructing, maintaining, ^{Collection and disposition}

operating, extending, repairing or otherwise improving any works or improvements located in any other zone, or outside of such subzone, except in the case of joint projects, or for projects authorized or established outside such subzones, zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, for which purpose a subzone may be construed to be a zone, such zones will become, and shall be referred to as, participating zones.

Resolution
to incur
bonded debt

SEC. 15. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, subzone, or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Humboldt County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

Filing for
record

Special
election

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special election in said zone, subzone, or participating zones at which shall be submitted to the qualified electors of said zone, subzone, or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone, subzone, or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

Ordinance

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone, subzone, or participating zones, the proposition of incurring a bonded debt in such zone, subzone, or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth (1/40) of the whole amount of the principal and interest of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall

not exceed five per cent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish election precincts within the boundaries of each zone, subzone, and participating zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such bond election precincts. Election precincts, etc

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election. Maps Preparation and posting

Said ordinance calling for such election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone, subzone, and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone, subzone, and participating zone affected for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued. Publication and posting of election notices

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone, subzone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided. Necessary vote

SEC. 16. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone, subzone, or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid. Bonds Form Time and place payable

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the days and at the place fixed in said bonds, and Denominations

with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semi-annually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said Humboldt County, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of Humboldt County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Sale of bonds
Disposition of proceeds
Payments from zone funds

SEC. 17. The board may issue and sell the bonds of such district zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Humboldt to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone, subzone, or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Humboldt.

Lien
Annual tax for payment, etc

SEC. 18. Any bonds issued under the provisions of this act shall be a lien upon all property of the zone, subzone, or zones of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all property within said zone, subzone, or participating zones and all property in said zone, subzone, or participating zones shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone or subzone, nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones or subzones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

Deposit and registration of bonds

Said bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of said treasurer to receive and register said bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds

so registered a receipt therefor; that said receipts shall be personal to the respective holders and not transferable. That such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor.

SEC. 19. The board shall levy a tax or assessment each year upon all property in the zone, subzone, or zones of issuance sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones or subzones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Humboldt County to the credit of the zone or subzone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Humboldt County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 20. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof.

SEC. 21. Notwithstanding Section 3720 of the Political Code, the Humboldt County Flood Control District is validly created for the purposes of assessment and taxation. The information and maps, relating to the Humboldt County Flood Control District and the zones thereof, required by Section 3720 of the Political Code shall be filed with the county assessor and State Board of Equalization as soon as practicable after the effective date for this act, but no later than February 1, 1946; provided however, that until the requirements of Section 3720 of the Political Code have been fully complied with all taxes levied shall be at a uniform rate for all zones in the district.

For the Fiscal Year 1945-1946, but for no other fiscal year, notwithstanding Section 20 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Year 1944-1945 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

Tax in
zones, etc

Adoption
of laws re
county prop-
erty taxes,
etc

Filing
information,
maps, etc.,
suspended

Equalization
of 1944-
1945 taxes

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1944-1945 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1945, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1945-1946, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

In equalizing the assessments made by the county assessor, the Board of Supervisors of Humboldt County, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

Assessment,
etc., of
1945-1946
taxes

The board may, by ordinance, prescribe any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1945-1946. Except as provided in this section, Section 20 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1945-1946.

Bonds as
legal in-
vestments

SEC. 22. The bonds of the district issued for any zone, subzone, or zones thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as

security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed. Inconsistent laws

SEC. 23. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 13 $\frac{1}{2}$, Article XIII, of the Constitution of this State. Exemption of bonds from taxation

SEC. 24. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars (\$5,000), shall be let to the lowest responsible bidder or bidders therefor in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. Letting of construction contracts

The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. Bids Advertisement, etc

The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. Contractor's bond

In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials Rejection of bids

and supplies for use in any work therewith either under contract or by force account.

Making im-
provement
for which
bonds vote

SEC. 25. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Additional
bonds

SEC. 26. Whenever bonds have been authorized by any zone, subzone, or participating zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of said zone, subzone, or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Limitation
on holding
new election

SEC. 27. Should a proposition for issuing bonds for any zone, subzone, or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone, subzone, or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

Effect of
repeal or
amendment

SEC. 28. The repeal or amendment of this act shall not in any way affect or released any of the property in said district or any zone or subzone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

Grant of
right of way
for works

SEC. 29. There is hereby granted to Humboldt County Flood Control District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the

selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands. Approval
of grant

SEC. 30. If by any agreement or judgment in condemnation the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 7 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made. Relocation of
streets, etc

SEC. 31. Claims against the district whether arising out of contract, tort, or inverse eminent domain must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by general law relating to the making and filing of claims against counties. Such claims may be amended within said six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless such claim relating thereto has been filed as hereinabove prescribed and action thereon commenced within one year after the cause of action arose. Claims
against
district

SEC. 32. The legal title to all property, except shares of stock in mutual water companies or corporations relating to water supply, as provided in Section 31d, Article IV, of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties. Legal title
to property

SEC. 33. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Humboldt, by filing with the clerk of said county a Action to
validate
bonds

complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal food control and water conservation and development district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. The State of California shall be construed to be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceedings. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

Effective
date

SEC. 34. For the purposes of this Section 34, this act shall go into effect as provided in the State Constitution. For all other purposes generally, this act shall go into effect on the one hundred and fiftieth day after final adjournment of the Fifty-sixth Regular Session of the Legislature.

Official bonds
of employees

Employees appointed by the board under this act when required by resolution therefor of the board of supervisors of the district, shall execute bonds conditioned, executed, approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments.

Construction
of act

SEC. 35. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Constitutionality

SEC. 36. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 940

An act to add Section 957.5 to the Fish and Game Code, relating to the use of nets.

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 957.5 is added to the Fish and Game Code, to read:

957.5. Between August 1st and January 31st, in Districts 6, ^{Gill nets} 7, 10, 17, 18, 19, and 20, gill nets with meshes of not less than nine and one-half inches may be used to take soup-fin sharks.

CHAPTER 941

An act to amend Section 783 of the Penal Code, relating to jurisdiction of offenses committed on vessels navigating State waters or on railroad trains or cars or on aircraft.

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 783 of the Penal Code is amended to read:

783. When an offense is committed in this State, on board a vessel navigating a river, bay, slough, lake, or canal, or lying therein, in the prosecution of her voyage, the jurisdiction is in any county through which the vessel is navigated in the course of her voyage, or in the county where the voyage terminates; and when the offense is committed in this State, on a railroad train, a common carrier transporting passengers or car prosecuting its trip, the jurisdiction is in any county through which the train or car passes in the course of her trip, or in the county where the trip terminates; and when the offense is committed in this State, on an aircraft prosecuting its trip, the jurisdiction is in any county over which the aircraft passes in the course of its trip, or in the county where the trip terminates; provided that such jurisdiction under this section as to an offense committed on an aircraft shall be only in a county over or into which the aircraft passes prior to the first landing of such aircraft after the crime is discovered by or reported to the person in charge of such aircraft.

Jurisdiction
of offenses
committed
on vessels,
trains, etc

CHAPTER 942

Stats 1937
p 1226,
amended

An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance.

In effect
September
15, 1945

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1947
Ch 545
'Employer'

SECTION 1. Section 9 of the Unemployment Insurance Act is amended to read:

Sec. 9. "Employer" means:

(a) Any employing unit, which for some portion of a day, has within the current calendar year or had within the preceding calendar year in employment one or more individuals and pays wages for employment in excess of one hundred dollars (\$100) during any calendar quarter, provided that prior to January 1, 1946, employer means any employing unit which for some portion of a day, but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks are or were consecutive, has within the current calendar year or had within the preceding calendar year in employment four or more individuals, irrespective of whether the same individuals are or were employed in each such day;

(b) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(c) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit if the experience of such individual or employing unit subsequent to such acquisition plus the experience of the acquired unit prior to such acquisition, both within the calendar year, would equal the experience necessary to constitute an employing unit an employer subject to this act under subdivision (a) of this section;

(d) Any employing unit which, having become an employer under this act has not, under Section 9.7, ceased to be an employer subject to said act;

"Employing
unit"

(e) "Employing unit," as used in this act, means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has subsequent to January 1, 1936, in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this act.

Each individual employed to perform or to assist in performing the work of any individual employed by an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such individual so employed, providing the employing unit had actual or constructive knowledge of the work.

CHAPTER 943

An act adding Section 11.1 to, and amending Section 10.5 of, an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to retirement. Stats 1931, p 477, amended

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 11.1 is hereby added to said act, to read New section as follows:

Sec. 11.1. If a member who has served 15 years or more develops heart trouble it shall be presumed in any proceeding under this act by the board of retirement and by the court, that such heart trouble is an injury or disease occurring in and arising out of his employment, in the absence of evidence to the contrary. Heart trouble Presumption

SEC. 2. Section 10.5 of the act cited in the title hereof is amended to read: Stats 1941, p 2264

Sec. 10.5. In the event that on or after June 1, 1940, any member shall have entered or shall hereafter enter the armed forces of the United States during war or National emergency proclaimed by the President or entrance into such service under the Congress of the United States or act of Congress providing for peacetime induction or conscription, and thereafter shall have returned to active service as a peace officer within 90 days after the termination of such service during such war emergency, he shall be deemed to have been in continuous service as a peace officer during the time he was in such armed forces of the United States; provided, that he shall have during the period of his absence from active duty, or shall have within one year after his return from active duty and within such further time not exceeding an additional two years as may be granted by the board of retirement, paid into said retirement fund an amount equal to the amount of contributions which he would have made had he remained on active duty. Service in armed forces of United States

CHAPTER 944

An act to amend Sections 19302, 19304 and 19307 of the Education Code, all relating to school cafeterias.

In effect
September
15, 1945

[Approved by Governor June 19, 1945 Filed with Secretary of State
June 19, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 19302 of the Education Code is amended to read:

Charges
against
school dis-
trict funds

19302. The cost of housing and equipping cafeterias is a charge against the funds of the school district. The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias and the cost of replacement of equipment a charge against the funds of the school district.

SEC. 2. Section 19304 of said code is amended to read:

Price of food

19304. The food served shall be sold to the patrons of the cafeterias at such a price as will pay the cost of maintaining the cafeterias, exclusive of the costs made a charge against the funds of the school district by this chapter, and items made a charge against the funds of the school district by resolution of the governing board under authority of this chapter.

SEC. 3. Section 19307 of said code is amended to read:

Cafeteria
accounts

19307. The governing board of any school district may establish an account for each cafeteria established in a school of the district, or for all cafeterias established in the schools of the district, in one or more banks. The account shall be known as "The Cafeteria Account of (insert name of district) District." If the account is established for one of several cafeterias, it shall be known as "The Cafeteria Account of the (insert name of school) School of (insert name of district) District." All receipts of the cafeteria, or cafeterias, as the case may be, derived from the sale of food shall be deposited in the account and shall be expended only for the maintenance of the cafeteria, or cafeterias, exclusive of items made a charge against the funds of the school district by this chapter, and items made a charge against the funds of the school district by resolution of the governing board under authority of this chapter.

CHAPTER 945

An act to amend Section 2631 of the Elections Code, relating to sponsor list.

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2631 of the Elections Code is amended to read as follows:

2631. The county clerk's statement to the Secretary of State of the number of sponsors shall be in substantially the following form:

Form of county clerk's statement

COUNTY CLERK'S STATEMENT OF NUMBER OF SPONSORS

I, county clerk (or registrar of voters) of the county of _____, hereby certify that I have examined the _____ hereto attached filed on behalf of _____, candidate for nomination to the office of _____ at the primary election to be held on the last Tuesday in August, 19____, and that the total number of signatures which I have not marked "not sufficient" is _____.

Dated this _____ day of _____, 19____.

(SEAL)

_____ County Clerk
By _____ Deputy

CHAPTER 946

An act to amend Sections 4, 6, 8, 9, 11, 12, 13, 13½, 17, 20, 21, 24, 25, 27, 28, and 30 of, and to add one new section to be numbered 14.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Stats 1929, p 19, amended

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 4 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Stats 1943, p 2897

Sec. 4. (1) Every financial corporation doing business within the limits of this State, taxable under the provisions of Section 16 of Article XIII of the Constitution of this State, shall annually pay to the State for the privilege of exercising its corporate franchises within this State, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, upon the basis of its net income for the next preceding fiscal or calendar year at the rate provided for in Section 4a hereof.

Financial corporations. Tax imposed

(2) Each such financial corporation shall be entitled to an offset against said franchise tax, in the manner hereinafter

Same. Offset

provided, in the amount of personal property taxes and license fees for the privilege of operating as personal property brokers, or brokers as defined in Chapter 634, Statutes of 1909, as amended, paid to this State or to any county, city and county, city, town or other political subdivision of the State, and licenses for the privilege of operating motor vehicles paid to this State under Chapter 362, Statutes of 1935, as amended; provided, however, that the tax on such financial corporation after the allowance of offset shall not be less than 4 per centum of its net income for the preceding fiscal or calendar year or less than twenty-five dollars (\$25).

Other corporations doing business in State

(3) With the exception of financial corporations, every corporation doing business within the limits of this State and not expressly exempted from taxation by the provisions of the Constitution of this State or by this act, shall annually pay to the State, for the privilege of exercising its corporate franchises within this State, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, at the rate of 4 per centum upon the basis of its net income for the next preceding fiscal or calendar year. In any event, each such corporation shall pay annually to the State, for the said privilege, a minimum tax of twenty-five dollars (\$25).

Stock or bond holding corporation

(4) Any corporation organized to hold the stock or bonds of any other corporation or corporations, and not trading in such stock or bonds or other securities held, and engaging in no other activities than the receipt and disbursement of dividends from such stock or interest from such bonds, shall not be considered a corporation doing business in this State for the purposes of this act.

Corporations not otherwise taxed

(5) Every corporation not otherwise taxed in pursuance of this section and not expressly exempted by the provisions of this act or the Constitution of this State shall pay annually to the State a tax of twenty-five dollars (\$25).

Exemptions

(6) The following corporations shall be exempt from taxation under this act:

(a) Incorporated labor organizations.

(b) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this act.

(c) Corporations classified as diversified management companies under Section 5 of the Federal Investment Company Act of 1940, and registered as provided in that act.

(d) Cemetery companies owned and operated exclusively for the benefit of their members; or which are not operated for profit; or any corporation chartered for cemetery purposes and permitted by its charter to engage in any business related to that purpose, no part of the net earnings of which inures to the benefit of any shareholder or member thereof.

(e) Corporations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

(f) Business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(g) Incorporated clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.

(h) Religious or apostolic corporations, if such corporations have a common treasury or community treasury, even if such corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro rata shares, whether distributed or not, of the net income of the corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received.

(7) Taxes under this section and under Sections 1 and 2 of this act shall accrue on the last day of the "income year," as defined in Section 11 hereof. When taxes accrue

Taxes under this section shall be in lieu of all ad valorem taxes and assessments of every kind and nature upon the general corporate franchises of the corporations taxable hereunder but shall not be in lieu of any taxes or assessments upon special franchises owned, held or used by said corporations. All such special franchises shall be assessed annually by the State Board of Equalization (at their actual value) in the same manner as is provided for the assessment of other property to be assessed by said board under Section 14 of Article XIII of the Constitution of this State, and shall be subject to taxation to the same extent and in the same manner as other property so assessed by said board. Said board is hereby authorized and directed to assess said special franchises as of the first Monday in March of 1935 and annually thereafter. Taxes in lieu of ad valorem taxes, etc

SEC. 2. Section 6 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats 1913, p. 1403

Sec. 6. (a) The term "gross income," as herein used, includes gains, profits and income derived from business, of whatever kind and in whatever form paid; gains, profits or income from dealings in real or personal property; gains, profits or income received as compensation for services, as interest, rents, commissions, brokerage or other fees, or otherwise received in carrying on such business; all interest received from Federal, State, municipal or other bonds, and, except as hereinafter otherwise provided, all dividends received on stocks. Items included in gross income

Items exempt
from taxa-
tion

(b) The term "gross income" does not include the following items which shall be exempt from taxation under this act:

(1) Amounts received under life insurance policies and contracts paid by reason of the death of the insured but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(2) Amounts received (other than amounts paid by reason of the death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon. In the case of a transfer for a valuable consideration by assignment or otherwise, of a life insurance, endowment or annuity contract or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be excluded from gross income under paragraph (b) (1) of this section. The preceding sentence shall not apply in the case of such a transfer if such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor.

(3) Income, other than rent, derived by a lessor of real property upon the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee.

(4) Income attributable to the recovery during the income year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to such debt, tax, or amount. For the purposes of this paragraph:

"Bad debt"

(A) The term "bad debt" means a debt on account of worthlessness or partial worthlessness of which a deduction was allowed for a prior income year.

"Prior tax"

(B) The term "prior tax" means a tax on account of which a deduction or credit was allowed for a prior income year.

"Delinquent
amount"

(C) The term "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior income year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

"Recovery
exclusion"

(D) The term "recovery exclusion," with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the commissioner, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this act or the Corporation Income Tax Act, reduced by the amount excludible in previous income years with respect to such debt, tax, or amount under this paragraph.

(5) The amount of any income of a bank or corporation attributable to the discharge, within the income year, of any

indebtedness of the taxpayer (or for which the taxpayer is liable) evidenced by a security (as hereinafter in this paragraph defined) if the taxpayer makes and files at the time of filing the return, in such manner as the commissioner by regulation prescribes, its consent to the regulations prescribed under Section 21 (b) (3). In such case the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. As used in this paragraph the term "security" means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by any corporation.

(6) The amount of any income attributable to the discharge, within the income year, of any indebtedness of a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, to the extent that such income is deemed to have been realized by reason of a modification in or cancellation in whole or in part of such indebtedness pursuant to an order of a court in a receivership proceeding or in a proceeding under Section 77 of the National Bankruptcy Act, as amended. In such case the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Subsection 6 (b) (5) shall not apply with respect to any discharge of indebtedness to which this paragraph applies.

(c) (1) The term "dividend" when used in this act means "Dividend" any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913, or out of the earnings or profits of the income year (computed as of the close of the income year without diminution by reason of any distributions made during the income year), without regard to the amount of the earnings and profits at the time the distribution was made.

(2) For the purposes of this act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed without being included in the gross income of the recipient, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such distribution shall be applied against and reduce the adjusted basis of the stock provided in Section 21 (b).

(3) Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under Section 19. In the case of amounts distributed (whether before or after the effective date of this amendment) in partial liquidation (other than a distribution within the provisions of subdivision (7) of this subsection of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits. In the case of amounts distributed (whether before January 1, 1934, or on or after such date) in partial liquidation (other than a distribution within the provisions of subdivision (7) of this subsection or stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of subdivision (2) of this subsection for the purpose of determining the taxability of subsequent distributions by the corporation.

(4) If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913, and is not a dividend, then the amount of such distribution shall be applied against and reduce the adjusted basis of the stock provided in Section 21, and if in excess of such basis, such excess shall be included in gross income in the same manner as a gain from the sale or exchange of property.

(5) (A) A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock shall be treated as a dividend to the extent that it constitutes income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution of the United States.

(B) Whenever a distribution by a corporation is, at the election of any of the shareholders (whether exercised before or after the declaration thereof), payable either (i) in its stock or in rights to acquire its stock, of a class which if distributed without election would not be included in gross income under paragraph (A), or (ii) in money or any other property (including its stock or rights to acquire its stock, of a class which if distributed without election would be included in gross income under paragraph (A)), then the distribution shall constitute a taxable dividend in the hands of all shareholders, regardless of the medium in which paid.

(6) If a corporation cancels or redeems its stock (whether or not such stock was issued as a stock dividend) at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock, to the extent that it

represents a distribution of earnings or profits accumulated after February 28, 1913, shall be treated as a taxable dividend.

(7) The distribution heretofore or hereafter made to a distributee by or on behalf of a corporation of its stock or securities or stock or securities in another corporation shall not be considered a distribution of earnings or profits of any corporation:

(A) If no gain to such distributee from the receipts of such stock or securities was recognized under the provisions of the Federal Revenue Act of 1936 or prior Federal revenue acts in effect at the time of the distribution, or

(B) If the distribution was not subject to tax in the hands of such distributee under the Federal Revenue Act of 1936 or prior Federal revenue acts in effect at the time of the distribution because it did not constitute income to him within the meaning of the Sixteenth Amendment to the Constitution of the United States or because exempted to him under Section 115 (f) of the Federal Revenue Act of 1934, or a corresponding provision of a prior Federal revenue act.

As used in this subsection, the term "stock or securities" includes rights to acquire stock or securities. "Stock or securities"

(8) As used in this subsection the term "amount distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock. "Amount distributed in partial liquidation"

(9) If the whole or any part of a dividend is paid to a shareholder in any medium other than money the property received other than money shall be included in gross income at its fair market value at the time as of which it becomes income to the shareholder.

(10) The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a bank or corporation for the purpose of the computation of earnings and profits of the bank or corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain. Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing net income under the law applicable to the year in which such sale or disposition was made. Where, in determining the adjusted basis used in computing such realized gain or loss, the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings or profits, then the latter adjustment shall be used in determining the increase or decrease above provided. For the purposes of this subsection, a loss with respect to which a deduction is disallowed under Section 8 (d) of this act or Section 7 (d) of the Corporation Income Tax Act shall not be deemed to be recognized.

Where a bank or corporation receives (after February 28, 1913) a distribution from a second bank or corporation which

(under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second bank or corporation, the amount of such distribution shall not increase the earnings and profits of the first bank or corporation in the following cases:

(A) No such increase shall be made in respect of the part of such distribution which (under such law) is directly applied in reduction of the basis of the stock in respect of which the distribution was made.

(B) No such increase shall be made if (under such law) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received.

For the purposes of this subdivision, the words "law applicable to the year" shall be deemed to refer to this act or, prior to January 1, 1928, the United States Revenue Act in force for the year in which the distribution, sale or other disposition was made.

(11) (A) If any increase or decrease in the earnings or profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in paragraph (B), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

(B) If the application of subdivision (10) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding subdivision (10) and in lieu of the rule provided in paragraph (A) of this subdivision, the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

Canceled or
forgiven
indebtedness

(d) (1) If the indebtedness of a bank or corporation is canceled or forgiven in whole or in part without payment, the amount so canceled or forgiven shall constitute income to the extent the value of the property (including franchises) of the bank or corporation exceeds its liabilities immediately after the cancellation or forgiveness. The remainder of the amount of indebtedness so canceled or forgiven, if any, shall be applied in reduction of the basis of the assets to the extent the basis thereof exceeds the value thereof immediately after the cancellation or forgiveness, such reduction to be made in accordance with regulations prescribed by the commissioner.

If an indebtedness is not paid by the time an action to enforce payment is barred by limitation, the indebtedness shall be considered canceled or forgiven within the meaning of this subsection unless it can be established that the period of limitation has been extended by a new promise in writing.

(2) If a stockholder of a bank or corporation cancels any indebtedness owing to the stockholder by the bank or corporation, such cancellation shall not constitute income to the bank or corporation except to the extent that the bank or corporation received a tax benefit, under this act, from such indebtedness.

Sec. 3. Section 8 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Sec. 8. In computing "net income" the following deductions shall be allowed:

(a) (1) All the ordinary and necessary expenses paid or incurred during the income year in carrying on business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title or in which it has no equity.

(2) No deduction shall be allowable under paragraph (1) to a bank or corporation for any contribution or gift which would be allowable as a deduction under subsection (i) were it not for the 5 per centum limitation therein contained and for the requirement therein that payment must be made within the income year.

(b) All interest paid or accrued during the income year on indebtedness of the taxpayer to the extent in excess of income of the taxpayer from interest and dividends (other than dividends deductible under the provisions of subdivision (h) of this section and other than dividends from corporations, 50 per centum or more of the outstanding stock of which is owned by the taxpayer), which is not included in the measure of the tax imposed by this act; or to the extent of interest and dividends included in the measure of the tax imposed by this act, whichever is the greater.

(c) (1) Taxes or licenses paid or accrued during the income year, other than taxes paid to the State under this act, and other than taxes on or according to or measured by income or profits paid or accrued within the income year imposed by the authority of (a) the Government of the United States or any foreign country, (b) any State, Territory, county, city and county, school district, municipality, or other taxing subdivision of any State or Territory, and other than taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against local benefits as is properly allocable to maintenance or interest charges.

Stats 1943,
p 1403
See also
Stats 1945,
Ch 962
Deductions
allowed
Expenses

Interest

Taxes or
licenses

(2) In the case of a tax imposed by any State, Territory, district, or possession of the United States, or any political subdivision thereof, upon persons engaged in selling tangible personal property at retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, or upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of such tax is separately stated, then to the extent that the amount so stated is paid by the purchaser (otherwise than in connection with the purchaser's trade or business) to such person such amount shall be allowed as a deduction in computing the net income of such purchaser as if such amount constituted a tax imposed upon and paid by such purchaser.

Uncompen-
sated losses

(d) Losses sustained during the income year and not compensated for by insurance or otherwise, except that such losses may, with the consent of the Franchise Tax Commissioner, hereinafter designated "commissioner," be accounted for as of a different period. In the case of any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within 30 days before or after the date of such sale or other disposition, the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or other disposition, no deduction for the loss shall be allowed unless the claim is made by a taxpayer, a dealer in stocks or securities, and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed. Upon the subsequent sale or disposition of shares of stock or securities, in respect of which a loss has been disallowed, the basis for measuring gain or loss in the case of property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis shall be decreased in the amount of the difference.

Bad debts

(e) Debts which become worthless within the income year, or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable in part only the commissioner may allow such debt, in an amount not in excess of the part charged off within the income year, as a deduction; provided, however, that if a debt was actually worthless prior to January 1, 1943, but was not ascertained to be worthless and charged off prior to said date, a deduction may be taken therefor during the first income year ending after December 31, 1942; and, provided, that if a portion of a debt is claimed and allowed as a deduction in any

year no deduction shall be allowed in any subsequent year for any portion of the debt which in any prior year was charged off, regardless of whether claimed as a deduction in such prior year.

(f) A reasonable allowance for exhaustion, wear and tear ^{Depreciation} and obsolescence of property used in the trade or business. The basis on which such allowance is to be computed in respect of any property is the adjusted basis provided in Section 21 (b) for the purpose of determining the gain upon the sale or other disposition of such property. A taxpayer may elect to claim a deduction for amortization of emergency facilities (as defined by Section 124 of the Internal Revenue Code as amended) under regulations prescribed by the commissioner.

(g) (1) In the case of mines, oil and gas wells, other natural ^{Depletion} deposits and timber, a reasonable allowance for depletion and for depreciation of improvements according to the peculiar conditions in each case, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the commissioner. In any case in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate (but not the basis for depletion) shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases the deductions shall be equitably apportioned between the lessor and the lessee.

(2) (A) The basis upon which depletion is to be allowed in respect of any property shall be the adjusted basis provided in Section 21 (b) for the purpose of determining the gain upon the sale or other disposition of such property, except as provided in paragraphs (B), (C), and (D) of this subsection.

(B) In the case of mines (other than metal, coal, fluor spar, flake graphite, vermiculite, beryl, feldspar, mica, talc, leucodolite, spodumene, barite, potash, ball and sagger clay, rock asphalt or sulphur mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within 30 days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance under subdivision (1) of this subsection based on discovery value provided in this paragraph shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance under subdivision (1) of this subsection be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals

are of sufficient value and quantity that they could be separately mined and marketed at a profit.

(C) In the case of oil and gas wells the allowance for depletion under subdivision (1) of this subsection shall be 27½ per centum of the gross income from the property during the income year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under subdivision (1) of this subsection be less than it would be if computed without reference to this paragraph.

(D) (1) The allowance for depletion under subdivision (1) of this subsection shall be, in the case of coal mines, 5 per centum, in the case of metal mines, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, ball and sagger clay or rock asphalt mines, and potash mines or deposits 15 per centum, and, in the case of sulphur mines or deposits, 23 per centum, of the gross income from the property during the income year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property except that in no case shall the depletion allowance under subsection (1) of this section be less than it would be if computed without reference to this paragraph.

(2) As used in (D) (1) the term "gross income from the property" means the gross income from mining. The term "mining," as used herein, shall be considered to include not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products. The term "ordinary treatment processes," as used herein, shall include the following: (i) In the case of coal—cleaning, breaking, sizing, and loading for shipment; (ii) in the case of sulphur—pumping to vats, cooling, breaking, and loading for shipment; (iii) in the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment; and (iv) in the case of lead, zinc, copper, gold, silver, or fluorspar ores, potash, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including as an ordinary treatment process electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the

separation or extraction of the product or products from the ore, including the furnacing of quicksilver ores.

(h) (1) Dividends received during the income year declared from income which has been included in the measure of the tax imposed by this act upon the bank or corporation declaring the dividends, or from income which has been taxed under the provisions of the Corporation Income Tax Act to the corporation declaring the dividends. Dividends

(1) In the case of a bank or corporation, contributions or gifts payment of which is made within the taxable year to or for the use of: Contributions or gifts

(1) The United States, any State, Territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes, or

(2) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or under the law of the United States, or of any State or Territory, or of the District of Columbia, or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, veteran rehabilitation service, literary, or educational purposes or for the prevention of cruelty to children (but in the case of contributions or gifts to a trust, chest, fund, or foundation, payment of which is made within a taxable year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or

(3) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inure to the benefit of any private shareholder or individual; or

(4) A corporation or organization which is organized in the United States or any of its possessions by or for members of the armed forces of the United States for the purpose of aiding or assisting members of such forces or their relatives if no part of the net earnings of such corporation or organization inures to the benefit of any private shareholder or individual; to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefits of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the commissioner.

(j) In the case of a building and loan association, organized and operating wholly or partly on a mutual plan, or a Federal savings and loan association, organized and operating wholly or Return on mutual building and loan association shares

partly on a mutual plan, the return paid or credited on or apportioned to their withdrawable shares.

Interest paid
by mutual
savings banks

(k) In the case of a mutual savings bank, the entire amount of interest paid to depositors possessing no proprietary interest in the institution or in its surplus, and interest on their deposits to members possessing a proprietary interest in the institution or in its surplus at a rate determined by the State Superintendent of Banks to be the going rate of interest upon savings deposits in the State during the calendar year preceding the taxable year, such rate to be certified by him to the commissioner on or before the first day of March of each year.

Income of
farmers'
cooperatives

(l) In the case of farmers, fruit growers, or like associations organized and operated in whole or in part on a cooperative or mutual basis, (1) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, which may include reasonable reserves, on the basis of either the quantity or the value of the products furnished by them, or (2) for the purpose of purchasing, or producing, supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or their agents; or when done on a nonprofit basis for or with nonmembers.

Income of
other
cooperative
associations

(m) In the case of other associations organized and operated in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members, or with nonmembers, done on a nonprofit basis.

Amortizable
bond pre-
miums

(n) In the case of a bondholder, who makes the election in the method and under the conditions prescribed in Section 8 (o) (4), the deduction for amortizable bond premium provided in subsection (o).

Rules appli-
cable to
amortizable
bond pre-
miums

(o) (1) In the case of any bond, as defined in subsection (3), the following rules shall apply to the amortizable bond premium (determined under subsection (2)) on the bond for any income year beginning after December 31, 1942.

(A) In the case of a bond, the amount of the amortizable bond premium for the income year shall be allowed as a deduction.

(2) (A) For the purposes of paragraph (B), the amount of bond premium, in the case of the holder of any bond, shall be determined with reference to the amount of the basis (for determining loss on sale or exchange) of such bond, and with reference to the amount payable on maturity or on earlier call date, with adjustments proper to reflect unamortized bond premium with respect to the bond, for the period prior to the date as of which subsection (1) becomes applicable with respect to the taxpayer with respect to such bond.

(B) The amortizable bond premium of the income year shall be the amount of the bond premium attributable to such year.

(C) The determinations required under paragraphs (A) and (B) shall be made—

(i) In accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(ii) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium, prescribed by the commissioner.

(3) As used in this section, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), with interest coupons or in registered form, but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the income year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

(4) The amount of the amortizable bond premium for the income year shall be allowed as a deduction only if a taxpayer has elected to claim such deduction. Such election shall be made in accordance with such regulations as the commissioner shall prescribe. If such election is made with respect to any bond, it shall also apply to all such bonds held by the taxpayer at the beginning of the first income year to which the election applies and to all such bonds thereafter acquired by it, and shall be binding for all subsequent income years with respect to all such bonds of the taxpayer, unless, upon application by the taxpayer, the commissioner permits him, subject to such conditions as the commissioner deems necessary, to revoke such election.

(p) (1) If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under subsection (a) but shall be deductible, if deductible under subsection (a) without regard to this subsection, under this subsection but only to the following extent:

Contributions by employer to or under stock bonus, etc

(A) In the income year when paid, if the contributions are paid into a pension trust, and if such income year ends within or with an income year of the trust for which the trust is exempt under Section 12 (f) of The Personal Income Tax Act, in an amount determined as follows:

(i) An amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the income year to all the employees under the trust, but such amount may be reduced for future years if found by the commissioner upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining

unfunded cost of past and current service credits of all employees under the plan, plus

(ii) Any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five income years, or

(iii) In lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(iv) Any amount paid in an income year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding income years in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

(B) In the income year when paid, in an amount determined in accordance with subparagraph (A) of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of Section 12 (f) of The Personal Income Tax Act, and if refunds of premiums, if any, are applied within the current income year or next succeeding income year towards the purchase of such retirement annuities.

(C) In the income year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such income year ends within or with an income year of the trust with respect to which the trust is exempt under Section 12 (f) of The Personal Income Tax Act, in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the income year to all employees under the stock bonus or profit-sharing plan. If in any income year beginning after December 31, 1942, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible

when paid in the succeeding income years in order of time, but the amount so deductible under this sentence in any such succeeding income year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding income year to the beneficiaries under the plan. In addition, any amount paid into the trust in an income year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding income years in order of time, but the amount so deductible under this sentence in any one such succeeding income year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such income year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph (A). If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph.

(D) In the income year when paid, if the plan is not one included in paragraphs (A), (B), or (C), if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

(E) For the purposes of subparagraphs (A), (B), and (C), a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such income year and is made within 60 days after the close of the income year of accrual.

(F) If amounts are deductible under subparagraphs (A) and (C), or (B) and (C), or (A), (B), and (C), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in an income year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the income year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in an income year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding income years in order of time, but the amount so deductible under this sentence in any one such succeeding income year together with the amount allowable under the first sentence of this subparagraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such income years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity

plan. If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan.

(2) Any deduction allowable under this act (as it read prior to the 1943 amendment) for a 1 income year beginning before January 1, 1943, which was apportioned to any income year beginning after December 31, 1943, shall be allowed as a deduction for the years to which so apportioned to the extent allowable under this subsection as it then read if it had remained in force with respect to such year.

Recomputa-
tion of tax
where
deductions
adjudged dis-
criminatory
or invalid

(q) If any deduction provided for in this section is finally adjudged discriminatory against a National banking association contrary to Section 5219 of the Revised Statutes of the United States, or is for any reason finally adjudged invalid, in that event the tax of the favored taxpayer shall be recomputed by the commissioner for the taxable year in question, as of the time of allowance of the deduction, by disallowing the deduction, and any difference between the amount of the tax as recomputed and the amount of the tax as originally computed shall be subject to the provisions hereof relating to original computations.

Stats 1943,
p 1408

SEC. 4. Section 9 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Nondeduct-
ible items

Sec. 9. In computing net income no deduction shall be allowed for:

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property; or for

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or for

(c) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

(d) Any amount otherwise allowable as a deduction which is allocable to one or more classes of income (regardless of whether such income was received or accrued during the income year) not included in the measure of the tax imposed by this act.

(1) Any amount paid or accrued on indebtedness incurred or continued to purchase a single premium life insurance or endowment contract. For the purposes of this paragraph, if substantially all the premiums on a life insurance or endowment contract are paid within a period of four years from the date on which such contract is purchased, such contract shall be considered a single premium life insurance or endowment contract;

(2) Amounts paid or accrued for such taxes and carrying charges as, under regulations prescribed by the commissioner, are chargeable to capital account with respect to property, if the

taxpayer elects, in accordance with such regulations, to treat such taxes or charges as so chargeable.

(e) (1) Except in case of distributions in liquidation losses from sales or exchanges of property directly or indirectly between an individual and a corporation or bank in which such individual owns directly or indirectly more than 50 per centum in value of the outstanding stock.

(2) For the purpose of this subsection an individual shall be considered as owning the stock owned directly or indirectly by his family and the family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors and lineal descendants.

(f) In computing net income no deduction shall be allowed under Section 8 (a), relating to expenses incurred, or under Section 8 (b), relating to interest accrued:

(1) If such expenses or interest are not paid within the income year or within two and one-half months after the close thereof; and

(2) If, by reason of the method of accounting of the person or corporation to whom the payment is to be made, the amount thereof is not, unless paid, includible under the provisions of The Personal Income Tax Act, Corporation Income Tax Act or this act in the gross income of such person or corporation for the taxable year in which or with which the income year of the taxpayer ends; and

(3) If, at the close of the income year of the taxpayer or at any time within two and one-half months thereafter, both the taxpayer and the person to whom the payment is to be made are persons between whom losses would be disallowed under Section 9 (e), or if the corporation to which payment is to be made owns, or is owned by, the taxpayer to the extent of more than 50 per centum in value of the outstanding stock.

The amount of expenses incurred or interest accrued, the deduction of which is disallowed under this subsection in the year incurred or accrued, may be deducted in the year paid.

SEC. 5. Section 11 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats 1943,
p 1403

Sec. 11. (a) The term "income year," as herein used, means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed herein. "Income year" means, in the case of a return made for a fractional part of a year, the period for which such return is made. Definitions

(b) The term "taxable year," as herein used, means the calendar year, or the fiscal year ending during such calendar year, for which the tax is payable. A "taxable year" may constitute a period of 12 months or of less duration.

(c) The term "fiscal year," as herein used, means an accounting period of 12 months or less ending on the last day of any month other than December.

(d) The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed hereunder.

(e) For the purposes of this act, unless otherwise required by the context, the word "State" shall include the Territories of Alaska and Hawaii, the District of Columbia, and the possessions of the United States.

Stats. 1943,
p. 1403

SEC. 6. Section 12 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Basis of
computation

Sec. 12. The net income shall be computed upon the basis of the taxpayer's annual accounting period, fiscal year or calendar year as the case may be, in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of said commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year, or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

Increase in
redemption
price of
obligations
Election

If, in the case of a taxpayer owning any noninterest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, the increase in the redemption price of such obligation occurring in the income year does not (under the method of accounting used in computing its net income) constitute income to taxpayer in such year, such taxpayer may, at its election made in its return for any income year beginning after December 31, 1942, treat such increase as income received in such income year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first income year to which it applies and to all such obligations thereafter acquired by taxpayer and shall be binding for all subsequent income years, unless upon application by the taxpayer the commissioner permits taxpayer, subject to such conditions as the commissioner deems necessary, to change to a different method. In the case of any such obligations owned by the taxpayer at the beginning of the first income year to which its election applies, the increase in the redemption price of such obligations occurring between the date of acquisition and the first day of such income year shall also be treated as income received in such income year.

Change of
accounting
period

If the taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the commissioner, be computed on the basis of such new accounting period subject to the following provisions:

(a) If a taxpayer, with the approval of the commissioner, changes the basis of computing net income from fiscal year to calendar year, a separate return shall be made for the period between the close of the last fiscal year for which return was

made and the following December 31st. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the beginning of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the beginning of the new fiscal year.

(b) Where a separate return is made under paragraph (a) on account of a change in the accounting period then the income shall be computed on the basis of the period for which separate return is made. The due date of the separate return for such period is the fifteenth day of the third month following the close of that period.

(c) (1) If a separate return is made under paragraph (a) on account of a change in the accounting period, the net income, computed on the basis of the period for which separate return is made (referred to in this subsection as "the short period"), shall be placed on an annual basis by multiplying the amount thereof by 12, and dividing by the number of months in the short period. The commissioner shall compute the amount of a tax on the income placed on such annual basis, and shall allow the offset provided for in Section 26 from such tax. The tax due under this section (which shall not be subject to offset) shall be such part of the tax (less the offset allowed) computed on such annual basis as the number of months in the short period is of 12 months.

(2) If the taxpayer establishes the amount of its net income for the period of 12 months beginning with the first day of the short period, computed as if such 12-month period were an income year, under the law applicable to such year, then the tax for the short period shall be reduced to an amount which is such part of the tax computed on the net income for such 12-month period as the net income computed on the basis of the short period is of the net income for the 12-month period. The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file his return without the application of this paragraph. If the taxpayer has disposed of substantially all its assets prior to the end of such 12-month period, then in lieu of the net income for such 12-month period there shall be used for the purposes of this paragraph the net income for the 12-month period ending with the last day of the short period. The tax computed under this paragraph shall in no case be less than the tax computed on the net income for the short period without placing such net income on an annual basis. The benefits of this paragraph shall not be allowed unless the taxpayer, at such time as regulations prescribed hereunder require (but not after the time prescribed for the filing of the return for the first income year which ends on or after 12 months after the beginning of the short period), makes application therefor in accordance with such regulations. Such application, in case the return was filed without regard

to this paragraph, shall be considered a claim for credit or refund with respect to the amount by which the tax is reduced under this paragraph. The commissioner shall prescribe such regulations as he may deem necessary for the application of this paragraph.

(d) The tax on any bank or corporation for a period beginning in one calendar year (hereinafter in this section called "first calendar year") and ending in the following calendar year (hereinafter in this section called "second calendar year") where the law applicable to the computation of taxes for calendar year banks or corporations for the second calendar year is different from the law applicable to computation of taxes for calendar year banks or corporations for the first calendar year, shall (except as otherwise provided) be the sum of: (1) The same proportion of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such year, which the portion of such period falling within the first year is of the entire period; and (2) the same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period.

Any tax that has been paid under the law applicable to the first calendar year if in excess of the tax imposed by this section shall be refunded or credited to the bank or corporation as provided in Section 27. Any tax in addition to that paid under the law applicable to the first calendar year made necessary by this section shall be immediately due and payable upon notice and demand from the commissioner.

(e) Where a corporation is engaged in the performance of a contract in this State which will require more than a year to complete, the commissioner may require that the income from the contract be reported on the basis of percentage of completion unless the corporation furnishes bond or other security guaranteeing the payment of a tax measured by the income received on the completion of the contract, even though the corporation is not doing business in this State in the year subsequent to the year of completion.

Stats 1929,
p 1403

SEC. 7. Section 13 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Returns

Sec. 13. (a) Every bank and corporation subject to the tax imposed by this act shall, within two months and 15 days after the close of its income year, transmit to the commissioner a return in a form prescribed by him, specifying, for the income year, all such facts as he may by rule, or otherwise, require in order to carry out the provisions of this act. Any return filed under the provisions of the Corporation Income Tax Act, which discloses the net income for any period, shall likewise constitute a return filed for the same period under this act, if the corporation should have filed a return under this act.

Stats 1937,
p 2184

In the event that taxes, interest and penalties have been or shall be assessed against, paid by or collected from a corporation under this act, which assessment, payment or collection should have been made under the Corporation Income Tax Act, such taxes, interest and penalties shall be considered as having been assessed, paid or collected under the Corporation Income Tax Act as of the date or dates they were made.

Taxes under
Corporation
Income
Tax Act

(b) A corporation which incorporates or organizes under the laws of this State or qualifies to do business in this State, after the effective date of this act, shall thereupon prepay the minimum tax hereunder, which prepayment must be made before the corporation files with the Secretary of State its articles of incorporation or duly certified copy thereof as the case may be.

Prepayment
of taxes

(c) If a bank or a corporation commences to do business in this State during its first taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year, at the rate applicable to that year, a credit being allowed for the prepayment of the minimum tax. The return for the first taxable year, which shall be filed within two months and 15 days after the close of that year, shall also, in accordance with Sections 23 to 26, inclusive, be the basis for the tax of said bank or corporation for its second taxable year, if its first taxable year is a period of 12 months. In every case in which the first taxable year of a bank or corporation constitutes a period of less than 12 months, or in which a bank or corporation does business for a period of less than 12 months during its first taxable year, said bank or corporation shall pay as a prepayment of the tax for its second taxable year a tax based on the income for the first taxable year computed under the law and at the rate applicable to the second taxable year, the same to be due and payable at the same times and in the same manner as if that amount were the entire amount of its tax for that year; and upon the filing of its tax return within two months and 15 days after the close of the second taxable year it shall pay a tax for said year, at the rate applicable to that year, based upon its net income received during that year, allowing a credit for the prepayment; but in no event shall the tax for the second taxable year be less than the amount of the prepayment for that year, and said return for its second taxable year shall also, in accordance with Sections 23 to 26, inclusive, be the basis for the tax of said bank or corporation for its third taxable year.

Tax for first
and second
taxable year

(d) (1) When any bank or corporation commences to do business in this State for the first time in any taxable year other than the year of incorporation or qualification, its tax for that taxable year and for the succeeding taxable year shall be computed in accordance with the provisions of subdivision (c) of this section relative to first and second taxable years, a credit being allowed for any tax payable under subdivision (b) of Section 4 hereof, for the year in which it commences to do business.

Business
commenced
in year other
than incorpo-
ration, etc

(2) Notwithstanding the provisions of subdivision (c) and paragraph (1) of this subdivision, if a corporation, which has been subject to the California Corporation Income Tax Act, commences to do business in this State, its tax shall be computed as follows:

(A) Such corporation shall pay a tax under said Corporation Income Tax Act for the whole of the year it commences to do such business;

(B) Such corporation shall, for the taxable year succeeding the year it commences to do business in this State, pay a tax under this act measured by its income for that taxable year;

(C) Such corporation shall, for its third taxable year, pay a tax, under this act, measured by its income for its second taxable year;

(E) Notwithstanding any other provisions of this act, such corporation shall file its return for such second and third taxable years on or before the fifteenth day of the third month following the close of its second taxable year.

Adjusted tax

(e) The adjusted tax, as provided in subdivisions (c) and (d) of this section, for any taxable year in excess of the prepayment for that year, shall be due and payable in one amount on or before the fifteenth day of the third month following the close of that taxable year, or on or before the expiration of the period of extension where an extension has been granted by the commissioner under the provisions of Section 15 of this act, and, if not so paid, interest shall be added thereto in the manner and at the rate or rates provided in Section 24 of this act.

Deferred income

(f) In the case of a bank or corporation taxable in the manner provided in subdivisions (c) and (d) of this section, reporting income from any source on a deferred basis, the commissioner is authorized to distribute or apportion such income, or deductions applicable thereto, if he determines that such distribution or apportionment is necessary in order to prevent avoidance of taxes or clearly to reflect the income of such bank or corporation.

Reorganized banks and corporations

(g) Subsections (c), (d), and (e) of this section shall not apply to a bank or corporation which commences to do business in this State, pursuant to a reorganization of a bank or corporation as defined in subsection (j) of this section.

Business, etc., transferred to other bank or corporation

(h) (1) Where, pursuant to a reorganization, all or a substantial portion of the business or property of a bank or corporation, a party to the reorganization, is transferred to another bank or corporation, a party to the reorganization: (A) The net income of the transferor from the business or property so transferred to any bank or corporation for the taxable year in which the transfer occurs, shall be included in the measure of the tax on the transferee for the taxable year succeeding the taxable year in which the transfer occurs if the taxable year of the transferee in which the transfer occurs ends at the same time as or before the time the taxable year of the transferor in which the transfer occurs ends. Income of the

transferor so included in the measure of the tax on the transferee shall be considered the income of the transferee for the purposes of this act.

(B) If the taxable year of the transferee in which the transfer occurs ends after the taxable year of the transferor in which the transfer occurs ends, the transferee shall, within two months and 15 days after the close of the taxable year of the transferor in which the transfer occurs, file a return disclosing the net income of the transferor from the business or property transferred for the taxable year in which the transfer occurs, and pay a tax measured by such income.

(2) If, at the time of any of the transfers referred to in the preceding subdivision (1), the transferor has not become subject to a tax measured by its income for the taxable year preceding the taxable year in which the transfer occurs, the transferee shall within two months and 15 days after the close of the month in which the transfer occurs file a return disclosing the net income of the transferor for such preceding year and pay a tax measured by such income.

(3) Whenever under this subsection the transferee is required to pay a tax measured by the income of the transferor, the rate of tax applicable to the transferee shall apply.

(4) The transferee shall, pursuant to the provisions of Sections 4 and 26 of this act, be entitled to the same offset against any tax imposed on it measured by the income of the transferor for taxes on the business or property transferred as would have been allowed the transferor had the reorganization not occurred.

(i) Where income of the transferor is required to be included in the computation of a tax on the transferee, such income shall not thereafter be included in the measure of a tax on the transferor. Income of transferor

(j) The term "reorganization" as used in this section means "Reorganization"
 (1) a transfer by a bank or corporation of all or a substantial portion of its business or property to another bank or corporation if immediately after the transfer the transferor or its stockholders or both are in control of the bank or corporation to which the assets are transferred; or (2) a mere change in identity, form or place of organization however effected; or (3) a merger or consolidation; or (4) a distribution in liquidation by a bank or corporation of all or a substantial portion of its business or property to a bank or corporation stockholder. As "Control"
 used in this paragraph the term "control" means the ownership of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of the bank or corporation.

(k) (1) Any bank or corporation which is dissolved and any foreign corporation which withdraws from the State during any taxable year shall pay a tax hereunder only for the months of such taxable year which precede the effective date of such dissolution or withdrawal, according to or measured by (A) the net income of the preceding income year or (B) a percentage of such net income determined by ascertaining the ratio Dissolved banks and corporations

which the months of the taxable year, preceding the effective date of dissolution or withdrawal, bears to the months of such income year, whichever is the lesser amount; provided, however, that in the case of any bank or corporation which is dissolved, or which withdraws from the State during any taxable year, the offset from the tax for the months of such taxable year prior to the effective date of such dissolution or withdrawal shall not exceed that proportion of the offset computed under Section 26 which the number of said months prior to the effective date of such dissolution or withdrawal bears to the number of months of the preceding income year; and provided further, that the taxes levied under this act shall not be subject to abatement or refund because of the cessation of business or corporate existence of any bank or corporation pursuant to a reorganization, consolidation, or merger. In any event, each such corporation shall pay a tax not subject to offset for such period in an amount equal to the minimum tax provided for in Section 4 of this act.

(2) A bank or corporation subject to Section 4 (a) of this act shall, if it dissolves or withdraws prior to the date the rate is determined under Section 4 (a), pay a tax under the preceding paragraph at the maximum rate prescribed by said Section 4 (a); if the rate is subsequently determined to be less than the maximum prescribed by Section 4 (a), a refund shall, within thirty (30) days of such determination, be made as prescribed by Section 27 of this act; that part of the tax thus determined which is in excess of four per centum (4%) shall be collected as a demand for second installment under Section 23 of this act.

Discontinuing business

(1) (1) When a corporation discontinues doing business within the State during any taxable year and does not dissolve or withdraw from the State during that year, and does not resume doing business during the succeeding taxable year, its tax for the year in which it resumes doing business shall be computed upon the basis of the net income for the year in which it discontinued doing business (except where such income has already been included in the measure of a tax imposed by this act), a credit being allowed for any tax payable under subdivision (5) of Section 4 of this act. One-half the amount of such tax shall be due and payable at the time the corporation resumes doing business, or on or before the fifteenth day of the third month following the close of its income year, whichever is later, and the balance shall be due and payable within six months of the time the corporation resumes doing business, or on or before the fifteenth day of the ninth month following the close of the income year, whichever is later, but, in no event shall the balance of the tax be due and payable later than the close of the taxable year in which it resumes doing business. All the provisions of this act relating to delinquent taxes shall be applicable to such tax if it is not paid on or before its due date.

(2) Paragraph (1) of this subsection shall not be applicable to a corporation which became subject to the California Corporation Income Tax Act after it discontinued doing business in this State; see subsection (d) (2), *supra*.

(m) The tax of any bank or corporation which has suffered the suspension or forfeiture provided in Section 32 of this act, and which revives in any taxable year other than the taxable year in which suspension or forfeiture occurred, but did not transact business, as defined in Section 5 of this act, during the period of such suspension or forfeiture, shall be computed in the same manner as provided in subdivisions (c) and (d) of this section relative to the computation of taxes of banks and corporations commencing to do business for the first time after incorporation or qualification. Such a bank or corporation shall, in addition to the taxes, penalties, and interest specified in Section 33 of this act, prepay a tax in an amount equal to the minimum tax provided for in Section 4 of this act as a condition precedent to the issuance of a certificate of revivor. Revivor after suspension or forfeiture

(n) Any tax, imposed pursuant to this section, based on the net income as disclosed by the return, shall not be considered a deficiency assessment within the meaning of Section 25 of this act. Tax not deficiency assessment

(o) The tax liability imposed under this act shall attach whether a bank or corporation has a taxable year of 12 months or of less duration. Taxable year

SEC. 8. Section 13½ of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats 1937, p 2324

Sec. 13½. (1) An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations, which have been members of the affiliated group at any time during the income year for which the return is made, consent to all regulations under subsection (2) prescribed prior to the making of such return and the making of a consolidated return shall be considered as such consent. In the case of a corporation, which is a member of the affiliated group for a fractional part of the income year, the consolidated return shall include the income of such corporation for such part of the income year as it is a member of the affiliated group. Consolidated returns

(2) The commissioner shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be determined, computed, assessed, collected, and adjusted in such manner as clearly to reflect the income and to prevent avoidance of tax liability. Regulations

(3) If a consolidated return is made subject to the provisions of this section, the tax imposed under this act shall be computed as a unit upon the consolidated net income of the group except as hereinafter provided. The parent corporation and each subsidiary, a member of the group during any part of a consolidated Computation of tax

period, shall be severally liable for the tax (including any deficiency in respect thereof) computed upon the consolidated net income of the group. If a subsidiary by reason of a bona fide sale of stock for fair value has ceased to be a member of the affiliated group, its liability shall remain unchanged, except that if such cessation occurred prior to the date upon which any such deficiency is assessed, such deficiency, in the case of such former subsidiary, shall be reduced to an amount equal to such part as may be allocable to it upon the basis of the consolidated net income properly assignable to it. In no case, however, shall any demand for the payment of any deficiency be made, or any proceeding in court for the collection thereof be begun against such former subsidiary prior to the determination by the commissioner that the amount of the deficiency can not be collected from the parent corporation and the corporations (if any) remaining members of the affiliated group.

Commencement of business after effective date of act

Where a member of an affiliated group filing a consolidated return is a corporation commencing to do business in this State for the first time after the effective date of this act, its tax for its first and second taxable years shall be computed without regard to this section but in accordance with the provisions of Section 13 of this act. The tax of the remaining members of the group for the taxable year succeeding the year in which such corporation commenced to do business shall be computed as if such corporation were not a member of the affiliated group.

"Affiliated group"

(4) As used in this section an "affiliated group" means one or more chains of corporations connected through stock ownership with a common parent corporation if during the period when the income was accrued or realized and on the sixteenth day of the first month after the close of the income year—

(a) At least 95 per centum of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and

(b) The common parent corporation owns directly at least 95 per centum of the stock of at least one of the other corporations; and

(c) Each of the corporations is either (1) a corporation whose principal business is that of a common carrier by railroad or (2) a corporation the assets of which consist principally of stock in such corporations and which does not itself operate a business other than that of a common carrier by railroad. For the purpose of determining whether the principal business of a corporation is that of a common carrier by railroad, if a common carrier by railroad has leased its railroad properties and such properties are operated as such by another common carrier by railroad, the business of receiving rents for such railroad properties shall be considered as the business of a common carrier by railroad.

"Stock"

As used in this subsection (except in paragraph (c)) the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

SEC. 9. Section 14.1 is hereby added to the Bank and Corporation Franchise Tax Act: New section

Sec. 14.1. (a) If (1) any person or persons acquire, on or after October 8, 1940, directly or indirectly, control of a corporation, or (2) any corporation acquires, on or after October 8, 1940, directly or indirectly, property of another corporation, not controlled, directly or indirectly, immediately prior to such acquisition, by such acquiring corporation or its stockholders, the basis of which property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and the principal purpose for which such acquisition was made is evasion or avoidance of tax under this act by securing the benefit of a deduction or other allowance which such person or corporation would not otherwise enjoy, then such deduction or other allowance shall not be allowed. For the purposes of clauses (1) and (2), control means the ownership of stock possessing at least 50 per centum of the total combined voting power of all classes of stock entitled to vote or at least 50 per centum of the total value of shares of all classes of stock of the corporation. Basis of computation of acquired property

(b) In any case to which subsection (a) is applicable the commissioner is authorized—

(1) To allow as a deduction or allowance any part of any amount disallowed by such subsection, if he determines that such allowance will not result in the evasion or avoidance of tax for which the acquisition was made; or

(2) To distribute, apportion, or allocate gross income, and distribute, apportion, or allocate the deductions or allowances the benefit of which was sought to be secured, between or among the corporations, or properties, or parts thereof, involved, and to allow such deductions or allowances so distributed, apportioned, or allocated, but to give effect to such allowance only to such extent as he determines will not result in the evasion or avoidance of tax for which the acquisition was made; or

(3) To exercise his powers in part under paragraph (1) and in part under paragraph (2).

SEC. 10. Section 17 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats. 1943, p. 1403

Sec. 17. (1) Whenever, in the opinion of the commissioner, the use of inventories is necessary clearly to determine the income of any taxpayer, inventory shall be taken by such taxpayer upon such basis as the commissioner may prescribe, conforming as nearly as may be to the best accounting practice and most clearly reflecting the income. Inventories

(2) (A) A taxpayer may use the following method (whether or not such method has been prescribed under subdivision (1)) in inventorying goods specified in the application required under paragraph (B): (1) Inventory them at cost; (2) Treat those remaining on hand at the close of the income year as being: First, those included in the opening inventory of the income year (in order of acquisition) to the extent thereof, and second, Permissible method of making inventory

those acquired in the income year; and (3) Treat those included in the opening inventory of the income year in which such method is first used as having been acquired at the same time and determine their cost by the average cost method.

(B) The method described in paragraph (A) may be used (1) only in inventorying goods (required under subdivision (1) to be inventoried) specified in an application to use such method filed at such time and in such manner as the commissioner may prescribe; and (2) only if the taxpayer establishes to the satisfaction of the commissioner that the taxpayer has used no procedure other than that specified in subparagraphs (2) and (3) of paragraph (A) in inventorying such goods to ascertain the income, profit, or loss of the first income year for which the method described in paragraph (A) is to be used, for the purpose of a report or statement covering such income year (i) to shareholders, partners, or other proprietors, or to beneficiaries, or (ii) for credit purposes.

(C) The change to, and the use of, such method shall be in accordance with such regulations as the commissioner may prescribe as necessary in order that the use of such method may clearly reflect income.

(D) In determining income for the income year preceding the income year for which such method is first used, the closing inventory of such preceding year of the goods specified in such application shall be at cost.

(E) If a taxpayer, having complied with paragraph (B), uses the method described in paragraph (A) for any income year, then such method shall be used in all subsequent income years unless with the approval of the commissioner a change to a different method is authorized; or the commissioner determines that the taxpayer has used for any such subsequent income year some procedure other than that specified in (2) of paragraph (A) in inventorying the goods specified in the application to ascertain the income, profit, or loss of such subsequent income year for the purpose of a report or statement covering such income year (i) to shareholders, partners, or other proprietors, or beneficiaries, or (ii) for credit purposes; and requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent income year or any income year thereafter.

In either of the above cases, the change to, and the use of, the different method shall be in accordance with such regulations as the commissioner may prescribe as necessary in order that the use of such method may clearly reflect income.

(3) (A) If, for any income year beginning after December 31, 1942, and prior to the termination of the present war as proclaimed by the President of the United States, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of this paragraph

Decrease
due to
involuntary
liquidation

apply and so notifies the commissioner, and if, at the time of such election, it is established to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B), and if the closing inventory of a subsequent income year, ending not more than three years after the termination of the present war as proclaimed by the President, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be adjusted as follows:

(i) Increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost; or

(ii) Decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation.

The taxes imposed by this act for the year of such liquidation and for all income years intervening between such year and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(B) The term "involuntary liquidation," as used in this paragraph, means the sale or other disposition of goods inventoried under the method described in this subsection, either voluntary or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the income year in which such sale or other disposition occurred such goods as would, if on hand at the close of such income year, be subject to the application of the provisions of this subsection, if such failure on the part of the taxpayer is due, directly and exclusively, (i) to enemy capture or control of sources of limited foreign supply; (ii) to shipping or other transportation shortages; (iii) to material shortages resulting from priorities or allocations; (iv) to labor shortages; or (v) to other prevailing war conditions beyond the control of the taxpayer.

"Involuntary
liquidation"

(C) If, in the case of any taxpayer subject to the provisions of subparagraph (A), the closing inventory of the taxpayer for an income year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of such goods for the income year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation)

and not previously replaced, and if the liquidation was an involuntary liquidation shall be taken into purchases and included in the closing inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

(D) An election by the taxpayer to have the provisions of this paragraph apply, once made, shall be irrevocable and shall be binding for the year of the involuntary liquidation and for all determinations for subsequent income years insofar as they are related to the year of liquidation or replacement.

(E) If the adjustments specified in subparagraph (A) are, with respect to any income year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within three years from such date, by any provision or rule of law (other than this subparagraph), such adjustments shall nevertheless be made if, in respect of the income year for which the adjustment is sought, a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within three years after the date of the filing of the income tax return for the year of replacement. If, at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this paragraph shall be limited to the increase or decrease of the tax imposed by this act previously determined for such income year which results solely from the effect of subparagraph (A), and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such income year and as if, on the date of the filing of the income tax return for the year of the replacement, three years remain before the expiration of the periods of limitation upon assessment or the filing of claim for refund for the income year. The tax previously determined shall be ascertained in accordance with rules and regulations prescribed by the commissioner. The amount to be assessed and collected under this paragraph in the same manner as if it were a deficiency or to be credited or refunded in the same manner as if it were an overpayment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A). Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A).

Stats 1943,
p 1403

Recognition
of gain or
loss on sale
or exchange

Exceptions

SEC. 11. Section 20 of the Bank and Corporation Franchise Tax Act is hereby amended as follows:

Sec. 20. (a) Upon the sale or exchange of property the entire amount of the gain or loss, determined under Section 19, shall be recognized, except as hereinafter provided in this section.

(b) (1) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not

including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(2) No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

(3) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(4) No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

(5) No gain or loss shall be recognized if property is transferred to a corporation by one or more taxpayers solely in exchange for stock or securities in such corporation, and immediately after the exchange such taxpayer or taxpayers are in control of the corporation; but in the case of an exchange by two or more taxpayers this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to its interest in the property prior to the exchange. Where the transferee assumes a liability of a transferor, or where the property of a transferor is transferred subject to a liability, then for the purpose only of determining whether the amount of stock or securities received by each of the transferors is in the proportion required by this paragraph, the amount of such liability (if under subsection (k) it is not to be considered as other property or money) shall be considered as stock or securities received by such transferor.

(6) No gain or loss shall be recognized upon the receipt by a corporation of property distributed in complete liquidation of another corporation. For the purposes of this paragraph a distribution shall be considered to be in complete liquidation only if:

(A) The corporation receiving such property was, on the date of the adoption of the plan of liquidation, and has continued to be at all times until the receipt of the property, the owner of stock (in such other corporation) possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and the owner of at least 80 per centum of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), and was at no time on or after the date of the adoption of the plan of liquidation and until the receipt of the property the owner of a greater percentage of any class of stock than the

percentage of such class owned at the time of the receipt of the property; and

(B) No distribution under the liquidation was made before the first day of the first taxable year of the corporation beginning after December 31, 1935; and either

(C) The distribution is by such other corporation in complete cancellation or redemption of all its stock, and the transfer of all the property occurs within the income year; in such case the adoption by the shareholders of the resolution under which is authorized the distribution of all the assets of such corporation in complete cancellation or redemption of all its stock, shall be considered an adoption of a plan of liquidation, even though no time for the completion of the transfer of the property is specified in such resolution; or

(D) Such distribution is one of a series of distributions by such other corporation in complete cancellation or redemption of all its stock in accordance with a plan of liquidation under which the transfer of all the property under the liquidation is to be completed within three years from the close of the taxable year during which is made the first of the series of distributions under the plan, except that if such transfer is not completed within such period, or if the taxpayer does not continue qualified under subparagraph (A) until the completion of such transfer, no distribution under the plan shall be considered a distribution in complete liquidation.

If such transfer of all the property does not occur within the income year the commissioner may require of the taxpayer such bond, or waiver of the statute of limitations on assessment and collection, or both, as he may deem necessary to insure, if the transfer of the property is not completed within such three-year period, or if the taxpayer does not continue qualified under subparagraph (A) until the completion of such transfer, the assessment and collection of all taxes imposed by this act then due or to become due, to the extent attributable to property so received. A distribution otherwise constituting a distribution in complete liquidation within the meaning of this paragraph shall not be considered as not constituting such a distribution merely because it does not constitute a distribution or liquidation within the meaning of the corporate law under which the distribution is made; and for the purposes of this paragraph a transfer of property of such other corporation to the taxpayer shall not be considered as not constituting a distribution (or one of a series of distributions) in complete cancellation or redemption of all the stock of such other corporation, merely because the carrying out of the plan involves (i) the transfer under the plan to the taxpayer by such other corporation of property, not attributable to shares owned by the taxpayer, upon an exchange described in paragraph (4) of this subsection, and (ii) the complete cancellation or redemption under the plan, as a result of exchanges described in paragraph (3) of this subsection, of the shares not owned by the taxpayer.

(7) No gain or loss shall be recognized to a shareholder from a distribution of stocks or securities in liquidation of a corporation made pursuant to an order of the Federal Securities and Exchange Commission under authority vested in it by that act of Congress known as the Public Utility Holding Company Act of 1935 as amended.

(8) No loss shall be recognized if property of a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, is transferred, after December 31, 1942, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under Section 77 of the National Bankruptcy Act, as amended, to a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding. The term "reorganization," as used in this paragraph shall not be limited by the definition of such term in subsection (g).

(9) No gain or loss shall be recognized if property of a corporation (other than a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended) is transferred in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership, foreclosure, or similar proceeding, or

(B) In a proceeding under Section 77B or Chapter X of the National Bankruptcy Act, as amended, to another corporation organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other corporation.

(c) (1) If an exchange would be within the provisions of subsection (b) (1), (2), (3), or (5), or within the provisions of subsection (L), of this section if it were not for the fact that the property received in exchange consists not only of property permitted by subsection (b) (1), (2), (3), or (5), or by subsection (L) to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

Exchange
Recognition
of gain or
loss

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) of this subsection but has the effect of the distribution of a taxable dividend, then there shall be treated as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be treated as a gain from the exchange of property.

Same

(d) If an exchange would be within the provisions of subsection (b) (4) or (9) of this section if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then:

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

Same

(e) If an exchange would be within the provisions of subsection (b) (1) to (5), or (9), or within the provisions of subsection (L), inclusive, of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraphs to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

Compulsory
or involuntary
conversion

(f) If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the commissioner, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain shall be recognized, but loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more income years and regardless of whether or not the money which is not so expended constitutes gain).

Definitions

(g) As used in this section (other than subsection (b) (9) and subsection (L)) and Section 21 (other than subsection (a) (19)):

"Reorganiza-
tion"

(1) The term "reorganization" means (A) a statutory merger or consolidation, or (B) the acquisition by one corporation in exchange solely for all or a part of its voting stock: Of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of another corporation; or of substantially all the properties of another corporation, but in determining whether the exchange is solely for voting stock, the assumption by the acquiring corporation of a liability of another, or the fact that property acquired is subject to a liability, shall be disregarded, or (C)

a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its shareholders or both are in control of the corporation to which the assets are transferred, or (D) a recapitalization, or (E) a mere change in identity, form, or place of organization, however effected.

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another. "Party to reorganization"

(h) As used in this section the term "control" means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and at least 80 per centum of the total number of shares of all other classes of stock of the corporation. "Control"

(i) In determining the extent to which gain shall be recognized in the case of any of the exchanges (made after the date of the enactment of this act) described in subsection (b) (3), (4), (5), or (6), or described in so much of subsection (c) as refers to subsection (b) (3) or (5), or described in subsection (d), a corporation created or organized in a foreign country shall not be considered as a corporation unless, prior to such exchange, it has been established to the satisfaction of the commissioner that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of income taxes or franchise taxes imposed by this State. Recognition of gain in case of exchange

(j) For nonrecognition of gain or loss in the case of installment obligations, see Section 19 (e) (4). Installment obligations

(k) Where, upon an exchange, the taxpayer receives as part of the consideration property which would be permitted by subsection (b) (4) or (5) or (9) of this section to be received without the recognition of gain if it were the sole consideration, and as part of the consideration another party to the exchange assumes a liability of the taxpayer or acquires from the taxpayer property subject to a liability, such assumption or acquisition shall not be considered as "other property or money" received by the taxpayer within the meaning of subsection (c), (d) or (e) of this section and shall not prevent the exchange from being within the provisions of subsection (b) (4) or (5) or (9); except that if, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition was a purpose to avoid State tax on the exchange, or, if not such purpose, was not a bona fide business purpose, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this section, be considered as money received by the taxpayer upon the exchange. In any suit or proceeding where the burden is on the taxpayer to prove that such assumption or acquisition is not to be considered as money received by the taxpayer, such burden Liability

shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

Reorganiza-
tion approved
by court

(l) No gain or loss shall be recognized upon an exchange consisting of the relinquishment or extinguishment of stock or securities in a corporation the plan of reorganization of which is approved by the court in a proceeding described in subsection (b) (9), in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate such plan of reorganization.

Certification
by Federal
Communications
Commission

(m) If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate the policies of the commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of subsection (f) of this section. For the purposes of subsection (f) of this section as made applicable by the provisions of this subsection, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, upon such sale or exchange to which subsection (f) of this section is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss upon sale or exchange of property, of a character subject to the allowance for depreciation under Section 8 (f), remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the commissioner. Any election made by the taxpayer under this subsection shall be made by a statement to that effect in the return for the income year in which the sale or exchange takes place and such election shall be binding for the income year and all subsequent income years.

Stats 1943,
p 1403

SEC. 12. Section 21 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Cost of
property
as basis for
determina-
tion of gain
or loss

Sec. 21. (a) The basis of property shall be the cost of such property; except that:

(1) If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

(2) If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that if such basis (adjusted for the period prior to the date of the gift as provided in subsection (b)) is greater than the fair market value of the property at the time of the gift, then for the purpose of determining loss the basis shall be such fair market value. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the commissioner shall, if possible, obtain such facts from such donor or last preceding

owner, or any other person cognizant thereof. If the commissioner finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the commissioner as of the date or approximate date at which, according to the best information that the commissioner is able to obtain, such property was acquired by such donor or last preceding owner.

(3) If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by a gift, bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made.

(4) If the property was acquired, after February 28, 1913, upon an exchange described in Section 20 (b) to (e), inclusive, or Section 20 (L), the basis (except as provided in paragraph (12) of this subsection) shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by Section 20 (b) or Section 20 (L) to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. Where, as part of the consideration to the taxpayer, another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this paragraph, be considered as money received by the taxpayer upon the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

(5) If the property was acquired :

(A) After December 31, 1917, and in an income year beginning before January 1, 1936, by a corporation in connection with a reorganization, and immediately after the transfer an interest or control in such property of 50 per centum or more remained in the same persons or any of them, or

(B) In an income year beginning after December 31, 1935, by a corporation in connection with a reorganization, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was

made. This paragraph shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee as the consideration in whole or in part for the transfer.

(6) If the property was acquired after December 31, 1920, by a corporation:

(A) By the issuance of its stock or securities in connection with a transaction described in Section 20 (b) (5) of this act or Section 9.2 (b) (4) of The Personal Income Tax Act or Section 11 (b) (5) of the Corporation Income Tax Act (including, also, cases where part of the consideration for the transfer of such property to the corporation was property or money, in addition to such stock or securities), or

(B) As paid-in surplus or as a contribution to capital, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made.

(7) If the property was acquired, after February 28, 1913, as the result of a compulsory or involuntary conversion described in Section 20 (f), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made.

(8) If the property consists of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under Section 8 (d) of this act, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, then the basis shall be the basis of the stock or securities so sold or disposed of, increased or decreased, as the case may be, by the difference, if any, between the price at which the property was acquired and the price at which such substantially identical stock or securities were sold or otherwise disposed of.

(9) In the case of property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined, in accordance with regulations prescribed by the commissioner without regard to intercompany transactions in respect of which gain or loss was not recognized. The basis in case of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under Section 13½ of this act or Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932

or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, shall be determined in accordance with regulations prescribed under Section 13 $\frac{1}{2}$ of this act or Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under Section 13 $\frac{1}{2}$ of this act or Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under Section 13 $\frac{1}{2}$ of this act or Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, applicable to such period.

(10) If the property was acquired, after February 28, 1913, in any income year beginning prior to January 1, 1934, and the basis thereof, for the purposes of the Revenue Act of 1932 was prescribed by Section 113 (a) (6), (7), or (9) of such act, then for the purposes of this act the basis shall be the same as the basis therein prescribed in the Revenue Act of 1932.

(11) In the case of property acquired before March 1, 1913, if the basis otherwise determined under this subsection, adjusted (for the period prior to March 1, 1913) as provided in subsection (b), is less than the fair market value of the property as of March 1, 1913, then the basis for determining gain shall be such fair market value. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date.

(12) If the property was received by a corporation upon a distribution in complete liquidation of another corporation within the meaning of Section 20 (b) (6), then the basis shall be the same as it would be in the hands of the transferor.

(13) Whenever a corporation has realized gain or loss upon the receipt after January 1, 1928, at a time when it was subject to a tax under this act measured by income, of all or substantially all of the business or property of a corporation over which it exercised control within the meaning of subsection 20 (h), and such gain or loss actually was not taken into account in the computation of taxes imposed by this act, the basis of the property or business acquired shall be the same as it was in the hands of the transferor.

(14) If the property was acquired after February 28, 1913, in any income year beginning prior to January 1, 1937, and the basis thereof, for the purposes of the Federal Revenue Act of 1934 was prescribed by Section 113 (a) (6), (7), or (8) of such act, then for the purposes of this act the basis shall be the same as the basis therein prescribed in the Federal Revenue Act of 1934.

(15) (A) If the property was acquired by a shareholder in a corporation and consists of rights to acquire stock in such cor-

poration acquired by him after February 28, 1913, in a distribution by such corporation, and (1) the right to acquire such stock was acquired in an income year beginning before January 1, 1937 (except as provided in subparagraph (B)), or (2) the right to acquire such stock was acquired in an income year beginning after December 31, 1933, and its distribution did not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution of the United States, then the basis of the stock in respect of which the rights were declared and the right to acquire stock, respectively, shall, in the shareholder's hands be determined by allocating between the stock and the right to acquire stock the adjusted basis of the stock, such allocation to be made under regulations which shall be prescribed by the commissioner.

(B) If a stock right was acquired prior to January 1, 1928, and it constituted income within the purview of the Sixteenth Amendment to the Constitution of the United States, the basis of the stock in respect of which the rights were declared shall not be affected and the basis of the right shall be its fair market value as of the date of its acquisition.

(C) Where the shareholder acquired the right to acquire such stock in an income year beginning before January 1, 1943, and sold the same, and there was included in the gross income for such year of sale the entire amount of the proceeds of such sale, then if before the effective date of the 1943 amendments to this act the taxpayer has not asserted (by claim for a refund or credit or otherwise) that any part of the proceeds of the sale of such rights should be excluded from gross income for the year of its sale, the basis of the stock shall be determined without regard to paragraphs (A) and (B), and no part of the proceeds of the sale of such rights shall ever be excluded from the gross income for the year of such sale.

(16) If the property of a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, was acquired after December 31, 1942, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under Section 77 of the National Bankruptcy Act, as amended,

and the acquiring corporation is a railroad corporation, as defined in Section 77m of the National Bankruptcy Act, as amended, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired. The term "reorganization," as used in this paragraph, shall not be limited by the definition of such term in Section 20 (g).

(17) If the property of any street, suburban, or interurban electric railway corporation engaged as a common carrier in the transportation of persons or property in interstate commerce was acquired after December 31, 1942, in pursuance of an order of the court having jurisdiction of such corporation in a pro-

ceeding under Section 77B of the National Bankruptcy Act, as amended, and the acquiring corporation is a street, suburban, or interurban electric railway engaged as a common carrier in the transportation of persons or property in interstate commerce, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, then, notwithstanding the provisions of Section 270 of Chapter X of the National Bankruptcy Act, as amended, the basis, for any income year beginning after December 31, 1942, shall be the same as it would be in the hands of the corporation whose property was so acquired. The term "reorganization," as used in this paragraph, shall not be limited by the definition of such term in Section 20 (g).

(18) In the case of stocks or securities received by a taxpayer on or after January 1, 1943, under circumstances described in Section 20 (b) (7), the basis of such stocks or securities shall be the same as that of the stocks or securities for the surrender of which they were acquired.

(19) If the property was acquired by a corporation upon a transfer to which Section 20 (b) (9), or so much of Section 20 (d) or (e) as relates to Section 20 (b) (9), is applicable, the basis in the hands of the acquiring corporation shall be the same as it would be in the hands of the corporation whose property was so acquired, increased in the amount of gain recognized to the corporation whose property was so acquired under the law applicable to the year in which the acquisition occurred, and such basis shall not be adjusted under subsection (b) (3) by reason of a discharge of indebtedness pursuant to the plan of reorganization under which such transfer was made.

(b) The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis determined under subsection (a), adjusted as hereinafter provided.

Adjusted
basis for de-
termination
of gain or
loss

(1) Proper adjustment in respect of the property shall in all cases be made—

(A) For expenditures, receipts, losses, or other items properly chargeable to capital account, but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining net income for the income year or prior income years;

(B) For exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent sustained prior to January 1, 1928, and to the extent allowed (but not less than the amount allowable) under this act, except that no deduction shall be made for (1) amounts in excess of the amount which would have been allowable had depreciation not been computed on the basis of January 1, 1928, value; (2) amounts in excess of the adjustments required by Section 113 (b) (1) (B) of the Federal Revenue Act of 1938 for depletion prior to January 1, 1932; provided, however, that if a taxpayer has not claimed an amortization deduction for an emergency facility, an adjustment

shall be made only to the extent ordinarily provided under Section 8 (f).

(C) In the case of stock (to the extent not provided for in the foregoing subparagraphs) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation, which was classified as a personal service corporation under the provisions of the Federal Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of Section 218 of the Federal Revenue Act of 1918 or 1921).

(D) In the case of any bond (as defined in Section 8 (o) (3)) to the extent of the deductions allowable pursuant to Section 8 (o) (1) (A) with respect thereto.

"Substituted basis"

(2) The term "substituted basis" as used in this subsection means a basis determined under any provision of subsection (a) of this section providing that the basis shall be determined:

(A) By reference to the basis in the hands of a transferor, donor, or grantor, or

(B) By reference to other property held at any time by the person for whom the basis is to be determined.

Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, then the adjustments provided in paragraph (1) of this subsection shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases.

(3) Where in the case of a bank or corporation any amount is excluded from gross income under Section 6 (b) (5) on account of the discharge of indebtedness the whole or a part of the amount so excluded from gross income shall be applied in a reduction of the basis of any property held (whether before or after the time of the discharge) by the taxpayer during any portion of the income year in which such discharge occurred. The amount to be so applied (not in excess of the amount so excluded from gross income, reduced by the amount of any deduction disallowed under Section 6 (b) (5)) and the particular properties to which the reduction shall be allocated, shall be determined under regulations (prescribed by the commissioner) in effect at the time of the filing of the consent by the taxpayer referred to in Section 6 (b) (5). The reduction shall be made as of the first day of the income year in which the discharge occurred except in the case of property not held by the taxpayer on such first day, in which case it shall take effect as of the time the holding of the taxpayer began.

(c) Neither the basis nor the adjusted basis of any portion of real property shall, in the case of the lessor of such property, be increased or diminished on account of income derived by the

Increase or
diminution
of basis or
adjusted
basis

lessor in respect of such property and excludible from gross income under Section 6 (b) (3). If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by a lessee in respect of such property was included in gross income of the lessor for any such year beginning before January 1, 1942, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income.

SEC 13. Section 24 of the Bank and Corporation Income Tax Act is hereby amended to read as follows: Stats 1943,
p 1403

Sec. 24. (a) If any taxpayer fails to make and file a return required by this act on or before the due date of the return or the due date as extended by the commissioner, then, unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, 5 per centum of the tax shall be added to the tax for each 30 days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total addition shall not exceed 25 per centum of the tax. The amount so added to the tax shall be due and payable upon notice and demand from the commissioner. Penalties
and forfeitures.
Failure to
file return
on time

If any taxpayer, upon notice and demand by the commissioner, fails or refuses to make and file a return required by this act, the commissioner is authorized to make an estimate of the net income and to compute and levy the amount of the tax due under this act from any available information, and in such case 25 per centum of the tax (in addition to the amounts added under the provisions of the preceding paragraph of this subsection) shall be added to the tax and shall be due and payable upon notice and demand from the commissioner. Failure or
refusal to
make return
on notice
and demand

If any bank or corporation fails or refuses to furnish any information as requested in writing by the commissioner, the commissioner may add a penalty of 25 per centum of the amount of any additional tax assessed by the commissioner concerning the determination of which such information was required. Failure or
refusal to
furnish
information

(b) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency (in addition to such deficiency and other additions provided in this section) shall be assessed, collected and paid in the same manner as if it were a deficiency. Deficiency
due to negli-
gence or
disregard
of rules

If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency and other additions provided in this section) shall be assessed, collected and paid in the same manner as if it were a deficiency. Deficiency
due to fraud

(c) If the tax imposed by this act (whether determined by the commissioner or the taxpayer) or any installment or portion thereof is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax interest upon such unpaid amount at the rate of 6 per centum per year from the date prescribed for its payment until it is paid. Interest

If the time for the payment of the tax or any installment thereof is extended by the commissioner, or if collection of a jeopardy assessment is stayed under Section 24.1 of this act, there shall be collected as part of such tax interest thereon at the rate of 6 per centum a year from the date upon which such payment should have been made if no extension had been granted or collection had not been stayed until the date the tax is paid.

Interest upon the amount determined as a deficiency shall be assessed and paid at the same time as the deficiency at the rate of 6 per centum per year from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed; provided, however, if any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid.

Where a deficiency, or any interest or additional amounts assessed in connection therewith, or any addition to the tax in case of delinquency provided for in subsection (a) of this section, is not paid in full within 10 days from the date of notice and demand from the commissioner, there shall be collected as a part of the tax, interest upon the unpaid amount at the rate of 6 per centum a year from the date of such notice and demand until it is paid.

Credit of
overpayment.

(d) (1) When the correction of an erroneous inclusion or deduction of an item in the computation of income of any year results in an overpayment for one year and a deficiency for another year, the overpayment, if the period within which credit for the overpayment may be allowed has not expired, shall be credited on the deficiency, if the period within which the deficiency may be proposed has not expired, and the balance, if any, shall be credited or refunded as provided in Section 27. No interest shall be assessed on such portion of the deficiency as is extinguished by the credit for the period of time subsequent to the date the overpayment was made.

Interest on
overpayments

Notwithstanding the provisions of Section 27, no interest shall in any case be allowed on any overpayment to the extent credited on deficiencies pursuant to the provisions of this section.

(2) The preceding paragraph is not intended nor shall it be construed as a limitation on the commissioner's right to offset or recoup barred assessments against overpayments.

Stats 1943,
p 1403

SEC. 14. Section 25 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Examination
of return

Sec. 25. (a) As soon as practicable after the return is filed, the commissioner shall examine it and shall determine the correct amount of the tax. If the commissioner determines that the tax disclosed by the original return is less than the tax disclosed by his examination he shall mail notice or notices to the taxpayer at its post-office address (which must appear on its return) of the additional tax proposed to be assessed against it. Each notice shall set forth the details of the proposed additional assessment and of computing said tax.

Notice of
additional
tax

(b) Within 60 days after the mailing of said notice the taxpayer may file with the commissioner a written protest against the levy of the proposed additional tax, as computed by the commissioner, specifying therein the grounds upon which the protest is based. Protest

(c) If no such protest is so filed the amount of the tax shall be final upon the expiration of said 60-day period. If a protest is so filed it shall be the duty of the commissioner to reconsider the computation and levy of the tax complained of, and if the taxpayer has so requested in its protest, it shall be the duty of the commissioner to grant said taxpayer, or its authorized representatives, an oral hearing. After consideration of the protest and the evidence adduced in the event of such oral hearing, the commissioner's action upon the protest shall be final upon the expiration of 30 days from the date when he mails to the taxpayer notice of his action, unless within that 30-day period the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. The appeal must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination, and the reasons therefor. Such determination shall be final upon the expiration of 30 days from the time of such determination unless within such 30-day period the taxpayer or the commissioner files a petition for rehearing with said board, in which event the board's determination shall not become final until the expiration of 30 days from the time the board issues its opinion of said petition. Hearing on protest
Appeal

(d) When a deficiency has been determined and the tax has become final under the provisions of this section, the commissioner shall mail notice and demand to the taxpayer for the payment thereof, and such tax shall be due and payable at the expiration of 10 days from the date of such notice and demand. Notice and demand for payment

(e) A certificate by the commissioner or of said board, as the case may be, of the mailing of the notices specified in this section shall be prima facie evidence of the computation and levy of the deficiency in tax and of the giving of said notices. Certificate of commissioner

(f) Except in the case of a fraudulent return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the taxpayer within four years after the return was filed and no deficiency shall be assessed or collected with respect to the year for which such return was filed unless such notice is mailed within such period; provided, that in the case of any taxpayer which shall agree with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in Federal income tax for any year, the period for mailing notices of proposed deficiency tax pursuant to this section shall (unless otherwise agreed between the commissioner and the taxpayer) be four years after the return was filed or six months after the Limitation for notice of additional tax

date of the expiration of the agreed period for assessing deficiencies in Federal income tax, whichever period expires the later. For the purposes of this paragraph a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Assessment
by consent

(g) Where, before the expiration of the time prescribed in this section for the assessment of the tax, the taxpayer has consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Mathemati-
cal error

(h) Any amount of tax in excess of that disclosed by the return, due to a mathematical error, or failure of the taxpayer to compute properly the liability based on the net income reported on its return, notice of which has been mailed to the taxpayer, shall not be considered a deficiency assessment within the meaning of this section. The taxpayer shall have no right of protest or appeal as herein provided, based on such notice, nor shall such assessment or collection be prohibited by any of the provisions of this section.

Adjudication
of bank-
ruptcy or
appointment
of receiver

(i) Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the commissioner in respect of a tax imposed by this act upon such taxpayer may be immediately assessed. In such cases the trustee in bankruptcy or receiver shall give notice in writing to the commissioner of the adjudication of bankruptcy or the appointment of the receiver, and the running of the statute of limitations on the making of assessments shall be suspended for the period from the date of adjudication in bankruptcy or the appointment of the receiver to a date 30 days after the date upon which the notice from the trustee or receiver is received by the commissioner; but the suspension under this sentence shall in no case be for a period in excess of two years. Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the State Board of Equalization but no petition for any such redetermination shall be filed with said board after the adjudication of bankruptcy or the appointment of the receiver. Any portion of the claim allowed in such bankruptcy or receivership proceeding which is unpaid shall be paid by the taxpayer upon notice and demand from the commissioner after determination of such proceeding and may be collected in the manner provided in this act for the collection of delinquent

taxes at any time within six years after termination of such proceeding.

SEC. 15. Section 27 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats. 1943,
p. 1403

Sec. 27. (a) If, in the opinion of the commissioner, or the State Board of Equalization, as the case may be, there has been an overpayment of tax, penalty or interest by a taxpayer for any year for any reason, the amount of such overpayment shall be credited against any taxes then due from the taxpayer under this act, and the balance shall be refunded to the taxpayer or its successor through reorganization, merger, or consolidation, or to stockholders upon dissolution. No such credit or refund shall be allowed or made until approved by the State Board of Control. No such credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the commissioner has certified the overpayment to the State Board of Control for approval of the refunding or the crediting thereof. If (a), the taxpayer has, within the period prescribed in the preceding sentence, agreed in writing, under the provisions of Section 25, to extend the time within which the commissioner may propose an additional assessment, or (b) if the taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in Federal income tax for any year, the period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the commissioner may make an assessment under such circumstances, except that the provisions of the preceding sentence shall apply to any claim filed, or credit or refund allowed or made, before the execution of such agreements. Insofar as the claim for credit or refund relates to an overpayment on account of the deductibility under Section 8 (e) of a debt as one which became worthless, or an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount under Section 6 (b) (4), due to an adjustment of a bad debt deduction under Section 8 (e), in lieu of the period of limitation prescribed in the second preceding sentence, the period shall be seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made. A refund claim upon which action has become final shall not thereafter be considered a refund claim within the meaning of the foregoing provision except to the extent allowed. Every claim for refund must state the specific grounds upon which the claim is founded.

(b) If the commissioner disallows any claim for refund, he shall notify the taxpayer accordingly. At the expiration of 90 days from the mailing of such notice, the commissioner's action upon the claim shall be final unless within such 90-day period, Disallow-
ance Notice

Appeal

the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. If the commissioner fails to mail notice of action on any refund claim within six months after the claim was filed, the taxpayer may, prior to mailing of notice of action on the refund claim, consider the claim disallowed and appeal to said board. Appeals must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. Such determination shall be final upon the expiration of 30 days from the time of such determination unless within such 30-day period the taxpayer or the commissioner files a petition for rehearing with said board, in which event the board's determination shall not become final until the expiration of 30 days from the time the board issues its opinion on said petition.

Interest

(c) Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of 6 per centum per annum as follows:

(1) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this act.

(2) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the commissioner.

Recovery of
erroneously
refund or
credit

(d) Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of 6 per centum per annum from the date the refund was made or the credit allowed, in an action brought by the commissioner in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California, and such actions shall be tried in the County of Sacramento, unless the court, with the consent of the Attorney General or the counsel for the commissioner, orders a change of place of trial. The Attorney General or the counsel for the commissioner must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

Cancellation

In the event that a tax has been illegally levied against a taxpayer, the commissioner shall set forth on his records the reasons therefor and thereafter shall authorize the cancellation of such tax.

Payment
under protest

(e) If, after filing a protest or an appeal to the State Board of Equalization, pursuant to Section 25, a taxpayer pays the tax protested, before the commissioner acts upon the protest

or the board on the appeal, the commissioner or the board shall treat the protest or the appeal as a claim for refund or an appeal from the denial of a claim for refund filed under this section.

SEC. 16. Section 28 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats 1943, p 1403

Sec. 28. (a) If any taxpayer files a false or fraudulent return, or fails or neglects to file a return, with intent to evade tax, the commissioner, at any time, may require a return, or a supplementary return, under oath, or may make an estimate of the net income from any available information, and may propose to assess the amount of tax, interest and penalties due under this act. All the provisions of this act relative to delinquent taxes shall be applicable to the tax, interest and penalties computed hereunder. Assessment by commissioner

(b) When any assessment is proposed under the preceding paragraph, the taxpayer shall have the right to protest the same and to have an oral hearing thereon if requested; also to appeal to the board from the commissioner's action on the protest; the taxpayer must proceed under this paragraph in the manner and within the time prescribed by Section 25. Protest

SEC. 17. Section 30 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats 1943, p 1403

Sec. 30. (a) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the assessment or collection of any tax under this act but any taxpayer claiming that the tax computed and levied against it pursuant to Sections 24.1 and 25 of this act is void in whole or in part may bring an action against the commissioner for the recovery of the whole or any part of the amount paid. Such action must be filed within four years from the last date prescribed for filing the return or within one year from the date the tax was paid, whichever period expires the later; provided, that no action shall be filed for the recovery of a deficiency assessment unless the taxpayer has made protest to the commissioner of the computation and levy complained of under the provisions of Section 25 hereof or unless the taxpayer has filed a claim for refund for the tax, in question, under the provisions of Section 27. Process not to issue to prevent assessment or collection

(b) Within 90 days after the mailing of the notice of the commissioner's action upon any refund claim, or in case of an appeal to the State Board of Equalization from the disallowance of any refund claim, within 90 days after the mailing of the notice of the board's determination of the appeal, the taxpayer may bring an action against the commissioner on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed as an overpayment. Limitation of action on refund claim

If the commissioner fails to mail notice of action on any refund claim within six months after the claim was filed, the taxpayer may, prior to mailing of notice of action on the refund claim, consider the claim disallowed and bring an action against the commissioner on the grounds set forth in such claim for Failure of commissioner to mail notice

the recovery of the whole or any part of the amount claimed as an overpayment.

Action for
refund

(c) Whenever under the provisions of this section an action is commenced against the commissioner, a copy of the complaint and the summons must be served upon the commissioner or assistant commissioner. A second copy of the complaint and summons must be furnished to the commissioner, but this requirement shall not be considered jurisdictional. At the time the commissioner demurs or answers, he may demand that the action be tried in the Superior Court of the County of Sacramento, which demand must be granted. The Attorney General or the counsel for the commissioner must defend the action. The provisions of the Code of Civil Procedure, relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes. In any such action the courts shall have power to render judgment for plaintiff for any part or portion of the tax, interest, penalties or cost found to be void and so paid by plaintiff upon such assessment.

Substitution
of commis-
sioner for
State
Treasurer

(d) In all actions now pending against the State Treasurer under the provisions of this act, the commissioner shall be substituted for the State Treasurer by the court wherein the action is pending. This substitution shall not in any way affect the rights of the plaintiff in said action.

Judgment
against
commissioner

(e) If judgment is rendered against the commissioner, the amount thereof shall first be credited against any taxes and interest due from the taxpayer under this act and the remainder refunded to the taxpayer or its successor by the State Treasurer on warrant drawn by the Controller.

Interest

(f) In any judgment of any court rendered for any overpayment in respect of any tax imposed by this act, interest shall be allowed at the rate of 6 per centum per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the commissioner.

Tax levy

SEC. 19. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Application
and effective
date

SEC. 20. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years ending after December 31, 1944, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall mean those affecting income, deductions, rates, method of calculating tax, exclusions, exemptions and credits. Any amendment to any section of the Bank and Corporation Franchise Tax Act shall not, of itself, be taken as an indication that a change of meaning is intended.

CHAPTER 947

An act to amend Section 701 of the Probate Code, relating to giving of notice to creditors.

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 701 of the Probate Code is amended to read:

701. Such notice must be published not less than once a week for four successive weeks. If the executor or administrator neglects to give notice promptly, the court must revoke his letters and appoint some other person in his stead. If the executor or administrator dies, resigns or is removed after the publication has been completed but before the time to file or present claims has expired, the time to file or present claims is not extended. In such case the claimant may file his claim with the clerk or present it to the new executor or administrator, at the latter's residence or place of business within the time limited in the notice published by the former executor or administrator. Four weekly publications shall be sufficient publication of said notice. If said order is published in a daily newspaper, publication once a week for four successive weeks shall be sufficient.

Time of
publication
of notice
to creditors

Filing claims

CHAPTER 948

An act to repeal Section 31.5 of the Fish and Game Code, relating to powers of the commission.

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 31.5 of the Fish and Game Code is repealed.

Repeal

CHAPTER 949

An act to amend Section 6 of the Municipal Court Act of 1925, relating to municipal courts in cities of the first class.

Stats 1925,
p 648,
amended

[Approved by Governor June 19, 1945. Filed with Secretary of State June 19, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the act cited in the title hereof is amended to read:

Stats 1943,
p 2445

Los Angeles
Municipal
Court
Judges,
officers and
attaches

Sec. 6. The municipal court in a city or city and county of the first class shall be constituted and the judges, officers and attaches thereof, shall receive compensation as follows:

(a) There shall be 12 judges, each of whom shall receive ten thousand dollars (\$10,000) per annum, payable in equal monthly installments;

(b) There shall be one clerk to be appointed by the judges of the court who shall also act as secretary to the judges of said court, who shall receive a salary of seven thousand five hundred dollars (\$7,500) per annum, payable in equal monthly installments.

(c) The clerk shall appoint the following:

1. One jury commissioner, with all the powers of jury commissioner of the superior court insofar as the same may be applicable to municipal courts, and who shall receive an annual salary of five thousand four hundred dollars (\$5,400), payable in equal monthly installments.

2. And such other deputies and attaches as may be provided for by the board of supervisors in the annual salary ordinance.

CHAPTER 950

An act to regulate schools of printing, and prohibiting commercial printing in such schools.

In effect
September
15, 1945

[Approved by Governor June 19, 1945 Filed with Secretary of State
June 19, 1945]

The people of the State of California do enact as follows:

Commercial
printing in
schools
prohibited

SECTION 1. No printing concern, institution, or other agency maintaining a printing plant or department for the purpose of instruction or the teaching of the art of printing, or allied arts, and whose purpose is to teach or instruct its students or members, shall produce, print or cause to be printed any material whatsoever (except printing which would come under the head of "instruction" or "student activity"), that may be placed on the market in competition with regularly established printing plants or concerns, if such printing plant, concern or institution or other agency is supported or operated from public or State funds, or is tax-free in any manner.

Exceptions:

This act is not intended to nor shall it be deemed or construed to apply to:

(a) Any institution classified as an educational institution within the meaning and intent of Section 101 of the Internal Revenue Code of the United States or of Section 4 (6) of the Bank and Corporation Franchise Tax Act and which, nevertheless, pays general State and county taxes within this State upon any printing plant and printing equipment owned by it.

(b) The production of forms, materials, and supplies at any State educational institution under the exclusive management and control of the State and authorized by law.

(c) Any publication, printed and produced at any State educational institution under the exclusive management and control of the State for the dissemination of technical or scientific information and which is sold at cost

SEC. 2. The violation of this act is a misdemeanor.

Penalty

CHAPTER 951

An act to amend Section 600 of the Penal Code, relating to burning structures or other things not subject to arson, and providing a penalty.

[Approved by Governor June 19, 1945. Filed with Secretary of State
June 19, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 600 of the Penal Code is amended to read:

600. Every person who wilfully and maliciously burns any bridge exceeding in value fifty dollars (\$50), or any structure, snow-shed, vessel, or boat, not the subject of arson, or any tent, or any stack of hay or grain or straw of any kind, or any pile of baled hay or straw, or any pile of potatoes, or beans, or vegetables, or produce, or fruit of any kind, whether sacked, boxed, crated, or not, or any growing or standing grain, grass, or tree or any grass, forest, woods, timber, brush-covered land or slash-
ing, cutover land, or any fence, or any railroad car, lumber, cordwood, railroad ties, telegraph or telephone poles, or shakes, or any tule-land or peat-ground of the value of twenty-five dollars (\$25) or over, not the property of such person is punishable by imprisonment in the State prison for not less than one year, nor more than 10 years.

Burning
structures,
etc., not
subjects of
arson

CHAPTER 952

"County
Highway Aid
Act of
1945"

An act relating to a highway construction and improvement program, county and State, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1944 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

In effect
September
15, 1945

[Approved by Governor June 19, 1945 Filed with Secretary of State
June 19, 1945]

I object to the item of \$12,000,000 in Section 5 of Assembly Bill No. 2480, and I reduce said amount to \$8,000,000. My reason for making this reduction is that an identical appropriation is made by Senate Bill No. 608. I am similarly reducing the appropriation made by that bill in order that the total appropriation made by the two bills shall equal the sum of \$12,000,000.

EARL WARREN
Governor of California

The people of the State of California do enact as follows:

Legislative
declaration
58 Fed
Stats.,
Ch. 626

SECTION 1. Declaration of Policy. The Congress of the United States has enacted the Federal-Aid Highway Act of 1944 in which the sum of one hundred fifty million dollars (\$150,000,000) has been authorized to be appropriated for projects on the principal secondary and feeder roads, including farm to market roads, rural free delivery mail and public school bus routes in the various States. By apportionment of the authorization made pursuant to said Federal act, it is anticipated that the sum of approximately fifteen million dollars (\$15,000,000) will be made available for expenditure on such roads in California in the three-year period immediately following termination of the war on the basis provided in the Federal-Aid Highway Act. Said apportionment to California is to be made available for expenditure on either State highways or county highways which qualify under the Federal law. County highways throughout the State have deteriorated to such an extent as to be a matter of primary State concern. It is, therefore, determined by the Legislature that, insofar as permissible under Federal law, rules and regulations, at least eighty-seven and one-half per cent (87½%) of the money apportioned to California for such projects as are mentioned in subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 should be expended for the improvement of the county highways in this State. Inasmuch as these county highways are a matter of State concern and many of the counties are financially unable to furnish funds to be used with the Federal funds as required by Federal law, funds should be provided from State sources therefor.

"County
highway"

SEC. 2. As used in this act, "county highway" means county highway as defined by Section 25 of the Streets and Highways Code, which is on the system of secondary and feeder roads as defined by the Federal-Aid Highway Act of 1944.

Inasmuch as the funds available for construction of highways pursuant to the provisions of subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 may not be expended in any municipality of 5,000 or more population, "county" as used in this act does not include a city and county.

As used in this act, "construction" means construction as defined by the Federal-Aid Highway Act of 1944.

SEC. 3. The provisions of this act or any action taken pursuant to it (including construction on any county highway) shall not be deemed to change the status of any county highway into that of a State highway notwithstanding any other provision of law.

Status of
county
highway

SEC. 4. (a) It is in the interest of the State of California and of the counties of the State that at least eighty-seven and one-half per cent (87½%) of the moneys available for construction of highways in this State pursuant to the provisions of subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944 be apportioned for expenditure among the counties of this State in the manner and in accordance with the formula prescribed in subdivision (b) of Section 4 of said Federal act for apportionment among the States.

Apportion-
ment of Fed-
eral moneys

(b) The Department of Public Works shall in behalf of the State and the counties recommend such projects and take such other action within the powers conferred on it by law as to comply with paragraph (a) of this section and the other provisions of this act as fully as applicable Federal laws, rules, or regulations permit.

Recommen-
dation of
projects

SEC. 5. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated the sum of twelve million dollars (\$12,000,000), which sum shall be transferred by the State Controller on the effective date of this act to the State Highway Fund and shall be expended by the Department of Public Works to pay the State's share for construction of county highways as provided in this act. The said sum of twelve million dollars (\$12,000,000) hereby appropriated shall be apportioned for expenditure in the counties of the State on the same formula as provided in subdivision (b) of Section 4 of said Federal act for apportionment of said Federal moneys among the several States. None of the appropriation hereby made shall be expended on any highway, street, or road which is not a county highway, except as expressly otherwise provided in this act.

Appropri-
ation

Apportion-
ment of
State moneys

SEC. 6. The Department of Public Works shall notify each county on the effective date of this act or as soon thereafter as possible of the amount of money to be available for expenditure in said county from said Federal apportionment and of the amount of money available from the appropriation hereby made to pay the State's share in conjunction with the Federal aid in the county. Each county shall within six months after such notice submit to the department a description of the projects on

Notice of
amount
available

Submission
of projects

county highways in said county which are approved by the county and are eligible for such Federal aid under said Federal-Aid Highway Act of 1944.

Cooperative agreements

The boards of supervisors of the several counties and the department are authorized and directed to enter into cooperative agreements and to do all other things necessary and proper in their respective jurisdictions to secure such Federal aid for construction of county highways in accordance with the intent of this act. Any such agreement shall provide that the county will maintain the project when completed as required by Federal law, rules and regulations.

Refusal to accept benefits

SEC. 7. If any county notifies the department that it refuses to accept the benefits of this act on the terms and conditions specified herein and in the Federal law, rules and regulations, or if any county fails to submit a description of the projects desired by it within the six months period provided in Section 6 or within such further period of time not exceeding an additional six months as may be extended by the department, the amount of the appropriation hereby made available for expenditure in said county may be expended in the discretion of the California Highway Commission on any other highway, State or county, on the approved system of secondary and feeder roads within or without said county.

Continuing appropriation

SEC. 8. The appropriation hereby made shall continue indefinitely to be available in the State Highway Fund to be used as provided in this act.

State highway in county

SEC. 9. Any county may by resolution of its board of supervisors request the department to expend all or any portion of the moneys available for expenditure in said county under this act on any State highway in the county, and in that event the department may pursuant to the provisions of the Federal-Aid Highway Act of 1944 as amended and supplemented expend such money on such State highway notwithstanding any other provisions of this act.

Highways outside county limits

SEC. 10. Any county may enter into an agreement with any other county or counties or joint highway district or other public agency for the expenditure of moneys available pursuant to this act for expenditure in such county on any public highway system outside its limits, if such highway is eligible for Federal aid under subdivision (b) of Section 3 of the Federal-Aid Highway Act of 1944. The Department of Public Works may then expend the money in accordance with such contract.

Short title

SEC. 11. This act shall be known and may be cited as the County Highway Aid Act of 1945.

CHAPTER 953

An act to amend Section 4071 of the Political Code, relating to monthly financial reports to boards of supervisors.

[Approved by Governor June 22, 1945 Filed with Secretary of State
June 22, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4071 of the Political Code is hereby amended to read:

4071. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution. Limitations on expenditures

Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same.

When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "allowance book," and shall be certified in that order by the auditor.

CHAPTER 954

An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class.

[Approved by Governor June 22, 1945 Filed with Secretary of State
June 22, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4254 of the Political Code is hereby amended to read as follows:

4254. In counties of the twenty-fifth class, the following shall receive, as compensation for the services required of them by law, or by virtue of their office, the following sums: Humboldt: Salaries

1 The auditor shall receive four thousand two hundred dollars (\$4,200) per annum. Auditor

If the board of supervisors in any year shall order or direct the auditor to prepare and file its annual statistical report, on performing such services and in that event he shall be allowed the further sum of three hundred dollars (\$300), payable upon the completion and acceptance of the report, and if the report is mailed throughout the county by the auditor, he shall be allowed the further sum of one hundred dollars (\$100).

2. The district attorney shall receive four thousand eight District attorney

hundred dollars (\$1,800) per annum and said district attorney while in receipt of said salary shall be disqualified from engaging in the private practice of law.

3. Each supervisor three thousand three hundred dollars (\$3,300) per annum, necessary traveling expenses incurred in the performance of his official duties, and mileage at six cents (\$0.06) per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars (\$1,000) for each supervisor.

Jurors

4. The fees of grand jurors shall be five dollars (\$5), in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents (\$0.15) per mile for each mile necessarily traveled in attending court, in going only, and of trial jurors in the superior courts of said counties in civil and criminal cases shall be three dollars (\$3), in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents (\$0.15) per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrant drawn by the county auditor upon the written order of the judge of the court in which said jurors were in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

5. The fees of jurors in justice's courts in civil and criminal cases shall be two dollars (\$2) in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents (\$0.15) per mile for each mile necessarily traveled in attending the court, in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants.

6. Jurors on coroner's juries, one dollar (\$1) for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county.

The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Incumbent
officers

SEC. 2. The compensation provided for in Section 4254 of the Political Code shall be paid to incumbent officers.

CHAPTER 955

An act to amend Sections 11001, 11004, 11035, 11160, 11162, 11164, 11166, 11166.05, 11166.07, 11166.1, 11166.11, 11166.12, 11170, 11200, 11227, 11391, 11395, 11451, 11479, 11530, 11556, 11570, 11572, 11574, 11713, 11715, and 11721 of, and to amend the headings of Chapter 5 of Division 10, Article 1 of Chapter 5 of Division 10, and of Article 2 of Chapter 5 of Division 10 of, and to add Sections 11014, 11015, 11016, 11162.5, 11715.7, and a new heading of Article 1 of Chapter 5 of Division 10 to, and to repeal the heading of Article 2 of Chapter 1 of Division 10 of, and to repeal Sections 11331, 11531, and 11720 of, and to repeal Article 1a of Chapter 5 of Division 10 of the Health and Safety Code, relating to the sale, transfer, possession, transportation, and use of narcotics.

[Approved by Governor June 22, 1945 Filed with Secretary of State
June 22, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 11001 of the Health and Safety Code is amended to read:

11001. "Narcotics," as used in this division, means any "Narcotics" of the following:

- (a) Cocaine.
- (b) Opium.
- (c) Morphine.
- (d) Codeine.
- (e) Heroin.
- (f) Alpha eucaine.
- (g) Beta eucaine.

(h) All parts of the plant loco weed or of the plant *Cannabis sativa* L., (Commonly known as marihuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but not including the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(i) Isonipecaine. "Isonipecaine" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

SEC. 2. Section 11004 of said code is amended to read:

11004. "State division," as used in this division, means the Division of Narcotic Enforcement in the State Department of Justice. "State
division"

- SEC. 3. Section 11014 is added to said code to read:
- "Person" 11014. "Person" as used in this division, includes any corporation, association, copartnership, company or one or more individuals.
- SEC. 4. Section 11015 is added to said code, to read:
- "Osteopath" 11015. "Osteopath," as used in this division, shall be those persons who are licensed in the State of California as osteopathic physicians and surgeons.
- SEC. 5. Section 11016 is added to said code to read:
- "Division" 11016. "Division," as used in this division, unless otherwise specifically designated, means Division 10, Health and Safety Code.
- SEC. 6. The heading of Article 2 of Chapter 1 of Division 10 of said code as added by Chapter 60 Statutes of 1939 is repealed.
- SEC. 7. Section 11035 of said code is amended to read:
- Inspection of records 11228. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including inspectors of the State division and the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.
- SEC. 8. Section 11160 of said code is amended to read:
- Written prescription 11500. Except as otherwise provided in this division, no person shall possess, transport, sell, furnish, administer or give away, or offer to transport, sell, furnish, administer, or give away, or attempt to transport a narcotic except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice in this State.
- SEC. 9. Section 11162 of said code is amended to read:
- Conformity with prescription 11162. No person shall write, issue, fill, compound, or dispense a prescription that does not conform to this division.
- SEC. 10. Section 11162.5 is added to said code to read:
- Responsibility 11162.5. A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of narcotic drugs is upon the practitioner, but a corresponding liability rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment but for the purpose of providing the user with narcotics sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of this division; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law.
- SEC. 11. Section 11164 of said code is amended to read:
- Addict 11164. No person shall prescribe for or administer, or dispense a narcotic to an addict, or to any person representing himself as such, except as permitted by this division.

SEC. 12. Section 11166 of said code is amended to read:

11166. No person shall write a prescription unless it is wholly written, in handwriting, signed, and dated by him as of the date on which it is written, contains the name and address of the person for whom prescribed, and states the name and quantity of the narcotic prescribed. Form of prescription

SEC. 13. Section 11166.05 is amended to read:

11166.05. Prescription blanks shall be issued by the State division in serially numbered groups of 100 forms in triplicate each, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable. Prescription blanks

SEC. 14. Section 11166.07 of said code is amended to read:

11166.07. Not more than one such prescription group shall in any case be issued or furnished by the State division to the same prescriber at one time. Limitation on number

SEC. 15. Section 11166.1 of said code is amended to read:

11166.10. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division, special agents of the Board of Medical Examiners, inspectors of the Board of Osteopathic Examiners, and inspectors of the Board of Pharmacy. Preservation of copies

SEC. 16. Section 11166.11 of said code is amended to read:

11166.11. The original and one copy of the prescription shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is issued, the duplicate shall be returned to the State division. Use of original and duplicate

SEC. 17. Section 11166.12 of said code is amended to read:

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any preparations containing codeine or to preparations containing not more than two grains of opium to the fluid or avoirdupois ounce, without additional narcotics when compounded with other medicinal ingredients or to codeine, when prescribed in combination with any of the narcotic drugs or preparations mentioned in this section, or to preparations containing apomorphine hydrochloride, or ethylmorphine hydrochloride (dionin), prescribed in writing in good faith for medicinal purposes only. Exceptions

When codeine, or tincture opii camphorata (paregoric) is not compounded with other ingredients, it shall be prescribed on the official blanks.

SEC. 18. Section 11170 of said code is amended to read:

11170. (1) No person shall obtain or attempt to obtain narcotics, or procure or attempt to procure the administration of or prescription for narcotics, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the concealment of a mate- Fraud or deceit

rial fact; or (c) by the use of a false name or the giving of a false address.

(2) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(3) No person shall, for the purpose of obtaining narcotics, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person.

(4) No person shall affix any false or forged label to a package or receptacle containing narcotics.

SEC. 19. Section 11200 of said code is amended to read:

Exempt
narcotics

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying addiction, containing not more than one grain of codeine in one fluid ounce without additional narcotics, or to *mistura glycyrrhiza compound, N. F.*

SEC. 20. Section 11227 of said code is amended to read:

Prima facie
evidence

11227. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by a defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

Repeal

SEC. 21. Section 11331 of said code is repealed.

SEC. 22. Section 11391 of said code is amended to read:

Place of
treatment
of addict

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A State prison.

(d) A State narcotic hospital.

(e) A State hospital.

Exception

This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

SEC. 23. Section 11395 of said code is amended to read:

Physician's
report

11395. The physician treating an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the State division, stating the name and address of the patient, and the name and quantities of narcotics, if any, prescribed.

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the fifteenth day of the treatment and on the thirtieth day of the treatment, and thereafter shall make such further reports as are requested in writing by the State division.

SEC. 24. Section 11451 of said code is amended to read:

11451. A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal. Prescription by veterinarian

SEC. 25. Section 11479 of said code is amended to read:

11479. The provisions of this division with reference to hypodermic syringes and needles do not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to any of the following: Hypodermics' Exemptions

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Osteopaths.

(g) Other jobbers, wholesalers or manufacturers.

(h) Surgical supply houses.

Nor do such provisions apply to the sale at retail in pharmacies by pharmacists to any of the following:

(a) Other pharmacists.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Osteopaths.

SEC. 26. The heading of Chapter 5 of Division 10 of said code is amended to read:

CHAPTER 5. ILLEGAL NARCOTICS

SEC. 27. A heading for Article 1 of Chapter 5 of Division 10, consisting of Section 11500 as added by this act, of said code is added to read:

Article 1. Illegal Sale, Possession, Administration and Transportation Article heading

SEC. 28. The heading of Article 1 of Chapter 5 of Division 10 of said code as added by Chapter 60, Statutes of 1939, is amended to read:

Article 2. Marihuana Article heading

SEC. 29. Section 11530 of said code is amended to read:

11530. No person shall knowingly plant, cultivate, cut, harvest, dry, or process any loco weed or cannabis sativa or any part thereof. Marihuana

SEC. 30. Section 11531 of said code is repealed. Repeal

SEC. 31. Article 1a of Chapter 5 of Division 10 of said code, consisting of Sections 11540 and 11541 is repealed. Repeal

SEC. 32. The heading of Article 2, of Chapter 5 of Division 10 of said code as added by Chapter 60, Statutes of 1939, is amended to read:

Article
heading

Article 3. Narcotic Pipes and Resorts

Visit to
narcotic
resort

SEC. 33. Section 11556 of said code is amended to read:
11556. It is unlawful to knowingly visit or to be in any room or place where any narcotics are being or have recently been smoked.

Sale by
pharmacists
without
prescription

SEC. 34. Section 11570 of said code is amended to read:
11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following:

- (a) Physicians.
- (b) Dentists.
- (c) Chiropodists.
- (d) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by law or by the provisions of Section 2 of an act of Congress, approved Dec. 17, 1914; as heretofore amended, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

Preservation
of written
orders, etc.

SEC. 35. Section 11572 of said code is amended to read:
11572. All wholesale jobbers, wholesalers, and manufacturers, mentioned in this division shall keep, in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of Section 2 of the act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

Forwarding
copies of
orders, etc.

SEC. 36. Section 11574 of said code is amended to read:
11574. A true and correct copy of all orders, contracts, or agreements taken for narcotics shall be forwarded by registered mail to the State division within 24 hours after the taking of the order, contract, or agreement, unless the order, contract, or agreement is recorded as required under the provisions of Section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves, their salts, derivatives, or preparations, by a wholesale jobber, wholesaler, or manufacturer, permanently located in this State, as provided for in that section.

Penalty for
unlawful
sale, etc

SEC. 36.5. Section 11713 of said code is amended to read:
11713. Any person convicted under this division for transporting, selling, furnishing, administering, or giving away, or offering to transport, sell, furnish, administer, or give away, any narcotic shall be punished by imprisonment in the county

jail for not less than six months nor more than one year, or in the State prison for not more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court upon a court trial, or is admitted by the defendant, he shall be imprisoned in a State prison for not more than 10 years.

SEC. 37. Section 11715 of said code is amended to read:

11715. Every person who forges or alters a prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not more than six years, and for each subsequent offense shall be imprisoned in the State prison for not more than 10 years.

SEC. 38. Section 11715.7 is added to said code, to read:

11715.7. Any person who shall violate any of the provisions of Sections 11162, 11162.5, 11163, 11164 and 11170 shall be punished by imprisonment in a county jail for not less than six months or in the State prison for not more than six years.

SEC. 39. Section 11720 of said code is repealed.

SEC. 40. Section 11721 of said code is amended to read:

11721. A narcotic addict, as defined in Section 11009, is punishable by imprisonment in the county jail for not less than three nor more than six months.

CHAPTER 956

An act to add Section 116 to the Health and Safety Code, relating to the acceptance of gifts by the Director of Public Health.

[Approved by Governor June 22, 1945. Filed with Secretary of State June 22, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 116 is added to the Health and Safety Code, to read:

116. With the approval of the Department of Finance, and for use in the furtherance of the work of the State Department of Public Health, the director may accept (a) grants of interest in real property, and (b) gifts of money from public agencies or from organizations or associations organized for scientific, educational or charitable purposes.

CHAPTER 957

An act to amend Sections 2800 and 2901 of the Health and Safety Code, relating to pest abatement districts.

In effect
September
15, 1945

[Approved by Governor June 22, 1945. Filed with Secretary of State
June 22, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2800 of the Health and Safety Code is hereby amended to read:

"Pest" 2800. "Pest," as used in this chapter, includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, or which is detrimental to the agricultural industry of the State, and is not protected under any other provision of law.

SEC. 2. Section 2901 of said code is amended to read:

Annexation of contiguous land. By petition 2901. At any time after the incorporation of a district upon application of such persons as could have initiated proceedings for the formation of a district composed of the land sought to be annexed, land contiguous to the district may be annexed by the board of supervisors upon like procedure, notice, and hearing as provided for formation of a district.

By board of supervisors If it shall be made to appear to the board of supervisors that public necessity or welfare requires that land contiguous to a district be annexed thereto, the board of supervisors may adopt a resolution stating their intention to annex such territory. Such resolution shall describe the boundaries of the area proposed to be annexed and shall, so far as practicable, contain all matters of fact and finding required upon proceedings for the formation of a district and shall set a time and place at which the board will consider the annexation of such area, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition.

CHAPTER 958

An act to amend Sections 13352, 13361, 13377 and 13388, and to repeal Sections 13378 and 13395, of the Health and Safety Code, relating to buildings, equipment and operation of clothes cleaning establishments.

In effect
September
15, 1945

[Approved by Governor June 22, 1945. Filed with Secretary of State
June 22, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 13352 of the Health and Safety Code is amended to read:

Location of hazardous building 13352. Unless otherwise provided in this article, no hazardous building shall be located less than 12 feet from any

boundary line of, or any other building or structure on, the lot or premises upon which it is constructed, except that the wall of a hazardous building having no door or window openings therein shall be located not less than four feet from any boundary line of, or any other building or structure on, the lot or premises.

SEC. 2. Section 13361 of said code is amended to read:

13361. The floors of a hazardous building shall be constructed of concrete not less than four inches thick with a troweled, cement-top finish. They shall be laid directly upon the earth at an elevation at or above the adjacent ground level. There shall not be any basement or other open space under them, except that a floor drain, or a muck pit having an area of not more than four square feet and constructed in accordance with plans on file in the office of the State Fire Marshal may be installed in the floor of a muck room, still room, or wash room.

SEC. 3. Section 13377 of said code is amended to read:

13377. Hinged skylights of an approved character shall be placed in the roof of each hazardous room having an aggregate door area of less than one-eighth of the floor area of such room. They shall occupy an area equal to at least one-eighth of the floor area of the room, and shall be constructed with galvanized iron frames and sash of not less than No. 24 U. S. Standard gauge. The skylights shall be so arranged that they will open under pressure in case of an explosion and will close automatically thereafter.

A hazardous building in existence and in operative use prior to April 23, 1929, and which has been in continuous operative use since that date, shall have its use continue without having such hinged skylights installed in the room thereof.

SEC. 4. Section 13388 of said code is amended to read:

13388. No boiler or steam generator shall be installed used in connection with a clothes cleaning establishment unless it is installed and housed in conformity with the following:

(a) No boiler or steam generator of any horsepower, nor the boiler room in which it is housed, shall be placed or located within 12 feet from any hazardous building. The fire box or burner of such boilers shall not be less than 20 feet from the closest opening into the hazardous building.

(b) Every boiler used in connection with a clothes cleaning establishment shall be mounted on a suitable masonry base.

SEC. 5. Sections 13378 and 13395 of said code are repealed

CHAPTER 959

An act to add Article 3 to Chapter 3, of Division 9 of and Section 8510 to the Elections Code, relating to election contests.

In effect
September
15, 1945

[Approved by Governor June 22, 1945. Filed with Secretary of State June 22, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 is added to Chapter 3 of Division 9 of the Elections Code, to read:

Article 3. Where Contest is Pending in State Legislature

Retention
of ballots

7235. If any person files a contest of the election of any person declared to have been elected a member of the Senate or Assembly of the State of California, and so notifies the county clerk in any county, the county clerk shall not destroy the ballots in that county or portion thereof within the Senate or Assembly district involved in the contest, until the final determination of the contest or the final adjournment of the session of the Legislature in which the contest is filed, whichever is the later.

Inspection
of ballots

7236. When the county clerk has been notified of the filing of a contest in the State Legislature, he shall hold the ballots of the Senate or Assembly district in his custody subject to the inspection of any committee of the Senate or Assembly or subcommittee of such committee having charge of the investigation of the contest.

The clerk shall produce such ballots for examination before any such committee or subcommittee or before any person designated to examine them by the house of the Legislature in which such contest is pending.

SEC. 2. Section 8510 is added to Article 1, Chapter 2, Division 10 of said code, to read:

Contest of
legislative
office

8510. The provisions of this chapter shall not apply to elections for the office of member of the Senate or the Assembly of the State of California.

CHAPTER 960

An act to add Section 170.1 to the Code of Civil Procedure, relative to the degree of affinity between husband and wife.

In effect
September
15, 1945

[Approved by Governor June 22, 1945. Filed with Secretary of State June 22, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 170.1 is added to the Code of Civil Procedure, to read:

Degree of
affinity

170.1. For the purpose of computing the degrees of affinity within the meaning of Section 170, there is one degree of affinity between husband and wife.

CHAPTER 961

An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Stats 1925,
p 648,
amended

[Approved by Governor June 22, 1945. Filed with Secretary of State June 22, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7b of the act cited in the title hereof is hereby amended to read as follows:

Stats 1943,
p 1298

Sec. 7b. The marshal of the municipal court in cities of the first and one-half class shall appoint the following deputies and attaches who shall receive as monthly compensation the sums set opposite the title of their respective offices or positions:

Los Angeles
Municipal
Court
Marshal's
deputies

One assistant marshal at four hundred twenty-five dollars (\$425); one deputy (chief clerk) at three hundred twenty-five dollars (\$325);

Three deputies (captains) at two hundred eighty-five dollars (\$285);

Four deputies (lieutenants) at two hundred sixty dollars (\$260);

Fifteen deputies at two hundred fifty dollars (\$250);

Thirty deputies at two hundred thirty-five dollars (\$235);

Six deputies at two hundred ten dollars (\$210);

Six deputies at one hundred eighty-five dollars (\$185);

Three deputies at one hundred sixty-five dollars (\$165);

Two deputies at one hundred fifty dollars (\$150);

One hundred deputies (custodians), at the fee allowed by law for keeping property.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

In addition to the salaries in this section above provided, the marshal and deputy marshals shall be allowed their necessary incidental expenses incurred in the performance of their duty. They may be furnished with automobiles at public expense for use in the service of writs and processes or may in lieu of the traveling expenses be allowed not to exceed six cents (\$.06) per mile for the operation of automobiles furnished by themselves while actually used on public business in the performance of their duty.

CHAPTER 962

Stats 1929,
p 19,
amended *An act to amend Section 8 of the Bank and Corporation
Franchise Tax Act, relating to bank and corporation taxes.*

In effect
September
15, 1945 [Approved by Governor June 22, 1945 Filed with Secretary of State
June 22, 1945.]

The people of the State of California do enact as follows:

Stats 1945,
Ch 946 SECTION 1. Section 8 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Deductions
from gross
income
Business
expenses Sec. 8. In computing "net income" the following deductions shall be allowed:

(a) (1) All the ordinary and necessary expenses paid or incurred during the income year in carrying on business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title or in which it has no equity.

(2) No deduction shall be allowable under subparagraph (1) to a bank or corporation for any contribution or gift which would be allowable as a deduction under subsection (i) were it not for the 5 per centum limitation therein contained and for the requirement therein that payment must be made within the income year.

Interest
on debts (b) All interest paid or accrued during the income year on indebtedness of the taxpayer to the extent in excess of income of the taxpayer from interest and dividends (other than dividends deductible under the provisions of subdivision (h) of this section and other than dividends from corporations, 50 per centum or more of the outstanding stock of which is owned by the taxpayer), which is not included in the measure of the tax imposed by this act; or to the extent of interest and dividends included in the measure of the tax imposed by this act, whichever is the greater.

Taxes (c) (1) Taxes or licenses paid or accrued during the income year, other than taxes paid to the State under this act, and other than taxes on or according to or measured by income or profits paid or accrued within the income year imposed by the authority of (1) the Government of the United States or any foreign country, (2) any State, Territory, county, city and county, school district, municipality, or other taxing subdivision of any State or Territory, and other than taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against local benefits as is properly allocable to maintenance or interest charges.

Sales taxes (2) In the case of a tax imposed by any State, Territory, district, or possession of the United States, or any political sub-

division thereof, upon persons engaged in selling tangible personal property at retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, or upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of such tax is separately stated, then to the extent that the amount so stated is paid by the purchaser (otherwise than in connection with the purchaser's trade or business) to such person such amount shall be allowed as a deduction in computing the net income of such purchaser as if such amount constituted a tax imposed upon and paid by such purchaser.

(d) Losses sustained during the income year and not compensated for by insurance or otherwise, except that such losses may, with the consent of the Franchise Tax Commissioner, hereinafter designated "commissioner," be accounted for as of a different period. In the case of any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within 30 days before or after the date of such sale or other disposition, the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or other disposition, no deduction for the loss shall be allowed unless the claim is made by a taxpayer, a dealer in stocks or securities, and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed. Upon the subsequent sale or disposition of shares of stock or securities, in respect of which a loss has been disallowed, the basis for measuring gain or loss in the case of property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis shall be decreased in the amount of the difference.

(e) Debts which become worthless within the income year, or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable in part only the commissioner may allow such debt, in an amount not in excess of the part charged or within the income year, as a deduction; provided, however, that if a debt was actually worthless prior to January 1, 1943, but was not ascertained to be worthless and charged off prior to said date, a deduction may be taken therefor during the first income year ending after December 31, 1942; and, provided, that if a portion of a debt is claimed and allowed as a deduction in any year no deduction shall be allowed in any subsequent year for any portion of the debt which in any prior year was charged off, regardless of whether claimed as a deduction in such prior year.

Obsolescence (f) A reasonable allowance for exhaustion, wear and tear and obsolescence of property used in the trade or business. The basis on which such allowance is to be computed in respect of any property is the adjusted basis provided in Section 21 (b) for the purpose of determining the gain upon the sale or other disposition of such property. A taxpayer may elect to claim a deduction for amortization of emergency facilities (as defined by Section 124 of the Internal Revenue Code as amended) under regulations prescribed by the commissioner.

Depletion (g) (1) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements according to the peculiar conditions in each case, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the commissioner. In any case in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate (but not the basis for depletion) shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases the deductions shall be equitably apportioned between the lessor and the lessee.

Basis for depletion (2) (A) The basis upon which depletion is to be allowed in respect of any property shall be the adjusted basis provided in Section 21 (b) for the purpose of determining the gain upon the sale or other disposition of such property, except as provided in paragraphs (B), (C), and (D) of this subsection.

Mines (B) In the case of mines (other than metal, coal, fluor spar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, potash, ball and sagger clay, rock asphalt or sulphur mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within 30 days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance under subdivision (1) of this subsection based on discovery value provided in this paragraph shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance under subdivision (1) of this subsection be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit.

(C) In the case of oil and gas wells the allowance for depletion under subdivision (1) of this subsection shall be $27\frac{1}{2}$ per centum of the gross income from the property during the income year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under subdivision (1) of this subsection be less than it would be if computed without reference to this paragraph.

(D) (1) The allowance for depletion under subdivision (1) of this subsection shall be, in the case of coal mines, 5 per centum, in the case of metal mines, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, ball and sagger clay or rock asphalt mines, and potash mines or deposits, 15 per centum, and, in the case of sulphur mines or deposits, 23 per centum, of the gross income from the property during the income year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property except that in no case shall the depletion allowance under subsection (1) of this section be less than it would be if computed without reference to this paragraph.

(2) As used in (D) (1) the term "gross income from the property" means the gross income from mining. The term "mining," as used herein, shall be considered to include not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products. The term "ordinary treatment processes," as used herein, shall include the following: (i) In the case of coal—cleaning, breaking, sizing, and loading for shipment; (ii) in the case of sulphur—pumping to vats, cooling, breaking, and loading for shipment; (iii) in the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment; and (iv) in the case of lead, zinc, copper, gold, silver, or fluorspar ores, potash, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including as an ordinary treatment process electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore, including the furnacing of quicksilver ores.

Dividends
taxed to
corporation
declaring

(h) (1) Dividends received during the income year declared from income which has been included in the measure of the tax imposed by this act upon the bank or corporation declaring the dividends, or from income which has been taxed under the provisions of the Corporation Income Tax Act to the corporation declaring the dividends.

Gifts

(i) In the case of a bank or corporation, contributions or gifts payment of which is made within the income year to or for the use of:

(1) The United States, any State, Territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes; or

(2) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or under the law of the United States, or of any State or Territory, or of the District of Columbia, or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, veteran rehabilitation service, literary, or educational purposes or for the prevention of cruelty to children (but in the case of contributions or gifts to a trust, chest, fund, or foundation, payment of which is made within a income year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or

(3) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(4) A corporation or organization which is organized in the United States or any of its possessions by or for members of the armed forces of the United States for the purpose of aiding or assisting members of such forces or their relatives if no part of the net earnings of such corporation or organization inures to the benefit of any private shareholder or individual; to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefits of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the commissioner.

Return by
building and
loan asso-
ciation on
withdraw-
able shares

(j) In the case of a building and loan association, organized and operating wholly or partly on a mutual plan, or a Federal savings and loan association, organized and operating wholly or partly on a mutual plan, the return paid or credited on or apportioned to their withdrawable shares.

(k) In the case of a mutual savings bank, the entire amount of interest paid to depositors possessing no proprietary interest in the institution or in its surplus, and interest on their deposits to members possessing a proprietary interest in the institution or in its surplus at a rate determined by the State Superintendent of Banks to be the going rate of interest upon savings deposits in the State during the calendar year preceding the taxable year, such rate to be certified by him to the commissioner on or before the first day of March of each year. Interest to depositors by mutual savings banks

(l) In the case of farmers, fruit growers, or like associations organized and operated in whole or in part on a cooperative or mutual basis, (1) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, which may include reasonable reserves, on the basis of either the quantity or the value of the products furnished by them, or (2) for the purpose of purchasing, or producing, supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or their agents; or when done on a non-profit basis for or with nonmembers. Income of cooperative marketing associations

(m) In the case of other associations organized and operated in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members, or with nonmembers, done on a nonprofit basis. Other cooperative associations

(n) In the case of a bondholder, who makes the election in the method and under the conditions prescribed in Section 8 (o) (4), the deduction for amortizable bond premium provided in subsection (o). Amortizable bond premiums

(o) (1) In the case of any bond, as defined in subsection (3), the following rules shall apply to the amortizable bond premium (determined under subsection (2)) on the bond for any income year beginning after December 31, 1942. Same Rules applicable

(A) In the case of a bond, the amount of the amortizable bond premium for the income year shall be allowed as a deduction.

(2) (A) For the purposes of paragraph (B), the amount of bond premium, in the case of the holder of any bond, shall be determined with reference to the amount of the basis (for determining loss on sale or exchange) of such bond, and with reference to the amount payable on maturity or on earlier call date, with adjustments proper to reflect unamortized bond premium with respect to the bond, for the period prior to the date as of which subsection (1) becomes applicable with respect to the taxpayer with respect to such bond.

(B) The amortizable bond premium of the income year shall be the amount of the bond premium attributable to such year.

(C) The determinations required under paragraphs (A) and (B) shall be made—

(i) In accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(ii) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium, prescribed by the commissioner.

“Bond”

(3) As used in this section, the term “bond” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), with interest coupons or in registered form, but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the income year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

Election

(4) The amount of the amortizable bond premium for the income year shall be allowed as a deduction only if a taxpayer has elected to claim such deduction. Such election shall be made in accordance with such regulations as the commissioner shall prescribe. If such election is made with respect to any bond, it shall also apply to all such bonds held by the taxpayer at the beginning of the first income year to which the election applies and to all such bonds thereafter acquired by it, and shall be binding for all subsequent income years with respect to all such bonds of the taxpayer, unless, upon application by the taxpayer, the commissioner permits him, subject to such conditions as the commissioner deems necessary, to revoke such election.

Contributions to stock bonus, etc. plans

(p) (1) If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under subsection (a) but shall be deductible, if deductible under subsection (a) without regard to this subsection, under this subsection but only to the following extent:

(A) In the income year when paid, if the contributions are paid into a pension trust, and if such income year ends within or with an income year of the trust for which the trust is exempt under Section 12 (f) of The Personal Income Tax Act, in an amount determined as follows:

(i) An amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the income year to all the employees under the trust, but such amount may be reduced for future years if found by the commissioner upon periodical examinations at not less than five-year intervals to be more than

the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(ii) Any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five income years, or

(iii) In lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(iv) Any amount paid in an income year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding income years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

(B) In the income year when paid, in an amount determined in accordance with subparagraph (A) of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of Section 12 (f) of The Personal Income Tax Act, and if refunds of premiums, if any, are applied within the current income year or next succeeding income year towards the purchase of such retirement annuities.

(C) In the income year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such income year ends within or with an income year of the trust with respect to which the trust is exempt under Section 12 (f) of The Personal Income Tax Act, in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the income year to all employees under the stock bonus or profit-sharing plan. If in any income year beginning after December 31, 1942, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is

paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding income years in order of time, but the amount so deductible under this sentence in any such succeeding income year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding income year to the beneficiaries under the plan. In addition, any amount paid into the trust in an income year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding income years in order of time, but the amount so deductible under this sentence in any one such succeeding income year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such income year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph (A). If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph.

(D) In the income year when paid, if the plan is not one included in paragraphs (A), (B), or (C), if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

(E) For the purposes of subparagraphs (A), (B), and (C), a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such income year and is made within 60 days after the close of the income year of accrual.

(F) If amounts are deductible under subparagraphs (A) and (C), or (B) and (C), or (A), (B), and (C), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in an income year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the income year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in an income year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding income years in order of time, but the amount so deductible under this sentence in any one such succeeding income year together with the amount allowable under the first sentence of this subparagraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such income years to the beneficiaries under the trusts or plans. This subparagraph shall not have the

effect of reducing the amount otherwise deductible under subparagraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan. If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan.

(2) Any deduction allowable under this act (as it read prior to the 1943 amendment) for an income year beginning before January 1, 1943, which was apportioned to any income year beginning after December 31, 1943, shall be allowed as a deduction for the years to which so apportioned to the extent allowable under this subsection as it then read if it had remained in force with respect to such year.

(3) In the case of a stock bonus, pension, profit-sharing or annuity plan in effect on or before September 1, 1943:

(A) Such a plan shall not become subject to the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code until the beginning of the first income year beginning after December 31, 1943.

(B) Such a plan shall be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code for the period beginning with the beginning of the first income year following December 31, 1943, and ending on December 31, 1945, if the provisions of the plan satisfy such requirements by December 31, 1945 and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943.

(C) If the contribution of an employer to such a plan in the employer's income year beginning in 1943 exceeds the maximum amount deductible for such year under Section 8(p)(1), the amount deductible in such year shall not be less than the sum of:

(i) The amount paid in such income year prior to September 1, 1943, and deductible under Section 8(a); and

(ii) With respect to the amount paid in such income year on or after September 1, 1943, that proportion of the amount deductible for the taxable year under Section 8(p)(1) which the number of months after August 31, 1943, in the income year bears to 12.

(4) In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after September 1, 1943, such a plan shall be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code for the period beginning with the date on which such plan was put into effect and ending December 31, 1945, if all provisions of the plan which are necessary to

satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943.

(5) In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after December 31, 1944, the plan will be considered as satisfying the requirements of Sections 18159, 18160, 18161, 18162, 18163, and 18164 of the Revenue and Taxation Code for the period beginning with the date on which it was put into effect and ending with the fifteenth day of the third month following the close of the income year of the employer in which the plan was put into effect if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period.

Deductions
discriminat-
ing against
National
banking
associations

(q) If any deduction provided for in this section is finally adjudged discriminatory against a National banking association contrary to Section 5219 of the Revised Statutes of the United States, or is for any reason finally adjudged invalid, in that event the tax of the favored taxpayer shall be recomputed by the commissioner for the taxable year in question, as of the time of allowance of the deduction, by disallowing the deduction, and any difference between the amount of the tax as recomputed and the amount of the tax as originally computed shall be subject to the provisions hereof relating to original computations.

CHAPTER 963

An act to amend Section 737gg of the Political Code, relating to the salary of judges in counties of the fourteenth class.

In effect
September
15, 1945

[Approved by Governor June 22, 1945. Filed with Secretary of State June 22, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 850

SECTION 1. Section 737gg of the Political Code is amended to read:

Superior
judges'
salary:
Riverside

737gg. The annual salary of each of the judges of the Superior Court in and for the County of Riverside is nine thousand dollars (\$9,000).

CHAPTER 964

An act to add Section 7a to "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject, approved June 13, 1923," relating to firearms.

Stats 1923,
p 695,
amended

[Approved by Governor June 22, 1945. Filed with Secretary of State June 22, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7a is added to the act cited in the title hereof, to read:

Sec. 7a. Delivery of firearms to military or naval agency in lieu of destruction. The officer having custody of any firearms which may be useful to the State Guard, the Coast Guard Auxiliary or to any military or naval agency of the Federal or State Government may upon the authority of the legislative body of the city, city and county or county by which he is employed and the approval of The Adjutant General of the State deliver such firearms to the commanding officer of a unit of the State Guard, the Coast Guard Auxiliary or any other military agency of the State or Federal Government in lieu of destruction thereof as required by Section 7 of this act.

Delivery of
firearms to
military,
etc. agency

The officer so delivering such firearms shall take a receipt therefor containing a complete description thereof and shall keep the same on file in his office as a public record of the disposition of such weapons.

Receipt as
public record

CHAPTER 965

An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to phonographic reporters for superior courts.

In effect
September
15, 1945

[Approved by Governor June 22, 1945 Filed with Secretary of State
June 22, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1944.,
Ch 717

SECTION 1. Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure is amended to read:

Appointment
of phono-
graphic
reporters

261b. In each county, or city and county, having a population of 600,000 inhabitants or over, as determined by the Federal census taken in 1940, the judges of the superior court in and for such county, or city and county, a majority concurring, to assist the court in the transaction of the judicial business of said court, by having performed the duties of phonographic reporters as elsewhere in this code defined, may appoint as many regular official phonographic reporters as may be necessary to report the proceedings in said court and to perform such duties, except that the number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for said court, said reporters to hold office during the pleasure of the judges of said court, a majority concurring.

Pro tempore
reporter

When needed in order that the judicial business of the superior court in such county, or city and county, may be diligently carried on and a particular matter or matters may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter or matters, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding judge of the court and the judge presiding in the department where such reporter will serve, but when such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter.

Salaries

Each of said regular official reporters shall be paid a salary of four thousand eight hundred dollars (\$4,800) per annum, and each of said pro tempore official reporters shall be paid twenty dollars (\$20) per day for the days he actually is on duty under order of the court.

No further fee than that hereinabove provided shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court; but a phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees now, or that may hereafter be, allowed by law for transcribing his shorthand notes

of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Section 274 of the Code of Civil Procedure and by any other law of this State pertinent to the case.

The salaries in this section provided shall be paid in monthly installments out of the salary fund of the county, or city and county, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited. Payment of salaries

In addition to the fee or fees required by any other law or laws, a fee of three dollars (\$3) shall be paid to the county clerk of such a county, or city and county, by each party, or jointly by parties appearing jointly, in each of the following instances: County clerk fees

(1) Where Section 4300a of the Political Code requires such party to pay said clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Section 4300a of the Political Code requires such party to pay said clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 4300a of the Political Code requires such party to pay said clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, corespondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but one such additional fee of three dollars (\$3) as in this section provided.

(4) Where Section 4300a of the Political Code requires such party to pay said clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

The fee so required shall be taxed as costs in favor of any party paying the same and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103 of the Government Code.

The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer, or city and county treasurer, all moneys paid to him under the provisions of this section during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such moneys, and such moneys shall be deposited in the salary fund of said county, or city and county.

CHAPTER 966

Stats 1915, *An act to amend Section 3 of the Los Angeles County Flood Control Act, relating to the board of supervisors.*
p 1502,
amended

In effect
September
15, 1945

[Approved by Governor June 22, 1945 Filed with Secretary of State
June 22, 1945.]

The people of the State of California do enact as follows:

Stats 1941,
p 1982

SECTION 1. Section 3 of the Los Angeles County Flood Control Act is amended to read :

Ex officio
district
officers

Sec. 3. The board of supervisors of Los Angeles County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Los Angeles County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Each member of the board of supervisors of the Los Angeles County Flood Control District shall receive as compensation for his services the sum of four hundred dollars (\$400) per month in addition to his salary as a member of the board of supervisors of Los Angeles County.

Salary

The county counsel, county clerk, county assessor, county tax collector, county auditor and county treasurer of the County of Los Angeles, and their successors in office, and all other officers of said Los Angeles County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Los Angeles County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Los Angeles County without additional compensation in order to carry out the provisions of this act.

Ordinances

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors and certified to, recorded and published, in the same manner except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Los Angeles.

CHAPTER 967

An act to amend the heading of Article 5, Chapter 2, Part 1, Division 2 of, and Sections 660, 661, 662, 663, 664, 665 666, 667, 669, 671, and 672 of the Welfare and Institutions Code, relating to detention homes for juveniles, and providing that such homes shall be known as "Juvenile Halls."

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. The article heading of Article 5, Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code is amended to read:

Article 5. Juvenile Halls

Article heading

SEC. 2. Section 660 of said code is amended to read:

660. The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court, a suitable house or place for the detention of wards of the juvenile court and of persons alleged to come under the provisions of Section 700. Such house or place shall be known as the "juvenile hall" of the county. Wherever in any provision of law reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.

SEC. 3. Section 661 of said code is amended to read:

661. The juvenile hall shall not be in, or connected with, any jail or prison, and shall not be deemed to be nor be treated as a penal institution. It shall be conducted in all respects as nearly like a home as possible.

SEC. 4. Section 662 of said code is amended to read:

662. The internal affairs of the juvenile hall or branch juvenile hall shall be under the management and control of the probation committee of the county.

SEC. 5. Section 663 of said code is amended to read:

663. The board of supervisors shall provide for a suitable superintendent and matron to have charge of the juvenile hall, and for such other employees as may be needed for its efficient management, and shall provide for payment, out of the general fund of the county, of suitable salaries for such superintendent, matron, and other employees.

SEC. 6. Section 664 of said code is amended to read:

664. The superintendent, matron, and other employees of the juvenile hall shall be appointed by the board of supervisors upon the nomination of the probation committee and the approval of the judge of the juvenile court.

SEC. 7 Section 665 of said code is amended to read:

Removal

665. The superintendent, matron, or any other employee of the juvenile hall may, at any time, be removed by the probation committee in its discretion.

SEC. 8. Section 666 of said code is amended to read:

List of expenses

666. The superintendent of the juvenile hall shall keep a classified list of expenses, and shall file a duplicate copy with the county board of supervisors.

SEC. 9. Section 667 of said code is amended to read:

School facilities

667. The board of supervisors may provide for the establishment and maintenance of an elementary public school and of a secondary public school in connection with the juvenile hall, for the education of the children in the juvenile hall. The board, by ordinance, may provide for the establishment and maintenance of school facilities in the juvenile hall, and such schools shall be maintained by the respective governing boards of the elementary school district and of the high school district in which the juvenile hall is situated.

SEC. 10. Section 669 of said code is amended to read:

School grounds

669. Whenever such schools have been established in accordance with the provisions of Section 667, the board of supervisors shall provide suitable grounds, buildings, furnishings, supplies and equipment for the school, and shall lease the same on or before July 1st at a nominal rental to the school districts in which such juvenile hall is situated. The board shall make an agreement with the governing bodies of such school districts to transfer from the general fund of the county to the current expense fund of each district one thousand six hundred dollars (\$1,600) for each teacher employed in such juvenile hall school for the first school year. The transfer of funds shall be made on or before the first Monday in January.

SEC. 11. Section 671 of said code is amended to read:

Average daily attendance

671. The average daily attendance of each school shall be made up by dividing the total days' attendance thereof by the number of days school was actually taught in the regular day schools of the district during the school year. The superintendent of schools of the county in which the juvenile hall is located shall allow one teacher for each 25 pupils, or fraction not less than five, in average daily attendance in the elementary school and shall add this number of teachers to the total number of teachers to which the elementary district is entitled under the provisions of the Education Code. The average daily attendance of the elementary school shall be added to the average daily attendance of such school district. The amount of money to be received by the high school district from the State and county school funds because of the maintenance of a secondary school at any juvenile hall shall be determined as in the case of other schools maintained by such district.

SEC. 12. Section 672 of said code is amended to read:

Transfer of funds

672. The board of supervisors of the county shall agree with the governing board of each of the respective districts in which

the juvenile hall is located to transfer from the general fund of the county to the current expense fund of such districts such sums in excess of the amount of money received from the State and county school funds by each district as are necessary to maintain its school in the juvenile hall.

CHAPTER 968

An act to amend Section 19484 of the Business and Professions Code, relating to fees for horse racing meetings.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 19484 of the Business and Professions Code is amended to read:

19484. No deposit fee shall be required for horse racing meetings conducted by the State Agricultural Society, by a county fair or by a district agricultural association. Deposit fee

CHAPTER 969

An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, relating to capital outlays by cities, counties, cities and counties, or districts. Stats 1937,
p 1995,
amended

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows: Stats 1941,
p 1590

Section 1. The governing body of any city, county, city and county, or district empowered to levy and collect assessments or taxes may by ordinance provide for the levy and collection of assessments or taxes for the creation and accumulation of a fund for capital outlays. In making a levy under this act such governing body shall not exceed the limitation upon its right to impose taxes as may be prescribed by the general laws of the State without the assent of two-thirds ($\frac{2}{3}$) of the qualified electors of such city, county, city and county, or district, voting at any general or special election at which such proposition may be submitted. If such city or county or city and county operates under a charter then only the limitations upon the levying of taxes imposed by the provisions of such charter shall apply. Capital out-
lay fund.
Tax levy

In any such city, county, city and county or district required by law to adopt a budget, such fund or any part thereof may be shown in such budget as reserves for future expenditures in subsequent years and when so shown shall be identified as to purpose but need not be itemized.

Transfer of
surplus funds

At any time after the creation of such a fund such governing body may transfer to such fund any unincumbered surplus funds remaining on hand in such city, county, city and county or district at the end of any fiscal year.

Disburse-
ments

Whenever such fund is created in the manner aforesaid it shall remain inviolate for the making of any capital outlays and no moneys shall be disbursed therefrom excepting for such a purpose; provided, however, that the governing body may submit a proposition to the electors of such city, county, city and county, or district, to obtain the consent of such electors to the use of the moneys in said fund, or any portion thereof, for some other specific purpose. Such proposition may be submitted at any election. It shall require a two-thirds ($\frac{2}{3}$) vote of all of the voters voting at such election to authorize the expenditure of the moneys in said fund, or any portion thereof, for such other purpose as aforesaid.

"Capital
outlays"

The term "capital outlays" shall not be construed to include the construction, acquisition, extensions of, or additions to, utilities, other than utilities for the furnishing of water supply.

Legislative
declaration

SEC. 2. The Legislature of the State of California hereby declares that the amendments hereby adopted are for the purpose of clarification of existing law and any budgets heretofore adopted or levies heretofore made which comply substantially with the provisions then in existence or with the provisions herein contained are hereby ratified, validated and confirmed.

CHAPTER 970

An act to amend Section 11860 of the Insurance Code, relating to audits of the State Compensation Insurance Fund.

In effect
September
15, 1945

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 1431
Reports of
commission

SECTION 1. Section 11860 of the Insurance Code is amended to read:

11860. Each quarter the commission shall make a report to the Governor of the business done by the State Compensation Insurance Fund during the previous quarter and a statement of the fund's resources and liabilities at the close of that previous quarter. The State Department of Finance shall annually audit the books and records of the State Compensation Insurance Fund and cause an abstract summary thereof to be pub-

lished one or more times in at least two newspapers of general circulation in the State. The commission shall likewise make to the commissioner all reports required by law to be made to him by other insurers.

CHAPTER 971

An act to add Article 8, comprising Section 420, to Chapter 2, Part 1, Division 1 of the Health and Safety Code, relating to mental health.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Article 8, comprising Section 420, is hereby added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 8. Mental Health

Article
heading

420. The State Department of Public Health may maintain a mental health service which shall advise and assist local departments of health and education in the establishment of mental health services, particularly in connection with maternal and child health conferences and in the schools of the State.

Mental
health
service

The department shall coordinate this service with the program of the State Department of Mental Hygiene and may conduct such other activities as may be required in the development of mental health services as related to public health.

This article does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

CHAPTER 972

An act to amend Section 103.6 of the Fish and Game Code, relating to District 103.6.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 103.6 of the Fish and Game Code is amended to read:

103.6. District 103.6. The following shall constitute Fish and Game District 103.6: The San Lorenzo River exclusive of its tributaries from its mouth to the egg-taking station of the commission in Sec 30, T. 9 S., R. 2 W., M. D. B. & M. Except as otherwise provided all provisions relating to District 3 shall apply to District 103.6.

District
103 6

CHAPTER 973

An act to amend Section 103.5 of the Fish and Game Code, relating to District 103.5.

In effect
September
15, 1945

[Approved by Governor June 23, 1945. Filed with Secretary of State
June 23, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 103.5 of the Fish and Game Code is amended to read:

District
103 5

103.5. District 103.5. The following shall constitute Fish and Game District 103.5: The San Lorenzo River and its tributaries above the egg-taking station of the commission in Sec. 30, T. 9 S., R. 2 W., M. D. B. and M. Except as otherwise provided all provisions relating to District 3 shall apply to District 103.5.

CHAPTER 974

Stats 1937,
p. 1898,
amended

An act to amend Sections 16 and 43 of the County Employees' Retirement Act of 1937, relating to employees of special districts.

In effect
September
15, 1945

[Approved by Governor June 23, 1945. Filed with Secretary of State
June 23, 1945.]

The people of the State of California do enact as follows:

Stats 1937,
p 1898

SECTION 1. Section 16 of the County Employees' Retirement Act of 1937 is amended to read:

"District"

Sec. 16. "District" means a district, other than school district, formed under the laws of the State of California, and required by law to deposit its funds in the county treasury.

Stats 1937,
p 1898

SEC. 2. Section 43 of said act is amended to read:

Date of
membersh p

Sec. 43. Except as otherwise provided, all officers and employees of any district become members of the association on the first day of the month after the board of supervisors have adopted by four-fifth vote, or in the case of districts for which the board of supervisors are not the governing body, after the governing body have adopted by a two-thirds vote, a resolution providing for the inclusion of such district in the retirement association and thereafter each person entering such employ becomes a member on the first day of the month after his entrance into the service.

CHAPTER 975

An act to add Sections 10601.5 and 10605.5 to the Health and Safety Code, relating to birth certificates of persons whose time and place of birth are unknown.

[Approved by Governor June 23, 1945 Filed with Secretary of State June 23, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 10601.5 is added to the Health and Safety Code, to read:

10601.5. If the time and place of birth are not known, the petition shall contain all of the facts known to the petitioner or otherwise available and a statement of the probable time and place of birth as accurately as the circumstances permit. Such petition shall be verified as to the known facts only. Proceeding
to establish
both Time
and place
unknown

SEC. 2. Section 10605.5 is added to said code, to read:

10605.5. If the time and place of birth are not known, the court shall receive and consider such evidence and testimony as may be available and from the facts adduced may, by order, fix the time and place which the court finds to be a probable time and place of birth of the person in relation to whom the petition has been filed as the time and place of such birth. The time and place so fixed shall thereafter for all purposes be the time and place of birth of such person. Fixing of
time and
place by
court

CHAPTER 976

An act to add Chapter 2.1, comprising Sections 2700 to 2707, inclusive, to Part 5, Division 1 of the Revenue and Taxation Code, relating to property taxation, including installment payments of property taxes, delinquent penalties, cost of publishing delinquent roll and preparation of delinquent roll, and declaring this act to be an emergency measure to take effect immediately.

[Approved by Governor June 23, 1945 Filed with Secretary of State June 23, 1945.] In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.1, comprising Sections 2700 to 2707, inclusive, is hereby added to Part 5, Division 1, of the Revenue and Taxation Code, to read as follows:

CHAPTER 2.1. COLLECTION IN EQUAL INSTALLMENTS:

2700. Notwithstanding the provisions of Sections 2605, 2606, 2607, 2617, 2618, 2621 and 2624 of Chapter 1, Part 5, Division 1, of this code, if so ordered by a resolution of the board of Adoption of
procedure

supervisors of any county, the provisions of this chapter shall be applicable to such county, provided that such resolution must be adopted prior to the time the county auditor is required to compute and enter on the secured roll the respective amounts due in installments as taxes for the assessment year in which such resolution shall become effective. The provisions of this chapter shall apply only to such a county and shall then apply until otherwise ordered by a resolution of the board of supervisors.

1st instal-
ment due

2701. Half the taxes on real and personal property on the secured roll are due November 1st, and if the amount is not evenly divisible by two, the odd cent is also due.

2d install-
ment due

2702. The second half of taxes on real and personal property on the secured roll is due January 20th.

Taxes
payable

2703. The entire tax on the secured roll may be paid when the first half is due. The second half may be paid separately only if the first half has been paid.

Delinquent
penalties:
1st install-
ment

2704. All taxes due November 1st, if unpaid, are delinquent December 5th at 5 p.m., and thereafter a delinquent penalty of 6 per cent attaches to them. If these taxes are not paid before the second half of taxes on the secured roll is delinquent, an additional delinquent penalty of 3 per cent attaches to them.

2d install-
ment

2705. The second half of taxes on the secured roll, if unpaid, is delinquent April 20th at 5 p.m., and thereafter a delinquent penalty of 3 per cent attaches to it.

Cost of
publishing
delinquent
roll, etc.

2706. After the second half of taxes on the secured roll is delinquent, the tax collector shall collect a cost of fifty cents (\$0.50) for preparing the delinquent roll and published delinquent list on each separate valuation on the secured roll of:

- (a) Real property, except possessory interests.
- (b) Possessory interests.
- (c) Personal property.

The cost shall be collected even though the property appears on the roll due to a special assessment and no valuation of the property is given.

Delinquent
roll

2707. After the second half of taxes on the secured roll is delinquent, the tax collector shall prepare a delinquent roll. In numerical or alphabetical order, the delinquent roll shall show all information on the secured roll relating to property the taxes on which are delinquent.

Urgency

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of this State, and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

The provisions of this act will result in substantial reductions in the work load performed by auditors and tax collectors in the computation of taxes and installments thereof resulting in more judicious use of personnel during the current manpower shortage.

The orderly collection of taxes is essential to the general welfare of people of this State, and the peace, health, safety and general welfare of such citizens depends upon the orderly, proper and unhampered function of such public officers during the time this act would require before otherwise becoming effective. Uncertainty and confusion in the administration of those provisions which are amended by this act will result in lack of uniformity in the application of this law in the several counties and unnecessary duplication in the work of computing taxes, unless the act is effective immediately. Such public officers perform certain acts and initial proceedings for the purpose of providing and assuring revenues and finances for general purposes during the coming fiscal year; it is essential that such officers become thoroughly familiar with the provisions of the code as amended before commencing operations thereunder, and that the transition from operating under provisions of existing law to operating under same as amended may be made with the minimum of confusion and greatest continuity of action, all of which require that this act go into immediate effect.

For this act not to go into immediate effect would result in untold hardship to such public officers and taxpayers, unnecessary litigation, and in delayed collection or loss of large amounts of taxes.

CHAPTER 977

An act to add Sections 682 to 695, inclusive, to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises on State highways.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 682 is added to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, to read:

682. Every city shall have power to grant franchises authorizing the exercise of any privilege in, along, across, under, through, over and upon any State highway or portion thereof within its boundaries to the extent and in the manner that it shall have power to grant franchises authorizing the exercise of such privilege in, over and upon city streets, subject to the conditions and limitations provided in Sections 682 to 695 inclusive.

Franchises
by city in
State
highways

SEC. 2. Section 683 is added to said article of said code, to read:

683. No franchise of any kind shall be granted in respect to any State highway or portion thereof which has been established as a freeway pursuant to the provisions of this code without the prior approval in writing of the department, except for crossings as provided in Section 685.

Freeway

SEC. 3. Section 684 is added to said article of said code, to read:

Railroad
tracks, etc

684. No franchise shall be granted for the installation of street or other railroad tracks or the operation of street railroads or other railroads on any State highway without the prior approval in writing of the department except for crossings as provided in Section 685.

SEC. 4. Section 685 is added to said article of said code, to read:

Intersections:

685. In case a franchise is granted for the exercise of a privilege in a city street, approval of the department shall not be required in respect to intersections. Franchises may be granted extending across the common area of the intersection without any such approval. In cases where the grades of the State highway and the city street are separated, the franchise shall be exercised only on the city street.

SEC. 5. Section 686 is added to said article of said code, to read:

Approval of
franchise

686. The department shall approve any franchise submitted for approval pursuant to Section 683 or 684 unless the department finds on the facts of the particular case that the exercise of the privilege proposed to be granted is incompatible with the primary use of the freeway or other State highway for vehicular traffic or with its improvement to serve its primary use.

SEC. 6. Section 687 is added to said article of said code, to read:

Separate
franchises

687. Franchises may be granted under this article separately as to any State highway or portion thereof or in respect to both State highways or portions thereof and city streets.

SEC. 7. Section 688 is added to said article of said code, to read:

Notice of
grant

688. In cases in which the approval of the department is not required, the city shall give notice to the department of its intention to grant a franchise affecting a State highway at least 10 days prior to granting such franchise, so that the department may present to the legislative body of the city any considerations by it deemed to be important. Such notice shall be given to the appropriate district engineer of the Division of Highways.

SEC. 8. Section 689 is added to said article of said code, to read:

Filing of
copy

689. No privilege shall be exercised in any State highway pursuant to any franchise granted under this article until a copy of such franchise, certified by the clerk of the grantor city, has been filed with the department. This may be filed with the district engineer.

SEC. 9. Section 690 is added to said article of said code, to read:

Construction
of physical
property

690. The department shall have the power to prescribe the location, within the limits of the State highway, of any physical property to be constructed or installed in, under, over or upon such State highway pursuant to any such franchise. Before

constructing or installing any such physical property in any State highway, the holder of the franchise shall apply to the department, or its authorized agent, for a permit, and the department shall issue a permit, in which it may impose reasonable conditions as to location, method and manner of construction. All such physical property is subject to relocation in the cases and in the manner provided in Section 680.

SEC. 10. Section 691 is added to said article of said code, to read:

691. In the exercise within the limits of any State highway of any privilege granted by franchise, the holder thereof shall at all times be subject to all reasonable orders, rules and regulations of the department for the protection, maintenance or improvement of the highway or the safe and convenient use thereof as a public highway. Rules and regulations

SEC. 11. Section 692 is added to said article of said code, to read:

692. Independently of or jointly with the grantor city the department may enforce any obligation imposed by any franchise granted pursuant to Section 682 relating to the construction, reconstruction, improvement, repair or maintenance of any State highway or portion thereof. Enforcement of obligation

SEC. 12. Section 693 is added to said article of said code, to read:

693. All sums payable by the grantee under any such franchise shall be paid to the grantor city. Payments

SEC. 13. Section 694 is added to said article of said code, to read:

694. All franchises heretofore granted by any city for the exercise of any privilege in any State highway, are hereby fully validated, legalized and made effective, to the same extent that such city at the time of making the grant had power to grant a franchise authorizing the exercise of such privilege in, over and upon city streets. Validation of prior franchises

SEC. 14. Section 695 is added to said article of said code, to read:

695. Failure of the department to act upon any application for approval under Sections 683 or 684 within 90 days after the filing of such application with the department shall be deemed to constitute approval thereof. The time herein prescribed may be extended with the consent of the grantor city. Failure of department to approve

CHAPTER 978

An act making an appropriation to meet a deficiency in the appropriation for the support of the State Athletic Commission, declaring the urgency thereof, and providing that this act shall take effect immediately.

In effect immediately [Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. The sum of twenty-five thousand dollars (\$25,000) is hereby appropriated out of any money in the Athletic Commission Fund to meet a deficiency in the appropriation for the support of the State Athletic Commission for the Ninety-fifth and Ninety-sixth Fiscal Years.

Current expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an emergency measure and shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 979

An act to amend Sections 5460, 5461, 5463 and 5464 of, and to add Article 4, comprising Section 5470, to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to sanitation or sewerage systems.

In effect September 15, 1945 [Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945]

The people of the State of California do enact as follows:

See also Stats. 1945 Ch 1337 Penalties

SECTION 1. Section 5460 of the Health and Safety Code is amended to read:

5460. Every person who violates any provision of this chapter, or who fails to obey, observe, or comply with any direction, order, requirement, or demand of the State department, forfeits to the State of California the penal sum of not more than one thousand dollars (\$1,000) to be fixed by the court for each and every offense.

See also Stats. 1945, Ch 1337 Continued violation

SEC. 2. Section 5461 of said code is amended to read:

5461. The continued existence of any violation of this chapter for each and every day beyond the time stipulated for compliance with any of its provisions or of any order of the State department as provided in this chapter constitutes a separate and distinct offense.

See also Stats. 1945, Ch 1337 Penalty

SEC. 3. Section 5463 of said code is amended to read:

5463. Violation of this chapter is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or by both.

SEC. 4. Section 5464 of said code is amended to read:

5464. Each day's violation of this chapter is a separate and distinct offense.

See also
Stats 1945,
Ch 1337
Repeated
violation

SEC. 5. Article 4, comprising Section 5470, is added to Chapter 6 of Part 3 of Division 5 of said code, to read:

Article 4. Sanitation and Sewerage Systems

5470. Any city or city and county shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its sanitation or sewerage systems; provided that the city and county may provide that such charge for such service shall be collected with the rates, tolls and charges for any other utility, and that any or all such charges may be billed upon the same bill; provided, further, that where such charge is to be collected with the charges for any other utility service furnished by a department or agency of such city or city and county and over which the legislative body of the city or city and county does not exercise control, the consent of such department or agency shall be obtained prior to collecting sanitation or sewage charges with the charges for any other utility. Revenues derived by cities and cities and counties under the provisions in this section shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

Charge for
sanitation,
etc., service

Disposition
of moneys

CHAPTER 980

An act to repeal Section 4133 of the Political Code, relating to recording of certificate of sale.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4133 of the Political Code is repealed. Repeal

CHAPTER 981

An act to amend Section 4300b of the Political Code, relating to fees for official services.

In effect
September
15, 1945

[Approved by Governor June 23, 1945 Filed with Secretary of State
June 23, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4300b of the Political Code is hereby amended to read as follows:

Fees of
sheriffs,
constables
and marshals

4300b. Sheriffs', Constables' and Marshals' Fees. For serving or executing any process, writ, order, paper or notice, except as in this section provided, required by law or litigants to be served, fifty cents (\$0.50).

For serving or levying a writ of attachment, execution, or order for the delivery of personal property, one dollar and fifty cents (\$1.50).

For taking any bond or undertaking, fifty cents (\$0.50).

For serving an attachment or execution on any ship, boat, or vessel, three dollars (\$3).

For serving or executing a writ of attachment, execution or order on real property, one dollar (\$1).

For keeping and caring for property under attachment, execution or claim and delivery, such sum as the court may fix; provided, that no greater sums than the following shall be allowed:

(a) Five dollars (\$5) when necessarily employed for any twelve (12) hour period or any part thereof;

(b) Seven dollars and fifty cents (\$7.50) when necessarily employed for a twenty-four (24) hour period, or any part thereof in excess of twelve (12) hours, except that a fee of five dollars (\$5) may be allowed a keeper when necessarily employed for each twelve (12) hour period, or any part thereof, as a custodian on the premises of a business establishment which is carrying on its business during such twelve (12) hour period, or any part thereof.

For copy of any writ, process, paper, order or notice actually made by him, when required or demanded, per folio, ten cents (\$0.10); provided, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For preparing and posting notices of personal property sale under attachment, execution or order of court, besides mileage, fifty cents (\$0.50) each.

For furnishing notice for publication, twenty-five cents (\$0.25).

For conducting and postponing sale of personal property as required by law or litigant, besides mileage, one dollar (\$1).

For advertising sale and posting notice of real property, and of any ship, boat or vessel as required by law, besides mileage, exclusive of costs of publication, each, fifty cents (\$0.50).

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, three dollars (\$3).

For serving a garnishment, one dollar and fifty cents (\$1.50).

For serving notices under Section 561 of the Code of Civil Procedure, one dollar and fifty cents (\$1.50).

For making a demand for payment on execution, or the delivery of property, besides mileage, fifty cents (\$0.50).

For making a nulla bona return on execution, one dollar (\$1).

For making a not found return on summons, affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, or order for the delivery of personal property, besides mileage, twenty-five cents (\$0.25).

For collecting money on attachment or execution, with or without levy, 1 per cent on the first thousand dollars or less, and one-half of 1 per cent on all sums over one thousand dollars (\$1,000).

For execution and delivery of sheriff's, constable's or marshal's deed, one dollar and fifty cents (\$1.50).

For executing and delivering certificate of sale, fifty cents (\$0.50).

For executing and delivering any other instrument, ten cents (\$0.10) per folio.

For subpoenaing witnesses, including copy of subpoenas, each, twenty-five cents (\$0.25).

For serving or executing a civil order or warrant of arrest, except under the provisions of Title 5, Part 3, of the Code of Civil Procedure relating to civil contempts of court, besides mileage, one dollar (\$1).

For summoning trial jury of 12 or less, two dollars (\$2); for each additional juror, ten cents (\$0.10).

For traveling in the service or execution of any process, writ, order, paper or notice required by law or litigant, to be served for each mile actually and necessarily traveled from any sheriff's, constable's or marshal's office to point of service, one way only, twenty-five cents (\$0.25).

For each mile actually and necessarily traveled outside of his township to serve any process, writ, order, paper or notice, the constable shall charge, in going only, twenty-five cents (\$0.25); provided, that a constable shall not be required to travel outside of his township to serve any civil process writ, order, paper or notice.

For transporting prisoners to the county jail, the sheriff shall charge actual cost of such transportation.

For each mile necessarily traveled within his county, the constable or marshal, in executing a warrant of arrest both in going to and returning from place of arrest, fifteen cents (\$0.15).

For each mile traveled out of his county, a constable shall charge, both going to and returning from place of arrest, five

cents (\$0.05); provided, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, a constable shall charge such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court or jail, a constable shall charge the actual cost of such transportation.

For transporting prisoners to and from the county jail, a constable shall charge the actual cost of such transportation.

In addition to the fees hereinbefore provided for, the sheriff, constable or marshal shall be entitled to collect from the litigant, or person requiring their services, besides mileage, his actual expenses for inspecting, checking, releasing or any other handling of property under his custody, charge or keeping pursuant to any process, writ, order, paper or notice.

CHAPTER 982

An act to amend Section 12500 of the Health and Safety Code, relating to fireworks, declaring this act to be an urgency measure, and providing that it shall take effect immediately.

In effect
immediately

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 12500 of the Health and Safety Code is amended to read:

"Dangerous
fireworks"

12500. "Dangerous fireworks," as used in this part, includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, chlorate of potash and sulphur or chlorate of potash and sugar;

Firecrackers, salutes and other explosive articles of similar nature.

Blank cartridges;

Sky rockets, including all devices which rise in the air during discharge;

Roman candles, including all devices discharging balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds except those specifically designed for use only with toy pistol paper caps containing not more than twenty-five hundredths grain of explosive compound to each paper cap.

SEC. 2. This act is hereby declared to be an emergency ^{Urgency} measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1, Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

Since 1942 when the Commanding General of the Western Defense Command by proclamation prohibited the use of fireworks within the area of the Western Defense Command there has been a very great reduction in the number of fires and injuries to persons on and around July 4th of each year. This record is directly attributable to the prohibition against fireworks. The proclamation of the Commanding General of the Western Defense Command being no longer required as a matter of military necessity, has been rescinded. Unless this act shall take immediate effect the prohibition against the unregulated sale and use of firecrackers, salutes, and other explosive articles of similar nature which this act imposes in the interests of the public peace, health and safety, will not be effective on July 4, 1945, thereby continuing to permit the unregulated sale and use of such firecrackers with attendant fires and injuries to persons.

CHAPTER 983

An act to repeal Section 729 and to amend Sections 730, 731 and 740 of the Welfare and Institutions Code, relating to juveniles, imposing limitations concerning the places to which they may be committed and in which they may be detained.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 729 of the Welfare and Institutions ^{Repeal} Code is hereby repealed.

SEC. 2. Section 730 of the Welfare and Institutions Code is amended to read:

730. Whenever a petition has been filed in the juvenile court alleging that a person comes within the provisions of Section 700 or 701 of this code and praying for a hearing thereon or whenever any subsequent petition has been filed praying for a further hearing in the matter of said person, ^{Detention of minor pending hearing}

said person, pending the hearing of any of said petitions, or during the continuance thereof, may be retained by the person having charge of said person or the court may order that said person be detained in the detention home or in some other suitable place.

SEC. 3. Section 731 of the Welfare and Institutions Code is amended to read:

Commitment
of persons
under 18

731. No court, judge, magistrate, or peace officer shall detain in any jail or prison any person under the age of 18 years, unless a judge of the juvenile court shall determine that there are no other proper and adequate facilities for the care and detention of such person, or unless such person has been transferred by the juvenile court to another court for proceedings not under the juvenile court law and has been charged with or convicted of a felony. If any person under the age of 18 years is transferred by the juvenile court to another court and is charged with or convicted of a felony as herein provided and is not released pending hearing, such person may be committed to the care and custody of a sheriff, constable or other peace officer who shall keep such person in the detention home or in such other suitable place as such latter court may direct, provided that no such person shall be detained in or committed to any almshouse or hospital except for medical or other remedial care and treatment.

When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.

See also
Stats 1945,
Ch 779

SEC. 4. Section 740 of the Welfare and Institutions Code is amended to read:

Order of
commitment

740. When any person alleged to come within the provisions of Section 700 is adjudged by the court or judge to come within the said provisions, and adjudged to be a ward of the juvenile court, the court may make an order committing such person for such time as the court deems fit, but not beyond the time during which the court retains jurisdiction as prescribed by the provisions of Section 750 of this code, to the care of any of the following persons, associations, corporations, or institutions, as herein prescribed:

(a) To the home and care of some reputable person of good moral character.

(b) To the care of some association, society, or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, and willing and able to receive and care for such ward.

(c) To the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of the ward until suitable provision may be made for him in a home without such payment, the ward to be subject to the supervision of the probation officer and the further order of the court; but no ward of the juvenile court under the age

of 16 years shall be boarded out in any boarding place other than a boarding place licensed by the Department of Social Welfare.

(d) To the care of the probation officer, on probation, the ward to remain in the home of the ward, or in any other fit home in which the court may order the probation officer to place him, subject to the visitation of the probation officer, to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable. In all cases of probation the court may require as a condition of probation that the ward go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach, and specifically for the reformation and rehabilitation of the ward.

(e) To the Youth Authority. The Youth Authority shall accept such person if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care. No such person shall be transported to any facility under the jurisdiction of the Youth Authority, until the director thereof has notified the committing court of the place to which said person is to be transported and the time at which he can be received.

(f) To the detention home or if said ward is of the age of 18 years or over and the court finds it necessary and advisable to the county jail.

(g) To any other State or county institution now or hereafter established for the purpose of caring for and training persons that come within the provisions of this chapter.

Before any such person is conveyed to any such institution it shall be ascertained from the superintendent thereof that such person can be received.

Whenever the court, after hearing, is of the opinion that any person alleged or adjudged to come within the provisions of Section 700 or 701 of this code is mentally ill or if the court is in doubt concerning the mental health of any such person, the court may order that such person be held temporarily in the psychopathic ward of the county hospital for observation and recommendation concerning the future care, supervision and treatment of such person.

Whenever a person has been adjudged a ward of the juvenile court and has been committed or otherwise disposed of as provided in this chapter for the care of wards of the juvenile court, the court may order that said ward be detained in the detention home, or if said ward is of the age of 18 years or more, in the county jail, or otherwise, as to the court seems fit, until the execution of the order of commitment or of other disposition.

Commitment
to county
hospital

Detention
pending final
disposition

CHAPTER 984

An act to amend Section 14655 of the Health and Safety Code, relating to fire protection districts.

In effect
September
15, 1945

[Approved by Governor June 23, 1945 Filed with Secretary of State
June 23, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 14655 of the Health and Safety Code is amended to read:

Notice of
election

14655. Notice of the election shall be given by the directors by posting in three public places within the district for at least two weeks before the election and, in a newspaper printed or published in the district by publication in such newspaper, at least twice within 30 and not less than five days prior to the election. If there be more than one such newspaper, the one of most general circulation shall be selected. If there be no newspaper published in the district, then said publication shall be in the county in which the district has the greatest portion, and which is of the most general circulation in said district.

CHAPTER 985

An act to amend Section 14656 of the Health and Safety Code, relating to fire protection districts.

In effect
September
15, 1945

[Approved by Governor June 23, 1945. Filed with Secretary of State
June 23, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 14656 of the Health and Safety Code is amended to read:

Election
board

14656. The board of directors shall appoint an election board which shall consist of a judge, an inspector and two clerks.

CHAPTER 986

An act to amend Section 14657 of the Health and Safety Code, relating to fire protection districts.

In effect
September
15, 1945

[Approved by Governor June 23, 1945 Filed with Secretary of State
June 23, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 14657 of the Health and Safety Code is amended to read:

Polling
places

14657. The board of directors may fix the polling place and hours when polls shall be open. Whenever practicable, the polling places used for school elections shall be designated.

CHAPTER 987

An act to amend Section 14658 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
13, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 14658 of the Health and Safety Code is amended to read:

14658. The elections shall be conducted in accordance with Election law the provisions of the general election laws except as in this chapter provided to the contrary. The board of directors shall by law provide the manner of nomination of candidates which shall conform as nearly as practicable to general election laws. Names of nominees and candidates shall have been filed with the secretary of the board at least five days prior to the publication of the notice provided for in Section 14655 and such names shall be stated in such notice of holding of election.

CHAPTER 988

An act to add Division 2b, Chapter 1, comprising Sections 296 to 296.8, inclusive, to the Probate Code, and to amend Section 1963 of the Code of Civil Procedure, providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law relating thereto.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Division 2b, Chapter 1, comprising Sections 296 to 296.8, inclusive, is added to the Probate Code, to read:

DIVISION 2b. SIMULTANEOUS DEATH

CHAPTER 1. UNIFORM SIMULTANEOUS DEATH ACT

296. Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this chapter. Disposition of property

296.1. Where two or more beneficiaries are designated to take successively by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into Beneficiaries taking successively

as many equal portions as there are successive beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each designated beneficiary had survived.

Joint tenants: 296.2. Where there is no sufficient evidence that two joint tenants have died otherwise than simultaneously the property so held shall be distributed one-half as if one had survived and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

Insured and beneficiary: 296.3. Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

Husband and wife leaving community property: 296.4. Where a husband and wife have died, leaving community property and there is no sufficient evidence that they have died otherwise than simultaneously, one-half of all the community property shall be distributed as if the husband had survived and the other one-half thereof shall be distributed as if the wife had survived, except as provided in Section 296.3.

Prospective effect: 296.5. This chapter shall not apply to the distribution of the property of a person who has died before it takes effect.

Applicability: 296.6. This chapter shall not apply in the case of wills, living trusts, deeds, or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this chapter.

Construction: 296.7. This chapter shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those States which enact it.

Short title: 296.8. This chapter may be cited as the Uniform Simultaneous Death Act.

SEC. 2. Section 1963 of the Code of Civil Procedure is amended to read:

Disputable presumptions: 1963. All other presumptions are satisfactory, if uncontradicted. They are denominated disputable presumptions, and may be controverted by other evidence. The following are of that kind:

1. That a person is innocent of crime or wrong;
2. That an unlawful act was done with an unlawful intent;
3. That a person intends the ordinary consequence of his voluntary act;
4. That a person takes ordinary care of his own concerns;
5. That evidence wilfully suppressed would be adverse if produced;
6. That higher evidence would be adverse from inferior being produced;
7. That money paid by one to another was due to the latter;
8. That a thing delivered by one to another belonged to the latter;

9. That an obligation delivered up to the debtor has been paid;

10. That former rent or installments have been paid when a receipt for later is produced;

11. That things which a person possesses are owned by him;

12. That a person is the owner of property from exercising acts of ownership over it, or from common reputation of his ownership;

13. That a person in possession of an order on himself for the payment of money, or the delivery of a thing, has paid the money or delivered the thing accordingly;

14. That a person acting in a public office was regularly appointed to it;

15. That official duty has been regularly performed;

16. That a court or judge, acting as such, whether in this State or any other State or country, was acting in the lawful exercise of his jurisdiction;

17. That a judicial record, when not conclusive, does still correctly determine or set forth the rights of the parties;

18. That all matters within an issue were laid before the jury and passed upon by them; and in like manner, that all matters within a submission to arbitration were laid before the arbitrators and passed upon by them;

19. That private transactions have been fair and regular;

20. That the ordinary course of business has been followed;

21. That a promissory note or bill of exchange was given or endorsed for a sufficient consideration;

22. That an endorsement of a negotiable promissory note or bill of exchange was made at the time and place of making the note or bill;

23. That a writing is truly dated;

24. That a letter duly directed and mailed was received in the regular course of the mail;

25. Identity of person from identity of name;

26. That a person not heard from in seven years is dead;

27. That acquiescence followed from a belief that the thing acquiesced in was conformable to the right or fact;

28. That things have happened according to the ordinary course of nature and the ordinary habits of life;

29. That persons acting as copartners have entered into a contract of copartnership;

30. That a man and woman deporting themselves as husband and wife have entered into a lawful contract of marriage;

31. That a child born in lawful wedlock, there being no divorce from bed and board, is legitimate;

32. That a thing once proved to exist continues as long as is usual with things of that nature;

33. That the law has been obeyed;

34. That a document or writing more than 30 years old is genuine, when the same has been since generally acted upon as genuine, by persons having an interest in the question, and its custody has been satisfactorily explained;

35. That a printed and published book, purporting to be printed or published by public authority, was so printed or published;

36. That a printed and published book, purporting to contain reports of cases adjudged in the tribunals of the State or country where the book is published, contains correct reports of such cases;

37. That a trustee or other person, whose duty it was to convey real property to a particular person, has actually conveyed to him, when such presumption is necessary to perfect the title of such person or his successor in interest;

38. The uninterrupted use by the public of land for a burial ground, for five years, with the consent of the owner, and without a reservation of his rights, is presumptive evidence of his intention to dedicate it to the public for that purpose;

39. That there was a good and sufficient consideration for a written contract.

Constitutionality

SEC. 3. If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared to be severable.

CHAPTER 989

Stats 1909,
p 87,
amended

An act to amend Sections 30c, 30h and 30j of the Bank Act, relating to the disposal of unclaimed contents of safe-deposit boxes and unclaimed items of personal property left with banks for safekeeping.

In effect
September
15, 1945

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

The people of the State of California do enact as follows:

Stats 1943,
p 2653

Opening
of box

SECTION 1. Section 30c of the Bank Act is amended to read:

Sec. 30c. At any time after the date specified in such notice, if the rental for such safe-deposit box to the date of payment and the cost of giving said notice has not been paid, the bank, in the presence of two of its employees, one of whom shall be an officer of the bank, may cause such safe-deposit box to be opened and the contents thereof to be removed and inventoried. The inventory shall be signed by such persons, and a copy thereof shall be filed with the county treasurer.

Stats 1943,
p 2653

Retroactive
effect

SEC. 2. Section 30h of the Bank Act is amended to read:

Sec. 30h. If, prior to the effective date of this section, a bank, or its predecessor in interest, shall have caused a safe-deposit box to be opened for nonpayment of rental and the contents of said box remain in its custody, it shall be entitled to

the special remedies in enforcing the liability of the former renter of such box as set forth in Sections 30d to 30g, inclusive, whether or not such box was rented prior to the enactment thereof.

SEC. 3. Section 30j of the Bank Act is amended to read: Stats 1943.
p 2653

Sec. 30j. If the amount charged by a bank for the safe-keeping or storage of any such personal property is not paid within one year from the day it is due, the bank, at any time thereafter and while said charges remain unpaid, may mail a notice to the person in whose name the receipt was issued, giving the amount then due for such safekeeping or storage and stating that unless such amount and any other charges accruing to date of payment, are not paid, the bank will sell such personal property at a time and place named therein, which time shall be at least 30 days after the mailing of said notice. Notice of
charges
unpaid

If the amount specified in said notice and all other charges of the bank and expenses of mailing and publishing notice of sale accruing to time of payment are not paid, the bank may sell all or any portion of the said personal property at public sale at the time and place given in said notice. Sale Notice of the time and place of sale shall be published once at least five days before the date of sale in a newspaper of general circulation published in the county in which the sale is to be held, or if no such newspaper is published in the county such notice shall be posted in three public places in the county at least five days before the date of sale. Notice of
sale Such sale may be postponed from time to time by public pronouncement at the time and place of sale. The bank may include in the notice required to be mailed a statement to the effect that if the amount due it is not paid at least 10 days before the date set for the sale, it may cause any container in which any of said personal property may be to be opened and the contents thereof sold at the time and place fixed for the sale with or without said container or the container may be sold without the contents. If such statement is included in the notice, the bank may, at any time within 10 days before the date fixed for the sale, open any such container and remove the contents in the presence of two employees of the bank, one of whom shall be an officer thereof, both of whom shall make and sign an inventory of the contents. Thereafter, on the day fixed for the sale, the contents may be sold as a whole or separately and with or without the container or the container may be sold without the contents.

CHAPTER 990

Stats 1933,
p 1969,
amended

An act to amend the title, and Sections 1, 2, 3, 5, 8, 9, 10, 11, 15, 16, 17, 18, 18.1, 19, 19.1, 21, 22, 23, 25.1 and 29 of, and to repeal Section 14 of, the Agricultural Prorate Act, relating to the marketing of agricultural products by producers, to declare the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

The people of the State of California do enact as follows:

Stats 1939,
p 2485

SECTION 1. The title of the act cited in the title hereof is hereby amended to read:

Title

An act to conserve and promote the agricultural wealth of the State of California, by assisting in preventing or correcting adverse marketing conditions or otherwise improving the marketing conditions for agricultural products produced in the State of California, creating an Agricultural Prorate Advisory Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of such commission and of the Director of Agriculture under this act; providing for the institution of marketing programs designed to correct or prevent adverse marketing conditions or improve existing marketing conditions for agricultural products; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor.

Stats 1935,
p 1526

Legislative
declaration

SEC. 2. Section 1 of said act is amended to read:

Section 1. (a) The Legislature of the State of California hereby declares that: The disorderly marketing of agricultural commodities in this State; the improper preparation for market; the lack of uniform grade specifications or uniform inspection of agricultural commodities; the marketing of agricultural commodities in excess of reasonable or normal market demands therefor; or the inability of individual producers to expand existing markets or to develop new or larger markets for California grown agricultural commodities tends to prevent agricultural producers from maintaining a proper standard of living or from contributing their fair share to the support of necessary governmental and educational functions and thereby tends to increase unfairly the tax burden of other citizens of this State.

(b) The aforesaid conditions vitally concern the health, peace, safety and general welfare of the people of this State. It is hereby declared to be the policy of this State to aid agricultural producers in preventing or correcting adverse marketing conditions, improving existing marketing conditions, expanding existing markets, promoting new or broader markets, developing more orderly or efficient or equitable methods in the

marketing of agricultural commodities and thereby to aid agricultural producers to achieve and maintain a purchasing power at an equitable and reasonable level.

(c) The production and marketing of agricultural commodities by producers within this State is hereby declared to be affected with a public interest. The provisions of this act are enacted in the exercise of the police powers of this State for the purpose of protecting the health, peace, safety and general welfare of the people of this State.

SEC. 3. Section 2 of said act is amended to read:

Stats 1941,
p 2858

Sec. 2. As used in this act:

Definitions

(a) The term "person" includes any individual, firm, association or corporation.

(b) The terms "product," "crop" or "commodity" mean any horticultural, viticultural, or vegetable product of the soil, livestock and livestock products and poultry and poultry products, but shall not include milk or milk products.

(c) The terms "proration zone" or "zone" mean any district or districts for which a marketing program is proposed or has been instituted.

(d) The terms "marketing program" or "proration program" or "proration marketing program" may be used interchangeably and shall mean any program which contains provisions authorized by any one or more of the provisions set forth in Section 19.1 of this act.

(e) The term "proration" means the application of allocated quantities or percentages under a uniform rule to the production or merchantable production of all producers affected, for the purpose of regulating the quantity of any agricultural commodity which may be harvested, prepared for market or marketed in primary channels of trade during any specified period or periods.

(f) The term "commission" means the Agricultural Prorate Advisory Commission unless otherwise indicated by the context.

(g) The term "producer" means any person engaged in the business of growing or producing any agricultural product for commercial use.

(h) The term "distributor" means any person, other than a retailer, who acquires and distributes any product at wholesale or retail.

(i) The term "retailer" means any person engaged in the business of making retail sales direct to the general public.

(j) The term "handler" means any person receiving agricultural commodities from the producer for the purpose of marketing the same.

(k) The phrase "primary channel of trade" shall mean that transaction in which the producer or a cooperative marketing association of producers transfers physical possession of the commodity to another person in the current of commercial trade.

(l) The term "dealer" means any distributor or retailer.

(m) The term "processor" means any person who buys, or otherwise takes title to or possession of, farm products for

the purpose of processing or manufacturing the same or selling, reselling or redelivering the same in dried, canned, extracted, fermented, distilled, or other preserved form, and shall include (1) any person or exchange conducting such business and (2) any person or exchange buying farm products from the producer thereof for the purpose of reselling them to any person or exchange conducting such business.

(n) The term "director" means the Director of Agriculture of the State of California, and unless the context otherwise requires, includes any authorized agent of the director.

(o) The singular includes the plural.

Stats 1939,
p 2485

SEC. 4. Section 3 of said act is amended to read :

Agricultur. l
Prorate
Advisory
Commission

SEC. 3. The Agricultural Prorate Advisory Commission, consisting of nine members is hereby created. Eight of the members shall be appointed by the Governor in the manner and for the terms hereinafter set forth. The Director of Agriculture shall be ex officio the ninth member. Six of the appointive members of said commission shall be engaged at the time of their appointment in the production of agricultural commodities as their principal occupation, but no two of these shall be appointed as representing the same commodity. One commission member shall be neither a producer nor a handler of agricultural commodities but shall be appointed to represent consumers generally. One member shall represent commercial handlers or processors of agricultural products. The terms of office of the members, except the director, shall be four years beginning with the month of January and they shall be so staggered as to permit the appointment of two members each year. Members shall hold office until their successors have been appointed and have qualified. Vacancies shall be filled by appointment for the unexpired term.

Consent of
Senate

All such appointments shall be by and with the consent of the Senate, but shall be valid to all intents and purposes, subject, however, to the consent of the Senate at its next regular session, and until such time, the person so appointed shall have as full and ample authority as though confirmed by the Senate. In case the Senate, during its session, fails to act or refuses its consent to any such appointment, the Governor may, after adjournment of the Senate, appoint some other person, which appointment shall be valid to all intents and purposes, subject, however, to the consent of the Senate at its next regular session, and until such time, the person or persons so appointed shall have as full authority and power as though confirmed by the Senate.

Stats 1945,
p 1153

SEC. 5. Section 5 of said act is amended to read :

Office and
meetings

SEC. 5. The office of the commission shall be in the City of Sacramento and it may meet at such times and in such places as may be expedient and necessary for the proper performance of its duties; provided, however, said commission shall meet at least once every six months and oftener at the call of the president of the commission or by the director, when in the discretion of either the need arises. No member or employee

of the commission or member of the program committee or the zone agent shall unduly influence producers in their choice either for or against the institution of a marketing program or for or against the termination of such a program. At all meetings of the commission a majority of the commission shall constitute a quorum.

SEC. 6. Section 8 of said act is amended to read :

Stats 1939,
p 2485

Sec. 8. Ten or more producers of the variety or kind of agricultural commodity to be affected may file with the commission or the director a petition for the establishment of a proration zone and the institution of a marketing program.

Petition for
prorated
marketing

The petition shall, among other things, contain or be accompanied by :

- (1) A description of the district or districts comprising the zone upon which the proposed marketing program is to be based ;
- (2) A general statement of facts setting forth the necessity for instituting a marketing program ;
- (3) A draft of a proposed marketing program, or a statement of the principal features to be included in the proposed marketing program.

SEC. 7. Section 9 of said act is amended to read :

Stats 1939,
p 2485

Sec. 9. If, after receiving a petition for the establishment of a proration zone and a proposed marketing program therefor, the director determines that such proposed zone and proposed marketing program are consistent with the provisions of this act, the director on behalf of the commission shall hold a public hearing at some central point located within the area described in said petition and proposed to be established as a proration zone. In the event that the director determines that the proposed zone or proposed marketing program is not consistent with the provisions of this act the director shall refer such determination to the commission. If the commission concurs in the director's determination no hearing need be held. If the commission does not concur with the determination of the director and determines that the proposed zone and marketing program are consistent with the provisions of this act the commission may request the director to hold a hearing thereon. Prior to holding such public hearing the director may require the petitioners to file with the Department of Agriculture a good and sufficient undertaking to cover the probable cost of conducting the hearing and instituting a marketing program.

Hearing on
petition

When
referred to
commission

Undertaking

Notice of such public hearing shall be mailed to a list of producers within the proposed zone at least ten (10) days prior thereto. Such list of producers is to be established in accordance with the provisions of Section 11. Also, a notice of such public hearing shall be given at least ten (10) days prior thereto by publication in a newspaper of general circulation within the area or areas proposed as the zone. In case the proposed proration zone includes areas that are noncontiguous the director shall hold a hearing in each. At said public hearing or hearings the director shall receive evidence and testimony offered by the petitioners in support of the proposed proration zone and the

Notice of
hearing

Evidence,
etc

proposed marketing program and testimony and evidence from any interested person in support of or in opposition thereto. All testimony at such hearings shall be under oath.

All evidence and exhibits and all facts and data used directly or indirectly by the director, or introduced at a hearing, shall within a reasonable time after being so used or so introduced be available at the office of the commission to all interested parties.

Said hearings may be adjourned from time to time and from place to place as the circumstances may require. For the purpose of procuring additional evidence, facts, and data, petitioners or opponents shall, upon proper motion, be granted a continuation of any hearing by the director for a period not exceeding five (5) days. A transcript of the proceedings at all such hearings shall be made by the director and shall be open to inspection by any interested party.

Hearing
declined

The director, with the approval of the commission, may decline to hold a public hearing upon a proposed proration zone and a proposed marketing program if he determines and is satisfied that said public hearing can not be held within a reasonable time in advance of the harvesting or the beginning of the marketing season for such agricultural commodity so as to permit the formulation and establishment of an equitable and effective marketing program for the marketing season.

Stats 1936,
p 2485

Findings
required

SEC. 8. Section 10 of said act is amended to read:

Sec. 10. (a) Before issuing a marketing program for the written assent of producers, which contains provisions for correlating the supply of the agricultural commodity affected with market demands therefor by means of restrictions upon the total quantity of such commodity or restrictions upon the total quantity of any grade, size, quality or condition thereof which restrictions have the effect of limiting the total quantity of such commodity which may be marketed during any marketing season and which restricted portion of such commodity might otherwise be marketed by producers in compliance with other laws of this State or of the United States or in compliance with established commercial practice during such marketing season the director shall find with respect to such marketing program:

(1) That such marketing program will tend to re-establish or maintain such level of prices for such agricultural commodity as will provide a purchasing power for such agricultural commodity which is adequate to maintain in the business of producing such agricultural commodity such number of producers as is required to provide such supply of the quantities and qualities of such agricultural commodity as is necessary to fulfill the normal requirements of consumers thereof;

(2) That such marketing program will tend to approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for such commodity;

(3) That such marketing program is in conformity with the provisions of this act and within the limitations and restrictions set forth therein and will tend to effectuate the declared purposes and policies of this act;

(4) That such marketing program will protect the interest of consumers of such commodity through the exercise of the powers of this act only to such an extent as is necessary to establish the level of purchasing power described in subdivision (1) of paragraph (a) of this section.

(b) Before issuing a marketing program, for the written assent of producers, which contains provisions for the purpose of regulating the flow of the commodity or any grade or size thereof to market without restricting the total quantity which may be marketed during the season or which marketing program provides for the establishment of grade, size, quality or condition specifications or for uniform grading and inspection or for advertising and trade promotion, the director shall find with respect to such marketing program:

(1) That such marketing program will tend to attain the objectives sought by said marketing program;

(2) That such marketing program is in conformity with the provisions of this act and within the limitations and restrictions set forth therein and will tend to effectuate the declared purposes and policies of this act;

(3) That such marketing program will protect the interests of consumers in that the powers of this act are being exercised only to the extent necessary to attain such objectives.

(e) In making the findings required pursuant to paragraph (a) of this section, the director shall take into consideration any and all facts available to him with respect to the following economic factors:

(1) The quantity of such agricultural commodity available for distribution;

(2) The quantity of such agricultural commodity normally entered into primary channels of trade;

(3) The necessary costs of producing such agricultural commodity as determined by available surveys or other facts;

(4) The purchasing power of consumers as indicated by available reports and indices;

(5) The level of prices of other commodities which compete with or are utilized as substitutes for such agricultural commodity;

(6) The level of prices of other commodities, services, and articles which producers commonly purchase.

(d) In making any findings pursuant to paragraph (b) hereof the director shall base his findings upon the facts, testimony and evidence received at the public hearing together with any other relevant facts available to him from official publications or institutions of recognized standing.

(e) In addition to either of the applicable findings of paragraphs (a) or (b) of this section the director shall find that the proposed proration zone includes all of the area within this State reasonably necessary to carry out and attain the objectives of this act.

(f) The director shall submit his findings, together with a summary of the evidence received at any hearing or hearings

Economic factors

Facts, etc., received at public hearing

Inclusion of necessary area

Submission of findings

authorized in this act to the commission for approval prior to the establishment of any zone or issuance of any marketing program. Upon the approval of the findings by the commission, the director shall establish such zone and issue such marketing program for the written assent of producers. If the commission does not approve of the findings of the director the commission shall examine the evidence and prepare its own findings and thereupon instruct the director to proceed in accordance with such findings.

Additional
territory

(g) If, at a public hearing which includes a consideration of the establishment of the boundaries of a zone, it shall appear that the inclusion of territory additional to that described in the petition being heard, is necessary to the proper administration or enforcement of the proposed program the director shall postpone further proceedings until notice shall have been given by the director to the producers within such additional territory in the manner provided for in Section 9 hereof. Thereafter the director may conclude said hearing, and prepare his findings.

Management
of zone

(h) Each zone shall constitute a separate public corporate entity and its affairs shall be managed by a program committee appointed in accordance with Section 15 of this act.

Prior
marketing
programs

(i) Any marketing program or any amended marketing program heretofore duly issued by the director pursuant to this act and now in effect shall continue in full force and effect and shall be conclusively presumed to be in conformity with the provisions of this section as amended unless the director or the commission, after a public hearing held in conformance with the provisions of this act, finds within ninety (90) days after the effective date of the amendments to this section that such marketing program is not in conformity with the provisions of this section as amended. In no event however, shall any marketing program be suspended or terminated unless such suspension or termination is in accordance with the provisions of Section 23 of this act.

Stats 1939,
p 2485

List of
producers.

Report of
handlers

SEC. 9. Section 11 of said act is amended to read:

Sec. 11. Prior to holding a public hearing upon a proposed proration zone and a proposed marketing program the Director of Agriculture shall establish a list of producers of the agricultural commodity affected within the area comprising the zone. In establishing such list of producers the director may issue a notice to handlers requiring them to file with the director a certified report showing:

- (1) The name and mail address of such handler;
- (2) The quantities of the agricultural commodity to be affected, handled by such handler in the marketing season next preceding the filing of such report, together with a reasonable determination of the quantity so handled which was produced within the proposed boundaries of the zone;
- (3) The correct names and mail addresses of producers, whose producing operations are located within the proposed zone, from whom such handler received the agricultural commodity to be affected, during the next preceding season;

(4) The quantities of such agricultural commodity received by such handler from each such producer in the marketing season next preceding the filing of such report.

Said notice to handlers requiring them to file said lists shall be published by the director for a period of not less than five (5) days in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may require and shall be mailed to all handlers of the commodity directly affected, of record with the department. Said lists of producers shall be filed by handlers within ten (10) days from the last date of publication of said notice. In addition the director may obtain lists of producers affected, whenever and in such manner as he may deem necessary or advisable for the purpose of checking, comparing or correcting such lists. Also the director shall maintain a current list of producers based upon the records of operations under each marketing program. Such producer list established in accordance with this section shall, subject to any proper corrections, be final and conclusive in making determinations relative to the assent by producers upon a marketing program.

Any producer producing the commodity affected by any proposed or existing marketing program whose name does not appear upon the director's list of producers affected may have his name established thereon by filing with the director a signed statement advising that he produced such commodity in the next preceding season and giving the quantity produced and the quantity delivered into primary channels of trade in such season.

SEC. 10. Section 14 of said act is repealed.

SEC. 11. Section 15 of said act is amended to read :

Sec. 15. The director shall appoint the initial program committee from nominations received at the public hearing upon the proposed program. The term of office of the initial program committee shall be for one marketing season. The term of office of subsequent program committees for each marketing program shall be two (2) years or until their successors have been appointed and have qualified. The beginning date of the term of office shall be set forth in the marketing program. For terms subsequent to the term of the initial committee members and their respective alternates shall be selected and appointed in accordance with the following procedure: The director shall divide the proration zone into as many districts as may be necessary for the proper administration of such program, and allot to each district the proper number of producers to be appointed to serve as members and alternate members upon a program committee so as to give as nearly as possible adequate representation to all producers in all such districts. Members and their respective alternate members shall be appointed by the director with the approval of the commission from lists of producers eligible to serve on the program committee. Eligible lists shall be established by the director either by means of a meeting or meetings of producers in each district or by means of mail ballot

Notice to
handlers

Current list
of producers

Omission
from list

Repeal

Stats 1943,
p 1919

Appoint-
ments to
program
committee

Districts

Eligible lists

or by a combination of meetings and mail ballot. The method to be used shall be determined by the director with the approval of the commission; provided, that a mail ballot shall be granted upon a written request of ten (10) per cent of the producers. Each producer shall be entitled to one vote and voting by proxy shall not be permitted. From nominations made, not less than three eligible persons shall be selected for each member of the committee. Persons nominated must be producers with producing properties located within the district for which nominated. In the event a corporation or a partnership is a producer, it may designate a representative who may be a nominee. Each respective alternate shall be appointed from the same eligible list from which the member is appointed. Each district in the zone shall be entitled to at least one member and one alternate member on said committee. The program committee may at any time invite handlers or other persons to their meetings to serve in an advisory capacity and may authorize, subject to the approval of the director, the payment of compensation and necessary expenses to persons serving in such advisory capacity at rates not to exceed those granted to program committee members. The director may, if requested by the producer members of the program committee, appoint on said committee, in addition to said producer members, not more than three handler members and their respective alternates who are handlers of the commodity affected by the marketing program of the zone. The appointments of the director shall be subject to approval by the commission. Such approval may be given by the commission, in lieu of approval at a meeting of the commission, by written approval of a majority of the commission members other than the director.

Advisers

Appointment
of handler
membersResponsi-
bility of
members

The members and alternate members of any program committee or grading committee duly appointed by the director, including employees of the program committee shall not be held responsible individually in any way whatsoever to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the program committee. The liability of the members of the program committee and grading committee shall be several and not joint and no member shall be liable for the default of any other member.

Stats 1939,
p 2485Approval or
disapproval
by producers

SEC. 12. Section 16 of said act is amended to read:

Sec. 16. Upon the issuance of a marketing program for the written assent of producers the director shall submit a copy of such marketing program in full to each of the producers of the commodity or their duly authorized agent to be affected within the proposed zone as shown by the lists of producers compiled in accordance with the provisions of this act, accompanied by a printed, typewritten or mimeographed form upon which the producer can record his assent to the program. A nonprofit

cooperative association may assent on behalf of any of its members only if authorized so to do by an instrument in writing signed by the member; provided, that such authority may be revoked as to him by any such member by an instrument in writing filed with the director and with such association, which revocation shall become effective three (3) days after its receipt by the director. A copy of any written authorization of a producer to the nonprofit cooperative association of which he is a member shall be forwarded to the director by the association and likewise a copy of any revocation of such authority. When the director finds that the marketing program has been assented to in writing by not less than sixty-five (65) per cent of the producers in the zone who produced for market not less than fifty-one (51) per cent of the quantity of the agricultural commodity or is assented to by not less than fifty-one (51) per cent of such producers who produced for market not less than sixty-five (65) per cent of the quantity of such commodity produced in said zone in the next preceding season, he shall make the marketing program effective.

Institution
of program

The director may at the time of mailing to producers a marketing program or amendments thereto for written assent, establish a closing date after which assents will not be counted. In such event the closing date upon which assents must be post-marked in order to be counted must be shown on the assent form and be announced by a press release for general dissemination issued by the director. In the event the closing date is not established at the time assent forms are mailed to producers, and the director subsequently finds that because of the oncoming harvesting season or because of any other relevant reason it is desirable to fix a closing date for filing assents, he may do so by publishing a notice in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe not less than ten (10) days prior to such closing date and such closing date shall also be announced by a press release for general dissemination issued by the director at least ten (10) days prior to such closing date.

Closing date
for assent

Whenever the director makes a marketing program or amendments thereto effective he shall publish a notice of such effective date in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe, not less than five (5) days prior to such effective date.

Notice of
effective date

SEC. 13. Section 17 of said act is amended to read:

Stats 1939,
p 2485

Sec. 17. Any order of the director making effective a marketing program and any other order of the commission or director substantially affecting the rights of any interested party may be reviewed by any court of competent jurisdiction. Any such action must be commenced within thirty (30) days after the effective date of the order complained of.

Judicial
review of
orders

Stats 1944
p 1919

Compensation
of
program
committee
members

SEC. 14. Section 18 of said act is amended to read:

Sec. 18. Program committee members shall be entitled to compensation at a rate not exceeding ten dollars (\$10) each for each day while engaged on official business; provided, that such compensation shall not be paid for more than five (5) days in any month unless approved by the director, and members shall be reimbursed for their necessary traveling expenses.

Alternates

It shall be the duty of any alternate member of a program committee to sit as a regular member of the committee in case the member for whom he is an alternate fails for any reason to attend any meeting of the committee, and he shall be compensated and reimbursed for his necessary traveling expenses in the same manner and to the same extent as a regular member when so serving.

Vacancies

Vacancies on the program committee occasioned by the expiration of term of office shall be filled from eligible lists of producers selected in each district obtained as set forth in Section 15 hereof. Vacancies occasioned by the death or resignation of any member, or by removal for incompetence or inattention or neglect of duties as a member of the program committee, by the director, with the approval of the commission, or by a member ceasing to qualify as a producer or handler of the commodity concerned, shall be filled from persons remaining on the eligible lists of producers from which the appointments for the current term were made, or from new lists obtained as set forth in Section 15 hereof.

Administrative
agent

The program committee shall appoint an agent, subject to the approval of the director, who shall administer the marketing program under the direction of the program committee and who may be removed from office in the same manner as he was appointed. The salary or compensation of such agent shall be fixed by the program committee subject to the approval of the director.

Deputy
agents, etc

Such agent shall appoint such deputy agents and other assistants as may be necessary to direct the program, which appointments shall be subject to the approval of the program committee. Such agents, deputy agents and other assistants are employees of the zone and not of the State of California. No officer or employee shall receive compensation based on a percentage of volume involved in a marketing program, or in any manner that would lend encouragement to the promotion of a marketing program for the purpose of increasing salaries and income.

Stats 1943
p 1153

Modification
of program

SEC. 15. Section 18.1 of said act is amended to read:

Sec. 18.1. Minor amendments may be made to an effective marketing program upon the recommendation of not less than three-fourths or seventy-five (75) per cent of the producer members of the program committee, with the approval of the director; provided, the director finds that such amendments are in conformity with the applicable provisions and procedures of Section 10 hereof. If the director deems it advisable he may, on behalf of the commission, hold a public hearing upon such minor

amendment prior to such approval. Any public hearing held for this purpose shall be held within the boundaries of the zone.

Any amendment to a marketing program involving the addition to or deletion from such marketing program of any one or more of the particulars set forth in paragraphs (a), (b), (c), (d), (e), (f) or (g) of Section 19.1 hereof is hereby declared a major amendment and shall not be made effective unless a public hearing is held thereon in accordance with the provisions of Section 9 of this act for the establishment or institution of a marketing program, and until the director finds that such major amendment is in conformity with the applicable provisions and procedures of Section 10 of this act; and, provided further, that the director finds that such amendment is assented to in writing by producers as prescribed in Section 16 of this act.

Sec. 16. Section 19 of said act is amended to read:

Sec. 19. The program committee with the approval of the director is authorized:

(a) To appoint subcommittees in any producing areas within the zone to facilitate the carrying out of the purposes of this act.

(b) To collaborate and cooperate with agencies or organizations with similar purposes, whether of this State, other States or of the United States, in the formulation and execution of marketing programs or marketing orders having common objectives; provided, that in proper cases the commission or director may require such collaboration and cooperation.

(c) To cooperate with duly constituted authorities in the enforcement of other laws of this State, or of the United States, enacted to protect producers or the consuming public from fraud or deception.

(d) To make contracts and agreements in the furtherance of any of the powers of the program committee.

Sec. 17. Section 19.1 of said act is amended to read:

Sec. 19.1. The program committee for the purpose of minimizing the effect of surpluses or other adverse market conditions may be empowered in any marketing program in any one or more of the following particulars:

(a) To establish and maintain stabilization and surplus pools. The program committee shall be authorized to receive from each producer for delivery into a stabilization or surplus pool the uncertificated portions of the agricultural commodity regulated by a marketing program and market the same by varieties, grades or sizes for the account of such producers when such uncertificated portion can be disposed of advantageously either in its original or converted state. The program committee shall designate the quantity or the percentage of the marketable supply of such commodity that shall be placed in the stabilization pool and the quantity or the percentage of the marketable supply of such commodity that shall be placed in the surplus pool. Quantities or percentages so established shall be applicable to each producer. In operating any stabilization or surplus pool, the program committee may receive and account

Public
hearing

Stats 1939,
p 2485

Powers of
program
committee

Stats 1943,
p 1153

Same

Stabilization
and surplus
pools

for the commodity on the basis of variety, grade or size classifications and may fix servicing charges to be assessed against the total quantity of a any commodity received into such pools. The program committee shall have title to all of the commodity in each of such pools and shall handle all of such commodity received into each of such pools and account for the same to each producer who is beneficially interested therein upon a pooled basis.

(1) In the case of a stabilization pool, the contents thereof may be disposed of or may be marketed from time to time as the program committee deems advisable, consistent with the maintenance of stabilized marketing conditions.

(2) In the case of a surplus pool, the contents of any such pool shall not be marketed in any form which would directly compete with that portion of the commodity which is regularly certificated or which is in a stabilization pool. However, any part of any such surplus pool may be transferred by a program committee on a gratuitous basis to charitable organizations, self-help cooperatives and similar agencies under proper safeguards to prevent any part of the commodity so disposed of from directly competing with the part of the commodity marketed through the usual channels of trade.

Diversion or
substandard
pools

(b) To establish and maintain diversion or substandard pools The program committee shall be authorized to receive from each producer for delivery into a diversion or a substandard pool such quantity of each producer's production or deliveries as fails to qualify for marketing or sale in regular marketing channels, under grade, quality or size regulations established in the marketing program or under standardization laws or other laws of the State or of the United States. In operating any such diversion or substandard pool, the program committee may fix servicing charges to be assessed against the commodity received into such pool and may receive and account for such commodity on a basis of variety, grade and size classifications. The program committee shall have title to all of the commodity in either of such pools and shall handle all of such commodity received into either of such pools and account for the same to each producer who is beneficially interested therein upon a pooled basis. The contents of any diversion or substandard pool shall be disposed of for by-products or for other purposes under proper safeguards to prevent that part of the commodity so disposed of from directly competing with the part of the commodity marketed in its usual form through the usual channels of trade.

Facilities for
storage,
financing,
etc

(c) To create, establish or otherwise obtain and operate facilities for the storing, financing, grading, packing, servicing, processing, preparing for market, selling and disposal of the contents of any pools provided for in this section; but nothing in this act shall authorize a program committee to engage in public warehousing.

The program committee shall have power to pledge all of the commodity in any pools established under the provisions of this

section with a bank or other lending agency for the purpose of obtaining loans thereon. The program committee shall have title to all of the commodity in any such pools for the purpose of financing and handling same.

(d) To create, by a uniform assessment upon producers based upon the volume of the commodity marketed by each or upon some other uniform and equitable basis, maintain and disburse an equalization fund to be used for the removal of any inequalities between producers as to the total volume marketed through prorated channels resulting from errors in estimating production or surplus or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets or diverted to relief, by-products, or other noncompetitive purposes pursuant to a marketing program. Assessment upon producers

No part of any funds raised for equalization fund purposes as specified in this paragraph shall be applied to the cost of maintenance of the commission and the Department of Agriculture.

(e) To establish, adopt and apply methods for correlating the marketable supply of any commodity to the reasonable market demands therefor by means of volume limitation, time limitation, diversion, or by grade, quality or size regulations applicable to the total production of any commodity, or to that portion of any commodity which qualified for marketing pursuant to standards authorized in the marketing program or standardization laws or other laws of this State, or of the United States; provided that, if grade, quality or size regulations, are authorized under any marketing program for any commodity used for canning, freezing, fermenting or distilling, and such regulations are not an integral part of a proration plan for the purpose of controlling a surplus condition in such commodity, such grade, quality or size regulations or interpretations, or modifications thereof must be approved by a grading committee appointed by the director consisting of the program committee, or a subcommittee thereof, of at least seven members and an equal number of processor representatives nominated by the industry engaged in the processing of the commodity involved; provided, further, that any action of such grading committee must be concurred in by a majority of the processor members and by a majority of the producer members and by the director. Correlating supply and demand

(f) To broaden distribution and increase consuming outlets by appropriate educational and trade stimulation efforts of a general industry nature and not unfairly depreciative of the quality of any other food product. Distribution and consumption

Educational and trade stimulation efforts may include efforts to prevent, modify or remove trade barriers directly affecting the commodity to which the marketing program applies and may also include the presentation of facts to and negotiations with State, Federal or foreign governmental agencies on matters which affect the marketing of such commodity.

For the purpose of providing funds to defray the cost of formulating, administering and enforcing such educational and trade stimulation efforts a fee or assessment shall be established and collected upon the volume of the commodity marketed or upon some other uniform and equitable basis; such fee may be collected separately by the program committee or such fee may be combined with any fee collected for general administrative purposes, in which case the program committee may recommend to the director, and the director may approve, the proportions of such combined fee which may be expended for each of such purposes.

Any portion of the funds so collected during any marketing season or seasons to accomplish the purposes of this paragraph may, subject to the approval of the director, be carried forward for expenditure during seasons subsequent to the season or seasons during which such funds are collected.

Any educational and trade stimulation efforts authorized by any marketing program when approved by growers, either by written assent or by referendum ballots, for a specified period of time but not exceeding four (4) years, may be carried out for such period without the necessity of a biennial referendum as required in Section 25.2.

Producer.
adjustmen.

(g) To provide for the adjustment of production of any agricultural commodity by means of tree or vine pulling. The program committee may receive applications from producers for acreage adjustment payments. The program committee shall, upon proper review and certification, make such acreage adjustment payments on an equitable basis from funds collected for such purpose under the marketing program on a uniform basis from all commercial producers of such agricultural commodity within the zone, or from funds received from Federal, State or other agencies for such purpose.

No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by State or Federal agencies or such other data as the director deems to be representative and reliable.

Research

(h) If the program committee finds that the results of research would be advantageous in the administration of a marketing program it is empowered, subject to the approval of the director, to authorize and arrange for such research to be conducted. The cost of such research shall be considered a part of the cost of the administration of that portion of the marketing program for which such research is authorized. In any such research carried on hereunder, the Dean of the College of Agriculture of the University of California and the program com-

mittee shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable, such project shall be carried out by said College of Agriculture, but if the dean of said college and the program committee determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the program committee.

SEC. 18. Section 21 of said act is amended to read :

Stats 1943,
p 1157

Sec. 21. The zone agent for each marketing program shall collect, either for each primary certificate or for each secondary certificate or for both such kinds of certificates issued to producers, a reasonable and proportional fee to be fixed by the program committee, subject to the approval of the director, so calculated as to provide an amount adequate to defray the necessary expenses of instituting and carrying out such marketing program and a proper proportion of the cost of the maintenance of the commission and of the Department of Agriculture in the performance of duties required by this act. The proportion of the fees payable to the commission and to the Department of Agriculture may vary upon a seasonal basis for each program according to the estimated expense to be incurred by the director and the commission in administering such program; provided, that the amount so required shall not exceed fifteen per cent (15%) of the certificate fees collected by the zone agent specifically for administrative purposes and in addition such proportion of fees collected for any educational and trade stimulation program as may be required by the commission and the director to administer such program which shall in no event exceed five per cent (5%) of the fees collected for such purpose, unless the payment of a larger proportion of such funds is approved by the program committee for such marketing program.

Fees

Upon request of any program committee of any marketing program, the commission shall confer with said committee or its representatives prior to fixing the amount or proportion of any fees of said marketing program payable to the Department of Agriculture for maintenance of the commission and the department in the performance of the duties required by this act.

All such fees shall be deposited promptly by the zone agent in a bank or banks approved by the Director of Finance, and shall be accounted for forthwith to the Director of Agriculture. Such deposit shall be made in the name of the zone under which such funds are collected and shall be disbursed by the director, pursuant to rules and regulations prescribed by the director, and approved by the commission, only for the expenditures incurred by the program committee in carrying out the specific purposes and provisions of such marketing program, including all necessary expenses incurred in the formulation, administration and enforcement of such marketing program.

Deposit and
disbursement

Support of
Department
of Agri-
culture

The proportionate amount of fees payable, as determined herein, to the Department of Agriculture shall be withdrawn from such funds monthly by the director and paid into the Department of Agriculture Fund in the State treasury and shall be used only for the support of the commission and of the Department of Agriculture in carrying out their duties as required by this act.

Surplus
funds

At the end of any marketing season as designated in each marketing program, after proper provision has been made for the payment of all necessary expense incurred in connection therewith, any moneys remaining to the credit of the program committee, other than those collected to carry out the purposes of paragraph (f) of Section 19.1, shall be refunded upon a pro rata basis to all persons from whom certificate fees were collected; provided, that, if the marketing program continues in effect, such refund may, upon the resolution of the program committee with the approval of the director, be deferred so as to permit the program committee to use such residual funds to meet operating expenses in the succeeding season or until sufficient funds have been collected or the collection of sufficient funds is assured to enable such committee to make such refund and to defray the expenses of the then current marketing season, including an allowance for preliminary expenses of the next succeeding season. At the time such refund is made, the program committee shall file with the director a claim for such refund to growers entitled thereto. If the director finds that as of the end of any marketing season the amount remaining to the credit of the program committee is so small as to make impractical the computation and remitting of such pro rata refund, the director may authorize the transfer of such funds to the then current marketing season for expenditure in carrying out the marketing program. Unexpended balances of moneys collected to carry out the purposes of paragraph (f) of Section 19.1 sufficient in amount to warrant incurring the expense of making a refund shall be refunded following the termination of any marketing program containing provisions authorized by said paragraph (f) or following the suspension or termination of educational and trade stimulation provisions of any marketing program and such refund shall be made upon such pro rata basis as the program committee and the director determine to be equitable. If such unexpended balance is so small as to make impractical the computation and remitting of a pro rata refund, the director may authorize the transfer of such funds to the administrative account of the marketing program or to the Department of Agriculture Fund for the support of the commission and the Department of Agriculture in carrying out their duties in the administration of this act.

Refund

Claim

Minimum
refund

Unless otherwise requested by the program committee, the Director of Agriculture shall not be required to issue refunds to any producer in an amount less than one dollar (\$1).

Any checks or warrants drawn against the fund to any marketing program remaining unclaimed or uncashed for a period of six months from date of issuance shall be canceled and the money retained for disbursement to the original payee or claimant upon satisfactory identification for a period of one year from the time said checks or warrants are canceled. The money so retained, if not claimed within said period of one year shall be credited to the then currently operating marketing program for the commodity under which the funds so retained were collected. If there is no program then in effective operation for such commodity the funds shall be credited to the unexpended balance, if any, of the last previous marketing program for such commodity. In the event there is no marketing program then in current operation or no balance exists from any previous marketing program to which such funds may be credited, then the funds so retained shall be deposited in the State treasury as unclaimed trust moneys.

Unclaimed funds

No agent or employee of the program committee shall have or receive any funds collected pursuant to the provisions of this act until such agent or employee has filed with the director a bond in such form and in such penal sum as the director may prescribe.

Bond

Upon the recommendation of the program committee the director may relieve the zone agent of the responsibility of collecting any amounts due and unpaid not exceeding one dollar (\$1) when the director determines that the collection thereof is improbable or the cost of collecting the same would exceed the amount involved.

Collection of amounts due

SEC. 19. Section 22 of said act is amended to read :

Stats 1939, p 2485

Sec. 22. The director shall have power to establish such rules and regulations consistent with this act as may be necessary to carry out the purposes and attain the objectives thereof.

Rules and regulations

The exercise of the powers granted to a program committee in its administration of a marketing program made effective in accordance with the provisions of this act shall be subject to the approval of the director. In the event the director disapproves of an action taken by a program committee or does not within a reasonable time approve of an action of a program committee, said committee may appeal to the commission. The commission shall make a review of the subject matter under consideration and make a determination. In such event the director shall proceed in accordance with the determination of the commission.

The director through his duly authorized representatives and agents, including any zone agent in charge of a proration program, shall have access, solely for the purposes of investigating possible violations of any program, to the records of producers, dealers, distributors, public and private property transportation agencies, and handlers of a commodity as to which a proration program has been instituted, and shall have at all times free and unimpeded access to all buildings, yards, warehouses, stores and transportation facilities and other places in which any commodity under a proration program is kept, stored,

Investigations

handled or transported. All information obtained shall be confidential and shall not be disclosed except when required in a judicial proceeding.

Stats 1941,
p 2043

SEC. 2C. Section 23 of said act is amended to read:

Termination
of program
Application

Sec. 23. After the institution of any marketing program, such program shall be terminated when there is filed with the director an application for its termination signed by not less than forty (40) per cent of the producers who produced not less than forty (40) per cent of the commodity affected within the zone during the last preceding season. The signatures of the producers upon the application shall be those of the producers whose names appear on the list or lists provided for in Section 11 or on any corrected list which the director shall have had prepared during the existence of the program, or their successors in interest. Each petitioner shall upon affixing his signature thereto write in the date of signing, and no signature to such petition shall be valid for any purpose if affixed thereto more than six months prior to the filing of such application with the director. Such petition shall be accompanied by a good and sufficient undertaking in an amount equal to the probable costs incident to conducting said hearing and making of findings. A hearing must be held by the director upon the petition to determine the sufficiency of the signatures thereto, which hearing must be held within sixty (60) days after the presentation of the petition. If from a check of such petition together with the facts and evidence adduced at said hearing, it shall be established that the petition to terminate is signed by said required forty (40) per cent of the producers who produced at least forty (40) per cent of the agricultural commodity affected, the director, with the approval of the commission, shall thereupon terminate the program; provided, that any marketing program on a seasonal crop shall not be terminated except at the end of its marketing season.

Undertaking

Hearing

Costs of
hearing

In such case the costs incident to conducting such hearing and making of findings shall be paid from the funds of the program to the extent that they are available and thereafter from the undertaking. In the event the petition be found insufficiently signed, the entire cost of conducting such hearing shall be paid from the undertaking. In the event of the termination of a program, any funds remaining for the use of the program committee not otherwise disposed of by the provisions of this act shall be deposited in the State treasury to the credit of the Department of Agriculture Fund.

Investigation
re necessity

The director, on behalf of the commission, may at any time initiate an investigation to determine whether or not the facts specified in Section 10 hereof continue to exist. Upon a finding that any one or more of the prerequisite facts no longer exist, the director, with the approval of the commission, shall terminate or suspend said program and may dissolve the zone. In no case shall any program on a seasonal crop be terminated or suspended except at the end of its marketing season.

shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

The necessity for orderly and stabilized marketing conditions for agricultural products is imperative as an aid to the completion of the war effort and to prevent adverse conditions of production and of the distribution of agricultural products under the war conditions. By reason of probable changes in Government purchases and other factors producers of many California agricultural commodities face possible surpluses and other adverse marketing conditions for the 1945 harvesting and marketing season and for subsequent seasons. Orderly and stabilized marketing conditions will aid in the war effort and will assist agricultural producers in readjusting to peacetime levels of production and prices.

CHAPTER 991

An act to add Article 4, comprising Sections 16470 to 16476, inclusive, to Chapter 3 of Part 2 of Division 4 of the Government Code, relating to investment of surplus State funds, creating the Surplus Money Investment Fund, making an appropriation, and declaring the urgency of this act, to take effect immediately.

In effect
immediately

[Approved by Governor June 23, 1945 Filed with Secretary of State
June 23, 1945]

The people of the State of California do enact as follows:

SECTION 1. Article 4, comprising Sections 16470 to 16476, inclusive, is added to Chapter 3 of Part 2 of Division 4 of the Government Code, to read:

Article 4. Special Fund Investments

Investment
of surplus
money

16470. The State Treasurer, State Controller, and Director of Finance shall, at such times as they deem necessary, determine whether any portion of the money then on deposit in the State treasury to the credit of any fund, exclusive of the General Fund and exclusive of any special funds the investment of which is otherwise provided for by law, is not necessary for immediate use; and if so, they shall determine the amount thereof in each such fund, which amount shall thereupon be designated as "surplus money." This article does not apply to the State Highway Fund.

Surplus
Money
Investment
Fund

16471. Upon the determination and designation of surplus money in any special fund, the State Treasurer shall, on order of the State Controller, transfer from such fund to the Surplus Money Investment Fund in the State treasury, which fund is hereby created, the amount of surplus money so determined and designated. Nothing herein contained shall authorize the

transfer of money from any special fund to the Surplus Money Investment Fund, if such transfer will interfere with the carrying out of the purpose for which such special fund was created. No money shall be transferred to the Surplus Money Investment Fund and no investments, reinvestments, or exchanges of securities shall be made therein after December 31, 1947. Duration

16472. All moneys transferred to or deposited in the Surplus Money Investment Fund are hereby appropriated to carry out the purposes of this article. The appropriation herein contained shall be exempt from the provisions of Section 435 of the Political Code or Section 16304 of the Government Code. Appropriation

16473. The State Treasurer, State Controller, and Director of Finance shall, at such times as they deem necessary, determine whether any portion of the money theretofore transferred to and remaining in the Surplus Money Investment Fund from any special fund is needed by such special fund to carry out the purposes for which it was created; and if so, they shall determine the amount thereof. Thereupon, they shall reduce the amount of surplus money theretofore designated with respect to such special fund by the amount determined to be needed by such fund. Upon such reduction of the surplus money in any special fund, the State Treasurer shall, on order of the State Controller, transfer from the Surplus Money Investment Fund to such special fund an amount of money equal to that by which the surplus money of such fund was reduced. Retransfer to special fund

16474. The money in the Surplus Money Investment Fund, exclusive of interest earned or other increment derived from the investment thereof, may be invested and reinvested by the State Treasurer in bonds or other obligations of the United States or for which the full faith and credit of the United States are pledged, having maturity dates not more than one year from the date of such investment, or redeemable by the United States Treasury at the owner's option at fixed redemption values within one year from the date of such investment. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the State. Investments

16475. Interest earned and other increment derived from investments made pursuant to this article shall, on order of the Controller, be deposited in the Surplus Money Investment Fund. During the months of January and July of each year, the Controller shall apportion to the following funds in the State treasury all interest earned or increment derived from the investments authorized by this article and deposited in the Surplus Money Investment Fund during the six calendar months immediately preceding the month in which such apportionment is made: Apportionment of interest, etc

(a) The General Fund;

(b) Each fund into which are deposited or which contains moneys collected from any tax now or hereafter imposed by

the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, for use in motor vehicles upon the public streets and highways;

(c) Each fund into which are deposited or which contains moneys collected from motor vehicle and other vehicle registration license fees or from any other tax or license fee now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, except those taxes and license fees which, by the provisions of Section 4 of Article XXVI of the Constitution of this State are exempted from the provisions of Section 2 of said Article XXVI;

(d) Each fund into which are deposited or which contains moneys collected under the provisions of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans, and fines imposed by any court for the violation of any such law.

Determina-
tion of ap-
portionment

Such apportionments shall be determined in the following manner:

(1) All money not apportioned to the funds referred to in (b), (c), and (d) herein shall be apportioned to the General Fund.

(2) There shall be apportioned to each of the funds referred to in (b), (c), and (d) herein an amount equal to the product obtained by multiplying by the apportionment factor applicable to such fund the total amount available for apportionment to all funds. The apportionment factor applicable to each such fund shall be that fraction whose numerator is the sum of the products obtained by multiplying each amount transferred from such fund to the Surplus Money Investment Fund by the number of days during the apportionment period during which such amount remained in the Surplus Money Investment Fund, and whose denominator is the sum of the products obtained by multiplying each amount transferred from any fund to the Surplus Money Investment Fund by the number of days during the apportionment period during which each such amount remained in the Surplus Money Investment Fund. A 360-day year shall be employed in all calculations provided by this section.

Upon order of the State Controller, the State Treasurer shall transfer to each fund the amount apportioned thereto.

Constitu-
tionality

16476. If any provision of this article, or the application thereof to the money in any fund referred to herein, is held invalid, the remaining provisions of this article shall not be affected thereby.

Urgency

SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The State treasury has a large surplus at the present time, and the longer the investment of the surplus is delayed the smaller will be the accrual to the State from such investment.

The United States is now engaged in a costly and deadly war and it is in dire need of funds to successfully prosecute the war. It is to the interest of the peace, health and safety of the State that its surplus funds be made immediately available to the United States for the prosecution of the war.

CHAPTER 992

An act authorizing and empowering the Director of Finance to purchase or acquire surplus war property from the Federal Government or its agencies, and creating the Surplus War Property Procurement Advisory Board.

[Approved by Governor June 23, 1945 Filed with Secretary of State June 23, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The Director of Finance is hereby authorized and empowered to purchase or otherwise acquire from the Federal Government or any agency thereof for use of State departments, officers and agencies, surplus war property whether real or personal whenever in his judgment such purchase or acquisition and the terms and conditions thereof are in the best interests of the State. Purchase of
surplus war
property

SEC. 2. Any and all negotiations with the Federal Government or its agencies for or in connection with the purchase or acquisition of such property, and all activities, functions and responsibilities pertaining thereto, are hereby vested in and shall be assumed and conducted exclusively by the Director of Finance. No other State department, officer or agency shall, except on the authorization of the Director of Finance, negotiate with the Federal Government or its agencies for or in connection with the purchase or acquisition of such property. Any State department may inspect such property to determine whether the same would be useful in the performance of its duties and may make recommendations to the Director of Finance concerning the same. Negotiations

SEC. 3. It shall be the duty of the Director of Finance (1) to keep in constant touch with Federal agencies charged with the sale or disposition of such property and secure from them full details as to the nature and availability of such property and the terms and conditions under which it can be purchased or acquired; (2) to transmit information thus secured to all State departments, officers and agencies in order that they may possess complete and up to date information as to the nature and selling price of available property; (3) to prescribe procedure consistent with this act to be followed by State departments, officers and agencies in requisitioning and paying for such property and to inform them of such procedure. Duties of
Director of
Finance

Purchase
by State
departments

SEC. 4. Unless otherwise prescribed by the Director of Finance, State departments, officers and agencies desiring to purchase or acquire such property shall submit their estimates or requisitions therefor to the Department of Finance, and shall pay for such property, in accordance with existing laws governing State purchases.

Surplus War
Property
Procurement
Advisory
Board

SEC. 5. There is hereby created the Surplus War Property Procurement Advisory Board consisting of the following:

- (a) Director of Finance as chairman
- (b) Director of Public Works
- (c) Director of Institutions
- (d) Director of Corrections
- (e) Director of Military and Veterans Affairs
- (f) Director of Natural Resources
- (g) Director of Youth Authority
- (h) Director of Agriculture
- (i) Director of Education

Advisory
body

SEC. 6. It is the duty of said board and it is hereby empowered to act as an advisory body to the Director of Finance in connection with any activities contemplated by this act.

University of
California

SEC. 7. This act shall not apply to The Regents of the University of California.

CHAPTER 993

An act to add Article 3, comprising Section 10540, to Chapter 6 of Part 2 of Division 2, of the Insurance Code, relating to the payment of premiums to life insurers.

In effect
September
15, 1945

[Approved by Governor June 23, 1945 Filed with Secretary of State June 23, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 3, comprising Section 10540, is added to Chapter 6 of Part 2, Division 2, of the Insurance Code, to read:

Article 3. Premiums and Premium Accounts

Advance
premiums

10540. An incorporated life insurer issuing life insurance policies on the reserve basis may collect premiums in advance. Such insurers may also accept moneys for the payment of future premiums related to any policies issued by it. No such insurer may accept such moneys in an amount to exceed (1) the sum of future unpaid premiums on any such policy or (2) the sum of 10 such future unpaid annual premiums on any such policy if such sum is less than the sum of future unpaid premiums on any such policy.

CHAPTER 994

An act to amend Sections 13001 and 13004 of the Health and Safety Code, relating to starting of fires.

[Approved by Governor June 23, 1945. Filed with Secretary of State June 23, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 13001 of the Health and Safety Code is amended to read:

13001. Every person is guilty of a misdemeanor who throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.

Lighted cig-
arettes, etc

Welding
torch, etc

SEC. 2. Section 13004 of said code is amended to read:

13004. Every person is guilty of a misdemeanor who harvests grain or causes it to be harvested by means of a combined harvester, header, or stationary threshing machine, or who bales hay by means of a hay press, unless he keeps at all times in convenient places upon each machine or press, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of a capacity of not less than two and one-half gallons and fully equipped and ready for immediate use, or two back-pack or pump-type water extinguishers of not less than four-gallon capacity, fully equipped, filled with water and ready for immediate use.

Use of
harvester
without fire
extinguish-
ers, etc

CHAPTER 995

An act to add Sections 4041.7, and 4408.5 to the Political Code, relating to the planning and development of facilities for transportation by water.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4041.7 is added to the Political Code, to read:

4041.7. Under such limitations and restrictions as are prescribed by law and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have jurisdiction and power to appropriate and expend money from the general fund of the county for the purpose of making surveys, maps, plans, plats and/or obtaining data and/or information preliminary to the development and/or improvement and/or construction of a deep water

Facilities for
transporta-
tion by
water. Power
of board of
supervisors

canal, waterway and/or water facilities for transportation purposes, in, through, across, over, or along said county and/or any adjoining county or counties or any part or portion thereof, when in the exercise of the discretion of the boards of supervisors of said county desiring to appropriate and expend said money said board determines the same is beneficial to said county, and when the amount to be so appropriated and expended is equalled or exceeded by money from private sources made available for the same purpose.

SEC. 2. Section 4408.5 is added to the Political Code, to read:

Same Power
of legislative
body of city

4408.5. Under such limitations and restrictions as are prescribed by law and in addition to jurisdiction and powers otherwise conferred, the legislative body or any city, or any city and county, in their respective cities, and cities and counties, shall have jurisdiction and power to appropriate and expend money from the general fund of the city, or city and county, for the purpose of making surveys, maps, plans, plats and/or obtaining data and/or information preliminary to the development and/or improvement and/or construction of a deep water canal, waterway and/or water facilities for transportation purposes, in, through, across, over, or along said county and/or any county or counties or any part or portion thereof, when in the exercise of the discretion of the legislative body of said city, or city and county, desiring to appropriate and expend said money said legislative body shall determine the same is beneficial to said city, or city and county, and when the amount to be so appropriated and expended is equalled or exceeded by money from private sources made available for the same purpose.

CHAPTER 996

An act to add Article 7, consisting of Sections 997, 997.1, 997.2, 997.3, 997.4, 997.5 and 997.6 to Chapter 6 of Division 4 of the Military and Veterans Code, relating to aid to veterans of World War II through cooperation with the United States or agencies thereof and of this State in making Federal lands available and suitable for settlement by such veterans.

See Sec 8
for effective
date

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 7 is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 7. Cooperation with United States in Settling Veterans on Federal Lands

Declaration
of policy

997. The purposes and policy of this article is as follows:
Large areas of land of the United States within this State are

susceptible of being opened to entry by veterans. Portions of such lands may be made highly productive by bringing irrigation water to such lands. The cost of the necessary works to bring such water to the land would in most instances be prohibitive if attempted by an individual, whereas the works for the bringing of such water to large tracts of land would in many cases render such lands productive at a cost commensurate with the additional value of such lands.

997.1. The Veterans Welfare Board shall administer the provisions of this article and may conduct such investigations and enter into such negotiations with the United States or any branch or agency of the government thereof as may be necessary for the formation of projects whereby Federal lands of suitable area are opened to entry only by veterans as defined in this chapter.

Duty of
Veterans
Welfare
Board

997.2. If the board finds that a tract or tracts of Federal land have been opened to entry exclusively by such veterans and that such lands may be supplied with irrigation water brought to such land by the construction of works for the entire tract and that the cost of such works would be commensurate with the increased value of such land the board may cause such works to be constructed pursuant to this article.

Irrigation of
Federal land

997.3. Before constructing any such works the board shall assure itself that pursuant to Act of Congress or valid regulation of any agency of the United States the land to be benefited has been dedicated to entry exclusively by veterans and that the provisions relating to the requirements for taking title by such veterans are such that the veteran may develop and operate such land at a return sufficient to support himself and family and to pay the costs of construction, maintenance, and operation of such works as may be apportioned to his land.

Dedication
of land to
entry by
veterans

997.4. Provision shall be made by the board with the cooperation of the United States or the appropriate agency thereof for apportioning all of the costs of construction, operation and maintenance of works constructed by it to the lands benefited or to be benefited by such works in such manner that the initial cost of such works will be returned to the State over a period of not to exceed 40 years together with interest on such investment at a rate to be fixed by the board and not exceeding 5 per cent per annum and also in such manner that such works will be adequately maintained, operated, and kept in repair throughout such period. The board may enter into such contracts with the United States or any agency thereof, with public districts or agencies of this State, or with veterans, or with any or all thereof, as may be necessary to carry out the provisions of this chapter. No expenditure shall be made pursuant to this article until the Attorney General has investigated the project on which the proposed expenditure is to be made and has approved the project. The Attorney General shall approve a project only if he finds in relation thereto all of the following:

Apportion-
ment of cost

Contracts

Approval of
project

(a) That the Federal law and regulations pursuant thereto conform to the prerequisites of this article.

(b) That the investment of the State will be protected despite the default or failure of any veteran to make any payments or take any steps necessary to vest title in him to the land he seeks to acquire and that in case of any such default or failure the State will be protected by subrogation to the rights of such veteran or by other adequate safeguards.

(c) That the project is otherwise legally sound.

Maximum investment

997.5. The board shall not, at any one time, have a total investment outstanding under this article of more than three million dollars (\$3,000,000). All money received by the board pursuant to this article shall be deposited in the Veterans Farm and Home Building Fund of 1943 and shall be available for the purposes of carrying out the provisions of this article.

Scope of article

997.6. This article shall be supplementary to the provisions of the Veterans Farm and Home Purchase Act of 1943.

Effective date

SEC. 2. The provisions added to the Military and Veterans Code by this act shall take effect only if the Veterans Bond Act of 1945 is enacted and in that event shall take effect at the same time said act takes effect.

Stats 1915, Ch 1451

CHAPTER 997

An act to amend Section 4251 of the Political Code, relating to compensation for public services in counties.

In effect September 15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

See also Stats 1945, Ch 417

SECTION 1. Section 4251 of the Political Code is amended to read:

Marin Salaries

4251. In counties of the twenty-second class the following shall receive, as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, five thousand five hundred dollars (\$5,500) per annum.

District attorney

2. The district attorney, six thousand five hundred dollars (\$6,500) per annum. The district attorney shall devote his entire time to the duties of his office and shall not engage in private practice of the law during his term of office.

Supervisors

3. Each member of the board of supervisors, one hundred fifty dollars (\$150) per month, and eight cents (\$.08) per mile for each mile necessarily and actually traveled in attending meetings of said board or in the discharge of county business within the county, and actual and necessary traveling expenses incurred in the discharge of official business outside of the said county; provided however that all claims for mileage thus incurred shall be under oath and shall itemize the places to which the travel was incurred and the nature of the business transacted.

4. Members of the board of supervisors, the auditor, and the district attorney shall be allowed their actual and necessary

expenses incurred while traveling to and from the annual convention of their respective associations, but in no event shall such expenses exceed the sum of fifty dollars (\$50) for each of said officers in any one year.

Sec. 2. The compensation provided by Section 4251 of the Political Code shall be paid to incumbent officers.

CHAPTER 998

An act to amend Section 12107 of, and to add a new Section 12107.5 to, the Business and Professions Code, relating to tares.

[Approved by Governor June 25, 1945 Filed with Secretary of State June 25, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 12107 of the Business and Professions Code is amended to read:

12107. The department may establish tolerances and specifications for commercial weighing and measuring apparatus for use in the State similar to the tolerances and specifications recommended by the National Bureau of Standards, and it may establish a standard or standards of net weight or net measure, or net count of any commodity, except any manufactured commodity consisting of four or more staple ingredients, and prescribe such tolerances for the same as may be necessary for the proper protection of the public.

Whenever a standard of net weight or net measure or net count has been established for any commodity, it is unlawful to sell such commodity by, at, or for a quantity greater or less than the standard by more than the prescribed tolerance.

SEC. 2. A new section, to be numbered 12107.5, is hereby added to the Business and Professions Code, to read:

12107.5. The department may establish a tare or tares for each of the several types of containers used in making deliveries of edible agricultural commodities to shippers, processors or other handlers and prescribe such tolerances as may be necessary for the proper protection of persons engaging in transactions wherein the computation of tares affects the purchase price.

Such tares shall be established in accordance with rules and regulations promulgated by the director. The director, and sealers under his supervision and direction, shall be the enforcing officers of this section.

Any person who deducts a tare for the containers herein specified shall keep a record of such deductions for one year, which record shall be subject to inspection by the director and any sealer.

It shall be unlawful to deduct any such container tare different than a tare established by the director. A violation of this section shall constitute a misdemeanor.

CHAPTER 999

An act to amend Sections 12703, 12704 and 12705 of, the Business and Professions Code, relating to public weighmasters.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 12703 of the Business and Professions Code is amended to read:

Public
weighmaster
seal

12703. Each public weighmaster shall obtain a public weighmaster seal for applying an impression upon or stamping weight or measure certificates. The public weighmaster seals shall be the property of the State and shall be forfeited and returned to the department upon termination of the performance of the duties as public weighmaster.

Seals which have been returned to the department shall be kept in a safe place for a period of four years, after which time they shall be defaced and destroyed or otherwise disposed of by the department.

The public weighmaster seal shall be of a form and design prescribed by the department and furnished at the expense of the public weighmaster. The public weighmaster seal shall be a recognized authority of accuracy and the stamp or impression thereof shall be applied to all weight or measure certificates at the time of issuance.

SEC. 2. Section 12704 of the Business and Professions Code is amended to read:

Weight and
measure
certificates

12704. The department shall prescribe a form of weight and measure certificates to be used by public weighmasters. Such certificate shall be known as the "State certificate of weights and measures" and no other form of certificate shall be used by public weighmasters. The certificate shall state thereon:

- (a) The kind of product or article.
- (b) The number of units of the product or article.
- (c) The date on which the product or article was weighed, measured or counted.
- (d) The owner, agent or consignee.
- (e) Either the gross weight of the product and the vehicle or container thereof, or the tare weight of the unladen vehicle or container, or both such gross and tare weights; or the true net weight, measure, or count of the product.
- (f) The vessel, railroad or other means by which the product was received. If motor vehicle carrier is used, the license number of any vehicle or trailer shall be stated on the certificate.
- (g) Any trade or other mark thereon.
- (h) The name of the city or town where such product or article was weighed, measured or counted.
- (i) The complete signature of the weighmaster or deputy weighmaster who weighed, measured or counted the product or article.

(j) Such other information as may be necessary to identify the product or distinguish it from a like kind.

SEC. 3. Section 12705 of the Business and Professions Code is amended to read:

12705. All public weighmasters shall keep and preserve, Records as records, for a period of four years, true copies of all certificates issued upon public weighings, measurements or counts. These records shall at all time be open for inspection by the director or by a sealer or his deputy.

CHAPTER 1000

An act to amend the Building and Loan Association Act by amending Section 2.04 thereof, relating to approval of articles of incorporation, Section 2.07 thereof, relating to branches, Section 3.02 thereof, relating to withdrawable shares, Section 3.03 thereof, relating to maturity of shares, Section 5.01 thereof, relating to investment certificates, Section 8.09 thereof, relating to regulation of interest and dividends and to notice of transfer or encumbrance, Section 8.10 thereof, relating to rate of return on shares and investment certificates, and Section 13.20 thereof added by an act approved May 28, 1943, and by repealing Section 8.09a and Section 13.20, as added by Chapter 431 of the Statutes of 1933. Stats 1931, p 483, amended

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2.04 of the act cited in the title hereof is hereby amended to read as follows: Stats 1943, p 1299

Sec. 2.04. Articles To Be Approved by Commissicner. Approval of articles
Before the articles of incorporation of any proposed domestic association, or the articles of incorporation, certificate of incorporation, charter, or any similar document relating to any foreign association, shall hereafter be filed in the office of the Secretary of State of California, there must be attached thereto a certificate of the commissioner approving the same. Such articles, certificate, charter, or other similar document shall be submitted to the commissioner with a copy of the by-laws and an application, signed by a majority and verified by one of the directors, requesting such approval; which application shall set forth (a) the names and addresses of the incorporators, directors and officers, with a statement of their character, experience and general fitness to engage in the building and oan business; (b) an itemized statement of the estimated receipts and expenditures of such association for the first year or such longer period as the commissioner in his discretion may require; (c) a showing that the public convenience and advantage will

be promoted by the formation of such association or its qualification to do business in this State; and (d) such other matters as the commissioner may require. Upon receipt of such articles, certificates, charter, or other similar document, and of such application, the commissioner shall immediately examine and investigate into all the facts connected with the formation or qualification of such association, including its incorporators, directors and officers, its proposed location, its estimated receipts and expenditures and whether the public convenience and advantage will be promoted by the formation or qualification of such association. The commissioner may refuse to execute his certificate of approval, if, upon his examination and investigation, he has reason to believe that the corporation is to be formed or qualified for any business other than legitimate building and loan business, or that the incorporators, directors or officers lack the character, experience or general fitness to engage in such business, or that such association's financial program is unsound, or that the public convenience and advantage will not be promoted by the formation or qualification of such association. The commissioner, however, shall not execute such certificate until he has given written notice by mail to each association then existing in this State, directed to it with postage thereon prepaid at its principal office in this State, that an application for the issuance by him of such certificate has been made, together with the name of the association in respect of which such application shall have been made, and that a hearing will be held by him at a time and place to be therein specified which shall not be less than 10 days after the mailing thereof; and the commissioner shall give such notices, and at the time and place specified in such notices shall hold a hearing at which any person, firm or corporation may appear in person or by agent or attorney, and orally or in writing show cause why such certificate should not be issued upon any relevant ground, including among others the ground that the name of such association is the same as one already adopted or appropriated by any association then existing in this State, or so similar thereto as to be likely to mislead the public; and if, upon such hearing or his examination or investigation, the commissioner shall have reason to believe that the name of the association is the same as one already adopted or appropriated by any association then existing in this State, or so similar thereto as to be likely to mislead the public, he shall refuse to issue such certificate; and the commissioner shall conclusively presume that the use of any word or words in the name of the association the same as or similar in spelling or sound to any word or words already adopted, appropriated, or used in its corporate name by any association then existing in this State, except the words: "the," "and," "mutual," "guaranty," "guarantee," "building," "loan," "savings," or "association," constitutes such similarity of names as to be likely to mislead the public; provided, further, that if any and all associations then existing in this State causing such presumption file consent in writing thereto

Investigation
by commis-
sionerDenial of
approvalNotice of
approval

Hearing

Name of
association

with the commissioner, the commissioner may nevertheless issue such certificate. Wherever in this section reference is made to the by-laws, incorporators, directors and officers, such reference in the case of a proposed domestic association shall refer to the proposed by-laws, incorporators, directors and officers thereof.

No domestic association hereafter incorporated, and no foreign association hereafter qualifying to do business in the State, which shall include the word "mutual" in its name, shall be permitted to issue stock without first eliminating from its name the word "mutual." The term "existing in this State," wherever used in this section, shall include foreign associations licensed to do building and loan business in this State.

Same Use of "mutual"

SEC. 2. Section 2.07 of said act is hereby amended to read as follows:

Stats 1931, p 483

Sec. 2.07. Branches. No association shall open, maintain or conduct a branch without first applying for and obtaining from the commissioner a license for such branch. The application for such license shall be in such form as the commissioner shall require, and shall include an itemized statement of the estimated receipts and expenditures of such association in connection with such branch for the first year or such longer period as the commissioner in his discretion may require and a showing that the public convenience and advantage will be promoted by the operation of such branch. If satisfied that the operation of such branch is in the interest of such association and that the public convenience and advantage will be promoted by the operation of such branch, the commissioner shall issue his license for such branch; otherwise such license shall be refused. The commissioner, however, shall not execute such license until he has given written notice by mail to each association then existing in this State, directed to it with postage thereon prepaid at its principal office in this State, that an application for the issuance by him of such license has been made, together with the name of the association applying for such license and the name of the city or town in which such branch is proposed, and that a hearing will be held by him at a time and place to be therein specified which shall not be less than 10 days after the mailing thereof; and the commissioner shall give such notices, and at the time and place specified in such notices shall hold a hearing at which any person, firm or corporation may appear in person or by agent or attorney, and orally or in writing show cause why such license should not be issued upon any relevant ground. The applicant shall pay for such license a fee of fifty dollars (\$50) and such license shall continue in force and effect until canceled by the commissioner for cause. No association issuing investment certificates shall open, maintain or conduct any such branch unless the amount of its investment certificate reserve as defined in Section 5.03 of this act shall exceed the amount required by said Section 5.03 by the sum of twenty-five thousand dollars (\$25,000) for each branch opened, maintained or

Branch offices

License

Notice

Hearing

Fee

Reserves required

conducted by it; and no association not issuing investment certificates shall open, maintain or conduct any such branch unless such association shall thereafter, while maintaining such branch or branches, at each apportionment of profits set aside to its loan reserve 1 per cent of its net profits since the last prior apportionment in addition to the amount required to be so set aside by Section 10 03 of this act, until said loan reserve shall exceed the maximum amount required by said Section 10 03 for such association by the amount of twenty-five thousand dollars (\$25,000) for each branch so opened, maintained or conducted. Any and all business which may be transacted at the principal office of a duly licensed association may be transacted at any duly licensed branch thereof.

Stats 1933,
p 1089

SEC. 3. Section 3 02 of said act is hereby amended to read as follows:

Withdraw-
able shares

Sec 3.02. Description of Withdrawable Shares. Withdrawable shares shall be of the par value of one hundred dollars (\$100) or two hundred dollars (\$200) each, as provided in the articles of incorporation or by-laws, and shall be paid for by the subscribers or shareholders as provided in the by-laws. Such payments may be, and are hereafter sometimes in this act, called dues. Certificates evidencing shares, with or without pass-books, shall be issued to each shareholder on the first payment of dues by him. When the dues paid on any share, together with the dividends or profits apportioned thereto, shall equal the par value thereof, such share shall have reached its matured value. Except in connection with mergers, consolidations or transfers pursuant to Section 2.06 of this act, no shares shall be issued for any consideration other than cash or cancellation of outstanding shares of the same association of equal value or, with the approval of the commissioner, of different values. All shares matured in respect of which payment shall have been made by the association to the shareholder, and all shares surrendered or canceled, may be reissued. Accumulative shares may be issued with the provision that at all times the holder or holders thereof shall be the owners of the number of shares and a fraction of a share determined by dividing the value of such shares as defined in Section 1.01 of this act by the par value thereof. Shares may be issued as full paid shares, installment shares, accumulative shares or prepaid shares. Differences, if any, between the rates of return or the bases of participation for two or more of such classes of shares may be prescribed in the by-laws.

Reissuance

Full paid
shares

(a) Full Paid Shares. Full paid shares shall be shares upon which a single payment of dues amounting to the par value of said shares shall be paid at the time of subscription and upon which the holder shall be entitled to such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors shall determine. All such shares may be issued in one or more classes as to participation, under regulations prescribed in the by-laws and which must be fully set forth in or upon each certificate issued.

(b) **Installment Shares.** Installment shares shall be either "serial" or "nonserial" in form. When issued in "serial" form the periodical dues on shares in each series shall commence with the date of the issue of such series and the holder must pay such dues per share and at such times as the by-laws provide, and such payments shall continue on each share until, with the dividends or profits apportioned thereto, it reaches its matured value or is withdrawn or canceled. On all serial issues the dividends or profits shall be apportioned and credited equally to each share in the same series. No share of a prior series shall be issued after the issue of shares in a new series, except by way of transfer. Installment shares issued in "nonserial" form may be issued at any time and the dividends thereon shall be credited to such shares. Shares of either form may be issued in "classes" with a different periodical payment for each class, to be specified in the by-laws, and shall be issued with full participation in the profits subject to apportionment as dividends; provided, however, that associations issuing stock may, if their by-laws so provide, issue installment shares limited to a maximum rate of dividend.

Installment
shares

(c) **Accumulative Shares.** Accumulative shares are shares which shall participate in the apportionment of net profits and be credited therewith at a rate not exceeding the rate apportioned to installment shares, as the board of directors shall determine, and upon which the dues may be paid in at such times and in such amounts as the holder thereof may elect and as the association may permit until said shares reach their matured value or are canceled or withdrawn.

Accumulative
shares

(d) **Prepaid Shares.** Prepaid shares shall be shares not full paid, upon which a single payment shall have been made, and which are to reach their matured value through crediting on such shares, dividends or earnings thereon. The holders of prepaid shares shall be entitled to such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors shall determine.

Prepaid
shares

SEC. 4. Section 3.03 of said act is hereby amended to read as follows:

Stats 1931,
p 483

Sec. 3.03. **Maturity of Shares.** When any share shall have reached its matured value, payment of dues thereon shall cease. Borrowing shareholders whose loans are fully paid shall have their securities released and returned to them. Holders of free shares shall upon the presentation of such shares for cancellation and upon giving a receipt for payment, be entitled to the payment of the matured value thereof with interest or earnings thereon at the rate last paid or apportioned upon the same class of shares from the time the board of directors shall have declared such shares to have matured until paid. Such payment shall be subject to the provisions of Article 6 of this act applicable thereto.

Maturity of
shares

Stats 1933,
p 1089

SEC. 5. Section 5.01 of said act is hereby amended to read as follows:

Investmen.
certificates

Sec. 5.01. Description of Investment Certificates. An association may issue investment certificates, with or without passbooks. The holders of investment certificates shall have no liability for debts or assessments, and shall be entitled upon liquidation of an association to receive payment in full before any payment or distribution shall be made to shareholders or stockholders. The holders of investment certificates shall have no right to participate in the profits or dividends. Except in connection with mergers, consolidations or transfers pursuant to Section 2.06 of this act, no investment certificate shall hereafter be issued for a consideration other than cash or cancellation of outstanding investment certificates of the same association of equal value or, with the approval of the commissioner, of different values. Subject to the provisions of this act and of the respective investment certificates, certificate holders shall be entitled to have interest paid or credited at the rate determined pursuant to Section 8.10 and to the return of their principal with accrued interest upon withdrawal, redemption or maturity. Investment certificates may be issued as full paid investment certificates, installment investment certificates, accumulative investment certificates, minimum term investment certificates or prepaid investment certificates. If so provided in any investment certificate, interest thereon shall not exceed a specified rate. Subject to the provisions of Section 5.06 and 5.07 of this act, interest on installment investment certificates hereafter issued and on prepaid investment certificates hereafter issued shall continue to accrue after the maturity thereof until such certificates shall be withdrawn.

Interest

Types

Full paid
certificate

(a) Full Paid Certificates. A full paid investment certificate shall be an investment certificate, without an expressed date of maturity, for which the association shall have received the principal amount thereof at or prior to the time of the issuance thereof.

Installmen.
certificates

(b) Installment Certificates. An installment investment certificate shall be an investment certificate not full paid, upon which the holder shall be obligated to make payments at the times and in the amounts specified therein.

Accumulative
certificates

(c) Accumulative Certificates. An accumulative investment certificate shall be an investment certificate, not full paid and without an expressed date of maturity, upon which the holder shall have the option of making payments at such times and in such amounts as such holder may elect and as the association may permit.

Definite term
certificates

(d) Definite Term Certificates. A definite term investment certificate shall be an investment certificate, for which the association shall have received a single payment equal to the principal amount thereof, and which shall have a date of maturity expressed therein, which date shall be at least one year from the issuance of such certificate. On or after such maturity date, without any prior notice of intention to withdraw, the

holder of a definite term investment certificate shall be entitled, subject to Section 6.02 of this act, to receive the full principal amount thereof together with accrued interest thereon, if any such interest be unpaid on such date. Unless otherwise specified in a definite term investment certificate, no interest shall accrue thereon after the date of its maturity except that if the association on or after the maturity date of any such certificate shall fail to make payment thereon upon such certificate being tendered for surrender, then interest shall continue to accrue on such certificate from such maturity date until such certificate is paid, or until such association shall have funds available for the payment thereof and shall have notified the holder of such certificate that such funds are so available. At the option of an association, any definite term investment certificate issued by it may provide that if the holder does not tender such certificate for surrender within a period specified therein (which period shall not be less than 30 days) after the date of maturity specified therein, then such maturity date shall be postponed until a future date specified in such certificate; and if any certificate containing such provision shall not be tendered for surrender within the period so specified, such future date shall thereafter become and be the date of maturity of such certificate for all purposes. Any certificate containing such provision may also provide for one or more additional postponements of the date of maturity, in the manner and with the effect aforesaid. No single postponement pursuant to either of the foregoing provisions shall be for a longer period than the initial term of the certificate. An association at its option may provide in any definite term investment certificate issued by it that if the holder does not tender such certificate for surrender within a period specified therein (which period shall not be less than 30 days) after the date of maturity specified therein, then such holder shall have no right to withdraw as the holder of a definite term investment certificate; and if any certificate containing such provision shall not be tendered for surrender within the period so specified, such certificate shall cease to be a definite term investment certificate and shall become and be a full paid investment certificate, subject to the same withdrawal rights and restrictions as a full paid investment certificate. No association shall hereafter issue any definite term investment certificates except in lieu of definite term investment certificates heretofore issued by it.

(e) Minimum Term Investment Certificates. A minimum term investment certificate shall be an investment certificate, for which the association shall have received a single payment equal to the principal amount thereof and which shall have a date expressed therein before which notice of intention to withdraw can not be given, or which shall require written notice from the holder to the association for a period specified therein before the expiration of which period notice of intention to withdraw can not be given. On and after such date, or upon and after the expiration of the specified period following such

Interest

Maturity

Minimum
term in-
vestment
certificates

written notice, as the case may be, each such certificate shall cease to be a minimum term investment certificate and shall become and be a full paid investment certificate, subject to the same withdrawal rights and restrictions as a full paid investment certificate.

Prepaid
certificates

(f) Prepaid Certificates. A prepaid investment certificate shall be an investment certificate not full paid, upon which the holder shall have made a single payment and which is to reach its principal amount through crediting on such certificate interest thereon not withdrawn.

Stats 1935,
p 798

SEC. 6. Section 8.09 of said act is hereby amended to read as follows:

Transfer or
encumbrance
of shares
Notice

Sec. 8.09. Notice of Transfer or Encumbrance. No transfer or encumbrance of investment certificates or shares issued by an association shall be effective as to such association until written notice of such transfer or encumbrance shall have been given to the office of the association at which such investment certificates or shares were issued, or at which the account of such association as to such shares or investment certificates is kept, or to the principal office of such association. Until such notice shall have been so given, such association may conclusively presume that investment certificates and shares have not been transferred or encumbered, and may, in the absence of such notice, make any and all payments or issue new investment certificates or shares to or in the name or names of the person or persons in whose name or names its certificates or shares are issued, whether or not such investment certificates or shares are presented at the time of such payment or issuance, and shall have no responsibility to a transferee or lienholder with respect to any investment certificates or shares, or parts thereof, so paid or reissued.

Failure to
give notice

Repeal

SEC. 7. Section 8.09a of said act is hereby repealed.

Stats 1935,
p 798

SEC. 8. Section 8.10 of said act is hereby amended to read as follows:

Rate of
return on
shares and
certificates

Sec. 8.10 Rate of Return on Shares and Investment Certificates. Except as otherwise provided in Section 8.11, all investment certificates and shares hereafter issued shall be without provision for a definite rate of return thereon. The rate or rates of return on such shares or investment certificates or both shall be determined during, or within 30 days before the beginning of, or within 30 days after the end of, each quarterly or semiannual period by the board of directors of the association and, except in the case of an association (a) issuing neither investment certificates nor stock or (b) having no matured withdrawal claims as such term is defined in Section 6.02, shall be subject to the approval of the commissioner. The commissioner shall approve such rate or rates unless he finds the same unfair, unjust or inequitable, having due regard to the earnings of the association, the nature and amount of its assets and liabilities, and the amount of its undivided profits, reserves, surplus and capital; and if, within 10 days after the commissioner shall have been advised in

writing of the rate or rates determined by the board of directors of the association, the commissioner shall not have notified the association in writing that he disapproves of such rate or rates, the approval of the commissioner shall be conclusively presumed. If within 30 days after the commissioner shall have been advised in writing of the rate or rates determined by the board of directors of the association, the commissioner and such board of directors shall not have agreed upon such rate or rates or upon other rate or rates, then the commissioner (having due regard to the earnings of the association, the nature and amount of its assets and liabilities, and the amount of its undivided profits, reserves, surplus and capital) shall determine such rate or rates; provided, however, that such association or any of its certificate holders or shareholders aggrieved by the action of the commissioner in so determining such rate or rates may at any time within 10 days after the taking of such action apply to the Supreme Court of the State of California for a review of such action, and such action shall not be set aside or modified unless such court shall determine that the commissioner in taking such action committed an abuse of discretion.

SEC. 9. Section 13.20 of said act, which was added to said act by an act approved May 16, 1933, being Chapter 431 of the Statutes of 1933, is hereby repealed. Repeal

SEC. 10. Section 13.20 of said act, which was added to said act by an act approved May 28, 1943, being Chapter 832 of the Statutes of 1943, is hereby amended to read as follows: Stats 1943, p 2628

Sec. 13.20. Prohibition on Employment. No commissioner, and no deputy commissioner or other person employed by the commissioner who has participated in the reorganization, merger or rehabilitation of an association or associations under the provisions of this act, and no conservator, receiver or liquidator who has participated in such reorganization, merger or rehabilitation, shall for a period of two years from and after the effective date of such reorganization, merger or rehabilitation become an officer or director of, or serve as an officer or director of, or serve in any position of gain or profit in, any company or association formed in whole or in part of the assets or funds, or any part of the assets or funds of such reorganized, merged, or rehabilitated association. Prohibition on employment

Every person violating this section is guilty of a public offense and shall be punished by imprisonment in the State prison not exceeding five years, or in the county jail not exceeding two years, or by a fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. Penalty

CHAPTER 1001

An act to amend Sections 735.3, 736.1, 736.2, 736.11, 736.14, 736.15, 737.5 and 737.6 of the Agricultural Code, relating to the marketing of fluid milk and cream.

In effect
September
15, 1945

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 735.3 of the Agricultural Code is amended to read:

Definitions 735.3. As used in this chapter:

"Board"

(a) "Board" means any local control board created as herein authorized.

"Fluid
milk"

(b) "Fluid milk" means any and all whole milk that is produced in conformity with applicable health regulations for market milk of the place where such milk is consumed and for the purpose of this chapter fluid milk may be classified as follows:

Class 1. Any such milk that is supplied to consumers in the form of whole milk, which shall include "raw milk"; "pasteurized milk"; "homogenized milk"; "condensed milk," "evaporated milk," and "modified milk," that is prepared from whole fluid milk and which is not packaged in hermetically sealed containers; fluid milk containing added vitamins or flavoring; that portion of fluid milk used in any combination of fluid milk and fluid cream containing a milk fat content in excess of the minimum statutory requirements for fluid milk and less than the minimum statutory requirements for "cream," and includes milk fat used in the standardization of Class 1 fluid milk;

Class 2. Any such milk or the cream derived therefrom that is sold or disposed of by distributors for consumption as cream, as cream is defined in this code, including cream in any combination of fluid milk and fluid cream containing a milk fat content in excess of 6.0 per cent and less than the minimum statutory requirements for cream;

Class 3. Any such milk or the cream derived therefrom, as cream is defined in this code, that is sold or disposed of by distributors in any form not included in Classes 1, 2 or 4;

Class 4. Any such milk or the cream derived therefrom, as cream is defined in this code, that is used by distributors in the manufacture of butter and cheese other than cottage cheese.

In designating and prescribing or providing methods for designating and prescribing minimum prices to be paid by distributors to producers for Classes 2, 3 or 4 fluid milk, the director may take into consideration the market price of all milk which may be used for the same purposes set forth in such respective classes.

"Fluid
cream"

(c) "Fluid cream" means any and all cream defined in this code as cream including all combinations of milk and cream or

products of cream sold under any trade name whatsoever which cream contains more than 6.0 per cent milk fat and which conforms to the health and sanitary regulations of the place where such cream is to be sold or disposed of for human consumption as cream.

(d) "Dairy products" includes any product manufactured from milk or any derivative or product of milk. "Dairy products"

(e) "Producer" means any person who produces fluid milk from five or more cows or goats in conformity with the applicable health regulations of the place in which it is sold, and whose fluid milk or fluid cream is received or handled by any distributor. "Producer" includes any association of producers. "Producer"

(f) "Distributor" means any person, whether or not such person is a producer or an association of producers, who purchases or handles fluid milk or fluid cream for sale, including brokers, agents, copartnerships, cooperative corporations and incorporated and unincorporated associations. The definition of "distributor" shall not include any of the following (1) Any retail store that is not engaged in processing and packaging fluid milk or fluid cream, (2) any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not engaged in processing and packaging fluid milk or fluid cream, (3) any person owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream, (4) any producer who delivers fluid milk or fluid cream only to a distributor. "Distributor"

(ff) "Producer-distributor" means any person who is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor shall be deemed to be a producer in any transaction involving the delivery of fluid milk or fluid cream produced by him to a distributor, and shall be deemed to be a distributor in any transaction involving the delivery of fluid milk or fluid cream to a person who is not a distributor as defined in this section. "Producer-distributor"

(g) "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionery, or other similar business, where fluid milk or fluid cream is sold to the general public for consumption off the premises. "Retail store"

(h) "Marketing area" is any area within this State declared to be such in the manner prescribed in this chapter. "Marketing area"

(i) "Stabilization and marketing plan" means any plan formulated and made effective by the director within the legislative standards provided by this chapter and shall include, among other things, the establishing of prices to be paid by distributors for any or all of the various classes of fluid milk or fluid cream. "Stabilization and marketing plan"

(j) "Consumer" means any person who purchases fluid milk, fluid cream or dairy products for consumption. "Consumer"

"Person"

(k) "Person" means any individual, firm, corporation, association or any other business unit

SEC. 2. Section 736.1 of the Agricultural Code is amended to read:

Stabilization
and market-
ing plan.
Hearing

736.1. The director shall, prior to the formulation of a stabilization and marketing plan for fluid milk for any marketing area, conduct a public hearing in said area for the purpose of determining whether or not producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who produce not less than 65 per cent of the total volume of the fluid milk produced for said marketing area by all such producers, desire that a stabilization and marketing plan for fluid milk be formulated for said area; but if a petition is presented to the director by the producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid milk business is in the production of fluid milk for the marketing area, and who produce not less than 65 per cent of the total volume of the fluid milk produced for said marketing area by all such producers, it shall not be necessary that such hearing be held.

The director shall, prior to the formulation of a stabilization and marketing plan for fluid cream for any marketing area, conduct a public hearing in said area for the purpose of determining whether or not producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for said marketing area and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for said marketing area and who produce not less than 65 per cent of the total volume of fluid milk for fluid cream produced for said marketing area by all such producers, desire that a stabilization and marketing plan for fluid cream be formulated for said area; but if a petition is presented to the director by producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for said marketing area and who represent not less than 65 per cent of the total number of producers whose major interest in the fluid cream business is in the production of fluid milk for fluid cream for said marketing area and who produce not less than 65 per cent of the total volume of fluid milk for fluid cream produced for said marketing area by all such producers, it shall not be necessary that such hearing be held.

Notice of
hearing

If the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan for fluid milk or fluid cream or both for such area and issue a notice of public

hearing upon the plan formulated to all producers and distributors of record with the Department of Agriculture who may be subject to the provisions of such plan. The notice of hearing may be effected by mail, or by publication for five successive days in a newspaper of general circulation in the area designated and shall specify the time and place of such hearing, which shall not be held prior to 10 days from the mailing, or from the final publication of such notice; provided, however, that if no daily newspaper of general circulation is published in the area designated, publication of notice for two successive weeks in a weekly newspaper of general circulation in the area will be considered proper publication of notice. At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by the director whether the plan proposed will accomplish the purposes of this chapter. If, after public hearing the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards herein prescribed, he shall issue an order to all producers and distributors of record with the director, and subject to the provisions of such plan, declaring such plan in effect within 30 days from the date of such hearing.

SEC. 3. Section 736.2 of the Agricultural Code is amended to read:

736 2. The director may appoint local control boards for the marketing areas established as prescribed herein to assist and advise him in matters pertaining to the production and marketing of fluid milk or fluid cream or both or to the operation of a stabilization and marketing plan. The board shall consist of seven members who shall be producers who supply fluid milk or fluid milk for fluid cream to the particular marketing area. The term of office of each such member shall be two years, unless the plan is terminated before said term expires. Said local board may meet in regular session each month, and each member shall be allowed ten dollars (\$10) per diem and mileage at the rate of five cents (\$0.05) per mile for attending such regular meetings. The board, or any member thereof, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Said board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. The board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of assessments and licenses paid to the director under the plan upon verified claims presented by the board to the director. The board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

Local control
boards—
Producers

SEC. 4. Section 736.11 of the Agricultural Code is amended to read :

Establishment of prices

736.11. The director shall, as soon as possible after the effective date hereof, in all marketing areas wherein a stabilization and marketing plan for fluid milk or fluid cream is in effect under the provisions of this chapter, designate and prescribe or provide methods for designating and prescribing minimum wholesale and minimum retail prices for fluid milk or fluid cream.

Wholesale prices

(a) Minimum wholesale prices, as used herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores including the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores, restaurants, confectioneries and other places for consumption on the premises but excluding, however, the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores owned or operated by such distributor.

Retail prices

(b) Minimum retail prices herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors and retail stores to consumers.

At the time any stabilization and marketing plan is hereafter established under the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, such minimum wholesale prices and such minimum retail prices; provided, however, that all prices established under the terms of this article shall be such prices as are determined by the director pursuant to the provisions of Section 736.12.

SEC. 5. Section 736.14 of the Agricultural Code is amended to read :

Distributor's fees

736.14. Distributors who are subject to minimum wholesale and minimum retail prices for fluid milk as established by the director shall pay to the director on all milk fat contained in fluid milk purchased from producers, including their own production, if any, a fee in mills per pound of milk fat equal to that required to be deducted from the payments due producers of fluid milk under Section 737.6 of this code. Such assessed fees received by the director shall be used in the administration and enforcement of this chapter.

Distributors who are subject to the provisions of any minimum wholesale and minimum retail prices for fluid cream as established by the director shall pay to the director on all milk fat contained in fluid cream purchased from producers, or fluid milk for fluid cream purchased from producers, including their own production, if any, a fee in mills per pound of milk fat equal to that required to be deducted from the payments due producers of fluid milk for fluid cream or fluid cream under Section 737.6 of this code. Such assessed fees received by the director shall be used in the administration and enforcement of this chapter.

At the close of each fiscal year any amounts which have been collected and which the director finds are in excess of those which may reasonably be required for the administration and enforcement of this chapter shall be refunded pro rata to all distributors from whom such sums were due and collected pursuant to the provisions of this section.

SEC. 6. Section 736.15 of the Agricultural Code is amended to read:

736.15. The director may appoint local control boards for the marketing areas established pursuant to this chapter to assist and advise him in matters pertaining to the marketing, distribution and sale of fluid milk or fluid cream or both. The board shall consist of nine members, who shall be residents of or engaged in business within the marketing area for which they are appointed by the director, four of whom shall be persons whose major interest is the distribution, marketing or sale of fluid milk or fluid cream or both, one producer-distributor, two retail storekeepers, one person active in the restaurant business or a person representing restaurants and one person, representative of the consuming public, who has no connection with the milk or cream business. In marketing areas where organized labor is the collective bargaining agent of milk plant employees the director may, upon recommendation of a majority of the board members, add a representative of organized labor to the local distributor board. The terms of office of each member shall be two years, unless the plan is terminated before said term expires. Said local board may meet in regular session each month, and each member shall be allowed ten dollars (\$10) per diem and mileage at the rate of five cents (\$.05) per mile for attending such regular meetings. The board, or any member thereof, may be allowed actual and necessary expenses incurred in attending any meeting or conference called or authorized by the director within or outside of the boundaries of the State of California. Said board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. The board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of the board shall be paid from the proceeds of fees and licenses paid to the director under the plan upon verified claims presented by the board to the director. The board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

SEC. 7. Section 737.5 of the Agricultural Code is amended to read:

737.5. (a) No distributor shall deal in fluid milk or fluid cream without first having obtained a license from the director. The special licenses provided in this section are in addition to any and all licenses required by any other section of Division 4, Agricultural Code, or any law or ordinance of any county or municipality of this State. Applications for

the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant and such details as to the nature of the applicant's business as the director may require. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application. Licenses shall be issued for a period of twelve (12) months from the first day of each year or for the remainder of the calendar year from the date of issuance. Application for renewal of a license for the following year by a licensee, together with the application fee, shall be made prior to the expiration date of the license held, and if not so made the applicant shall pay an additional sum equal to 100 per cent of the application fee before such license shall be issued.

Bond

(b) Every distributor before purchasing any fluid milk or fluid cream from a producer must execute and deliver to the director a surety bond in the minimum sum of one thousand dollars (\$1,000), executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be upon a form approved by the director, and shall be conditioned upon the payment in the manner required by this chapter, of all amounts due to producers for fluid milk and fluid cream purchased by such licensee or applicant during the license year. Said bond shall be to the State in favor of every producer of fluid milk and fluid cream. In case of failure by a distributor to pay any producer or producers for fluid milk or fluid cream in the manner required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such distributor, together with the amounts due and owing to them and each of them by such distributor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Thereupon the director shall bring an action on the bond on behalf of said producer-creditors. Upon any action being commenced upon said bond, the director may require the filing of a new bond and immediately upon a recovery in any action upon such bond, such distributor shall file a new bond, and upon failure to file same within ten (10) days in either case, such failure shall constitute grounds for the revocation or suspension of the license of such distributor. In the event that recovery upon the bond is not sufficient to pay all of the claims as finally determined and adjudged by the court, any such amount recovered shall be divided pro rata among said producer-creditors.

Amount of
bond

The minimum bond of one thousand dollars (\$1,000) shall be required of distributors purchasing an average daily quantity of fluid milk of less than 100 gallons; distributors purchasing an average daily quantity of 100 gallons and less than 200 gallons during any calendar month during a license year must post

a bond in the amount of two thousand dollars (\$2,000); distributors purchasing an average daily quantity of 200 gallons and less than 300 gallons during any calendar month during a license year must post a bond in the amount of three thousand dollars (\$3,000); distributors purchasing an average daily quantity of 300 gallons or more during any calendar month during a license year shall post a bond in the sum of five thousand dollars (\$5,000).

The same bond requirements shall apply to purchases of fluid cream, except that for the purposes of computation of the required bond, 10 gallons of fluid cream shall be deemed the equivalent of 100 gallons of fluid milk.

In the event that any distributor so increases his purchases of fluid milk or fluid cream during the license year that said purchases exceed the amount for which said distributor is bonded, said distributor shall forthwith post such additional bond or bonds as may be required to comply with the provisions of this section.

The licenses and bonds provided for in this section shall be required for each distributor, and for the purposes of this section each subsidiary milk plant or branch milk plant whether under one ownership or not shall be considered as an individual distributor.

Failure of any distributor who purchases fluid milk or fluid cream from producers to execute and deliver the bond as herein provided and required shall constitute a violation of this chapter; failure of any such distributor to post such additional bond or bonds as may be required to comply with the provisions of this chapter shall likewise constitute a violation of this chapter.

SEC. 8. Section 737.6 of the Agricultural Code is amended to read:

737.6. (a) For filing the application herein described, each applicant shall pay a fee of three dollars (\$3).

(b) Distributors who are subject to the provisions of any stabilization and marketing plan made effective by this chapter, shall deduct from payments due producers for fluid milk, fluid cream or both, including each distributor's own production, the sum of two mills (\$.002) per pound milk fat on all milk fat contained in fluid milk, fluid cream or both, or in the case of distributors who do not purchase or receive fluid milk, in milk fat pounds, the sum of seven mills (\$.007) for each 10 gallons of fluid milk sold. The amount of the assessments so deducted shall be paid to the director on or before the fifteenth of the month following the month during which such fluid milk or fluid cream was received. The amounts of all such assessments so received by the director shall be used in the administration and enforcement of this chapter, or any stabilization and marketing plan established by this chapter.

Refunds

At the close of each fiscal year any amounts which have been collected and which the director finds are in excess of those which may reasonably be required for the administration and enforcement of this chapter shall be refunded pro rata to all producers and/or distributors from whom such sums were due and collected pursuant to the provisions of paragraph (b) of this section.

CHAPTER 1002

An act to amend Section 8826 of the Education Code, relating to the payment of tuition for junior college pupils.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 8826 of the Education Code is amended to read:

Financing
four-year
junior
colleges

8826. Four-year junior colleges shall be financed in the same manner and from the same funds as provided for the financing of two-year junior colleges. The provisions of Article 2 of Chapter 4 of Division 3 of this code relating to the Junior College Tuition Fund shall not be applicable in the case of pupils attending the eleventh and twelfth grades in any four-year junior college except in the case of pupils who reside in an elementary school district not situated in a high school district.

CHAPTER 1003

Stats 1929,
p 307,
amended

An act to amend Section 20 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, by amending subsection (b) thereof and adding subsection (c) thereto relating to the power of water conservation districts to enter into cooperative contracts and agreements with municipalities, water districts of all types and kinds, counties, cities and counties, the State of California, or the Government of the

United States for the acquisition and/or construction and/or disposal of works, water, water rights or water storage facilities authorized to be acquired and/or constructed and/or disposed of by the terms of said act, and prescribing certain provisions to be incorporated in such contracts.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 20 of the act cited in the title hereof is amended to read as follows: Stats. 1931,
p 2045

Sec. 20. In addition to those herein conferred, the district through its board of directors may exercise the following powers: Board of
directors:
Powers

(a) The board of directors of the district, whenever it may deem it to be to the advantage of the district so to do, may enter into contracts with municipalities, sanitary districts or other incorporated bodies, either within or without the district, providing for the delivery to the district of sewage and/or storm water produced by or coming from such incorporated bodies, and to treat, purify and reclaim the same for beneficial use, and to store, distribute, sell or otherwise dispose of the water and by-products resulting from such treatment, purification or reclamation. The district may construct and operate the works necessary therefor, and may acquire and/or construct and maintain pipelines, flumes, ditches and reservoirs suitable or adaptable for the prevention of the wastage of water. Whenever the district shall receive a revenue from the sale of water and by-products in excess of the cost of operating and maintaining the works authorized in this subsection, it may, for the purpose of enlarging, extending or improving such works, issue its certificates of indebtedness payable out of such excess revenues, and pledge the same for the payment of the indebtedness so created.

(b) The board of directors of the district may enter into contracts with municipalities, water districts of any type or kind, counties, cities and counties, the State of California, or the Government of the United States, under such terms as may be mutually advantageous, for the acquisition and/or construction of the works authorized by this act to be acquired or constructed, and each of the parties to such contract may contribute to the cost of such acquisition and/or construction such sums of money as may be therein agreed upon. Such contracts shall provide for the operation and maintenance of the property thus acquired and for the distribution and sale of any water that may be stored or controlled by the parties thereto. Any surplus revenue derived from such sale, after paying the cost of the operation and maintenance of the property, may be distributed to the parties to the contract in such proportions as may be agreed upon, or used for extensions and improvements.

(c) The board of directors may enter into contracts with municipalities, water districts of any type or kind, counties, cities and counties, the State of California, or the Government of the United States, under such terms as may be mutually advantageous, for the acquisition and/or disposal of water and/or water rights and/or water storage facilities and rights, or any interest in such water, water rights or water storage facilities and rights for any useful purpose.

CHAPTER 1004

Stats 1929,
p 307,
amended

An act to amend Section 35 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, Statutes 1931, Chapter 1020, as amended, relating to calling of elections in water conservation districts to submit to the qualified electors thereof whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of said act, prescribing a notice of said election, specifying the matters to be submitted to said electors and the vote necessary to authorize said assessment, providing said assessment may be levied in two, three, four or not to exceed 40 annual installments, and prescribing the purposes for which said assessment must be used.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

Stats 1931,
p 2045

Special
assessments

SECTION 1. Section 35 of the act cited in the title hereof is amended to read as follows:

Sec. 35. The board of directors may at any time call an election and submit to the qualified electors of the district the question whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of this act or of any act supplementary hereto. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of Section 6 of this act. The notice must specify the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used, and it may state that said assessment shall

be levied in two, three, four or not to exceed 40 annual installments and specify the amount of the installment to be levied in each year. At the election the ballots shall contain the words "Assessment — Yes" or "Assessment — No," or words equivalent thereto. If a majority of the votes cast are "Assessment — Yes," the board of directors shall at the time of the annual estimate under Section 28 hereof, include in said estimate the amount voted, or if the notice of election shall have provided for levying said assessment in annual installments, the board of directors shall, at the time of the annual estimate in each of the years specified in said notice include in said estimate the amount of the installment provided in said notice to be raised in said year. Said special assessment shall be levied as generally provided by Sections 29, 30, 31 and 32 of this act and when collected shall be paid to the treasurer of the county in which the district was organized for the purpose or purposes specified in the notice or notices calling the respective elections at which they were voted.

CHAPTER 1005

An act to renumber and amend Section 10202, to amend Sections 10026, 10029, 10030, 10031, 10251, 10276, and 10579, and to add Section 10553 to, and to repeal Sections 10025, 10027, and 10028 of, the Health and Safety Code relating to certified copies of birth and death certificates and the administration of the law relating to vital statistics.

[Approved by Governor June 25, 1945 Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 10202 of the Health and Safety Code is renumbered and amended to read:

10552. A short form of certification of birth registration may be issued by the State registrar, by the county recorder, or by any local registrar which shall contain only identification information including name, date and place of birth, sex, color or race, and birth registration number. Certified copies of the complete birth certificate shall be prepared when specifically requested. The State registrar shall prepare and furnish forms for certified copies of birth certificates.

Short form
of birth
certificate

Certified
copies

SEC. 2. Section 10553 of said code is added to read:

10553. A short form of certification of death registration, including only identification information, and excluding the medical statement of the specific cause of death, may be issued by the State registrar, county recorder, or any local registrar upon forms prepared by the State registrar.

Short form
of death
certificate

- SEC. 3. Section 10026 of said code is amended to read:
 State registrar 10026. The Director of Public Health shall be the State Registrar of Vital Statistics.
- SEC. 4. Section 10029 of said code is amended to read:
 Forms 10029. The State department shall prepare and distribute all forms and blanks for use in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this division.
- SEC. 5. Section 10030 of said code is amended to read:
 Instructions 10030. The State department shall prepare and issue such detailed instructions as may be required to procure the uniform observance of this division and the maintenance of a perfect system of registration; and no forms or blanks other than those so prepared shall be used.
- SEC. 6. Section 10031 of said code is amended to read:
 Examination of certificates 10031. The State department shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory shall require such further information as may be necessary to make the record complete and satisfactory.
- SEC. 7. Section 10251 of said code is amended to read:
 Filing certificate of adoption 10251. The certificate shall be filed with the original record of birth, which shall remain as a part of the records of the State department.
- SEC. 8. Section 10276 of said code is amended to read:
 Filing affidavit of legitimation 10276. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the State department.
- SEC. 9. Section 10579 of said code is amended to read:
 Amended certificate 10579. If the correction is first made in the State department, the State registrar shall transmit a certified copy of the certificate to the local registrar.
- SEC. 10. Sections 10025, 10027, and 10028 of said code are hereby repealed.

 CHAPTER 1006

An act to amend Sections 192 and 193 of the Penal Code, relating to manslaughter and the punishment thereof.

In effect
 September
 15, 1945

[Approved by Governor June 25, 1945 Filed with Secretary of State
 June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 192 of the Penal Code is hereby amended to read as follows:

Man-
 slaughter

192. Manslaughter is the unlawful killing of a human being without malice. It is of three kinds:

—Voluntary

1. Voluntary—upon a sudden quarrel or heat of passion.

2. Involuntary—in the commission of an unlawful act, not amounting to felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; provided that this subdivision shall not apply to acts committed in the driving of a vehicle. —Involuntary

3. In the driving of a vehicle—

(a) In the commission of an unlawful act, not amounting to felony, with gross negligence; or in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence. —In driving of a vehicle

(b) In the commission of an unlawful act, not amounting to felony, without gross negligence; or in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

This section shall not be construed as making any homicide in the driving of a vehicle punishable which is not a proximate result of the commission of an unlawful act, not amounting to felony, or of the commission of a lawful act which might produce death, in an unlawful manner.

SEC. 2. Section 193 of the Penal Code is hereby amended to read as follows:

193. Manslaughter is punishable by imprisonment in the State prison for not exceeding 10 years, except that a violation of subsection 3 of Section 192 of this code is punishable as follows: In the case of a violation of subdivision (a) of said subsection 3 the punishment shall be either by imprisonment in the county jail for not more than one year or in the State prison for not more than five years, and in such case the jury may recommend by their verdict that the punishment shall be by imprisonment in the county jail; in the case of a violation of subdivision (b) of said subsection 3, the punishment shall be by imprisonment in the county jail for not more than one year. In cases where, as authorized in this section, the jury recommends by their verdict that the punishment shall be by imprisonment in the county jail, the court shall not have authority to sentence the defendant to imprisonment in the State prison, but may nevertheless place the defendant on probation as provided in this code. Man-slaughter Punishment

CHAPTER 1007

An act to amend Sections 5024, 5374, 5391, 5395, 5710 and 5838 of, and to add Sections 5241.1 and 5828.1 to the Streets and Highways Code, relating to special assessment proceedings, including incidental expenses, costs in connection with securing sanitary sewer rights of way, delivery of warrants, collection of assessments, compensation of superintendents of construction, and notices.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5024 of the Streets and Highways Code is hereby amended to read as follows:

"Incidental
expenses"

5024. "Incidental expenses" includes:

- (a) The compensation of the engineer for work done by him;
- (b) The cost of printing and advertising provided for in this division, including the estimated cost of printing any bonds to be issued to represent or be secured by unpaid assessments;
- (c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;
- (d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396 of this division, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;
- (e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;
- (f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";
- (g) The cost of title searching, description writing, salaries of right of way agent, Federal Housing Administration appraisal fees, partial reconveyance fees, surveys and sketches required by the various lending agencies incident to securing rights of way for sanitary sewers, and
- (h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

SEC. 2. Section 5374 of said code is hereby amended to read as follows:

Delivery of
warrant to
contractor

5374. After the warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his

agent, or assigns, on demand, but not until after the payment to the superintendent of streets of the incidental expenses not previously paid by the contractor, his agent or his assigns; provided, however, that when the superintendent of streets has, by ordinance, been authorized and directed to receive payments pursuant to Section 5396 of this division said warrant shall not be delivered to said contractor or assigns nor shall such contractor or assigns be entitled to receive payment of assessments by virtue of said warrant within 30 days from the recordation of said warrant.

SEC. 3. Section 5391 of said code is hereby amended to read as follows:

5391. The warrant shall be returned to the superintendent of streets on or after 30 days after the date of the recording of the same, with the written statement of all payments received upon the assessment, signed by the contractor or his assigns. Thereupon, the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the assessment book immediately following the record of the assessment. Upon such filing, the warrant shall be delivered to the contractor or his assigns. When payments are made to the superintendent of streets pursuant to Section 5396 of this division it shall not be necessary for the contractor or his assigns to file said written statement of payments received.

Return of
warrant with
statement of
payments

SEC. 4. Section 5395 of said code is hereby amended to read as follows:

5395. After the filing of the contractor's written statement of payments, all amounts remaining due on any assessments shall draw interest at the rate of 1 per cent per month until paid, the interest to be computed from the date of the filing of the contractor's statement; provided, however, that when payments are made to the superintendent of streets pursuant to Section 5396 of this division said interest shall be computed from the thirty-first day after the recordation of the warrant.

Interest on
amount due
contractor

SEC. 5. Section 5710 of said code is hereby amended to read as follows:

5710. The superintendent of streets, or the engineer, if the legislative body has by resolution directed that the work be done under his direction and to his satisfaction, shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of any work authorized by this division, whose duty it shall be to see that the contract made for the doing of the work is strictly fulfilled in every respect and in case of any departure therefrom to report the same to the officer who appointed him. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just and the rate thereof shall be fixed by the legislative body conducting the proceedings. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses within the meaning of those words as used in this division.

Superintend-
ent of
construction

SEC. 6. Section 5838 of said code is hereby amended to read as follows:

Annexation:
Notice of
hearing

5838. The board of supervisors shall cause notice of the time, place and purpose of the hearing to be given by post card mailed to each owner whose name and address appears on the last equalized assessment roll and who owns real property within the boundaries of the territory sought to be annexed and within the district to which such territory is proposed to be annexed. The person directed by the board of supervisors to mail the post card notices shall file, upon the completion of the mailing, an affidavit setting forth the time and manner of the compliance with this section.

In addition, the board of supervisors shall cause notices of the hearing to be posted in three conspicuous places within the territory proposed to be annexed and within the maintenance district to which such territory is proposed to be annexed.

The notices shall be headed "Notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notice shall be posted not less than 10 days prior to the date set for the hearing.

In proceedings for annexation to sewer maintenance districts the board of supervisors shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation that the board deems most likely to give notice of hearing to the inhabitants. Said notice shall state the time and place of the hearing and shall contain a description of the territory proposed to be annexed or in lieu of such description the boundaries of the territory proposed to be annexed may be shown by means of a diagram. Such publication together with the posting of notices of hearing shall be deemed adequate notice and no mailed notice shall be required.

SEC. 7. Section 5244.1 is hereby added to said code, to read as follows:

Bid cost
higher than
estimated
cost

5244.1. Whenever the total amount bid by the lowest responsible bidder plus the estimated amount of incidental costs exceeds by more than 10 per cent the engineer's estimate of cost as stated in the "Notice of Improvement" referred to in Section 5193 of this division, the legislative body may, in its discretion direct the clerk to give notice by mail of such increase over the estimated cost.

SEC. 8. Section 5828.1 is hereby added to said code, to read as follows:

Creation of
sewer, etc.,
district.

Notice of
hearing

5828.1. When the board of supervisors adopts a separate resolution declaring its intention to form a maintenance district for sanitary sewers, the clerk shall be directed to give notice of the hearing. The notice shall have the heading "Notice

of the proposed formation of ----- Sewer Maintenance District", stating the name of the proposed district. It shall:

(a) State the time and place for the hearing.

(b) Set forth the exterior boundaries of the territory proposed to be organized into a district.

In lieu of a description, the boundaries of the territory proposed to be included may be shown by means of a diagram printed upon the notice. The board shall direct the clerk to publish the notice and shall also direct the clerk to post the notice in three public places in the proposed district at least 10 days prior to the date set for the hearing. The heading of each posted notice shall be in letters not less than one inch in height. Notice by mail is not required.

CHAPTER 1008

An act amending Sections 2824, 2825, 2851, 2883, 2950, 2983, 2984, and 2985 of the Streets and Highways Code, relating to special assessment proceedings, including notices, taxation assessment rolls, and allowable changes in proposed acquisitions or improvements.

[Approved by Governor June 25, 1945 Filed with Secretary of State June 25, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2824 of the Streets and Highways Code is hereby amended to read as follows:

2824. The legislative body shall cause a written report upon the proposed improvement or acquisition to be prepared for it.

Report on proposed improvement, etc.

The legislative body of a county may require the county surveyor to procure the required information and prepare the report, and the legislative body of a city may require the city engineer or the superintendent of streets to procure the required information and prepare the report. In lieu of the county surveyor, city engineer or superintendent of streets, the legislative body of the city or county may employ any competent person to procure such information and prepare the report.

The person required to prepare the report shall complete and file the same with the legislative body within one year from the date such person is directed to prepare the report.

SEC. 2. Section 2825 of the Streets and Highways Code is hereby amended to read as follows:

2825. The report upon the proposed improvement or acquisition shall contain the following information:

Contents of report

(a) A map, plat or diagram showing the general nature, location and extent of the proposed improvement or acquisition and the lands to be assessed to pay any part of the cost thereof.

Maps, etc

Cost
estimates

(b) The total estimated cost of the proposed improvement, stating separately the estimated cost of each class of construction proposed such as grading, paving, curbing, and the like, and including the incidental expenses of the proceedings, the total amount of which shall also be separately stated.

(c) The total estimated cost, including the incidental expenses of the proceedings, the total amount of which shall also be separately stated, of the proposed acquisition.

If the acquisition of property for more than one purpose is involved, and any such purpose will require the acquisition of property or rights in property for which compensation must be made, which property or rights would not be required if such purpose were omitted, the estimated cost of the property or rights acquired for such purpose shall be separately stated.

Property
valuations

(d) The assessed value of each parcel of land to be specially assessed as shown on the last equalized assessment roll available on the date the report is commenced, and the total assessed value of the lands.

If the assessed value of any such parcel of land is not separately shown upon the assessment roll, an estimated assessed value of such parcel shall be made by the county or city assessor, as the case may be, and such estimate shall for the purposes of this division be considered the assessed value of such parcel.

(e) The total assessed value of the improvements on all parcels, but not upon each parcel, of the lands to be assessed, as shown by the assessment roll.

(f) The total true value of the lands to be assessed calculated in accordance with the provisions of Part 8.

(g) The true value of each parcel of the lands to be assessed calculated in accordance with the provisions of Part 8.

Amount of
assessments

(h) The amount, as near as may be determined, of the total principal sum of all unpaid special assessments and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, whether direct or ad valorem, upon each parcel of the lands proposed to be assessed, which, if the proceedings therefor were begun after this division became effective, would require an investigation and report under this division.

(i) The estimated amount of the assessment for the proposed acquisition or improvement to be levied upon each parcel of land to be assessed.

If the assessment is to be made in proportion to the assessed value of lands for the purpose of general taxation, then the total estimated cost of the acquisition or improvement less the amount, if any, proposed to be paid toward the cost of such improvement or acquisition from any source other than special assessment upon benefited property and the assessed value of the lands to be assessed as shown on said last equalized assessment roll shall be the basis for the computation of the assessment of each parcel. If the district is to be divided into zones, such proposed zones and the percentage to be assessed against

each such zone shall be shown on the district map and such estimated assessment shall also be proportioned, as nearly as may be, according to such zones and percentages.

(j) The number of years within which the bonds, if any, to be issued shall mature, and the number of installments of the principal of such bonds, and the interest rate or maximum interest rate at which such bonds shall be issued if no definite interest rate is to be fixed until such bonds are sold. Bonds

SEC. 3. Section 2851 of said code is hereby amended to read as follows:

2851. The clerk of the legislative body shall give notice of the hearing by mailing a copy of the notice, postage prepaid, to all persons owning real property which is proposed to be assessed to pay any part of the cost of the work, whose names and addresses appear on the last equalized city or county assessment roll, as the case may be, available on the date the report is commenced, at his address as shown upon such roll or as known to the clerk. Notice of hearing

SEC. 4. Section 2883 of said code is hereby amended to read as follows:

2883. The acquisition or improvement shall be deemed substantially the same as set forth in the report if the things proposed to be done in the report are not so changed or modified as to increase the estimated cost by more than one-tenth of the total estimated cost as stated in the report and no changes exceeding said one-tenth shall be made. Modification of project

SEC. 5. Section 2950 of said code is hereby amended to read as follows:

2950. If the legislative body finds, after taking the steps provided by Sections 2821, 2822 and 2823, that the probable assessments will not exceed the limitations set up by this division, it may cause the clerk to mail prepaid postcards giving notice of its findings and proposed action. Each such notice shall have attached thereto an addressed reply postcard with the return postage thereon guaranteed. Notice of proposed action

The cards shall be mailed to each person to whom land in the proposed assessment district is assessed on the last equalized county assessment roll available on the date the report is commenced, at his address as shown upon such roll and to any person whether owner in fee or having a lien upon or legal or equitable interest in any land within the proposed district who has filed with the clerk his name and address and the designation of the land in which he is interested.

SEC. 6. Section 2983 of said code is hereby amended to read as follows:

2983. To determine the true value of property for the purpose of this division, the assessed value of such property as shown on the last equalized assessment roll of the county in which such property is situated, available on the date the report is commenced, shall be multiplied by two and the result expressed in dollars shall be the true value of such property. Determination of true values

SEC. 7. Section 2984 of said code is hereby amended to read as follows:

Alternative
method of
determina-
tion

2984. Notwithstanding the other provisions of this part, if the legislative body of any city desires to use the taxation assessment rolls of such city as a basis for computing the true value of the lands in such city, the legislative body shall establish a correction factor for such use in the following manner:

The legislative body shall determine the total assessed valuation for city purposes of all taxable lands in the city as the same is shown upon the last equalized taxation assessment roll of the city available on the date the report is commenced and the corresponding total assessed valuation of the lands in the city for county purposes as the same is shown upon the last equalized taxation assessment roll of the county, available on the date the report is commenced, in which the city is situated. The total amount of the valuation for city purposes shall be divided by the total amount of the valuation for county purposes and the quotient, expressed in decimals to two places, shall represent the correction factor. The determination of the correction factor by the legislative body shall be final and conclusive upon all persons, except in the case of actual fraud.

SEC. 8. Section 2985 of said code is hereby amended to read as follows:

Use of
correction
factor

2985. If a correction factor is established as provided in Section 2984 that factor shall be divided by two and the quotient of such division shall be used in the manner following, to wit: To determine the true value of property for the purpose of this division, the assessed value of such property as shown on the last equalized assessment roll of the city, available on the date the report is commenced, in which such property is situated shall be divided by that quotient, and the quotient resulting from such last division expressed in dollars shall be the true value of such property for the purposes of this division.

CHAPTER 1009

An act to amend Sections 26331, 26336, 26337, 26340, 26342, 26362, and 26363 of the Health and Safety Code, relating to drugs and devices.

In effect
September
15, 1945

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 26331 of the Health and Safety Code is amended to read:

Report of
violations

26331. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of drugs and devices and after the hearing provided in Section 26340, the department shall report

such facts to the district attorney of the county where the law is violated.

SEC. 2. Section 26336 of said code is amended to read :

26336. The director shall require the Chief of the Division of Laboratories to make examinations and analyses of drugs or devices which are on sale in California and which are suspected of being adulterated or misbranded. Analyses

SEC. 3. Section 26337 of said code is amended to read :

26337. Whenever evidence indicates or examination or analysis show that adulterated or misbranded drugs and devices have been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found. Report on adulteration, etc.

SEC. 4. Section 26340 of said code is amended to read :

26340. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set. Notice of violation

SEC. 5. Section 26342 of said code is amended to read :

26342. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, director shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which the adulterated or misbranded drugs or devices were found. No publication of the facts found shall be made until the conclusion of the hearing. District attorney notified

SEC. 6. Section 26362 of said code is amended to read :

26362. The drug or device shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the director or the Chief of the Bureau of Food and Drug Inspections. Prohibition on disposition

SEC. 7. Section 26363 of said code is amended to read :

26363. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of such drugs and devices and their release. Report of seizures

CHAPTER 1010

An act to repeal Sections 20394.1, 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code; to amend Sections 20393, 20394, and 20394.2 and to add Section 20394.12 to said code, relating to the board of appeals established to review the dismissal of employees of State colleges not in State civil service.

In effect
September
15, 1945

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Sections 20394.1, 20394.3, 20394.4, 20394.5, 20394.6 and 20394.7 of the Education Code are repealed.

SEC. 2. Section 20393 of said code is amended to read :

Notice of
dismissal

20393. Notice of such dismissal must, except as herein provided be given such employee in writing by the Director of Education at least six months prior to the date on which such dismissal is to become effective, except that in the case of any employee who, in the considered opinion of the president of the college in which he is employed, is guilty of gross immorality or gross unprofessional conduct or is by reason of obvious physical or mental condition not fitted to instruct and/or associate with students, no notice prior to the dismissal of such employee need be given but such employee shall, in any event, be given notice in writing of his dismissal by the Director of Education not later than the date upon which his dismissal becomes effective.

In every case the reasons for the dismissal of an employee shall be clearly stated in writing in the notice of dismissal given to the employee and shall contain the effective date of dismissal.

SEC. 3. Section 20394 of said code is amended to read :

Review of
dismissal

20394. Any employee dismissed may demand a review of his dismissal by the State Personnel Board. Such demand must be sent by registered mail, postage prepaid, return receipt requested, to the State Personnel Board within 30 days after notice of his dismissal has been given the employee. The Personnel Board shall hold a hearing on such demand for review within a reasonable time after receiving the demand for a review from said employee. The Personnel Board rules and procedures shall govern the hearings on all cases of dismissal of State college employees under this act.

SEC. 4. Section 20394.2 of said code is amended to read :

Decision of
Personnel
Board

20394.2. In the event that the decision of the Personnel Board does not sustain such dismissal or intended dismissal the employee shall not be dismissed or, if such employee has been dismissed, he shall immediately be restored to the position from which he was dismissed, or to a comparable position, and any salary of which the employee may have been deprived because of his dismissal shall be immediately paid him. In the event the dismissal or intended dismissal of the employee is sustained by

the decision of the Personnel Board such dismissal shall be effective as of the date fixed in the notice of dismissal.

SEC. 5 Section 20394.12 is added to said code, to read :

20394.12. The State Personnel Board shall be reimbursed for all expenses reasonably and necessarily incurred by it in connection with the holding of any hearings of appeals from dismissals under this act. Such expenses shall be paid out of funds of the State college from which the employee was dismissed. Such expenses shall be paid by such State college upon submission to it by the State Personnel Board of a proper statement of such expenses. Any money so received shall be credited to the appropriation from which the expenditure for conducting such hearings were paid.

Expenses of
Personnel
Board

CHAPTER 1011

An act to add Article 4 to Part 9, Chapter 2, comprising Sections 4920 to 4925, inclusive, of the Revenue and Taxation Code, relating to real property taxation.

[Approved by Governor June 25, 1945 Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Article 4 is added to Part 9, Chapter 2 of the Revenue and Taxation Code, to read :

Article 4. Incorrect Application of Payment on Redemption

4920. This article shall be applicable only if all of the following are true:

Correction in
application
of payments

(a) By substantial evidence a redemptioner convinces the redemption officer that money paid by him in redemption of any property or for the use of any property pursuant to Chapter 3 of Part 7 of this division was intended by him to be paid in connection with any other property.

(b) The right of redemption has not terminated on the property in connection with which the payment was intended

(c) One year has not elapsed since the date of the payment

(d) A guarantee or certificate of title has not been issued on the property in connection with which the payment was credited

When all of the foregoing are true, the redemption officer may transfer the payment to the property in connection with which the payment was intended, and in case the payment caused the redemption of the property in connection with which the payment was not intended, cancel the redemption of that property.

4921. The redemptioner shall sign and file with the redemption officer a verified statement containing complete details

Verified
statement

of the transaction. If the transfer is made the voucher shall be preserved as a public record and reference to it shall be entered on the delinquent roll opposite the unintended property.

Notice by
redemption
officer

4922. The redemption officer shall notify the last assessee of the property in connection with which payment may be transferred pursuant to this article, by registered mail at his last known address respecting the proposed transfer, or, if no address is known for him then at the county seat. It is not necessary to mail a notice to any party who files with the redemption officer a waiver of the notice.

Hearing

4923. The notice shall state that the last assessee of the property in connection with which payment may be transferred pursuant to this article, may within 10 days after the mailing demand a hearing by the board of supervisors. If made, the demand shall be in duplicate and one copy shall be filed with the redemption officer. The board of supervisors shall set a time for the hearing and its decision on the matter is final.

Payment
less than
redemption
price

4924. If the amount paid by the redemptioner is less than the amount necessary to redeem the property intended or less than the amount required to be paid for the use of the property pursuant to Chapter 3 of Part 7 of this division, the balance of the amount due shall be paid before the transfer is made.

Payment in
excess of
redemption
price

4925. If the amount paid by the redemptioner exceeds the amount necessary to redeem the property intended or more than the amount required to be paid for the use of the property pursuant to Chapter 3 of Part 7 of this division the applicant is entitled to a refund of the excess which shall be paid in the same manner as an over-collection of tax is refunded.

CHAPTER 1012

An act to amend Section 10605 of the Education Code, to amend the heading of Chapter 1 of Division 4 of said code and to add Article 3 to Chapter 1 of Division 4 of said code, all relating to agreements with agencies of the Federal Government affecting the public schools.

In effect
September
15, 1945

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 10605 of the Education Code is amended to read:

Courses in
aeronautics

10605. The Superintendent of Public Instruction may enter into an agreement with the Government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the junior colleges, State colleges, and technical schools of the Public School System.

SEC. 2. The heading of Chapter 1 of Division 4 of said code is amended to read :

CHAPTER 1. GENERAL PROVISIONS

Chapter heading

SEC. 3. Article 3 is added to Chapter 1 of Division 4 of said code, to read :

Article 3. Agreements with Agencies of the Federal Government

8041. The Superintendent of Public Instruction shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the Federal Government for funds, services, commodities, or equipment to be made available to schools of the Public School System.

Agreements with U. S. etc

8042. All such contracts, agreements or arrangements shall be entered into in accordance with regulations prescribed by the Superintendent of Public Instruction and in no other manner.

Regulations

CHAPTER 1013

An act to add Section 433.4 to the Political Code and to add Section 12423 to the Government Code, relating to the meetings of county tax collectors and redemption officers or authorized representatives thereof with the Controller.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 433.4 is added to the Political Code, to read:

433.4. It is the duty of the Controller to summon county tax collectors and redemption officers or the authorized representative of any county tax collector or redemption officer to meet with the Controller or his duly authorized representatives in such groups and at such place or places within the State as may be designated by the Controller for the purpose of discussion of tax collection, enforcement of taxes, and problems relating thereto, in order to promote uniformity of procedure in the collection of taxes on real and personal property throughout the State. The actual and necessary expenses of any such county officer or his authorized representative incurred while traveling to and from and while attending such meeting, shall be a charge against the county, to be paid in the same manner as other county charges are paid.

Meetings with tax collectors and redemption officers

SEC. 2. Section 12423 is added to the Government Code, to read:

12423. The Controller shall summon county tax collectors and redemption officers or the authorized representative of any

Same

county tax collector or redemption officer to meet with the Controller or his duly authorized representatives in such groups and at such place or places within the State as may be designated by the Controller for the purpose of discussion of tax collection, enforcement of taxes, and problems relating thereto, in order to promote uniformity of procedure in the collection of taxes on real and personal property throughout the State. The actual and necessary expenses of any such county officer or his authorized representative incurred while traveling to and from and while attending such meeting, shall be a charge against the county, to be paid in the same manner as other county charges are paid.

Effect
Stats. 1945,
Ch. 111

SEC. 3. Section 12423 of the Government Code added by this act becomes operative only if Part 2, Division 3 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 433.4 of the Political Code added by this act is hereby repealed.

CHAPTER 1014

An act to amend Sections 13307, 13409, 13554, 13671, 13722, 13841, 13984, 13989, 14101, 14191, 14326, 14361, 14511, 14553, and to amend the heading of Chapter 4 of Part 8, to repeal Section 14515, to amend and renumber Section 14516, and to add Article 6 to Chapter 11 of Part 8 of Division 2 of the Revenue and Taxation Code, relating to inheritance taxes, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 13307 of the Revenue and Taxation Code is amended to read:

“Class A
Transferee”

13307. “Class A transferee” means any of the following:
(a) A transferee who is the husband, wife, lineal ancestor, or lineal issue of the decedent.

(b) A transferee whose relationship to the decedent is that of a child adopted by the decedent in conformity with the laws of this State, provided such child was under the age of 21 years at the time of such adoption.

(c) A transferee to whom the decedent for not less than 10 continuous years prior to the transfer stood in the mutually acknowledged relationship of a parent, if the relationship commenced on or before the transferee’s fifteenth birthday.

(d) Any transferee who is the lineal issue of a child mentioned in subdivision (b) or (c).

SEC. 2. Section 13409 of said code is amended to read:

13409. If a transferee under a will renounces his rights under the will, or any part thereof, or agrees that the estate, or any part of it, shall be distributed otherwise than as provided in the will, the tax is nevertheless computed in accordance with the terms of the will admitted to probate. If an heir waives or renounces his interest in the estate, or enters into an agreement that the property to which he is entitled shall be distributed otherwise than in accordance with the laws of succession, the tax is nevertheless computed as if he had not so waived or renounced.

Renunciation
of legacy

SEC. 3. Section 13554 of said code is amended to read:

13554. Where community property is transferred within the provisions of Chapter 4 of this part other than by will or the laws of succession from one spouse to the other:

Community
property
Transfer
other than
by will

(a) One-half of the property transferred is subject to this part if the wife is the transferee.

(b) None of the property transferred is subject to this part if the husband is the transferee.

SEC. 3.5. Section 13671 of said code is amended to read:

13671. Where two or more persons hold property in joint tenancy, or deposit property in a bank or similar depository in their joint names subject to payment to either or the survivor, upon the death of one the right of each survivor to the immediate ownership or possession and enjoyment of the property is a transfer subject to this part to the same extent as though the property had belonged absolutely to the decedent and been devised or bequeathed by him to the survivor, except such part thereof as may be proved by the survivor to have originally belonged to him and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth. Where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by the survivor from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excluded only such part of the value of such property as is proportionate to the consideration furnished by such survivor.

Joint
tenancy

SEC. 4. The heading of Chapter 4 of Part 8 of Division 2 of this code is amended to read:

CHAPTER 4. TRANSFERS SUBJECT TO THIS PART

Chapter
heading

SEC. 5. Section 13722 of said code is amended to read:

13722. The transfer of the proceeds of any insurance policy payable to the estate, executor of the will, administrator of the estate, or personal representative of the insured, or to a trustee who receives the insurance proceeds to the extent that the proceeds are used for the benefit of the estate, is a transfer subject to this part.

Policy
payable to
estate

SEC. 6. Section 13841 of said code is amended to read:

Transfer to
governmental
agency, etc

13841. Property transferred to any of the following is exempt from the tax imposed by this part:

- (a) The United States.
- (b) This State.
- (c) A public corporation of this State.
- (d) A society, corporation, institution, or association exempt by the laws of this State from taxation.

SEC. 7. Section 13984 of said code is amended to read:

Debt
erroneously
allowed

13984. Where it is proved to the satisfaction of the superior court having jurisdiction that any deduction was erroneously allowed, the court may enter an order assessing tax upon the amount of the deduction.

For the purpose of this part, there is no limitation governing the time within which it may be proved that any deduction was erroneously allowed nor the time within which an order assessing tax on the amount erroneously deducted may be made.

SEC. 8. Section 13989 of said code is amended to read:

Federal
estate tax

13989. Any amount due or paid the Government of the United States as a Federal inheritance or estate tax in the estate of any decedent is deductible from the appraised value of property included in any transfer subject to this part made by the decedent. The amount deductible is limited to an amount computed by the inheritance tax appraiser upon an application of the Federal inheritance or estate tax exemptions and rates (commencing at the primary rates) in force at the date of decedent's death to that portion of the decedent's property the transfer of which is subject both to the tax imposed by this part, and to any Federal estate tax law, and upon his own valuation of that portion.

SEC. 9. Section 14101 of said code is amended to read:

Liability
for tax

14101. The following persons are liable for the payment of the tax imposed by this part:

(a) The executor of the will or the administrator of the estate of the transferor as to any tax fixed in the probate proceeding.

(b) The transferee of the property in respect to the transfer of which the tax is imposed, including a trustee of property transferred in trust.

Liability for payment of the tax continues until the tax is paid.

SEC. 10. Section 14191 of said code is amended to read:

Compromise
allowable

14191. The Controller may compromise:

(a) With the executor, administrator, or trustee in charge of the property involved, the taxability of any transfer made subject to a contingency or condition upon the occurrence of which the right, interest, or estate of the transferee may, in whole or in part, be created, defeated, extended, or abridged.

(b) The tax, including interest and penalty thereon, payable on any transfer of property included in the estate of any decedent who it is claimed was not a resident of this State at the time of his death.

SEC. 11. Section 14326 of said code is amended to read:

14326. The enforcement of any order, decree, or judgment fixing tax pursuant to this article against property in a decedent's estate shall not in any way affect the duties of the executor, administrator, trustee, or transferee relative to the payment of the tax. Duties of executor, etc. unaffected

SEC. 12. Section 14361 of said code is amended to read:

14361. If any tax has been paid to the county treasurer pursuant to an order fixing the tax, which order is subsequently modified or reversed by any of the methods provided by law either by the superior court which made it or by an appellate court on appeal, the county treasurer, pursuant to the order of the court, made after notice to the Controller, shall refund to the person who paid the tax such portion of the tax as may exceed the amount fixed by the order as modified or reversed. Refund after order modified

SEC. 13. Section 14511 of said code is amended to read:

14511. If an objection is filed, the clerk of the superior court shall fix a time, not less than 10 days after the filing, for a hearing on the objection, and shall give notice of the hearing by posting a notice of hearing at the courthouse in the county where the court holds its sessions, and by forthwith mailing a copy to the objection and of the notice to the Controller, executor, administrator, and the inheritance tax appraiser. Notice of hearing

SEC. 14. Section 14515 of said code is repealed.

Repeal

SEC. 15. Section 14516 of said code is amended and renumbered to read:

14515. Where a decedent leaves no one to take his estate under the laws of this State, no report or certificate shall be filed by the inheritance tax appraiser, and no order fixing tax or declaring that no tax is due and payable shall be made by the court. If the estate is distributed to the State of California and thereafter, pursuant to law, a petition is filed in the Superior Court of the County of Sacramento showing the petitioner's claim or right to the estate or the proceeds thereof, the court shall appoint an inheritance tax appraiser for the County of Sacramento to ascertain and report to the court the amount of tax, if any, that is due and payable. The procedure subsequent to the appointment is the same as that prescribed by this article following the appointment of an appraiser by a superior court having jurisdiction in probate of the estate of any decedent. Procedure where decedent leaves no one to take

SEC. 16. Section 14553 of said code is amended to read:

14553. A copy of the petition and of the order shall be forthwith mailed to the Controller, and to the inheritance tax appraiser. Copies of petition

SEC. 17. Article 6, comprising Section 14601, is added to Chapter 11 of Part 8 of Division 2 of said code, to read:

Article 6. Conclusiveness of Order

14601. An order fixing tax or declaring that no tax is due and payable is conclusive only as to such property as may have been returned in the inventory or inventory and appraisalment Conclusiveness of order fixing tax, etc.

in the probate proceeding, or as may have been included in transfers disclosed to the inheritance tax appraiser before making his report or issuing his certificate.

Urgency

SEC. 18. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of Division 2 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows:

The amendments effected by this act were not in 1943 included in Part 8 of Division 2 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result.

CHAPTER 1015

An act to amend Section 4475 of, and to add Chapter 6 of Division 20, comprising Sections 25000 to 25009 to, the Health and Safety Code, relating to sewage and septic tanks, cesspools and seepage pits.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4475 of the Health and Safety Code is amended to read:

Contamina-
tion of
public places

4475. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, sewage, sludge, or accumulation of human excreta, any garbage, in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement or license, or on any private property without the consent of the owner, is guilty of a misdemeanor.

SEC. 2. Chapter 6, comprising Sections 25000 to 25010, inclusive, is added to Division 20 of said code, to read:

CHAPTER 6. SEPTIC TANKS, CESSPOOLS AND SEEPAGE PITS

Exemption
of public
agency

25000. The provisions of this chapter shall not apply to any city, town, county, sanitary district, sanitation district, sewer maintenance district or to any agency or institution of the State or the Federal Government by reason of the cleaning of septic tanks, cesspools, sewage seepage pits or sewage works which are owned and operated by any of said governmental agencies or institutions.

25001. It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless he or it shall hold an unrevoked registration issued by the local health officer or his duly authorized representative of said city, town, county, or city and county for the carrying on of said business.

License to
clean septic
tanks, etc

25002. It is unlawful for any person to clean septic tanks, cesspools or sewage seepage pits or to dispose or aid in the disposal of the cleanings thereof, for any person or firm engaged in the business of cleaning out septic tanks, cesspools or sewage seepage pits or disposing of the cleanings thereof who does not hold an unrevoked registration as provided in this chapter.

Registration

25003. All applications for registration under this chapter shall be filed with the local health officer in the city, town, county, or city and county in which it is desired to carry on the business. The application shall state the name in full, if a partnership then names of each of the partners, the relation of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership. The application shall be signed by the authorized officer of a corporation, if a corporation; or by the managing partner, if a partnership.

Application
for regis-
tration

25004. Registration shall be issued only after a satisfactory examination by the health officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers and employees who may clean out septic tanks, cesspools and sewage seepage pits without endangering human health or comfort; and only after examination of the place or places and manner of disposal of the cleanings proposed by said applicant.

Examination

25005. The health officer is required to act upon each application within thirty (30) days of the date of filing same.

Action on
application

25006. Registration shall be only for the unexpired portion of the calendar year in which application is made, and at the end of the calendar year all registrations shall become void and of no effect.

Registration
period

25007. Applicants may be registered under such terms, conditions, orders and directions as the health officer or his duly authorized representative may deem necessary for the protection of human health and comfort. Each health officer and his duly authorized representative are hereby empowered to require any and all persons who are registered with him to clean septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom, to file with the health officer at any time and at such frequency or intervals as he may desire, a statement giving the name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool or

Conditions of
registration

sewage seepage pit shall have been cleaned out by said registrant or his employees or by others on his behalf and said statement shall also describe in precise terms the place where the cleanings shall have been disposed of and by whom. The health officer is empowered to require such statements to be sworn to before a notary.

Change of
address

25008. A change of address of any registrant including a member of a partnership which is registered and of the place of business thereof shall be reported in writing by registered mail by the registrant within two days after said change of address.

Revocation of
registration

25009. Any registration issued under this chapter may be revoked by the issuing health officer for cause on 10 days' notice to applicant, which notice shall be served by registered mail or in person at the latest place of residence or of business reported by the applicant.

Penalty

25010. Violation of any of the provisions of this chapter or of any order or orders of a health officer made pursuant to this chapter for the protection of human health and comfort shall constitute a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100) for each offense or by imprisonment for not less than thirty (30) days or by both such fine and imprisonment.

CHAPTER 1016

Stats 1937, p 2085, amended. *An act to add Section 72.5 to the State Civil Service Act and Section 18025 to the Government Code, relating to holidays.*

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

New section

SECTION 1. Section 72.5 of the State Civil Service Act is added, to read:

Holidays

Sec. 72.5. All employees shall be entitled to the following holidays: The first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the ninth day of September, the twelfth day of October, the eleventh day of November, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the Governor of this State for a public fast, thanksgiving, or holiday.

When a day herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays herein mentioned, and who does work on any of said holidays, shall be entitled to be paid compensation or given compensating time off for such work within the meaning

of Section 73 of this act. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, or compensating time off, shall be considered as time worked by the employee.

SEC. 2. Section 18025 is added to the Government Code, to read:

18025. All employees shall be entitled to the following holidays: ^{Holidays} The first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the ninth day of September, the twelfth day of October, the eleventh day of November, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the Governor of this State for a public fast, thanksgiving, or holiday.

When a day herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays herein mentioned, and who does work on any of said holidays, shall be entitled to be paid compensation or given compensating time off for such work within the meaning of Section 73 of this act. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, or compensating time off, shall be considered as time worked by the employee.

SEC. 3. Section 2 of this act becomes operative only if ^{Effect} Part 2 of Division 5 of Title 2 of the Government Code is ^{Stats 1945,} enacted by the Legislature at its Fifty-sixth Regular Session, ^{Ch 123} and in such case at the same time as said Part 2 takes effect; at which time Section 90 of the State Civil Service Act is hereby repealed.

CHAPTER 1017

An act to add Chapter 3 consisting of Section 175 to Part 1, Division 1, Revenue and Taxation Code, relating to real property taxation.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 is hereby added to Part 1, Division 1, of the Revenue and Taxation Code, to read:

CHAPTER 3. LIMITATION OF ACTIONS

175. All deeds heretofore and hereafter issued to the State of California or to any taxing agency, including taxing agencies which have their own system for the levying and collection <sup>Tax deeds
Statute of
limitations</sup>

of taxes, by reason of delinquency of property taxes or assessments levied by any taxing agency or revenue district, shall be conclusively presumed to be valid unless held to be invalid in an appropriate proceeding in a court of competent jurisdiction to determine the validity of said deed commenced within one year after the execution of said deed, or within one year after the effective date of this section, whichever be later. Such proceedings may be prosecuted within the time limits above specified in the manner and subject to the provisions of Sections 3618 to 3636 of this code.

CHAPTER 1018

An act to add Chapter 3, comprising Sections 4871 to 4878 inclusive, to Division 4 of the Public Resources Code, relating to the protection and improvement of range and forage lands and providing for controlled land clearance and revegetation thereof.

In effect
September
15, 1945

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8, comprising Sections 4871 to 4878 inclusive, is added to Division 4 of the Public Resources Code, to read:

CHAPTER 8. PROTECTION AND IMPROVEMENT OF RANGE AND FORAGE LANDS

Declaration
of purpose

4871. The people of the State have a direct interest in the protection and improvement of public and private lands which are principally used or useful for range or forage purposes for domestic livestock and wildlife. This chapter is enacted in furtherance of that interest to provide not only for controlled land clearance and revegetation of such lands but also having as its objective fire prevention and protection, watershed protection and conservation, and the prevention of soil erosion.

Adminis-
tration

4872. This chapter shall be administered by the Department of Natural Resources acting through the Division of Forestry.

Contracts

4873. The division may enter into contracts or cooperative agreements with any person, firm, public or private corporation, district or municipal corporation, or other political subdivision of the State, or any group or combination thereof, owning or controlling brush covered land within the area the fire protection of which is primarily State responsibility for the purpose of engaging in controlled land clearance and revegetation, including the burning of brush from such lands, or portions thereof, under the supervision of the division or by the division.

4874. In furtherance of such contracts and agreements, and also independently thereof, the division shall engage in experimental land clearance and revegetation of such lands in the interests of protection and improvement of range and forage lands and shall also engage in such research in connection with it as will enable it to determine the value of such methods in relation to the several purposes and interests of the people of the State as set forth in this chapter. Experimental work, etc

4875. The division shall from time to time prepare reports setting forth data as to the experiments so conducted and its findings and conclusions with reference thereto and submit such reports to the State Board of Forestry for its guidance and assistance in determining the policy to be followed by the board with reference to range and forage lands. The board shall make such reports available to the Legislature. Reports

4876. In making such experiments and in conducting or supervising land clearance pursuant to the agreements or contracts contemplated by this chapter the division shall have available such fire crews and fire fighting equipment as it deems reasonably necessary to prevent the spread of any fire from the area proposed to be cleared, provided such equipment and fire crews are not needed for the control of wild fire. Fire prevention

4877. The division with the approval of the State Board of Forestry may make such rules as are necessary to effectuate the purposes of this chapter. Rules

4878. The division may accept contributions of money from any private source to carry out the powers and duties imposed upon it by this chapter. Contributions

CHAPTER 1019

An act to amend Section 14344 of the Revenue and Taxation Code, relating to access to safe deposit boxes held by decedents, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 14344 of the Revenue and Taxation Code is hereby amended to read as follows:

14344. Unless the consent of the Controller, or of a person authorized in writing by the Controller to issue the consent, is first secured, it is unlawful for any safe deposit company, trust company, corporation, bank, other institution, or person in possession, control, custody, or partial custody of any safe deposit box or similar receptacle to permit the removal and withholding of anything, other than written burial instruc- Unlawful access to safe deposit box

tions, a will, or any document purporting to be a will, from the box or receptacle by any person after receipt of notice of the death of any other person who at the time of his death had the right or privilege of access as principal, deputy, agent or cotenant.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect and become operative at the same time as Part 8 of Division 2 of the Revenue and Taxation Code. A statement of the facts constituting such necessity is as follows:

The amendments effected by this act were not in 1943 included in Part 8 of Division 2 of the Revenue and Taxation Code, which part takes effect July 1, 1945. This act, if it takes effect immediately, will maintain continuity in the provisions of the State tax laws, without which confusion would result.

CHAPTER 1020

An act to provide revenues to meet appropriations for the support of the Department of Motor Vehicles, by changing the disposition of certain taxes, licenses and fees on motor vehicles and the operators thereof, and to amend Sections 776, 777, 779, and 781 of, and to add Section 778 to, the Vehicle Code, and to amend Sections 11003 and 11005 of the Revenue and Taxation Code in connection therewith, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 776 of the Vehicle Code is amended to read:

Report and
deposit of
money

776. Report and Deposit of Money. The department shall file at least monthly with the State Controller a report of money received by the department covering all fees for applications accepted by the department and all other moneys received by the department under the provisions of this code, and at the same time shall remit all money so reported to the State Treasurer. On order of the Controller the Treasurer shall deposit in the Motor Vehicle Fund all such moneys so reported and remitted.

All salaries and expenses of the department, including deductions for retirement pay, shall to the extent that specific appropriations are made therefor by the legislature and not otherwise be paid from the Motor Vehicle Fund.

SEC. 2. Section 777 of the Vehicle Code is amended to read:

777. Appropriations for Support and Operation of Department. Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the department shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The department may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars (\$100,000), said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

Appropriations for support and operation of department

SEC. 3. Section 778 is added to the Vehicle Code, to read:

778. Prohibition Against Deficiencies. Section 11006 of the Government Code shall not apply to the Motor Vehicle Fund.

Prohibition against deficiencies

SEC. 4. Section 779 of the Vehicle Code is amended to read:

779. Apportionment to Counties. (a) Thirty-one and three-fourths per cent (31¾%) of the moneys received and reported as registration and weight fees and penalties thereon and fees for special plates in the Motor Vehicle Fund is hereby appropriated and shall be paid to the counties of this State and the State Controller shall in the months of February and August of each year draw his warrants upon said Motor Vehicle Fund in favor of the county treasurer of each county for the amount to which each said county is entitled hereunder. Said payments shall be made to the counties in proportion to the number of fee-paid vehicles registered in such counties as determined by the places of residence of the owners to whom the registration cards are issued.

Apportionment to counties

The department shall, when requested by the State Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county according to the records of the department for the use of the State Controller in making the apportionments provided for herein.

(b) In the event the actual domicile, residence or place of abode of an owner of any vehicle registered hereunder is in a county other than the county which the owner has designated as his place of residence in his application for registration and as shown by the records of the department, then the county auditor of the county receiving such funds from the State as hereinabove provided may draw his warrant in favor of the county wherein is located the actual domicile, residence or place of abode of such owner. Such warrant when so drawn shall be in such total sum as to cover all such vehicles as may properly be attributed to the latter county hereunder in order to secure payment to each county of sums in proportion to registration of vehicles therein according to the actual residences of the owners thereof.

SEC. 5. Section 781 of the Vehicle Code is amended to read :

Remainder
of Motor
Vehicle Fund
transferred
to the State
Highway
Fund

781. Remainder of Motor Vehicle Fund Transferred to the State Highway Fund. An amount equal to the total moneys remaining in the Motor Vehicle Fund at the close of business on the last day of December of each year, after the expenditures and deductions authorized by this chapter, shall, during the month of February of each year, be transferred on order of the State Controller to the "State Highway Fund," to be expended in accordance with law.

SEC. 6. Section 11003 of the Revenue and Taxation Code is amended to read :

Transfers
to Motor
Vehicle
Fund

11003. During the months of January, April, July and October of each year an amount equal to one-quarter of the moneys appropriated by the Legislature from the Motor Vehicle License Fee Fund for support of the Department of Motor Vehicles for the fiscal year in which such distribution is made shall be transferred on order of the Controller to the Motor Vehicle Fund.

Section 11006 of the Government Code shall not apply to the Motor Vehicle License Fee Fund.

SEC. 7. Section 11005 of the Revenue and Taxation Code is amended to read :

Motor
Vehicle
License
Fee Fund

11005. The balance of all motor vehicle license fees and any other money deposited, in accordance with law, in the Motor Vehicle License Fee Fund during the preceding three months and remaining therein after payment of refunds therefrom during said period and after making the deductions authorized by Sections 11003 and 11004 shall, on order of the Controller at the time of making the transfers authorized by Section 11003, be disbursed as follows :

General
Fund

(a) Twenty per cent thereof shall be paid to the General Fund of the State, unless the amount transferred from the Motor Vehicle Fund to the State Highway Fund, pursuant to the provisions of Section 781 of the Vehicle Code, in February of any year does not equal thirty-one and three-fourths per cent (31¾%) of the moneys received and reported as registration and weight fees and penalties thereon and fees for special plates in the Motor Vehicle Fund during the calendar year ending the preceding December 31st. In that event there shall be transferred, on order of the State Controller, to the State Highway Fund from the moneys thereafter payable under this paragraph the difference between said thirty-one and three-fourths per cent (31¾%) of said fees and the amount received in the State Highway Fund, pursuant to Section 781 of the Vehicle Code, and the balance remaining after such transfer to the State Highway Fund shall be transferred to the General Fund of the State.

Payment
to cities

(b) Forty per cent thereof shall be paid quarterly during each fiscal year to the cities and cities and counties of this State in the proportion that the total population of each city or city and county bears to the total population of all cities and cities and counties in this State, as determined by the Controller. For the purpose of this subdivision the population of each city

or city and county is that determined by the last Federal census. In the case of a city incorporated subsequent to the last census, or in the case of an unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last Federal census.

The money so paid shall be expended by the cities and counties for law enforcement, for the regulation and control and fire protection of highway traffic, and for any other State purpose.

(c) Forty per cent thereof shall be paid quarterly during each fiscal year to the counties and cities and counties of the State in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the State, as determined by the Controller. For the purpose of this subdivision the population of each county or city and county is that determined by the last Federal census.

Payment to
counties

SEC. 8. Whenever, under the provisions of any law heretofore or hereafter enacted, any statement of determination of population of any city, city and county, or county of this State, or any other census report, is filed with the Department of Motor Vehicles of this State by the United States Bureau of the Census, the said Department of Motor Vehicles shall, forthwith upon the receipt by it of such statement or report, deliver the same to the Controller to be retained in his office.

Determina-
tion of
population,
etc.

SEC. 9. The Motor Vehicle Support Fund is hereby abolished as of the close of business June 30, 1945, and any cash balance remaining in said fund on said date, according to the records of the Controller, shall, during the following month of July, be transferred, on order of the Controller, to the Motor Vehicle Fund. Effective July 1, 1945, any appropriations heretofore and hereafter made out of the moneys deposited in the Motor Vehicle Support Fund for the support of the Department of Motor Vehicles shall be payable from the Motor Vehicle Fund. The provisions of Item 187.5 of the Budget Act of 1945 are superseded by this act, and shall have no further force or effect. The provision in Item 276.6 of the Budget Act of 1945 reading: 'To carry out the provisions of this item, the amount specified in Item 187.5 is hereby increased seven hundred ninety-eight thousand dollars (\$798,000) for the Ninety-seventh Fiscal Year and seven hundred ninety-eight thousand dollars (\$798,000) for the Ninety-eighth Fiscal Year' is superseded by this act, and shall have no further effect. Notwithstanding the provisions of Section 778 of the Vehicle Code as added by this act, the Director of Finance and the Governor are authorized to make available under the provisions of Section 11006 of the Government Code sufficient moneys to furnish salary increases for each officer and

Motor
Vehicle
Support
Fund
abolished

Stats. 1945,
Ch 644

employee of the Department of Motor Vehicles eligible therefor under Item 276.6 of the Budget Act of 1945, or under the provisions of any other statute enacted at the Fifty-sixth Session of the Legislature providing for such salary increases. Any such salary increases shall be made only in accordance with the provisions of the said Item 276.6 or such other statute.

Urgency

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The requirements for support of the Department of Motor Vehicles are such as to exceed the limitations of existing law as to said department's apportionment from the Motor Vehicle Fund and unless provision is made for adequate revenues to meet the requirements of the Department of Motor Vehicles, it will be necessary to reduce law enforcement and other functions of the department which are necessary or to provide additional funds from some other source. It is necessary that permanent provision be made to provide adequate revenues for the Department of Motor Vehicles to meet successive budgets of the department hereafter. A permanent solution of the problems involved which will provide sufficient revenues for support of the Department of Motor Vehicles without disrupting budgets for State and county highway purposes with attendant confusion is required and in order that such a solution may be made effective at the beginning of the coming biennium under the Budget Act and to avoid confusion in fiscal affairs, it is necessary that this act go into immediate effect.

CHAPTER 1021

Stats 1943,
p 2590,
amended

An act to amend Section 2 of an act entitled "An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons: to grant certain powers to public bodies," approved May 27, 1943, relating to war housing projects and housing authorities, and declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945]

The people of the State of California do enact as follows:

Stats 1943,
p 2590

SECTION 1. Section 2 of the act cited in the title is amended to read:

Cooperation
with Federal
Government

SEC. 2. For the purposes of developing or administering War Housing Projects to aid in the prosecution of the war, any

housing authority established and authorized to transact business on or before June 15, 1945, pursuant to Chapter 4 of the Statutes of 1938, Extra Session, as amended (herein called the "Housing Authorities Law") may cooperate with, act as agent for, or lease such War Housing Project from, the Federal Government; provided, that a War Housing Project owned, leased, or administered under this act by a housing authority, shall not be subject to the limitations provided in Section 10 or in the second sentence of Section 9 of the Housing Authorities Law.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The life of the act cited in the title is to be extended to May 15, 1945. The limitations imposed by Section 10 and the second sentence of Section 9 of the Housing Authorities Law, if they are to be applicable to operations by housing authorities under the act of May 27, 1943, would be prohibitive, and would necessitate housing construction being done by the Federal Government, with employees subject to civil service regulations. In the limited time between now and May 15th, it is impracticable to do this. It is therefore imperative, in the interests of the National defense that this act take immediate effect.

CHAPTER 1022

An act to amend Section 212 of the Agricultural Code, relating to importation of animals.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 212 of the Agricultural Code is amended to read:

212. It is unlawful to bring into this State any dairy cattle, breeding bulls, goats, or sheep except as hereinafter provided.

Dairy cattle and breeding bulls shall be accompanied by a certificate of health and tuberculin test record, signed by a qualified veterinarian, showing that each of said animals is free from tuberculosis and other communicable diseases, or by a signed statement issued by the official in charge of live stock sanitary work in the State from which such animals are transported, stating that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease. A copy of the certificate or statement shall be mailed to the department on the day of shipment.

Importation
of animals

Dairy cattle
and breeding
bulls

Buck sheep (a) Any person desiring to ship buck sheep into this State shall notify the department by registered mail before said importation shall be made. Said notice shall give the names and addresses of consignor and consignee, the number of animals shipped, and the origin and destination of the shipment. If said buck sheep are not shipped in crates or in railroad cars which have been cleaned and disinfected prior to loading, or if they have been unloaded in corrals while en route to destination, they may be dipped one or more times by the department.

Dairy goats (b) Dairy goats shall be accompanied by a certificate of health and agglutination test record, signed by a qualified veterinarian showing that each of said animals is free from Brucellosis and other communicable diseases, or by a certificate of a qualified veterinarian or a signed statement issued by the official in charge of live stock sanitary work in the State from which said animals are transported, stating that Brucellosis is not prevalent in the area from which the animals are transported and that each animal is free from communicable diseases and has not recently been exposed to any communicable diseases. A copy of the certificate or statement shall be mailed to the department on the day of shipment.

Sheep (c) Any person desiring to import sheep, other than buck sheep, or goats, other than dairy goats, into this State except sheep or goats for immediate slaughter, shall notify the department by registered mail before said importation shall be made, which notice shall include the name and address of the consignor and consignee, the owner of said sheep or goats, the place of entrance into the State, and such description of the destination as will enable the department to readily locate said sheep or goats upon their arrival.

CHAPTER 1023

An act to amend Section 1343 of the Fish and Game Code, relating to seals and sea lions.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1343 of the Fish and Game Code is amended to read:

Seals and
sea lions

1343. It is unlawful to take any seal or sea lion except under such regulations as may be prescribed by the commission, except that any fisherman while engaged in fishing from a boat at sea may take any seal or sea lion which is damaging his nets, or tackle, or fish. The commission is empowered to reduce the seal or sea lion herds by humane methods whenever such a course is deemed advisable.

CHAPTER 1024

An act to repeal Part 9 of Division 3 of Title 2 of the Government Code and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of the Military and Veterans Code, and Part 9 of Division 3 of Title 2 of the Government Code are repealed. Repeals

SEC. 2. The heading of Chapter 1 of Division 7 of the Military and Veterans Code is amended to read:

CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF

Chapter
heading

SEC. 3. Section 1500 of said code is amended to read:

1500. The State has long recognized its responsibility to provide for preparedness against disasters that may result from such calamities as flood, fire, earthquake, pestilence, war, sabotage and riot. It is hereby found and declared that it is necessary, to enable the State to more effectively join with political subdivisions, municipal corporations and other public agencies of the State, in preparing to cope with and guard against conditions which may result in extreme peril to life, property and the resources of the State and generally to protect the health and safety and preserve the lives and property of the people of the State, and, in times when the United States of America is engaged in war, to assist the Federal Government in the successful prosecution thereof, that a readjustment of the provisions of law for dealing with such hazards be accomplished in the light of war-time experience, and that advantage be taken of those implements and methods, organizations and arrangements that have already been developed to deal with possible future disasters. Disaster:
State
responsi-
bility

SEC. 4. Section 1501 of said code is amended to read:

"California
Disaster
Act"

1501. This chapter may be cited as the "California Disaster Act."

SEC. 5. Section 1502 of said code is amended to read:

"Disaster
Council"

1502. As used in this chapter, "Disaster Council" means the California State Disaster Council.

SEC. 6. Section 1504 of said code is amended to read:

"Mutual aid
region"

1504. As used in this chapter, "mutual aid region" means an area within the State not wholly confined to a single city, or city and county, or county, and not necessarily coterminous with the boundary lines of any city, city and county, or county.

SEC. 7. Section 1505 of said code is amended to read:

"State of
extreme
emergency"

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a "mutual aid region or regions" to combat. "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

SEC. 8. Section 1507 is added to said code, to read:

Existing
plans, etc.

1507. The State Fire Disaster Plan as heretofore approved by the State Council of Defense and as said plan may have been modified or amended by the State War Council, and the State Law Enforcement Mutual Aid Plan as heretofore approved by the State War Council, shall continue to be in effect, and either of them may hereafter be modified by the Disaster Council. The person holding the office of assistant to the director of the California State War Council for law enforcement on June 30, 1945, is hereby transferred to the Department of Justice on the effective date of this act as an appointee of the Attorney General, and the provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include such person. The State of California Standing Operational Plan and Alert List as developed by the California State War Council shall remain in full force and effect until and as it may be revised or amended by the Governor upon the recommendation of the Disaster Council.

SEC. 9. Section 1509.8 of said code is amended to read:

Transfer of
duties, etc.

1509.8. Except as in this chapter otherwise provided the Governor succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California State War Council and of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that hereafter may be enacted a duty is imposed or a jurisdiction or authority

conferred upon the State War Council or the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the Governor and his staff with the same force and effect as though the title of the Governor had been specifically set forth and named therein in lieu of the State War Council or of the State Council of Defense.

The Governor shall be in possession and control of all records, ^{Books, funds, etc} books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State War Council or of the State Council of Defense or held for the benefit or use of the State War Council or of the State Council of Defense.

Sec. 10. Section 1509.9 of said code is amended to read :

1509.9. The Governor is empowered to expend any appro- ^{Expendi- tures} priation for support of the California Disaster Act to carry out the provisions of this chapter.

Sec. 11. The heading of Article 2 of Chapter 1 of Division 7 of said code is amended to read :

Article 2. Organization and Duties of the California State Disaster Council

Article heading

Sec. 12. Section 1510 of said code is amended to read :

1510. There is hereby created a California State Disaster Council to consist of the following :

California State Disaster Council

- (a) The Governor ;
- (b) The Lieutenant Governor ;
- (c) The Attorney General ;

(d) One representative of the city governments of the State, and one representative of the county governments of the State, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties ;

(e) A representative of the American Red Cross, to be appointed by the Governor ;

(f) A representative of the city or county fire services of the State, appointed by the Governor and to serve at his pleasure ;

(g) A representative of the city or county law enforcement services of the State, appointed by the Governor and to serve at his pleasure.

The President pro tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Disaster Council to the same extent as members of the council appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as members of the Legislature.

Sec. 13. Section 1511 of said code is amended to read :

1511. Neither the members of the Disaster Council nor the ^{Expenses} members of the Legislature shall receive compensation for their services under this chapter, but they shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

SEC. 14. Section 1512 of said code is amended to read:
 Chairman 1512. The Governor shall be ex officio Chairman of the
 Disaster Council.

SEC. 15. Section 1513 of said code is amended to read:
 Powers and duties 1513. It shall be the duty of the Disaster Council, and it is
 hereby empowered

To act as an advisory body to the Governor in times of war or disaster and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action. The Disaster Council shall meet upon call of the Governor.

It shall also be the duty of the Disaster Council, and it is hereby empowered:

(a) To prepare and recommend for consideration by the Governor, rules or regulations or orders which are within the province of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval the boundaries of such "mutual aid regions" of the State as may be designated;

(c) To consider and approve inter-regional and regional mutual aid plans;

(d) To recommend to the Governor the assignment of any service or activity relative to disaster or disaster planning to a State department having duties related to such service or activity;

(e) To consider and recommend the creation by the Governor of advisory committees in order to make available to the State civilian participation and cooperation in disaster planning and activities;

(f) To consider and recommend the expenditures of moneys appropriated for any of the objects or purposes of this chapter;

(g) To develop a State Disaster Preparedness Plan built around mutual aid and integrate into such plan the several State departments and agencies whose resources are necessary in coping with disasters;

(h) To encourage the development and maintenance of mutual aid plans and agreements whereunder local agencies may most effectively protect life and property during periods of emergency;

(i) To evaluate State communications systems with particular regard to their adequacy in case of disaster.

SEC. 16. Section 1514 is added to said code, to read:

Committee; 1514. Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of State departments or agencies of the State Government, should he deem it necessary to aid him or the Disaster Council or both in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

SEC. 17. The heading of Article 3 of Chapter 1 of Division 7 of said code is amended to read:

Article 3. Citizens' Advisory Committees

Article
heading

SEC. 18. Section 1520 of said code is amended to read:

1520. The Governor may create advisory committees to assist in specific fields of civilian protection, war services and disaster preparedness. He shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the Governor or such State department head as he shall designate, and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall not receive compensation from the State for their services under this chapter, but when called into conference or session by the Governor or a department head designated by him shall be reimbursed for their actual and necessary expenses incurred in connection with such conferences or sessions, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

Advisory
committees

SEC. 19. The heading of Article 4 of Chapter 1 of Division 7 of said code is amended to read:

Article 4. Succession of the Governor to Certain Powers and Duties

Article
heading

SEC. 20. Section 1530 of said code is amended to read:

1530. The Governor is the successor of the State Director of Civilian Defense, the State Director of Civilian Protection, the State Director of Civilian War Services and the Director of the California State War Council. Whenever any law of this State imposes duties upon or vests powers in the State Director of Civilian Defense, the State Director of Civilian Protection, the State Director of Civilian War Services or the Director of the State War Council, that duty shall be performed or that power exercised by the Governor with the same force and effect as though the Governor had been specifically named in such law.

Transfer of
duties, etc

SEC. 21. Section 1540 of said code is amended to read:

1540. The Governor may assign to a State agency any activity concerned with disaster preparedness of a nature related to the existing powers and duties of such agency, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the State.

Assignment
of activities

SEC. 22. Section 1541 of said code is amended to read:

1541. Any funds appropriated for the support of the Disaster Council or for the purposes of this chapter shall be allotted by the Director of Finance to a State agency having duties pursuant to Section 1540, or allotted to the Governor, to be expended under his direction in carrying out the objects and purposes of this chapter. Extraordinary services incurred by local governmental agencies in executing mutual aid agreements shall constitute a legal charge against the State when approved by the Governor; provided that such agreement has received the approval of said Disaster Council, or the previous approval of the California State War Council.

Appropriations, etc

In addition to any appropriation made to support activities contemplated by this act, the Governor is empowered to make expenditures from any fund legally available in order to deal with disaster or threatened disaster conditions should they occur.

SEC. 23. The heading of Article 7 of Chapter 1 of Division 7 of said code is amended to read :

Article heading

Article 7 Mutual Aid Regions

SEC. 24. Section 1560 of said code is amended to read :

Mutual aid regions

1560. The Governor with the advice of the Disaster Council is hereby authorized and empowered to divide the State into mutual aid regions.

SEC. 25. Section 1562 of said code is amended to read :

Mutual aid plans

1562. During any state of extreme emergency when the need arises for outside aid in any county, city and county, or city within the region, such aid shall be rendered in accordance with the mutual aid plans developed on a regional or other basis.

It shall be the duty of local public officials to comply with such plans.

In periods of local peril or emergency local governmental agencies have full power to exercise mutual aid powers in accordance with agreements or plans therefor.

SEC. 26. Section 1563 of said code is amended to read :

Use of State personnel and equipment

1563. In the development of the regional mutual aid plans provisions shall be made for the most effective use of State personnel and equipment as a part of such plans and during a state of extreme emergency the Governor may exercise such authority over the use of such equipment and personnel as he may see fit or place it under the direction of such State or local officer as he may determine most appropriate.

SEC. 27. Section 1571 of said code is amended to read :

Local disaster councils

1571. Counties, cities and counties, and cities may create disaster council by ordinance. A disaster council shall develop a plan for meeting any condition of extreme peril or any condition which is specified in Section 1505 as constituting the basis for a declaration of extreme emergency ; such plan shall provide for the effective mobilization of all the resources of the community, both public and private. Such ordinance shall provide for the organization, powers and duties of such officers and committees as in the opinion of the local legislative body are required.

Powers of counties and cities

Counties, cities and counties, and cities may enact ordinances and either establish rules and regulations or authorize disaster councils to establish rules and regulations for dealing with local emergencies that can be adequately dealt with locally ; and further may act to carry out mutual aid on a voluntary basis, and to this end may enter into agreements. In the absence of a declaration of a state of extreme emergency, State personnel and equipment may be employed in accordance with any mutual aid plan or agreement, or at the direction of the Governor.

Any war, defense or disaster council established by any county, city and county, or city, existing as of the effective date of this chapter, and previously certified as an accredited war, defense or disaster council by the California State War Council shall, for the purposes of this chapter or any other law of this State, constitute a disaster council.

Neither this chapter nor anything expressed in it is intended to be or is to be construed as a denial of the power of such local agencies to establish such departments pursuant to Article XI, Section 11, of the Constitution.

SEC. 28. Section 1572 of said code is amended to read:

1572. The emergency power which may be vested in a local public official during a period of extreme emergency, duly proclaimed as provided in this chapter, shall be subject or subordinate to the powers herein vested in the Governor when exercised by the Governor.

SEC. 29. Section 1580 of said code is amended to read:

1580. The Governor is hereby empowered to proclaim a state of extreme emergency in an area or region affected or likely to be affected thereby when:

1. He finds that some or any of the circumstances described in Section 1505 exist; and either

2. He is requested to do so (a) in the case of a city by the mayor or chief executive, (b) in the case of a county by the chairman of the board of supervisors; or

3. He finds that local authority is inadequate to cope with the peril.

Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible it shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given of such proclamation.

SEC. 30. Section 1581 of said code is amended to read:

1581. During a period of a state of extreme emergency the Governor shall have complete authority over all agencies of the State Government and the right to exercise within the area or regions designated all police power vested in the State by the Constitution and the laws of the State of California, in order to effectuate the purposes of this chapter. In exercise thereof he is authorized to promulgate, issue and enforce rules, regulations and orders which he considers necessary for the protection of life and property. Such rules, regulations and orders shall be in writing and shall take effect upon their issuance. They shall be filed in the office of the Secretary of State as soon as possible after their issuance. A copy of such rules, regulations and orders shall likewise be filed in the office of the county clerk of each county any portion of which is included within any one of the protective regions wherein a state of extreme emergency has been proclaimed. Whenever the period of a state of extreme emergency has been ended by either the expiration of the period for which it was proclaimed or by proclamation of the Governor declaring the period of a state of extreme

emergency to be at an end or as provided in this chapter, the rules, regulations or orders promulgated or issued by the Governor during such period shall be of no further force and effect.

SEC. 31. Section 1584 of said code is amended to read :

Compliance
by officers,
etc

1584. During the period of a state of extreme emergency, every department, commission, agency, board, officer and employee of the State Government and of every political subdivision, county, city and county, city, public district and public corporation of or in this State is required to comply with the lawful rules, regulations, and orders of the Governor made or given within the limits of his authority as provided for herein.

Penalty

Every such officer or employee who refuses or wilfully neglects to obey such rules, regulations or orders of the Governor, or who wilfully resists, delays or obstructs the Governor in the discharge of any of his functions hereunder, is guilty of a misdemeanor. In the event that any such officer or employee shall refuse or wilfully neglect to obey any such rules, regulations or orders, the Governor may by his order temporarily suspend him from the performance of any and all the rights, obligations and duties of his office for the remainder of the period of the state of extreme emergency, and the Governor may thereupon designate the person who shall carry on the rights, obligations and duties of the office for the duration of such suspension.

SEC. 32. Section 1586 of said code is amended to read :

Claim for
payment

1586 Before payment may be made by the State to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his responsibilities under this chapter during the period of a state of extreme emergency, or for services rendered at the instance of the Governor under said conditions, such person must present a claim to the State Board of Control in accordance with the provisions of the Political Code of the State of California governing the presentation of claims against the State for the taking or damaging of private property for public use which provisions shall govern the presentment, allowance or rejection of such claims and the conditions upon which suit may be brought against the State. Payment for such property or services shall be made from any funds appropriated by the State for such purpose.

SEC. 33. Section 1587 of said code is amended to read :

Extra-
territorial
duties

1587. In the event that the Governor, during the state of extreme emergency and in the exercise of the emergency war powers vested in him, shall order the officers, employees, or agencies of any county, city and county, city or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. During a state of extreme emergency in the event that any equipment belonging to any county, city and county, city or district, is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment, the public agency suffering

Equipment

loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 1586 of this chapter. Such agency shall have no claim against the State for services of such personnel or for the rental, use or ordinary wear and tear of such equipment, except such extraordinary services incurred by local governmental agencies in executing mutual aid agreements as provided in Section 1541. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of such officers, agents or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this chapter.

Claim for damages

Preservation of rights, etc

SEC. 34. Section 1589 is added to said code, to read :

1589. (a) Whenever it appears that a state of extreme emergency proclaimed by the Governor in accordance with this chapter will continue for more than seven days, the Governor shall call a meeting of the Disaster Council to commence not later than the expiration of such seven days.

Meeting of Disaster Council

(b) All of the powers of the Governor during a state of extreme emergency proclaimed by him pursuant to this chapter shall terminate with respect to such state of extreme emergency and any other emergency related to or growing out of such emergency when :

Termination of emergency

(1) The Governor has failed to call a meeting of the Disaster Council within the period prescribed in subdivision (a) of this section, or

(2) The Governor has not within 30 days after proclaiming such state of extreme emergency convened the Legislature for the purpose of legislating on subjects relating to such state of extreme emergency, except when the Legislature is already convened with power to legislate on such subjects.

SEC. 35. Section 1591 of said code is amended to read :

1591. (a) Volunteers duly enrolled or registered with any war, defense, or disaster council of any public agency, in carrying out, complying with, or attempting to comply with, any order, rule or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of counties or cities performing similar work for their respective entities.

Responsibilities and immunities of volunteers

(b) No political subdivision, municipal corporation or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered

Acts of employees, etc.

volunteer engaged in or training for disaster preparedness or relief activity. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any Federal or State statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

Unexpended
funds

SEC. 36. Any unexpended balance of funds appropriated by Chapter 662 of the Statutes of 1929 and any other money appropriated to the State Emergency Council shall revert to the General Fund in the State treasury.

Agreements
in effect

SEC. 37. All mutual aid agreements which are in effect at the time this act becomes effective are continued in effect until modified by the parties thereto.

Allocation
of funds

SEC. 38. Any of the funds made available by Section 1509.9 of said code may be allocated by the Director of Finance to a State agency having had assigned to it any protection or war services activity under the provisions of Section 1540 of said code before said Section 1540 was amended by this act.

Appropriation

SEC. 39. The sum of one hundred seven thousand five hundred twenty-eight dollars (\$107,528) out of any money in the State treasury not otherwise appropriated is hereby appropriated during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of the California Disaster Act.

CHAPTER 1025

An act to amend Section 7308 of the Revenue and Taxation Code, relating to brokers of petroleum products.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 7308 of the Revenue and Taxation Code is amended to read:

"Broker"

7308. "Broker" includes every person, other than a distributor, dealing, either as the owner or as the agent of another, in motor vehicle fuel, kerosene distillate, kerosene, Diesel fuel, gas oil, stove oil, distillate or any other petroleum product used in, or which may be used, in the blending, compounding, or manufacturing of motor vehicle fuel. "Broker" does not include anyone dealing in such fuel or product only in quantities of less than 200 gallons nor a person whose business with respect to petroleum products is confined to the dealing in crude oil which it is necessary to refine before it may be used in such blending, compounding, or manufacturing, nor a nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division 6 of the Agricultural Code, dealing only with its members and storing, selling, furnishing or delivering petroleum products, other than the fuels with respect to which a tax is imposed

under this part or Part 3 of this division, used exclusively for purposes of orchard heating to protect the crops of its members, and annually filing with the board an affidavit showing these facts.

CHAPTER 1026

An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to the disposition of State revenues derived from the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, declaring the urgency thereof, and providing that it shall take effect immediately.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 19622 of the Business and Professions Code is amended to read:

19622. There is hereby annually appropriated out of the fund the following: (i) one hundred twenty-five thousand dollars (\$125,000) for the support of the California State Fair; (ii) one hundred twenty-five thousand dollars (\$125,000) for the support of the Los Angeles County Fair; (iii) one hundred thousand dollars (\$100,000) for the support of 1A District Agricultural Association; and (iv) fifteen thousand dollars (\$15,000) to the Sixth District Agricultural Association of the State of California, for the purpose of holding a permanent exposition and exhibition of all citrus products and of all of the industries and industrial enterprises, resources, and products of every kind and nature of the State of California, with a view of improving, exploiting, encouraging and stimulating such industries, resources and products, and for the support of the buildings and grounds and other property of the Sixth District Agricultural Association. No admission fee shall be charged by such exposition. Exposition,
etc. appro-
priations

The money heretofore or hereafter apportioned to the Los Angeles County Fair under this section may be expended for the payment of premiums and, with the approval of the Department of Finance, for capital outlay, including purchase of land, construction, improvements, equipment, support, and maintenance for such fair.

All money heretofore or hereafter appropriated to the California State Fair, the Los Angeles County Fair, the Sixth District Agricultural Association, citrus fruit fairs as defined in Section 94 of the Agricultural Code, and the 1A District Agricultural Association under the provisions of this article except money allocated by the Director of Finance for fair purposes

under the provisions of Section 19626 of the Business and Professions Code, shall be exempt from the provisions of Section 16304 of the Government Code and Section 435 of the Political Code, and shall remain available for expenditure from year to year until expended.

Repeal
Effect

SEC. 2. Section 19626 5 of said code is repealed, provided that allocations heretofore made under said section and the purposes for which such allocations may be expended shall not be affected by such repeal.

1A District
Agricultural
Association

SEC. 3. The appropriation for the support of 1A District Agricultural Association contained in Section 1 of this act shall go into effect on July 1, 1945.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act prevents the reversion of funds heretofore made available for the support of district and county fairs. The fairs affected provide recreational facilities for many people throughout the State and thereby promote the public health and well-being. In order that the salutary provisions for such recreation shall continue to be effective it is necessary that funds continue to be provided therefor.

CHAPTER 1027

An act to amend Sections 8505, 8507, 8513, 8521, 8523, 8525, 8534, 8551, 8560, 8562, and 8674 of the Business and Professions Code, relating to the regulation of structural pest control.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 8505 of the Business and Professions Code is amended to read:

"Structural
pest
control"
and "pest
control"

8505. (a) "Structural pest control" and "pest control" as used in this act are synonymous. It is the identification of infestations or infections, the making of an inspection or inspections, inspection reports including recommendations, with or without the submission of a bid or bids therefor with or without the execution of any part thereof including the making of structural repairs or replacements, or the use of insecticides, fumigants or allied chemicals for the purpose of eliminating, exterminating or preventing infestation of ants, bedbugs, carpet beetles, woodboring insects, cockroaches, fleas, moths, mice, rats, silverfish, spiders, termites, infection of fungi, and other such pests which may invade household and other structures.

(b) 1. "Fumigator" means any person licensed by the Structural Pest Control Board as a structural pest control operator or as a structural pest control field representative who shall have been qualified by the board in the group or groups of pest control which include fumigation as set forth in Section 8560. 2. All fumigation work regulated by this chapter shall be performed under the direct and personal supervision of a person licensed under this chapter. 3. Fumigators shall comply with all State, city, county, and city and county laws and ordinances and with all laws and regulations of the United States and the agencies thereof. 4. Notice of time and place of fumigation shall be given to the fire department relating to the place wherein fumigation is to be performed, not less than 24 hours prior to the time thereof. 5. During the process of fumigation the room or apartment being fumigated, together with all rooms and apartments, including rooms or apartments on the same floor and those above and below, adjacent thereto, shall be vacated by the occupants thereof. 6. During the process of such fumigation, all rooms, apartments, and hallways adjacent to the rooms, apartments or spaces undergoing fumigation, shall be kept well ventilated and warning signs as herein prescribed stating such fact of fumigation shall be kept posted at all entries to such rooms or apartments during the time of such fumigation and thereafter until all such premises are safely ventilated free of all fumes. 7. All rooming or apartment houses designed for the use of four families or less shall be entirely vacated and closed against entry thereto and occupancy thereof while fumigation is being performed therein and until the same is safely ventilated free of all fumes. 8. Before fumigation is commenced therein, all cracks, holes, crevices, openings, and apertures in walls, ceilings, and floors of the premises or spaces to be fumigated, shall be securely sealed in such manner as to confine the fumigant to the premises or spaces undergoing fumigation. 9. All entrances to buildings, apartments or rooms while being fumigated shall be securely locked and sealed. 10. Warning signs shall be posted on all doors or entrances to the building, apartment or rooms, and upon all gangplanks, and ladders from docks, piers, and ships being fumigated. 11. Warning signs shall be printed in red ink on white cardboard and shall contain a skull and crossbones. The headlines shall be at least two inches in height. Such warning signs shall state that the premises or enclosed space or part thereof that is to be fumigated, the type of gas being used, the name, address, and telephone number of the person, firm or corporation conducting the fumigation and the name of the operator or field representative in charge. 12. Such warning signs shall remain posted until fumigation and ventilation is completed. 13. All members of fumigating crews releasing the fumigant shall wear effective masks of a type approved by the United States Bureau of Mines for protection against the type of fumigant being used. 14. Upon the completion of the exposure period, fumigators shall enter

the building or space under fumigation and open all doors and windows to permit access of air and breeze thereto and otherwise perform as much cross-ventilation as possible. Where basements or other locations can not be ventilated by means of windows, doors, or other similar openings, mechanical means of ventilating shall be employed. Ventilation shall be conducted with due regard to hazards to persons in the vicinity of the ventilation. 15. Upon fumigation being completed, all fumigant containers, refuse, and materials shall be removed from the premises. 16. All bedding or similar material shall be thoroughly beaten and placed and exposed in a well ventilated place or in open air for not less than four hours, or such additional time as may be necessary, before being used. 17. Before any fumigant is released therein, fumigators shall make a careful examination of the building, apartments, rooms, or structures to be fumigated, and verify that no human beings or domestic animals remain therein, and that all reasonable precautions have been taken to safeguard the lives and health of all persons and domestic animals remaining in the premises in which fumigation is being performed, and that conditions which might create a fire hazard have been eliminated. 18. All fumigators shall be familiar with and able to apply the Schaefer Prone Method of Resuscitation. 19. All fumigating crews shall be outfitted with a safety kit containing the following: a. A diagram showing the Schaefer Prone Method of Resuscitation. b. Smelling salts (ammonium carbonate). c. Amyl nitrate, five minims. d. Gauze bandage, band-aid adhesive tape and antiseptic. e. Turkish towel. f. New canister. g. Aromatic spirits of ammonia in well stopped dark bottle

SEC. 2. Section 8507 of the Business and Professions Code is amended to read:

“Structural pest control field representative”

8507. (a) “Structural pest control field representative” is any individual who is licensed by the board to practice pest control.

A structural pest control field representative may secure structural pest control work, identify infestations or infections, make inspections, submit bids or otherwise contract, in behalf of such operator.

A pest control field representative shall not contract for pest control work or perform pest control work in his own behalf.

(b) As used in this chapter, “field representative” refers to “structural pest control field representative.”

(c) The provisions of this section are suspended until October 1, 1947.

SEC. 3. Section 8513 of the Business and Professions Code is amended to read:

“Dangerous or lethal chemicals”

8513. “Dangerous or lethal chemicals” are any form or combination of the following materials: Hydrocyanic acid gas, sodium cyanide, potassium cyanide, calcium cyanide, methyl bromide, carbon bisulphide, carbon monoxide, carbon tetrachloride, ethylene dichloride, sulphur dioxide, chloropicrin or

any other gas or substance that might cause injury or death when used at concentrations employed in fumigation.

SEC. 4. Section 8521 of the Business and Professions Code is amended to read:

8521. The board is composed of five members, all of whom shall be, and shall have been for a period of not less than five years preceding the date of their appointment, operators actively engaged in the business of pest control.

Membership
of Structural
Pest Control
Board

SEC. 5. Section 8523 of the Business and Professions Code is amended to read:

8523. The board shall organize and elect a president, who shall serve for one year.

President

The board shall meet annually during the month of October.

Meetings

Special meetings may be called at any time by the president or by any three members of the board, upon notice for such time and in such manner as the board may provide.

SEC. 6. Section 8525 of the Business and Professions Code is amended to read:

8525. (a) The board, subject to the approval of the director, may adopt and enforce reasonable rules and regulations relating to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter.

Rules and
Regulations

Such rules and regulations shall become effective after reasonable notice of not less than 30 days has been given to all persons licensed under this chapter.

(b) Whenever any licensee shall inspect any property relating to structural pest control, if request is made therefor by the person who employed such licensee to make such inspection, such licensee shall deliver to the requester a report in writing signed by the licensee, which report shall set forth the following matters: (1) the date of the report; (2) the date or dates of the inspection; (3) the name of the place with street address or other sufficient identification of the premises inspected; (4) the name of the owner, if known, of the premises inspected; (5) the name of the person for whom said inspection was made; (6) a general description of the building or premises inspected; (7) the conditions found relating to pests referred to in Section 8505 found in or upon the buildings or premises, including the substructures, foundation walls and footings, porches, patios and steps, air vents, clearance under building or structures, soil condition, debris, pegs and form lumber, tree stumps, pilasters, abutments, attic spaces and all other parts exposed to deterioration by termites or fungi, designating the kinds of wood-boring insects, termites and infection of fungi, and the extent of the infestation, infection or damage; (8) a foundation diagram or sketch of the structure or structures inspected, designating thereon the approximate location of found infestations of wood-boring insects or termites and infections of fungi; (9) a recommendation for treatment, repair, and correction of conditions relating to such premises for the control, elimination, and prevention of such pests as may be found by such inspection.

The provisions of this subdivision shall only apply to inspection reports in connection with termites, fungi, and wood-boring insects.

SEC. 7. Section 8534 of the Business and Professions Code is amended to read:

Dispensing
information

8534. Whenever funds are available for the purpose, the registrar, at the direction of the board, may publish and disseminate to persons licensed under this chapter and to public officials and other persons interested in the practice of pest control, such information relative to the administration and enforcement of this chapter as the board deems necessary to carry out its purposes; provided, however, that no information concerning the revocation or suspension of a license shall be disseminated by the board until such revocation or suspension has been adjudicated by the courts or the time for appeal from said suspension or revocation has expired.

SEC. 8. Section 8551 of the Business and Professions Code is amended to read:

Unlawful
fumigation

8551. It is unlawful for any unlicensed person to perform fumigation with dangerous or lethal fumigating chemicals in any public structure, including rooming houses, or households when used as public structures, hotels, apartment houses, or any part thereof.

SEC. 9. Section 8560 of the Business and Professions Code is amended to read:

Classifi-
cation of
licenses

8560. (a) Licenses issued to operators or field representatives shall be limited to the group or groups of pest control for which the applicant has qualified by application and examination. The practice of pest control is classified into the following groups, namely,

Group A: which shall consist of practice relating to the control of termites and other wood-destroying insects and fungi, and rodent and insect control, and structural fumigation.

Group B: which shall consist of practice relating to the control of termites and other wood-destroying insects and fungi, and rodent and insect control.

Group C: which shall consist of practice relating to rodent and insect control with the use of insecticides, fumigants and allied chemicals, excluding however, the control of termites, other wood-destroying insects and fungi.

Group D: which shall consist of practice relating to the control of termites, other wood-destroying insects and fungi.

Group E: which shall consist of practice relating to the control of rodents and insects with the use of insecticides and allied chemicals, excluding however, termites and other wood-destroying insects and fungi, and fumigation with poisonous gases.

Group F: which shall consist of practice relating to the control of moths and carpet beetles with the use of insecticides and allied chemicals, excluding however, the use of poisonous gases.

Group G: which shall consist of practice relating to ant control.

Group H: which shall consist of practice relating to the control of rodents and cockroaches.

Group I: which shall consist of practice relating to the control of rats and mice.

(b) Unless otherwise authorized by the board, all written examinations shall be in ink in books supplied by the board. All examination papers shall be kept for a period of one year, upon the expiration of which such papers may be destroyed on order of the board. Each applicant for license shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examination papers are graded. No person shall be admitted to the examination room except members of the board, the examining personnel, and the applicants for license.

(c) The board shall make rules and regulations for the purpose of securing fair, impartial, and proper examinations. Examina-
tions

(d) Licensees of any grade may apply for examination and license in other grades. No failure of the licensee to pass examination in such other grade or grades shall have any effect on existing licenses.

(e) Such examinations shall be in each of the subjects specified in the group or groups relating to the respective applications. License according to such applications shall be granted to any applicant who shall make a general average of not less than 70 per cent on all the subjects of such group or groups, provided that any applicant who makes a grade of less than 50 per cent in any one subject or who makes a grade of less than 70 per cent in the subjects of fumigation and identification of insects, or either, when such subjects are included in the group for which license is applied, shall not be passed or licensed regardless of any general average attained by such applicant.

SEC. 10. Section 8562 of the Business and Professions Code is amended to read:

8562. To obtain an original operator's license, an applicant shall submit to the registrar an application in writing containing the statement that the applicant desires the issuance of an operator's license under the terms of this chapter. Application
for license

The application shall be made on forms prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following: Form

- (a) The name of the applicant.
- (b) If a partnership, the name of the partner to be licensed.
- (c) If an association or corporation, the name of the officer or responsible natural person to be licensed.
- (d) The proposed location of place of business and the proposed location of branch offices, if any.

(e) Proof of one year's experience, in the employ of a licensed operator in the State of California, by such individual, partner, officer or responsible natural person, as the case may be, in each branch of pest control for which a license is sought. Qualifi-
cations

(f) A statement by two reputable natural persons who have resided in the State of California for at least one year immediately preceding the date of the application and who have known such individual, partner, officer or responsible natural person, as the case may be, for at least one year, certifying to his honesty, truthfulness and good reputation.

(g) The fees prescribed by this chapter.

SEC. 11. Section 8674 of the Business and Professions Code is amended to read:

Fees 8674. The amount of the fees prescribed by this chapter is that fixed by the following schedules:

Operator's examination	\$10.00
Operator's license	25.00
Renewal operator's license	25.00
Branch office registration.....	10.00
Renewal branch office registration.....	10.00
Field representative's examination.....	5.00
Field representative's license.....	5.00
Renewal field representative's license.....	5.00
Duplicate license	1.00
Change of name.....	1.00
Transfer fee (Sec. 8567).....	1.00

CHAPTER 1028

An act to amend Section 203 of the Probate Code, relating to succession.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 203 of the Probate Code is amended to read:

Rights of
surviving
husband
over
community
property

203. After 40 days from the death of the wife, the surviving husband shall have full power to sell, lease, mortgage or otherwise deal with and dispose of the community real property, unless a notice is recorded in the county in which the property is situated to the effect that an interest in the property is claimed by another under the wife's will. Such notice must also (1) describe the property in which an interest is claimed, and (2) set forth the name or names of the owner or owners of the record title to said property. There shall be endorsed on such notice instructions that it shall be indexed by the recorder in the name or names of such owner or owners of the record title to said property, as grantor or grantors, and in the name of the person claiming an interest in said property, as grantee.

CHAPTER 1029

An act to amend Section 512 of the Agricultural Code, relating to the pasteurization of ice cream.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 512 of the Agricultural Code is amended to read:

512. Milk and milk products used in the manufacture of ice cream or ice milk shall be pasteurized. Manufacture
of ice cream
or ice milk

CHAPTER 1030

An act to add Sections 2981 and 2982 to the Civil Code, regulating conditional sale contracts on motor vehicles and providing penalties for violations.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code, to be numbered 2981, and to read as follows:

2981. As used in this section and in Section 2982 of the Civil Code, unless the context otherwise requires: Definitions

(a) "Conditional sale contract" shall mean:

"Conditional
sale
contract"

1. Any contract for the sale of a motor vehicle, with or without accessories, under which possession is delivered to the buyer but the title vests in the buyer thereafter only upon the payment of all or part of the price, or upon the performance of any other condition.

2. Any contract for the bailment or leasing of a motor vehicle, with or without accessories, by which the bailee or lessee agrees to pay as compensation a sum substantially equivalent to the value of the property, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the property upon full compliance with the terms of the contract.

3. Any contract for the sale of a motor vehicle, with or without accessories, under which possession is delivered to the buyer, and a lien on the property is to vest in the seller as security for the payment of part or all of the price, or for the performance of any other condition.

(b) "Seller" shall mean the person who sells or leases the property under a conditional sale contract. "Seller"

(c) "Buyer" shall mean the person who buys or hires property under a conditional sale contract, or any legal successor in interest of such person. "Buyer"

- "Person" (d) "Person" shall mean and include an individual, company, firm, association, partnership, trust, corporation, or other legal entity.
- "Cash price" (e) "Cash price" shall mean the amount for which the seller would sell and transfer to the buyer unqualified title to the personal property described in the conditional sale contract, if such property were sold for cash at the seller's place of business on the date such contract is executed, and includes any applicable sales taxes.
- "Down payment" (f) "Down payment" shall mean that part of the cash price which the buyer pays or agrees to pay to the seller in cash or property value or money's worth at or prior to delivery by the seller to the buyer of the personal property described in the conditional sale contract.
- "Unpaid balance" (g) "Unpaid balance" shall mean the difference between (e) and (f), plus all insurance premiums, and all fees paid or to be paid to any public officer, in connection with the transaction, which are included in the contract balance.
- "Time price differential" (h) "Time price differential" shall mean any amount which the buyer agrees to pay to the seller in excess of the unpaid balance.
- "Contract balance" (i) "Contract balance" shall mean the amount unpaid under the conditional sale contract, which the buyer agrees to pay in installments as provided therein.
- "Motor vehicle" (j) "Motor vehicle" shall mean any vehicle required to be registered under the Vehicle Code.

SEC. 2. A new section is hereby added to the Civil Code, to be numbered 2982, and to read as follows:

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing and shall contain all of the agreements between the buyer and the seller relating to the personal property described therein. It shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and when so executed an exact copy thereof shall be delivered by the seller to the buyer at the time of its execution. It shall recite the following separate items as such, in the following order:

1. The cash price of the personal property described in the conditional sale contract.
2. The amount of the buyer's down payment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property.
3. The amount unpaid on the cash price, which is the difference between items 1 and 2.
4. The cost to the buyer of any insurance, the premium for which is included in the contract balance.
5. A description and itemization of amounts, if any, which will actually be paid by the seller or his assignee to any public officer as fees in connection with the transaction, which are included in the contract balance.

6. The amount of the unpaid balance, which is the sum of items 3, 4 and 5.

7. The amount of the time price differential.

8. The contract balance owed by the buyer to the seller, which is the sum of items 6 and 7.

9. The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

(b) If any charge for insurance is included in the amount paid or to be paid by the buyer under any conditional sale contract for the sale of a motor vehicle, with or without accessories, an insurance policy or policies or a certificate of insurance under a master policy shall be issued and the seller shall within 30 days after the execution of the conditional sale contract send or cause to be sent to the buyer the original or an exact copy of such policy or policies or certificate.

(c) The amount of the time price differential in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 per cent of the unpaid balance multiplied by the number of months, including any excess fraction thereof as one month, elapsing between the date of such contract and the due date of the last installment, or twenty-five dollars (\$25), whichever is greater, provided that such contract may provide for interest on any delinquent installment from and after the date of delinquency, and for reasonable collection costs and fees in the event of delinquency. If the seller, except as the result of an accidental and bona fide error in computation, shall violate any provision of this subsection (c), the conditional sale contract shall not be enforceable except by a purchaser for value, and the buyer may recover from the seller in a civil action three times the total amount paid on the contract balance by the buyer to the seller or his assignee pursuant to the terms of such contract.

CHAPTER 1031

An act to add Chapter 6 to Division 9 of the Public Resources Code, relating to consolidation of soil conservation districts.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 is added to Division 9 of the Public Resources Code, to read:

CHAPTER 6. CONSOLIDATION OF DISTRICTS

9500. Any two or more contiguous districts, or districts situate within the same geophysical area, organized under this

Consolidation of districts

Stats 1937,
p 2280 division may consolidate in the manner prescribed in Chapter 1, Division 4 of the "District Organization Act" of the State of California.

CHAPTER 1032

Stats 1931,
p 1442,
amended *An act to add Section 32a to the State Employees' Retirement Act, and Section 2033C to the Government Code, relating to a retirement system for public officers and employees, providing for the exclusion of aliens employed under authorization of Section 1944.1 of the Labor Code.*

In effect
September
15, 1945 [Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

New
section SECTION 1. Section 32a is added to the State Employees' Retirement Act, to read:

Exclusion
of aliens SEC. 32a. Aliens employed under authorization of Section 1944.1 of the Labor Code.

Exclusion
of aliens SEC. 2. Section 2033C is added to Article 2, Chapter 3, Part 3, Division 5, Title 2, of the Government Code, to read:

20336. Aliens employed under authorization of Section 1944.1 of the Labor Code are excluded from this system.

Effect
Stats 1941,
Ch 123 SEC. 3. Section 2 of this act adding Section 20336 to the Government Code becomes operative only if Part 3 of Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session. If and when said Section 2 becomes operative, Section 32a of the State Employees' Retirement Act, as added thereto by this act, is hereby repealed.

CHAPTER 1033

An act to amend Sections 2507 and 2508 of the Revenue and Taxation Code, relating to the handling of negotiable paper received in payment of taxes.

In effect
September
15, 1945 [Approved by Governor June 25, 1945. Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

Deposit of
negotiable
paper SECTION 1. Section 2507 of the Revenue and Taxation Code is amended to read:

2507. The officer accepting negotiable paper may deposit it daily with a bank for collection and receive from the bank cashier's checks in an amount equal to the total deposits. The cashier's checks shall be deposited in the county treasury like cash received for the same purpose. The officer accepting negotiable paper may at his option deposit such negotiable

paper daily in the county treasury instead of in a bank; and the county treasurer shall handle such negotiable paper like any other negotiable paper accepted by him.

SEC. 2. Section 2508 of the Revenue and Taxation Code is amended to read:

2508. If any negotiable paper is returned unpaid to the bank with which it was deposited, the bank shall return it to the officer who deposited it and, if its amount has been included in any cashier's check given by the bank, the bank is entitled to a refund in the amount of the unpaid negotiable paper. Any negotiable paper redeemed by or charged back to the county treasurer by reason of nonpayment shall be returned to the officer who deposited it with him in exchange for currency, other negotiable paper or for the warrant of the county auditor drawn on the fund into which the original deposit was made.

Refund on
nonpayment

CHAPTER 1034

An act to add Section 433.5 to the Political Code and to add Section 12422 to the Government Code, relating to duties of the Controller.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 433.5 is added to the Political Code, to read:

433.5. It is the duty of the Controller to summon county auditors to meet with the Controller or his duly authorized representatives, at least once each year, in such groups and at such place or places within the State as may be designated by the Controller for the purpose of discussion of problems dealing with county budget procedure, reporting of financial transactions of the counties and to promote uniformity of procedure in all matters pertaining to the duties of county auditors, throughout the State. The expenses of any county auditor attending such meeting shall be a charge against the funds of the county, to be paid in the same manner as other county charges are paid.

Meetings
with
county
auditors

SEC. 2. Section 12422 is added to the Government Code, to read:

12422. The Controller shall summon county auditors to meet with the Controller or his duly authorized representatives, at least once each year, in such groups and at such place or places within the State as may be designated by the Controller for the purpose of discussion of problems dealing with county budget procedure, reporting of financial transactions of the counties and to promote uniformity of procedure in all matters pertaining to the duties of county auditors, throughout the

Meetings
with
county
auditors

State. The expenses of any county auditor attending such meeting shall be a charge against the funds of the county, to be paid in the same manner as other county charges are paid.

Effect
Stats. 1945,
Ch 111

SEC. 3. Section 12422 of the Government Code added by this act becomes operative only if Part 2, Division 3 of the Government Code is enacted by the Legislature at its Fifty-sixth Session, and in such case, at the same time as said Part 2 takes effect; at which time Section 433.5 of the Political Code added by this act is hereby repealed.

CHAPTER 1035

"The
Retirement
Systems
Act"

An act to provide for the establishment of retirement systems for the purpose of creating benefits on account of members retiring by reason of age, length of service, disability or death, providing for licensing and supervision by the Commissioner of Corporations.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

Short title

SECTION 1. This act shall be known as "The Retirement Systems Act."

Retirement
system

SEC. 2. The employees, officers and agents of any person, firm or corporation or of one or more corporations having business interests in common, hereinafter referred to as "employees," or such person, firm, corporation or corporations, or any organization of such employer, persons, firms or corporations, hereinafter referred to as the "employer," or such employees and employer jointly, may form or create a trust or trust fund hereinafter referred to as a "retirement system," for the purpose of providing benefits on account of members retiring by reason of age or length of service or both, by filing in the office of the Commissioner of Corporations a declaration of their intention so to do, in a form approved by the Commissioner of Corporations, signed and acknowledged by two provisional trustees or officers of such system, accompanied by a duly authenticated copy of the constitution, by-laws or declaration of trust adopted to regulate the affairs of the system. Upon the filing of such declaration and duly authenticated copy, the Commissioner of Corporations may, if satisfied that the plan of operation is sound and equitable, issue a license authorizing the retirement system to do the business described therein.

Other
benefits

SEC. 3. A retirement system may supplement the above retirement benefits by providing benefits on account of disability or death and may provide withdrawal equities.

Conduct of
business

SEC. 4. A retirement system shall have trustees, agents, or officers who shall carry on the business of the system. The by-laws or declaration of trust of such a system shall prescribe the manner in which and the officers or agents by whom the sys-

tem may be conducted and the manner in which its funds shall be collected and disbursed. The funds and investments of a retirement system shall be held separately and independently of the funds and investments of the employer and of any other person or persons.

SEC. 5. The participating employees, or the employer, or both, may contribute to the funds of the retirement system and the contributions shall be adequate to support the benefits granted. All or any part of the pension benefits may be underwritten by an insurance company authorized to insure such risks in this State, as may be provided for in the by-laws or declaration of trust of the retirement system. Contributions

SEC. 6. A retirement system organized or created under the provisions of this article shall not issue or deliver any certificate or contract providing for or promising to pay any benefit until a copy of the form thereof has been filed with the Commissioner of Corporations and not disapproved by him. Certificate or contract

SEC. 7. A retirement system subject to the provisions of this act shall, except to the extent that its benefits are underwritten by an insurance company authorized to transact such business in this State, create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under its contracts, by-laws or declaration of trust. The commissioner may require such results to be calculated on the basis of an interest rate not in excess of 4 per cent per annum and mortality, disability and other experience tables based on reliable experience for such or a similar group of employees and approved by the Commissioner of Corporations. Underwriting, reserves, etc

SEC. 8. The property of a retirement system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a pension benefit, and all his rights in the funds of the system, shall be exempt from taxation and from the operation of any law relating to bankruptcy or insolvency. Tax exemption

SEC. 9. No trust forming part of a retirement system shall be deemed invalid as violating any existing laws against perpetuities or suspension of the power of alienation of title to property; and the income arising from any property, real or personal, held in such trust may be permitted to accumulate until the fund shall be sufficient, in the opinion of the trustee or trustees thereof, to accomplish the purposes of such trust. Perpetuities

SEC. 10. The Commissioner of Corporations whenever he deems necessary shall examine the business and affairs of a retirement system. Examination of affairs

SEC. 11. Every retirement system examined under the provisions of this act shall open its books and papers for the inspection of the Commissioner of Corporations and otherwise facilitate such examination. Inspection of books

SEC. 12. The Commissioner of Corporations may administer oaths and examine under oath any person relative to the business of a retirement system. Oaths

Expense of
examination

SEC. 13. An examination of a retirement system shall be at the expense of the retirement system. If a retirement system shall refuse or neglect to pay such expense of examination within 30 days after mailing of invoice therefor, the Commissioner of Corporations may refuse to issue a license to such a system or may revoke any existing license.

Liquidation
of system,
etc.

SEC. 14. In the event the Commissioner of Corporations determines after such an examination that a retirement system is conducting business in an unsafe manner or is unable to fulfill the benefits granted in said system he may order such retirement system to cease operations and to liquidate or he may take possession of the business and assets for the protection of the beneficiaries of the retirement system.

Powers of
Commissioner

SEC. 15. On taking possession of the business and assets of a retirement system the Commissioner of Corporations may continue the operation of the system, may return the business and assets to the retirement system or may finally liquidate its business and affairs. In the event the Commissioner of Corporations continues to operate the system he may take any action necessary to enforce the provisions of the trust or he may, where the parties to the trust have fulfilled their obligations, modify the benefits granted in said system in accordance with the financial condition of the trust.

Court
review

SEC. 15.1. Whenever any retirement system of whose property, business and assets the commissioner has taken possession, as aforesaid, deems itself aggrieved thereby, it may at any time within 30 days after such taking possession apply to the superior court of the county in which the principal office of such retirement system is located, to enjoin further proceedings and said court after citing the commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may upon the merits dismiss such application or enjoin the commissioner from further proceedings and direct him to surrender such business, property and assets to such retirement system. An appeal from such judgment enjoining the commissioner from further proceedings and directing him to surrender such business, property and assets to such retirement system shall not operate as a stay thereof, unless the trial court in its discretion, shall so order and no bond need be given if such appeal be taken by the commissioner; but if such judgment dismisses such application an appeal therefrom shall not operate as a stay thereof but the court rendering such judgment may, in its discretion, enjoin the commissioner, pending the appeal, from further proceedings and direct him, pending the appeal, to surrender such business, property and assets to such retirement system, provided a bond shall be given as required by Section 943 of the Code of Civil Procedure.

Same

SEC. 16. Any order, decision or other action of the Commissioner of Corporations in the administration of this act shall be subject to review in accordance with law.

SEC. 17. A fee of fifty dollars (\$50) shall be paid to the Commissioner of Corporations on the filing of the declaration provided for in Section 2.

Fee

SEC. 18. All fees collected by the Commissioner of Corporations under the provisions of this act shall be paid into the State treasury to the benefit of the General Fund.

Disposition of fees

SEC. 19. The Commissioner of Corporations may maintain and prosecute an action against any retirement system, its officers, directors, trustees or agents or against any other person or persons subject to the provisions of this act, for the purpose of obtaining an injunction restraining such person or persons from doing any act in violation of the provisions of this act.

Injunction

SEC. 20. No retirement system heretofore or hereafter created pursuant to the laws of the State of California shall transact business without first securing a license so to do from the Commissioner of Corporations.

License

SEC. 21. Any person, firm, company or corporation who violates any of the provisions of this act shall be guilty of a misdemeanor.

Penalty

SEC. 22. The Commissioner of Corporations is hereby authorized and empowered to make such rules and regulations as may be necessary to carry out the purposes and intent of this act.

Rules

SEC. 23. The Attorney General shall be counsel for the Commissioner of Corporations and shall render all legal services necessary for the administration of this act.

Attorney General

SEC. 24. A beneficial interest issued by a retirement system as defined in this act shall be exempt from the provisions of the Corporate Securities Act.

Exemption of Stats. 1917, p. 873

SEC. 25. A retirement system established by the Government of the United States, or by any territory or insular possession thereof, or by the State of California or any county, city and county, city, municipal corporation, school or public district or by any group of employees thereof, and the pension and retiring annuities system heretofore established by The Regents of the University of California, shall be exempt from the provisions of this act, other than Section 24.

Other systems

SEC. 26. The provisions of this act, other than Section 24, shall not apply to a retirement system in which all contributions by the employer or employee or both are paid, either directly or through a trustee, to an insurance company authorized to do business in the State of California, and all benefits are paid directly by the insurance company to the employee or his beneficiaries.

Insurance plans

SEC. 27. The provisions of this act, other than Section 24, shall not apply to a retirement system which provides that all funds contributed shall be paid to a trustee or co-trustee qualified and doing business in the State of California, subject to the supervision of the Superintendent of Banks or the Controller of the Currency, or that such funds shall be paid to a trustee or

Bank as trustee, etc

co-trustee that is a bank and a member of a Federal Reserve Bank.

Public utility, et.:
 Stats 1914, p 115
 Foreign corporations

SEC. 28. The provisions of this act, other than Section 24, shall not apply to any retirement system established for employees of any public utility or common carrier, as defined in the Public Utilities Act of this State, or the Interstate Commerce Acts, Federal Communication Act or Federal Power Act.

SEC. 29. The provisions of this act, other than Section 24, shall not apply to any retirement system established for employees of a foreign corporation not doing an intrastate business in this State.

Existing systems

SEC. 30. A license under this act shall be issued, without payment of any fee, to any retirement or pension plan heretofore filed with the commissioner under the provisions of the Corporate Securities Act and to which a permit has been issued authorizing the sale and issuance of securities.

Constitutionality

SEC. 31. If any clause, section, sentence, provision or part of this act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect or invalidate the remainder of this act, which shall remain in full force and effect thereafter.

CHAPTER 1036

An act to reappropriate the unallocated balance in the Fair and Exposition Fund appropriated for permanent improvements for fair purposes, declaring the urgency of this act, to take effect immediately.

In effect immediately [Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. The unallocated balance of funds heretofore appropriated for allocation by the Director of Finance for permanent improvements for fair purposes under Section 19626 of the Business and Professions Code is hereby reappropriated for allocation by the Director of Finance for fair purposes as prescribed in Section 19626 of said code.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act prevents the reversion of funds heretofore made available for improvements for fair purposes. The fairs affected provide recreational facilities for many people throughout the State and thereby promote the public health and well being. In order that the salutary provisions for such recreation shall continue to be effective it is necessary that funds continue to be provided therefor.

CHAPTER 1037

An act to add Section 7d to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to phonographic reporters in municipal courts in cities of the one and one-half class, and providing for the compensation and retirement of such reporters.

Stats 1925,
p 648,
amended

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7d is hereby added to the act cited in the title hereof, to read as follows:

New
section

Sec. 7d. Official reporters in every municipal court in cities of the first and one-half class, appointed as provided in Section 274c of the Code of Civil Procedure, shall be attaches of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of four hundred dollars (\$400) per month, which shall be paid from the reporters' salary fund hereinafter referred to.

Los Angeles
municipal
court
reporters

The judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary, but shall receive the fees provided by Section 274 of the Code of Civil Procedure, except that in lieu of the per diem fees provided in said section for reporting testimony and proceedings, said official reporters pro tempore shall in all cases receive twenty dollars (\$20) per day, which shall, upon order of the court, be paid from said reporters' salary fund.

All per diem fees otherwise payable by law by the parties to proceedings in said court to official reporters or official reporters pro tempore shall be paid to the clerk of the court, who shall deposit the same in the reporters' salary fund.

Fees

Fees for transcription of testimony and proceedings in such court shall be paid by the parties to official reporters and official reporters pro tempore as otherwise provided by law, and in all cases where, by law, the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the reporters' salary fund, except fees for transcription of testimony and proceedings in felony cases, which shall be paid from the county treasury.

There shall be set aside from the revenue of said court, in the manner and at the times hereinafter provided, a revolving fund, to be known as the reporters' salary fund, in the amount of ten thousand dollars (\$10,000).

At the time of each monthly distribution of the revenue of said court to the city and the county within which such court is established, the clerk of the court shall deduct proportionately from their respective total shares thereof such sum as will, when added to the sum then remaining in said fund, if any, equal ten thousand dollars (\$10,000), and deposit the same in said fund.

Deductions from the county's share of said revenue shall be made from that portion thereof distributable to the salary fund of the county, and deductions from the city's share shall be made from that portion thereof distributable to the general fund of the city.

For the purposes of this act the "revenue" of said court is defined to include all fines, forfeitures, and fees accruing to the city or the county, except law library fees.

In the event said reporters' salary fund shall at any time be insufficient, then the amount of such deficiency shall, upon order of the court, be paid from the general fund of the county.

The county treasurer shall be the depository, and the county auditor the disbursing agent, for said fund.

Retirement

Official reporters of such court shall be members of any retirement system which includes attaches thereof. For the purposes of such retirement system, the salary herein provided for such reporters shall be deemed their entire compensation, except that where credit is claimed for service rendered prior to the establishment of such salary, the actual compensation paid to them by the county shall be the basis for contributions for such prior service, and continuous employment in such municipal court, or a court superseded by it, prior to membership in said retirement system, shall be considered as "prior service" therein upon the payment by such reporters of the sums due, if any, under said retirement system.

CHAPTER 1038

An act to amend Sections 5048, 5049 and 5055, and to repeal Section 5100 of, and to add Section 5100 to, the Welfare and Institutions Code, and to amend the article heading of Article 5 of Chapter 1 of Part 1 of Division 6 of said code, relating to court commitment of mentally ill persons.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5048 of the Welfare and Institutions Code is amended to read:

5048. The petition shall contain the following:

(a) The name and address of the petitioner and his interest therein.

Petition for
commitment
of mentally
ill persons

(b) The name of the person alleged to be mentally ill, and, if known to the petitioner, the address, age, sex, marital status, and occupation of the person alleged to be mentally ill.

(c) The facts upon which the allegation that the person is mentally ill and in need of supervision, care or treatment is based.

(d) A statement whether, in the opinion of the petitioner, the alleged mental illness of the person is such as to render him in need of supervision, care or treatment, or to render him dangerous to health, person or property.

(e) The name of as a respondent thereto, every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged to be mentally ill and the address of every such person, if known to the petitioner.

(f) Such other information as the court may require.

SEC. 2. Section 5049 of said code is amended to read :

5049. The petition shall be in substantially the following Form form :

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF-----

The People For the Best Interest and Protection of

-----, As a Mentally Ill Person,

and Concerning

} Petition

----- and

----- Respondents.

-----, residing at ----- (Tel.-----), being duly sworn, deposes and says: That there is now in the county, in the City or Town of ----- a person named -----, who resides at -----, and who is believed to be mentally ill and in need of supervision, care, or treatment.

That the person is ----- years of age; that --he is ----- (sex); and that --he is ----- (single, married, widowed, or divorced); and that ----- occupation is -----.

That the facts because of which petitioner believes that the person is mentally ill and in need of supervision, care or treatment are as follows: That --he, at ----- in the county, on the ----- day of -----, 19-----, -----

----- That petitioner's interest in said case is -----

----- That petitioner believes that said person is so mentally ill (a) as to be in need of supervision, care or treatment under the provisions of this act,

or

(b) as to render him dangerous to himself or to the person or property of others.

(Strike out (a) or (b), whichever is not applicable.)

That the persons responsible for the care, support, and maintenance of the mentally ill person, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents)

Wherefore, petitioner prays that examination be made to determine the state of the mental health of _____, alleged to be mentally ill, and that such measures be taken for the best interest and protection of said _____, in respect to his supervision, care and treatment, as may be necessary and provided by law.

Petitioner

Subscribed and sworn to before me this _____ day of _____
19__.

County Clerk
By ----- Deputy

SEC. 3. Section 5055 of said code is amended to read:

Certificate
of medical
examiners

5055. The medical examiners, after making the examination and hearing the testimony, shall make and sign a certificate showing as nearly as possible the facts herein indicated, in substantially the following form:

Form

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF _____

The People
For the Best Interest and Protection of _____,
As a Mentally Ill Person and
Concerning _____,
and _____,
Respondents

CERTIFICATE OF
MEDICAL EXAMINERS

We, Dr. _____ and Dr. _____, Medical Examiners in the County of _____, duly appointed and certified as such, do hereby certify under our hands that we have examined _____, alleged to be mentally ill, and have attended before a Judge of said Court at the hearing on the petition concerning said person, and have heard the testimony of all witnesses, and, as a result of the examination, have testified under oath before the Court to the following facts concerning the alleged mentally ill person:

Name _____
Address _____
Age _____ Sex _____
Occupation _____ Marital Status _____

(Single, married,
widowed, divorced)

Religious Belief -----
Pertinent Case History -----

General Physical Condition-----

Present Mental Status-----

Laboratory Reports (if any)-----

Tentative Diagnosis of Mental Health-----

Recommendation for Disposition or Supervision, Treatment and
Care -----

Reasons for the recommendation-----

Date -----

Medical Examiner

Medical Examiner

SEC. 4. The article heading of Article 5 of Chapter 1 of Part 1 of Division 6 of said code is amended to read :

Article 5. Care, Supervision, Hospitalization, and Commitment of Mentally Ill Persons

Article heading

SEC. 5. Section 5100 of said code is repealed.

Repeal

SEC. 6. Section 5100 is added to said code, to read :

5100. If, after examination and certificate have been made as provided in Article 3 of this chapter, the judge believes that the person is so mentally ill as to need supervision and treatment by physicians and hospital care or restraint, and that unless such supervision, treatment, care or restraint are provided, the person may endanger health, person, or property, the judge may adjudge the person to be mentally ill, or dangerously mentally ill and insane, as the case may be, and make and sign an order

Order of commitment

(a) That the person be cared for and detained in a licensed sanitarium or hospital for the care of the mentally ill entitled by law to receive and care for such persons, or that the person be otherwise cared for, until the further order of the court, or

(b) That the person be committed to the Department of Institutions for placement in a State hospital designated by the court, or

(c) That the person be committed to a facility of the Veterans Administration, or other agency of the United States Government, in accordance with the provisions of Section 1663 of the Probate Code.

The order may be in such form and contain such findings and other matters as the court may require, and shall be filed with the clerk.

CHAPTER 1039

An act to add Section 14121.5 to the Education Code, relating to the appointment of limited term employees.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 14121.5 is added to the Education Code, to read:

Limited
term
employees

14121.5. Whenever the appointing power shall require the appointment of a person to a position, the duration of which is not to exceed six months, or, in case of an appointment in lieu of an absent employee, is not to exceed the authorized absence of said employee, he shall submit a request in which the probable duration of the appointment is stated. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as limited term employees. Limited term employees shall be subject to such conditions affecting status and tenure during and after such employment as the commission may by rule determine.

CHAPTER 1040

An act creating the Mount San Jacinto Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources and the State Park Commission in connection therewith, and authorizing the Department of Natural Resources and the State Park Commission to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; and providing for the expenditure of such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

"Mount
San Jacinto
Winter
Park
Authority
Act"

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

CHAPTER 1. POLICY

SECTION 1.1. It is hereby declared to be the policy of the State of California to foster and develop the greatest public use of the natural facilities of State parks and to provide for the acquisition, construction, completion, maintenance and operation of all works and property necessary or convenient therefor. There is in the State Park System Mount San Jacinto State Park, which is owned by the State and which is ideally situated for winter sports, including skiing, tobogganing, sledding and skating, and which affords unlimited opportunities for healthful recreation in a snow area immediately adjacent to the desert recreational area of Palm Springs. These conditions are special and peculiar to this park and do not exist in any other park in the State Park System. Mount San Jacinto State Park is now practically inaccessible and in order to raise funds for its improvement and to make effective the purposes hereinabove declared, subject to the continuing jurisdiction of the State Park Commission over said park, it is essential that a special authority be created to raise the necessary funds in the manner in this act provided to acquire, construct and complete essential improvements to this State park and to operate and maintain the same as in this act provided and thereby make available to the people of the State of California the winter and other recreational facilities of Mount San Jacinto State Park. That the construction following the present war of such essential improvements to this State park as in this act provided will assist in the orderly process of rehabili-

Declaration
of policy

tation, and will provide a substantial means of work for the inevitable unemployed, through private initiative and by use of private capital.

CHAPTER 2. DEFINITIONS

- Definitions** **SEC. 2.1.** When the terms defined in this chapter are used in this act, they have the meanings ascribed to them in this chapter unless the context of this act expressly provides to the contrary.
- "Authority"** **SEC. 2.2.** "Authority" as used in this act means the Mount San Jacinto Winter Park Authority created by this act.
- "Department of Natural Resources"** **SEC. 2.3.** "Department of Natural Resources" as used in this act means the Department of Natural Resources of the State of California, or any successor in office.
- "State Park Commission"** **SEC. 2.4.** "State Park Commission" as used in this act means the State Park Commission of the State of California, or any successor in office.
- "Bonds"** **SEC. 2.5.** "Bonds" as used in this act means the written evidence of any obligation incurred by the authority payable out of revenues as provided in this act in order to secure funds with which to carry out the purposes of this act irrespective of the form of such obligations, whether in the form of bonds, notes, debentures, interest-bearing certificates or other forms prescribed by the authority.
- "Indenture"** **SEC. 2.6.** "Indenture" as used in this act means an agreement entered into by the authority pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the authority or by other instrument.
- "Improvement," etc** **SEC. 2.7.** "Improvement," "project," or "works, properties or other structures" as used in this act means any improvement of any kind or character authorized by this act and acquired, constructed or completed in whole or in part by or for the authority, whether consisting of physical properties or any interest therein or rights thereto, but in any proceedings for the issuance of bonds for the purpose of acquiring, constructing or completing any project the authority may define the project to be so acquired, constructed or completed, and in that event the term "project" shall then apply only to the project so defined in such proceedings by the authority.
- "Bondholder"** **SEC. 2.8.** The term "bondholder" or "holder of bonds" or any similar term shall mean any person who shall be the bearer of any outstanding revenue bond or bonds, registered to bearer, or not registered, or the registered owner of any such outstanding revenue bond or bonds which shall at the time be registered other than to bearer.
- "Revenues"** **SEC. 2.9.** The term "revenues" as used in this act shall mean all fees, tolls, rates, rentals or other income and revenue actually received or receivable by or for the account of the authority from the operation of the project, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale

of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the authority.

SEC. 2.10. The term "City of Palm Springs" means the City of Palm Springs, a municipal corporation of the State of California and situated in the County of Riverside in said State. 'City of Palm Springs'

SEC. 2.11. The term "city council" means the city council and governing board of the City of Palm Springs. 'City council'

SEC. 2.12. The term "person" as used in this act includes any individual, firm, copartnership, association, corporation, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, as defined in this act. 'Person'

SEC. 2.13. The term "public corporation" as used in this act means any county, city and county, city, town, municipal corporation, district of any kind or class, or political subdivision of this State and also any agency or authority of this State. 'Public corporation'

SEC. 2.14. As used in this act:

(a) The present tense includes the past and future tenses; and the future, the present. Construction

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

CHAPTER 3. MOUNT SAN JACINTO WINTER PARK AUTHORITY CREATION AND ORGANIZATION

SEC. 3.1. There is hereby created the "Mount San Jacinto Winter Park Authority." Creation of authority

SEC. 3.2. The authority is a public agency and public corporation of the State of California. Public agency

SEC. 3.3. The powers and activities of the authority are limited to the following sections in T. 3, 4 and 5 S., R. 3 and 4 E., S. B. B. & M.; Secs. 28, 29, 30, 31, 32, 33, 34 and 35, T. 3 S., R. 3 E., S. B. B. & M.; Secs. 1 to 12, inclusive, and Secs. 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, T. 4 S., R. 3 E., S. B. B. & M.; Secs. 3, 4, 5, 6, 7, and 8, T. 4 S., R. 4 E., S. B. B. & M.; Secs. 1, 2, 3, 4, 11, 12, 13, 14, T. 5 S., R. 3 E., S. B. B. & M. The territorial limits of the authority shall not be diminished or decreased so long as any bonds issued under this act are outstanding or unpaid. Territorial limits

SEC. 3.4. The authority is composed of seven members, two of whom shall be appointed by the city council of the City of Palm Springs, two of whom shall be appointed by the board of supervisors of Riverside County and three of whom shall be appointed by the Governor of the State of California. The terms of the initial members of the authority appointed by the city council shall expire within two years from the date of their appointment. The successors of the members of the authority initially appointed by the city council shall be appointed by the city council to serve for a full term of four years from the date Members

Terms

of their appointment; provided, that any member appointed to serve in lieu of any member on account of death, resignation, or disability of such member shall serve only for the unexpired term of such member. The terms of the initial members of the authority appointed by the board of supervisors of Riverside County shall expire within two years from the date of their appointment. The successors of the members of the authority initially appointed by the board of supervisors shall be appointed by the board of supervisors to serve for a full term of four years from the date of their appointment; provided, that any member appointed to serve in lieu of any member on account of death, resignation, or disability of such member shall serve only for the unexpired term of such member. The initial members of the authority appointed by the Governor of the State of California shall be appointed to serve for a full term of four years from the date of their appointment; provided, that any member appointed to serve in lieu of any member on account of death, resignation, or disability of such member shall serve only for the unexpired term of such member. Each member of the authority shall hold office for the term for which he was appointed and until his successor has been appointed and qualified. In the event the city council of the City of Palm Springs shall fail within six months from and after the date of enactment of this act to appoint any member of the authority as herein provided, the Governor of the State of California shall make such appointment. In the event the board of supervisors of Riverside County shall fail, within six months from and after the date of enactment of this act, to appoint any member of the authority as herein provided, the city council of the City of Palm Springs shall make such appointment, and if the city council fails to make such appointment within ninety (90) days thereafter, the Governor of the State of California shall make such appointment. In the event the city council shall fail to fill any vacancy in the authority as herein provided within sixty (60) days after such vacancy is created, the same shall be filled by appointment by the Governor of the State of California. In the event the board of supervisors of Riverside County shall fail to fill any vacancy in the authority as herein provided within sixty (60) days after such vacancy is created, the same shall be filled by appointment by the city council of the City of Palm Springs, and if the city council fails to make such appointment within thirty (30) days thereafter, the Governor of the State of California shall make such appointment.

Vacancies

Expenses

SEC. 3.5. The members of the authority shall be entitled to their actual necessary traveling expenses incurred while on business of the authority, payable exclusively out of the funds of the authority available therefor.

Officers of authority

SEC. 3.6. The authority shall appoint a chairman and secretary and may also appoint or employ a manager, auditor and such legal, engineering and clerical assistance as may be deemed necessary or advisable, and shall provide for their compensation out of funds of the authority available for that

purpose. The authority may employ a fiscal agent or adviser and may retain the services of such agents as may be deemed advisable to assist in the sale and distribution of the authority's bonds or the underwriting thereof.

SEC. 3.7. A majority of the members of the authority constitute a quorum for the transaction of business and may act for the authority. Quorum

SEC. 3.8. The authority may act at any regular meeting or special meeting called pursuant to such rules and regulations as the authority may adopt and may act without a meeting by an instrument in writing signed by all members of the authority. The authority may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs. Conduct of affairs

SEC. 3.9. The authority shall maintain an office in the City of Palm Springs, Riverside County, State of California. Office

SEC. 3.10. The authority may adopt a seal to be impressed upon its instruments, and may provide for the impression of such seal by printed, or lithographed facsimile thereof. Any executed instrument bearing the seal of the authority shall be prima facie evidence of its execution by the authority and that its execution was duly, regularly and legally authorized by the authority. Seal

CHAPTER 4. GENERAL POWERS

SEC. 4.1. The authority has perpetual succession. Perpetual succession

SEC. 4.2. The authority may sue and be sued in all courts of competent jurisdiction. Right to sue, etc

SEC. 4.3. The authority may acquire by grant, purchase, condemnation, gift, devise or lease, and may hold, use, sell, lease or dispose of, any real and personal property necessary for the full exercise, or convenient or useful for the carrying on of, any of its powers pursuant to the provisions of this act. Acquisition of property

SEC. 4.4. The authority may acquire, construct or complete roads, highways, trams, tramways, aerial cableways, up-skis, ski-lifts, parking areas, skiing areas, areas for tobogganing, coasting, snowshoeing, sledding, ice skating, ski huts, ski hostels, restaurants, buses, buildings, and all other works, properties and structures necessary, convenient or useful for the development of winter sports, and any other recreational facilities within the territorial limits of the authority as defined in Section 3.3. It may also acquire or construct and operate and maintain water supplies, and power and drainage systems, necessary, convenient, or useful to the project purposes of the authority, but only where water supply, power or drainage facilities are not then available from established private utilities operating under the jurisdiction of the California Railroad Commission; provided, that such facilities for auxiliary or standby service may be acquired, constructed, operated and maintained to supplement service from such established private utilities. It may operate and maintain said Roads, etc

improvements and also all cars, engines, machinery, cables, tramways, buses, and other transportation facilities necessary or convenient to make accessible to the public the winter snow area of Mount San Jacinto, and may exercise all rights and privileges necessary or incidental thereto; provided, that no restaurants, dwelling accommodations, playgrounds, or places of recreation, shall be acquired or constructed in Secs. 3, 4, 5, 6, 7 and 8, T. 4 S., R. 4 E., S. B. B. & M.; and provided further, that any roads or highways acquired, constructed, or completed in accordance with this section shall be open to the use of the owners of any land traversed by said roads or highways; and provided further, that any of the powers herein granted shall be exercised within the territorial limits of Mount San Jacinto State Park only by the express consent of and under contract with the State Park Commission.

Tolls, etc

Sec. 4.5. The authority may fix rates, tolls, charges, rents or other charges for the use of any facilities acquired, constructed, operated or maintained by the authority and may alter, charge or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the authority with respect to the fixing of such rates, charges, rentals or tolls.

Contracts
re rates

Sec. 4.6. The authority may enter into covenants to maintain minimum rates or charges, or rates or charges sufficient to service the outstanding obligations of the authority, if any. It may also enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any such contract or agreement with the holders of any obligations of the authority.

Mainte-
nance, etc.,
of properties

Sec. 4.7. The authority may enter into contracts with the State Park Commission covering the care, maintenance and protection of any of its properties in Mount San Jacinto State Park, the construction, operation, maintenance of recreational facilities thereon, and particularly with reference to the construction, operation, maintenance and repair of tramways, up-skis, ski tows, and all other recreational facilities, including ski houses, ski huts, ski hostels, and other accommodations for the public making use of the facilities acquired, constructed or completed by the authority in Mount San Jacinto State Park. Such contract may further provide for the care, maintenance and control of all winter recreational facilities, including transportation facilities acquired, constructed or completed by the authority and the payment of the expenses thereof from any fund available to the authority and may further provide for the granting to said authority of easements across State park property for such rights of way as may be necessary for the construction, operation, and maintenance of the transportation facilities acquired, constructed, or completed under this act. Nothing herein or in said contract shall obligate the State to appropriate any moneys for the payment of any expenses of the authority.

SEC. 4.8. The authority may exercise the right of eminent domain for the condemnation of private property or any right or interest therein for its use within the territorial limits defined in Section 3.3. It may take any property necessary for the purposes set forth in this act, but lands belonging to the State of California, and private property already appropriated to public use, which use is available to the authority from an established private utility under the rules and regulations of the California Railroad Commission, shall not be subject to condemnation hereunder. The use of any property, or rights or interests therein, necessary or useful for the purposes of the authority, within the territorial limits of the authority as defined in Section 3.3 is hereby declared to be a superior and permanent right and necessity, and a more necessary use and purpose than the use or purpose to which such property has already been appropriated or dedicated, except a public use or purpose already served by an established private utility or utilities operating under the jurisdiction of the California Railroad Commission, but lands which belong to the State of California, Secs. 3, 5, T. 4 S., R. 3 E., and Secs. 29, 33, T. 3 S., R. 3 E. and lands within the territorial limits of Mount San Jacinto State Park shall not be subject to condemnation hereunder.

Eminent domain

SEC. 4.9. Whenever the authority shall determine to exercise the right of eminent domain, it shall first adopt a resolution declaring that the public interest and necessity require the acquisition, construction or completion of any property, real, personal or mixed, rights, franchises or easements. Such resolution shall be conclusive evidence:

Resolution of public interest and necessity

(a) Of the public necessity of such acquisition, construction or completion;

(b) That such property, franchises, rights, privileges or easements are, and that the acquisition of the fee or other interest therein is, necessary therefor; and

(c) That such proposed acquisition, construction or completion is planned or located in a manner which will be most compatible for the greatest public good and the least private injury.

It shall not be necessary in any eminent domain proceeding under this act to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution of public interest and necessity describing the property sought to be taken and directing such eminent domain proceeding.

SEC. 4.10. The authority has, and is hereby granted all rights of way deemed by the authority necessary or advisable upon which to construct, locate and maintain the transportation facilities, tramways, up-skis or other transportation facilities which may be acquired, constructed or completed under this act through, over, under, on or across any property of this State, including all highways now or hereafter owned, opened or dedicated to or for public use and howsoever acquired, and through, over, under, on or across streets, lanes, alleys and roads now or hereafter opened or dedicated to or

Rights of way, etc

for public use and howsoever acquired which are now or may be within the territorial limits as defined in Section 3.3; provided, however, that no existing public highway shall be closed nor shall tolls be collected for the use thereof unless appropriate proceedings are first taken for the vacation or abandonment of such highway by the authorities in charge thereof; and provided further, that this grant shall not apply to property of the State of California located within the territorial limits of Mount San Jacinto State Park, excepting upon the express consent of the State Park Commission. In the event the use by the authority of any existing public highway necessitates changes therein or expenditures thereon, the cost thereof shall be borne by the authority. The authority is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to the State or any agency or political subdivision thereof to construct or maintain roads, highways or other crossings over any public or private lands.

Contracts
with U. S.
and State

SEC. 4.11. The authority may contract with any department or agency of the United States of America or of the State of California upon such terms and conditions as the authority finds is for the authority's best interests.

Contracts
with
persons,
etc.

SEC. 4.12. The authority may make contracts, leases and agreements with any person or public corporation and may generally perform all acts necessary for the full exercise of the powers vested in it.

Sale, etc.,
of properties

SEC. 4.13. The authority may sell, lease, convey or otherwise dispose of any of its rights, interests or properties after the purposes for which they were acquired have been fully satisfied. It may sell, lease or otherwise dispose of, at any time, any surplus materials or other property not needed for its requirements or for the purpose of carrying out this act.

Any sale or lease of any of its rights, interests or properties within the territorial limits of Mount San Jacinto State Park shall be subject to the provisions of any contract between the authority and the State Park Commission.

Advertising,
etc.

SEC. 4.14. The authority is authorized to give publicity to and to advertise the winter and other recreational facilities of Mount San Jacinto State Park, and to promote the use thereof and the development of the project constructed by the authority.

Rules, etc

SEC. 4.15. The authority may adopt such rules and regulations as may be necessary to enable it to exercise the powers and perform the duties conferred or imposed upon it by this act.

CHAPTER 5. REVENUE BONDS

Revenue
bonds

SEC. 5.1. The authority may issue revenue bonds for the acquisition, construction or completion of any works, properties or structures necessary or convenient to carry out the objects and purposes of this act; provided, that the total amount of bonds outstanding shall not be in excess of three million dollars (\$3,000,000) at any one time.

SEC. 5.2. Each separate improvement shall be designated "Project" as a "project" and the purpose, nature and extent thereof shall be described in general terms prior to the issuance of any bonds.

SEC. 5.3. The validity of the authorization and issuance of any revenue bonds by the authority is not dependent on nor affected in any way by: Validity of bond issue

(a) Proceedings taken by the authority for the acquisition, construction or completion of any improvement or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction or completion of any improvement.

(c) The failure to complete any improvements for which bonds are authorized to be issued.

SEC. 5.4. The authority shall issue revenue bonds in its name. These bonds shall constitute obligations of the authority only, and neither the payment of the principal or interest of any such bond constitutes a debt, liability or obligation of the State of California. All bonds issued by the authority shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation of the State. Nonliability of State

SEC. 5.5. The authority shall determine the time, form and manner of the issuance of revenue bonds. Time of issuance, etc

SEC. 5.6. The authority may enter into indentures providing for the aggregate principal amount, date, or dates, maturities, interest rate, denominations, form, registration transfer and interchange of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby. Indenture provisions

SEC. 5.7. An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the authority as the authority deems necessary or advisable for the better security of the bonds issued thereunder. Additional provisions

SEC. 5.8. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture. Payment of principal and interest

SEC. 5.9. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to con- Operation of improvements

tinuously operate all improvements acquired, constructed, or completed, in whole or in part, from the proceeds of the bonds in an efficient and economical manner.

Repairs,
etc

SEC. 5.10. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to make all needful and necessary repairs, renewals and replacements to any improvements and to keep them at all times in good repair, working order and condition.

Protector
of security

SEC. 5.11. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

Claims

SEC. 5.12. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any improvements acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, of which might impair the security of the bonds.

Mortgage,
etc., of
property

SEC. 5.13. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the authority to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of such improvement, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

Rates, etc

SEC. 5.14. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to fix, prescribe and collect rates, tolls, rentals or other charges in connection with the services and facilities furnished from the improvements acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the improvements, and with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such improvement; and provided, however, that all rates, tolls, rentals or other charges in connection with the services and facilities furnished, acquired or constructed within the territorial limits of Mount San Jacinto State Park shall be subject to such provisions relative thereto as may be contained in a contract between the authority and the State Park Commission.

Revenues

SEC. 5.15. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to hold in trust the revenues pledged to the payment of such bonds

and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

SEC. 5.16. An indenture may include a clause limiting the power of the authority to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any improvement or any part thereof, or more than one of such improvements. Improvements

SEC. 5.17. An indenture may include a clause limiting the power of the authority to issue additional bonds for the purpose of acquiring, constructing or completing any improvement or any part thereof. Additional bonds

SEC. 5.18. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on any improvement, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected. Insurance

SEC. 5.19. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the authority then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived. Default

SEC. 5.20. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the authority of any of the covenants, conditions, or obligations contained in any indenture. Breach of covenants, etc

SEC. 5.21. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom. Amendment of indentures

With respect to any clause providing for the modification or amendment of an indenture, the authority may agree that bonds held by the authority, by any department, political subdivision or agency of the State of California, or by any public corporation, municipality, district or political subdivision shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

SEC. 5.22. The indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable. Other acts

Designation of trustee	<p>SEC. 5.23. The authority may designate a bank or trust company, qualified to do business in this State, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.</p>
Authority of trustee	<p>SEC. 5.24. The authority shall fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues collected for or on account of the authority. The authority shall prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.</p>
Bond issue	<p>SEC. 5.25. The authority may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the authority, at or prior to the issue thereof. The authority may provide for successive issues or may provide for one maximum issue.</p>
Same	<p>SEC. 5.26. Bonds may be issued as coupon bonds or as registered bonds. The authority may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the authority may determine.</p>
Interest	<p>SEC. 5.27. Bonds shall bear interest at a rate of not to exceed six (6) per cent per annum, payable annually or semi-annually or in part annually and in part semi-annually. Prior to the issuance of bonds the authority may fix limitations or restrictions on the payment of interest.</p>
Bonds callable	<p>SEC. 5.28. Bonds may be callable upon such terms, conditions, and upon such notice as the authority may determine, and upon the payment of the premium fixed by the authority in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.</p>
Payment	<p>SEC. 5.29. The authority may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.</p>
Execution	<p>SEC 5.30 The authority may provide for the execution and authentication of bonds by the manual, lithographed or</p>

printed facsimile signature of officers of the authority, and by additional authentication by a trustee or fiscal agent appointed by the authority. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

SEC. 5.31. Bonds shall bear dates prescribed by the authority. Bonds may be serial bonds or sinking fund bonds with such maturities as the authority may determine. No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue. Maturity

SEC. 5.32. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) per cent per annum, payable semiannually, according to standard tables of bond values. Sale, etc.
of bonds

SEC. 5.33. The authority may provide for the security of bonds. The authority may also provide for the payment of bonds out of any appropriations or other funds contributed to the authority by the State of California, the United States of America, or by any department or agency of either thereof. However, nothing in this act shall obligate the State of California to make any appropriation for that purpose. Security
for bonds

SEC. 5.34. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture. Interest
during
construction

SEC. 5.35. The authority may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of any project acquired, constructed or completed from the proceeds thereof as may be provided for in the indenture. Lien

SEC. 5.36. Pending the actual issuance or delivery of revenue bonds, the authority may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery. Interim
bonds

SEC. 5.37. All bonds, and the interest or income therefrom, are exempt from all taxation in this State other than gift, inheritance and estate taxes. Tax
exemptions

Investigation
and
certification
Stats 193
p 2263
Sec Div 1C
Ch 1.
Wat C

SEC. 5.38. The bonds issued under this act are subject to investigation and certification by the California Districts Securities Commission under the California Districts Securities Commission Act as such act reads or is hereafter amended to read. If the commission determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the commission certifies to that effect, the bonds shall be eligible as legal investments for both public and private funds in the same manner as is provided in the California Districts Securities Commission Act.

Refunding
bonds

SEC. 5.39 The authority may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the authority. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

Purposes

SEC. 5.40. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

Negotia-
bility

SEC. 5.41. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

Proceedings
to determine
validity

SEC. 5.42. Prior to the issuance of any bonds, the authority may commence in the Superior Court of the State of California, in and for the County of Riverside, a special proceeding to determine the right to issue the bonds and their validity. Such proceeding shall be instituted and prosecuted in the same manner as provided by Sections 22670 to 22684, inclusive, of the Water Code of 1943, as these sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this act. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

CHAPTER 6. ACQUISITION, CONSTRUCTION AND COMPLETION OF PROJECT

SEC. 6.1. Whenever in the judgment of the authority it is advisable that any project be acquired, constructed or completed, in whole or in part, it shall cause a report thereon to be made which shall include: Project Report

(a) An estimate of the probable cost of the acquisition, construction and completion, including all incidental expenses, engineering, legal and administrative, during construction;

(b) An estimate of the probable sources of income and the amount thereof;

(c) An estimate of the cost of maintenance and future operation upon completion, including the cost of all repairs, administrative and overhead charges.

The expense of the preparation of such report shall be paid by the authority out of any funds available, including the proceeds of revenue bonds thereafter issued.

SEC. 6.2. If the report is approved by the authority, the authority may adopt a resolution declaring that the public interest and necessity demand the acquisition, construction or completion of the project, authorizing such acquisition, construction or completion, and may thereupon authorize the issuance of revenue bonds for the purpose of obtaining funds in an amount estimated by the authority to be sufficient for such purpose. Resolution

SEC. 6.3. The authority has full charge of the acquisition, construction and completion of all projects authorized by it and may proceed with such work forthwith. Construction, etc

SEC. 6.4. The authority may construct any project and acquire all property necessary therefor on such terms and conditions as it deems advisable. The authority, without awarding a contract for the construction of any project, may do the work directly and may purchase materials, hire labor and do all other things necessary for the doing of the work. When any part of the work is to be done or performed by any public body or by the United States jointly or in conjunction with the authority, the portion of the cost thereof to be borne by the authority may be turned over to the Government of the United States or to any other public body to be expended by it in the acquisition, construction or completion of the project. Construction contracts entered into by the authority shall not be subject to the provisions of the State Contract Act and shall be governed solely by the provisions of this act, except that the provisions of Chapter 3, Division 5 of Title 1 of the Government Code are hereby expressly made applicable to any project under this act. Any such contracts may be entered into in such manner and upon such terms as the authority deems advisable. Same

SEC. 6.5. Title to all property acquired by the authority, and the revenues and income therefrom, is in the name of the authority. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the authority and the income Title, etc

thereof pledged to the payment of the principal of any interest on any bonds issued hereunder is subject to the trusts hereby created in favor of the bondholders. All such property, and the income therefrom, are exempt from all taxation by the State or by any county, city and county, city, municipality, district, political subdivision or public corporation thereof. The management, operation and control of all improvements acquired, constructed or completed by the authority shall be vested in the authority and the powers, rights, functions and duties of the authority with respect thereto shall not be interfered with, except that with respect to any property or improvement in Mount San Jacinto State Park the right of possession, control, maintenance and operation thereof by the authority shall be subject to termination on such terms and conditions as may be agreed upon between the authority and the State Park Commission pursuant to any contract between the authority and the State Park Commission under which such improvements within said State park were acquired, constructed or completed.

Operation,
mainte-
nance, etc.

SEC. 6.6. So long as any bonds issued hereunder are outstanding and unpaid, the operation, maintenance, control, repair, reconstruction, alteration and improvement of any project acquired, constructed or completed under the provisions of this act are vested in the authority, subject however to the provisions of any contract between the authority and the State Park Commission entered into under the provisions of Section 4.7 hereof; provided, that the authority may enter into any agreement with the State Park Commission pursuant to which the State Park Commission shall be vested, in whole or in part, with such duties as may be agreed upon between the authority and the State Park Commission, but no such agreement shall relieve the authority from any obligation assumed to the holder of its bonds under any indenture or proceedings for the issuance of such bonds; provided, however, that after all the outstanding bonds of the authority shall have been paid, the authority, subject to the provisions of any contract between the authority and the State Park Commission entered into under the provisions of Section 4.7 hereof, shall expend all revenues and the income thereof and all sums realized under the provisions of Section 4.13 hereof in the operation, maintenance, control, repair, reconstruction, alteration, and improvement of any project acquired, constructed, or completed under the provisions of this act and the construction, maintenance, and improvement of additional recreation facilities within the territorial limits of the authority as defined in Section 3.3 hereof.

Payment

SEC. 6.7. The authority may use for the payment of the acquisition and construction or completion of any project any funds made available to the authority to be expended for the accomplishing of the purposes set forth in this act or the proceeds of revenue bonds issued and sold by the authority.

Insurance
Accident or
destruction
of property

SEC. 6.8. The authority may insure against any accident to or destruction of any project or any part thereof. Any

money collected on such insurance shall be used for the purpose of repairing or rebuilding the project damaged, injured or destroyed, or for the retirement of any revenue bonds issued in connection therewith which may be outstanding unredeemed, as may be agreed upon by the authority in the indenture authorizing the issuance of the bonds.

SEC. 6.9. The authority may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon. Loss of revenue

SEC. 6.10. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any revenue bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon. Public liability or property damage

CHAPTER 7. RATES, TOLLS, CHARGES AND FEES

SEC. 7.1. Subject to such contractual obligations as may be entered into with the State Park Commission the authority shall fix the rates of toll and other charges for all transportation facilities furnished and winter sport and other recreational facilities acquired, constructed or completed under the terms of this act, for the use thereof by any persons utilizing such facilities. Subject to such contractual obligations as may be entered into by the authority and the holders of the revenue bonds issued under this act, the authority is authorized to change rates of toll, charges and fees from time to time as conditions warrant. All tolls, rates and charges shall be at all times fixed to yield annual revenue equal to annual operating and maintenance expenses, including insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding hereunder, as the same become due. The bond redemption and interest payments shall constitute a first, direct and exclusive charge and lien on all such tolls, rates and charges and other revenues and interest thereon, and sinking funds created therefrom, received from the use and operation of the project for the acquisition, construction or completion of which such revenue bonds were issued, and all such tolls, rates, charges and other revenues, together with interest then thereon, shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. The authority may provide that the rates, tolls, charges and fees established are minimum rates, tolls and charges and subject to increase or decrease in accordance only with the terms of the indenture under which the revenue bonds are issued. Rates, tolls, etc

SEC. 7.2. The authority may lease concessions for such period of time, not exceeding twenty-five (25) years, as may be agreed upon by the contracting parties, but no such lease Lease of concessions

of concessions within the territorial limits of Mount San Jacinto State Park shall be entered into without the approval of the State Park Commission

Contract
reference:

SEC. 7.3. Every contract entered into by the authority for the use of any project or part thereof acquired, constructed or completed from the proceeds of the sale of revenue bonds shall incorporate by reference the provisions of any indenture pursuant to which the bonds have issued. Every such contract or lease shall also refer to the provisions of this act with respect to the obligation of the authority to fix rates, tolls, charges and fees to meet the payments provided for in this act and in the proceedings for the issuance of revenue bonds, and all payments required to be made to the authority under such contract shall be subject to increase if and when the authority is required to increase rates to meet its obligations hereunder and under any indenture providing for the issuance of bonds.

CHAPTER 8. COMPETITIVE PROJECTS

Competitive
projects

SEC. 8.1. The authority may include, in an indenture for the issuance of revenue bonds, a clause that no competitive projects will be acquired or constructed by the authority in, near or adjacent to Mount San Jacinto State Park so long as any of the bonds of the authority are issued under any such indenture and then outstanding. Such limitation shall be valid and binding upon the authority.

Free use
prohibited

SEC. 8.2. The authority may also include in the indenture for the issuance of bonds a clause that no project acquired, constructed or completed from the proceeds of revenue bonds issued by the authority shall be used without charge therefor or be furnished free of charge to any person, including the State of California or any political subdivision thereof, or any public corporation or individual, other than employees of the authority or of the State of California or other public body actually engaged in rendering service to the authority in connection with the project.

Construction
of cableway,
etc

SEC. 8.3. The State of California hereby agrees that, as long as any of the bonds issued hereunder for the acquisition, construction or completion of any tramway, cableway, or other means of transportation up and along the slopes of Mount San Jacinto are outstanding and unpaid, or as long as there are not funds available after the construction of the facilities of the authority, in the treasury of the authority in sufficient amount to retire all the outstanding bonds, it will not directly or indirectly construct or permit the construction of any tramway, cableway or railroad whatsoever, or any road or highway or other means of transportation within Secs. 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, T. 4 S., R. 3 E., which can reasonably be shown to be in competition with the facilities of the authority. The provisions of this section shall be binding upon the County of Riverside, the State of California High-

way Commission, and upon all agencies, departments or instrumentalities of this State, and the prohibition of this section shall restrict and limit the powers of the Legislature of the State of California in respect of the matters herein mentioned as long as any of such bonds are outstanding and unpaid, or as long as there are not funds available after the construction of the facilities of the authority, in the treasury of the authority in sufficient amount to retire all the outstanding bonds, and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds; provided, however, that nothing contained in this section is in any way limiting the authority of the State of California or any of its agencies, departments, or instrumentalities from constructing necessary fire trails, fire breaks, truck trails, horseback trails, pedestrian trails and the like.

CHAPTER 9. RIGHTS OF BONDHOLDERS

SEC. 9.1. The holder of any bond issued pursuant to this act may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the authority or upon any State department, official or employee, or assumed by any thereof, their officers, agents or employees, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of tolls, rates, charges, fees and all other revenues derived from the operation and use of any project, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this act. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this act.

Rights of
bond
holder -
Mandamus

SEC. 9.2. While any revenue bonds issued by the authority remain outstanding, the powers, duties and existence of the authority, of the Department of Natural Resources, and of any other agency or official of the State having powers or duties under this act shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of the bonds.

Change in
powers

CHAPTER 10. CONTRIBUTIONS AND COOPERATION

SEC. 10.1. The authority may accept contributions or appropriations from the United States of America, the State of California, or any department or agency of either thereof, or from any county, city and county, city, political subdivision, agency, district or other public corporation of this State.

Contribu-
tions by
State, etc

SEC. 10.2. Subject to the provisions of any contract between the authority and the State Park Commission the authority may enter into any contract, arrangement or agreement with any

Contracts
with public
agencies

other public agency and may cooperate with any other public agency for the development of the recreational facilities of Mount San Jacinto State Park.

Contracts
with public
corporations

SEC. 10.3. Any public corporation of this State may cooperate and enter into contracts with the authority for the acquisition, construction, completion, maintenance, operation, repair, joint or otherwise, and in whole or in part, of any project for the improvement of the winter and other recreational facilities of Mount San Jacinto State Park. In connection with any such cooperation or contract, any such public corporation may make public contributions to the authority as in the judgment of the governing board of the public corporation are necessary or proper for its undertaking, and the authority may reimburse such public corporation for any such advance or contribution from the proceeds of the sale of revenue bonds or any other funds available to the authority. Any agreement made by the authority for such reimbursement of advances or contributions made to it shall be valid and enforceable against the authority. Any such public corporation may also authorize, aid and assist the authority to carry out any activity which such public corporation is by law authorized to perform and carry out on its own behalf, in respect to the recreational facilities afforded to its own inhabitants by the projects of the authority.

Contracts
with U. S.,
etc.

SEC. 10.4. The authority may cooperate and contract with the United States under the War Mobilization and Reconversion Act of 1944, approved October 3, 1944, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore and hereafter enacted authorizing or permitting such cooperation.

CHAPTER 11. FUNDS

Bond
proceeds

SEC. 11.1. The proceeds from the sale of all bonds authorized under the provisions of this act may be paid upon the direction of the authority either to the Treasurer of the State of California as custodian of the special trust fund, which fund is created by Section 11.2 hereof, to be held for the account of the authority, or may be paid direct to any bank or trust company designated as the fiscal agent and depository of the authority, as in this act provided.

Mount
San Jacinto
Winter
Park
Authority
Construction
Fund

SEC. 11.2. There is hereby created a fund to be known as the "Mount San Jacinto Winter Park Authority Construction Fund," in the event the proceeds of the sale of bonds authorized under this act shall be paid to the Treasurer of the State of California. Such construction fund shall at all times be kept separate and apart from all other funds and shall be held by the State Treasurer as a special fund for the account of the authority. The moneys in the construction fund shall be held subject to the right of the authority to recover the same, on claims presented by it, whereupon the moneys shall be paid out and disbursed solely for the construction of projects pursuant to the

provisions of this act, including surveys, preparation of plans and specifications, and for the payment of all other costs and expenses prior to and during construction, including the acquisition of necessary rights of way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering, legal and administrative costs as provided by the authority in the proceedings for the issuance of such bonds. The Controller of the State of California shall keep an accurate account of all money deposited in and withdrawn from the construction fund.

SEC. 11.3. In the event the proceeds of the sale of bonds are deposited in a special construction fund in the custody of the State Treasurer, such moneys may be deposited as demand deposits in such depository or depositories as may be authorized by law to receive deposits of State funds. Deposits

SEC. 11.4. If any surplus shall exist in the construction fund after the payment in full of all costs of acquisition, construction and completion of the project for which the revenue bonds were issued, the same may be paid out and disbursed for any of the purposes of the authority in addition to those for which it may be paid out and disbursed pursuant to Section 11.2 hereof, but subject to any agreement which may be made by the authority in any indenture for the issuance of the revenue bonds with respect to the application of such surplus. Surplus

SEC. 11.5. In lieu of depositing the proceeds of sale of said bonds with the State Treasurer, the authority may, in any indenture or proceedings for the issuance of bonds, designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this State, to receive the proceeds of such revenue bonds and to hold the same to the credit of a fund to be designated as the "Mount San Jacinto Winter Park Authority Construction Fund," which fund shall be kept segregated and set apart from all other funds and shall be paid out and disbursed solely upon the application and demand of the authority. Deposits
with bank,
etc

SEC. 11.6. The authority may provide for the payment of interest becoming due and payable on the revenue bonds prior to and during the period of actual construction of the project for which the bonds are issued, and for the period specified in the indenture for the issuance of the bonds, which period shall not exceed two (2) years after the completion of construction, and for the payment of all costs and expenses of administration during a period of one year after the completion of construction of the project shall be made out of the construction fund as the need therefor shall arise, and any moneys in the construction fund are hereby made available for such purposes. Payment
of interest
on bonds

SEC. 11.7. Moneys in the construction fund, whether held by the State Treasurer or in any fiscal agency or depository of the authority, not required to meet acquisition or construction costs or expenses payable from the construction fund, or interest on the bonds, may be invested in bonds and other obligations Investment
of funds

eligible for investment of surplus State moneys; subject to such limitations as may be provided in the proceedings authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the construction fund for the benefit of the authority.

Revenue
from
project

SEC. 11.8. All revenues received from the operation of the project acquired or constructed or completed by the authority may be paid over by the authority either to the State Treasurer as custodian thereof or to any fiscal agent or depository appointed by the authority.

Mount
San Jacinto
Winter
Park
Authority
Revenue
Fund

SEC. 11.9. If the revenues are paid over by the authority to the State Treasurer, the same shall be held by the State Treasurer in a special fund and applied exclusively for the account of the authority. Said special fund is hereby designated "Mount San Jacinto Winter Park Authority Revenue Fund." The moneys in the revenue fund shall be deposited by the State Treasurer in time or demand deposits in such depository or depositories as may be authorized by law to receive deposit of State funds, to the credit of the revenue fund, or may be invested in such bonds or obligation as are by law legal investments for State moneys, subject to such limitations and restrictions as may be provided in the indenture under which bonds of the authority are issued and outstanding. Any income or interest received upon such deposits or investments shall be added to the revenue fund and inure to the benefit of the authority. The moneys in the revenue fund held by the State Treasurer shall be held subject to the right of the authority to recover the same, on claims presented by it, whereupon the moneys shall be paid out and disbursed for the payment of the principal of and interest on all bonds issued by the authority under the provisions of this act, as and when such principal and interest shall become due, and for the creation of any reserve fund or other special fund provided by the authority in the proceedings for the issuance of said bonds, and also for the payment of all costs and expenses for the maintenance and operation of the project, engineering, legal and administrative costs and for all repairs and replacements and other costs and expenses of the authority. The Controller of the State of California shall keep an accurate account of all money deposited in and withdrawn from the revenue fund.

Deposit
in banks

SEC. 11.10. In lieu of deposit of the revenues received from the project with the State Treasurer, the authority may deposit all such revenues at any bank or trust company appointed depository or fiscal agent of the authority in the proceedings for the issuance of the bonds, and if such fiscal agent or depository is so appointed the authority shall provide for the collection of all revenues and for the receipt and disbursement thereof by the fiscal agent. The authority may, in its absolute discretion, fix the terms and conditions upon which the trustee or trustees or fiscal agent or depository shall receive, hold and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees or deposi-

tary in the indenture or other proceedings for the issuance of the bonds.

SEC. 11.11. In the event the proceeds of the sale of the bonds or any revenues of the authority are deposited with the State Treasurer, such funds shall be kept separate and distinct from all funds in the State treasury and no moneys in the construction fund or the revenue fund may be loaned or in any way used other than pursuant to the provisions of this act. Deposit
with State
Treasurer

SEC. 11.12. All expenses incurred by the State Park Commission in the operation and maintenance of projects under the supervision of the authority pursuant to any agreement between the authority and the State Park Commissioner shall be paid by the authority out of the revenue fund. Expenses
of operation

CHAPTER 12. GENERAL AUTHORITY

SEC. 12.1. The authority, and its officers and agents, the Department of Natural Resources, the Department of Public Works, the State Park Commission, the State Board of Forestry, and all other State officials and departments, may perform such acts and enter into such agreements with the authority, not inconsistent with law, as may be necessary or desirable in connection with the duties and powers conferred upon the authority by this act, in the matter of acquiring, constructing, completing, maintaining, operating, repairing or insuring or replacing any project acquired, constructed or completed under this act, for the safeguarding of funds and revenues required for the purposes of this act, and for the payment of the revenue bonds issued pursuant to this act. General
authority

CHAPTER 13. CONSTRUCTION AND INTERPRETATION

SEC. 13.1. This act shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this act set forth. Construction
of act

No provision of this act shall be construed to limit any of the present powers or authority of the State Park Commission in its jurisdiction over Mount San Jacinto State Park except, however, the provisions of Section 8.3 hereof.

SEC. 13.2. The Legislature hereby declares that the acquisition, construction and completion of winter and other recreational facilities in Mount San Jacinto State Park are essential due to the special and peculiar conditions relating to that park which are not common to any other State park in the State of California. No general law can be made applicable to the carrying out of the objects and purposes of this act, and the facts and circumstances relative to the improvement of the Mount San Jacinto State Park require the adoption of a special act and the creation of a special authority, and this act is intended to accomplish that purpose; subject, however, to the continued jurisdiction and authority of the State Park Commission over the lands within the territorial limits of Mount San Legislative
declaration

Jacinto State Park and all rights given the authority over such lands shall be acquired only by contract between the authority and the State Park Commission.

Constitutionality SEC. 13.3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

Other acts SEC. 13.4. This act shall not operate to rescind or repeal any other act of the State of California providing for the issuance of revenue bonds or the creation of any other authority for any other purpose.

CHAPTER 14. SHORT TITLE

Short title SEC. 14.1. This act shall be known and cited as the "Mount San Jacinto Winter Park Authority Act."

CHAPTER 1041

An act to add Sections 1070.5, 1071.5 and 1075 to the Insurance Code, and to amend Section 1072 of said code, relating to withdrawal of insurers.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1070.5 is added to the Insurance Code, to read:

Application
for with-
drawal

1070.5. Whenever an admitted insurer fails to apply for renewal of its certificate of authority, or whenever the certificate of authority admitting an insurer is not renewed or is canceled or revoked, such insurer shall apply to withdraw as an insurer and shall withdraw as such insurer from this State pursuant to this article. Every certificate of authority hereafter granted or renewed is so granted or renewed subject to this withdrawal requirement. Acceptance of every such certificate of authority is an agreement by the accepting insurer that it will conform to the provisions of this article.

SEC. 2. Section 1071.5 is added to said code, to read:

Discharge of
liabilities

1071.5. Every insurer which withdraws as an insurer, or is required to withdraw as an insurer, from this State shall, prior to such withdrawal discharge its liabilities to residents of this State. In the case of its policies insuring residents of this State it shall cause the primary liabilities under such

policies to be reinsured and assumed by another admitted insurer. In the case of such policies as are subject to cancellation by the insurer, it may cancel such policies pursuant to the terms thereof in lieu of such reinsurance and assumption.

Sec. 3. Section 1072 of said code is amended to read:

1072. The commissioner shall make, or cause to be made ^{Examination} by the insurance authority of the State where the insurer is organized, an examination of the books and records of the insurer. If, upon such examination, he finds that the insurer has no outstanding liabilities to residents of this State and no policies in favor of the residents of this State uncanceled or the primary liabilities under which have not been reinsured and assumed by another admitted insurer, as required by Section 1071.5, he shall cancel the insurer's certificates of authority, if unexpired, and he shall permit the insurer to withdraw. The commissioner may, in his discretion, waive any or all of the above requirements if, after such examination, he finds it to be in a solvent condition. All such examinations shall be at the expense of the insurer, and such expense shall be paid in advance.

Sec. 4. Section 1075 is added to said code, to read:

1075. An insurer which fails to comply with the require- ^{Penalty}ments of this article shall forfeit to the people of the State of California the penal sum of the bond furnished in accordance with the provisions of Article 12 of this chapter or the securities furnished thereunder. The penalty provided in this section shall be in addition to such other remedies as may be available to the State to compel compliance by such insurer with the provisions of this article, and shall not be in lieu thereof.

CHAPTER 1042

An act to amend Sections 12263, 12403, 12405, 12433 and 12997 of the Revenue and Taxation Code, and to repeal Section 12404 thereof, all relating to insurance taxation.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 12263 of the Revenue and Taxation Code is amended to read:

12263. The tax imposed on insurers by this article is in lieu of all other taxes and licenses, State, county, and municipal, ^{In lieu tax} upon such insurers and their property, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this State which has a trust department or does a trust business under the banking laws of this State is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this State.

(3) The tax on ocean marine insurance.

SEC. 2. Section 12403 of said code is amended to read:

Report on
insurers
generally

12403. Annually, on or before July 1st, the Insurance Commissioner shall make and file with the board a report showing:

(a) All domestic and foreign insurers engaged in the business of insurance in this State within the preceding year.

(b) In the case of insurers not having transacted title insurance in this State, the total amount of the gross premiums, other than premiums for reinsurance and for ocean marine insurance, received from its business in this State by each such insurer during the preceding year.

(c) In the case of insurers having transacted title insurance in this State, all income upon business done in this State during the preceding year by each such insurer, constituting the basis of the tax imposed by Section 14 $\frac{1}{2}$ of Article XIII of the Constitution and by Section 12251, subject to the definitions, exceptions and exclusions of Sections 12253, 12254 and 12255.

(d) The amount of return premiums paid during the preceding year on business done in this State by each insurer.

(e) The amount, conforming to the requirements of Sections 12258, 12259, and 12260 and subject to the limitations in Section 12262, of taxes paid during the preceding year by each insurer on real estate owned by it in this State, and where the real estate is located.

SEC. 3. Section 12405 of said code is amended to read:

Insurer
failing to
file report

12405. If an insurer does not file with the Insurance Commissioner within the time prescribed the statements required by Article 3 of Chapter 2 and Article 2 of Chapter 3 of this part, the Insurance Commissioner shall note such fact in the reports filed by him with the board. He shall estimate or otherwise determine the business done by the insurer and inform the board of such other pertinent matters as will further enable the board to assess the insurer.

SEC. 4. Section 12433 of said code is amended to read:

Tax:
Measure

12433. In the case of a tax not measured by underwriting profits, the board shall give consideration to the information contained in the Insurance Commissioner's annual reports.

SEC. 5. Section 12997 of the Revenue and Taxation Code is amended to read:

Improperly
assessed
amount

12997. The Insurance Commissioner, after discovery of the failure to properly assess and after determination of the amount involved, shall include in his next annual reports to the board pursuant to Sections 12402 and 12403 a statement of the amount of underwriting profit or of the basis of the tax and the amount of tax which was overassessed or the amount subject to assessment which was not assessed.

Repeal

SEC. 6. Section 12404 of said code is repealed.

CHAPTER 1043

An act amending Section 1952 of the Code of Civil Procedure, relating to the destruction or other disposition of depositions.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1952 of the Code of Civil Procedure is amended to read:

1952. The court, on its own motion, by an order entered in the minutes, may order destroyed or otherwise disposed of any exhibit or deposition introduced in the trial of a civil action or proceeding which, if appeal has not been taken from the decision of the court in the said action or proceeding, remains in the custody of the court three years after time for appeal has expired, or, if appeal has been taken, remains in the custody of the court three years after final determination thereof, provided no such order shall be made authorizing destruction or disposal of any exhibit which conveys title to or creates a lien on real property.

Destruction
of exhibits,
etc

 CHAPTER 1044

An act to amend Section 925 of the Probate Code, relating to vouchers.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 925 of the Probate Code is amended to read:

925. Except as hereinafter provided, the executor or administrator, in rendering his account, must produce and file vouchers for all payments which he has made. The vouchers must remain on file until returned or destroyed as hereinafter provided. Any voucher may be withdrawn on leaving a certified copy on file, but must be produced on demand, unless permanently withdrawn with the permission of the court. Three years from the time the decree of final distribution has become final, the clerk of the court may destroy the vouchers or deliver them to the executor or administrator or to his attorney.

Executor's
account
Vouchers

CHAPTER 1045

An act to amend Sections 501 and 503 of, to add Sections 504 and 505 to, and to add Article 5, comprising Sections 891 and 892, to Chapter 4 of Part 2 of Division 1 of, the Revenue and Taxation Code, relating to the penal assessment of property.

In effect
September
15, 1945

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 501 of the Revenue and Taxation Code is amended to read:

Penal
assessment

501. After written demand by the assessor, if any person neglects or refuses to comply with any provision of law for obtaining information from taxpayers, the assessor may penally assess the property.

SEC. 2. Section 503 of the Revenue and Taxation Code is amended to read:

Concealing
property,
etc

503. Any property, including intangibles, wilfully concealed, removed, transferred, or misrepresented by the owner or his agent to evade taxation, shall be penally assessed on discovery.

SEC. 3. Section 504 is hereby added to the Revenue and Taxation Code, to read as follows:

Amount

504. A penal assessment shall not exceed 10 times the value of the property penally assessed, and a penal assessment shall not be reduced by the county board.

SEC. 4. Section 505 is hereby added to the Revenue and Taxation Code, to read as follows:

Entry

505. The assessor shall make a penal assessment by entering on the local roll opposite the name of the assessee the words "Penal assessment."

SEC. 5. Article 5, consisting of Sections 891 and 892, is hereby added to Chapter 4 of Part 2 of Division 1 of the Revenue and Taxation Code, to read as follows:

Article 5. Penal Assessments of State Assessed Property

Concealing
property,
etc.

891. Any State assessed property, including intangibles, wilfully concealed, removed, transferred, or misrepresented by the owner or his agent to evade taxation, shall be penally assessed on discovery.

Amount

892. A penal assessment shall not exceed 10 times the value of the property penally assessed, and a penal assessment shall not be reduced by the board on a petition for reassessment.

CHAPTER 1046

An act providing for the acceptance, receipt and disposition of property by the State Board of Education and making an appropriation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Whenever by the provisions of any act of Congress or any rule or regulation adopted thereunder the State Board of Education is authorized to accept or receive from the Government of the United States of America, or any agency thereof, any property and to provide for its disposition, the said board is authorized to do so and is vested with all necessary power and authority to accomplish such acceptance, receipt and disposition.

State Board of Education Acceptance of property

SEC. 2. The State Board of Education in providing for the disposition of such property shall require the payment of such charges by the parties to whom property is transferred as the State Board of Education estimates will reimburse the State Board of Education for the cost of accepting, storing, handling and disposing of such property. All moneys received by the State Board of Education under this section shall be paid into the State treasury to the credit of the appropriation made by this act in augmentation thereof. Any such moneys found by the board to be in excess of the costs incurred in accepting, storing, handling and disposing of property under the provisions of this act may, upon approval of the Department of Finance, be refunded to the parties from whom such moneys were received.

Charges, etc.

SEC. 3. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated, the sum of twenty-five thousand dollars (\$25,000) for expenditure by the State Board of Education in meeting the costs incurred by said board in accepting, storing, handling and disposing of property under the provisions of this act and in making refunds.

Appropriation

SEC. 4. This act shall remain in effect until June 30, 1947, upon which date any unencumbered balance in the appropriation made by this act shall revert to the General Fund.

Effective period

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect, to become operative July 1, 1945. A statement of the facts constituting such necessity is as follows:

Urgency

The Government of the United States of America has, effective June 30, 1945, discontinued its war production training program. The program in California has been administered by the State Board of Education. As a result of the discontinuance

of the program, the State Board of Education has been charged by the Federal Government with the responsibility of accepting, receiving, and disposing, under the terms and conditions prescribed by the Federal Government of equipment, materials and supplies valued at four million nine hundred thousand dollars (\$4,900,000) without any Federal funds being available to pay the costs thereof. In order to accomplish its responsibilities in the shortest possible period, it is necessary that this act take effect immediately.

CHAPTER 1047

An act to amend Section 19533 of the Government Code, relating to layoffs in the State civil service.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 123
Order of
layoffs

SECTION 1. Section 19533 of the Government Code is amended to read:

19533. Layoff shall be made in accordance with the relative efficiency and seniority of the employees of the class in which the layoff is to be made as determined by seniority and by performance reports on file with the board. If layoff becomes necessary by reason of reinstatement of an employee or employees after military service as provided for in Section 19390, or by reason of demotion caused by reinstatement of an employee or employees after military service as provided in Section 19535, such layoff shall be made from the class in accordance with the relative efficiency and seniority in the following group sequence, and all persons in a group shall be laid off before any layoff is made in the next succeeding group: (1) Duration appointees; (2) Persons employed after September 16, 1940, and who subsequently did not enter military service; (3) Persons employed after September 16, 1940, and who subsequently entered the military service; and (4) All other employees. In the case of a tie in the report of performance and seniority combined scores, the person who entered military service would have preference and layoff shall be made in the above order.

Any layoff occurring within one year after reinstatement of an employee after military service shall be presumed to have been necessary by reason of the reinstatement of an employee or employees under Section 19390. In determining seniority, two points shall be allowed for each complete year of State service performing work which would fall in the series of classes related to the employee's present class.

For the purpose of this section, a person in the class in which the layoff is to be made whose appointment, transfer, or rein-

statement to a permanent or probationary position in said class was made prior to September 16, 1940, shall be considered as being employed prior to September 16, 1940. A person who was reinstated after September 16, 1940, from a leave of absence which was granted prior to September 16, 1940, shall be considered as having been employed within the meaning of this section prior to September 16, 1940. When a person is reinstated from a resignation made subsequent to September 16, 1940, such reinstatement shall be considered as a new appointment. Any person appointed, transferred or reinstated to a permanent or probationary position prior to September 16, 1940, and who took a voluntary demotion subsequent to that date, shall be considered as having been originally appointed prior to September 16, 1940.

CHAPTER 1048

An act to amend Section 20890 of the Government Code, relating to time spent in military service for the purpose of computing retirement benefits and contributions to the Retirement System while in such military service.

[Approved by Governor June 25, 1945 Filed with Secretary of State June 25, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 20890 of the Government Code is amended to read: See also Stats 1945, Ch 123

20890. A member is absent on military service when he is absent from State service by reason of service with the armed forces or the Merchant Marine of the United States, or on ships operated by or for the United States Government, either during a war involving the United States as a belligerent or in any other National emergency, and for six months thereafter. Absence on military service

CHAPTER 1049

An act to amend Section 1.5 of the Judges' Retirement Act, relating to the judges' retirement system, and providing for the inclusion of time served as a justice of the peace in computing service for the purpose of retirement. Stats 1937, p 2204, amended

[Approved by Governor June 25, 1945 Filed with Secretary of State June 25, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1.5 of the Judges' Retirement Act is amended to read: Stats. 1943, p. 2903

Sec. 1.5. In computing the number of years a person has been a justice or judge for the purposes of retirement under Judges: Computation of service

Section 1 of this act, there shall be included such number of years as the justice or judge shall have presided as a justice of a court which was superseded by a municipal court, if such person became a judge of such municipal court upon its creation, or if a person was serving as a justice of the peace at the time of his election or appointment as a judge of a superior court or District Court of Appeal or Supreme Court, the time so served as such justice of the peace shall be included in computing the number of years such person has been a justice or judge for the purposes of retirement under Section 1 of this act, provided said person shall have served at least 10 years as a judge or justice of the Supreme Court, a District Court of Appeal or superior court immediately preceding his retirement and shall have paid into the judges' retirement fund a sum equal to the maximum amount required by law to be contributed by such judge or justice of the Supreme Court, District Court of Appeal or superior court.

CHAPTER 1050

An act to add Section 6382.1 to the Revenue and Taxation Code, relating to exemptions under the Sales and Use Tax Law.

In effect
September
15, 1945

[Approved by Governor June 25, 1945 Filed with Secretary of State
June 25, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 6382.1 is added to the Revenue and Taxation Code, to read:

Sales tax
Exemptions
of aircraft

6382.1. There are exempted from the computation of the amount of the sales tax the gross receipts from sales of aircraft to persons using such aircraft as certificated or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or from the sales of aircraft to any foreign government for use by such government outside of this State.

CHAPTER 1051

An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8, and 14, relating to county water districts, and by adding new Sections 12.17, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; and 22d, relating to the use of various improvement acts in district improvements.

Stats 1913,
p 1049,
amended

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the County Water District Act is amended to read:

Stats 1915,
p 26

Sec. 3. A petition, which may consist of any number of separate instruments, shall be presented at a regular meeting of the board of supervisors of the county in which the proposed water district is located, signed by the registered voters within the boundaries of the proposed water district, equal in number to at least 10 per centum of the number of votes cast in said proposed county water district for the office of Governor of this State at the last general election prior to the presenting of the petition; provided, that where one or more municipal corporations or part thereof is included in such proposed water district, such petition must be signed by at least 10 per centum of the qualified electors of each such municipal corporation or part thereof and of the unincorporated territory included in such proposed water district so voting at such election. Such petition shall set forth and describe the proposed boundaries of such water district, and shall pray that the same be incorporated under the provisions of this act, and the county clerk shall cause the text of such petition to be published once a week for at least two weeks before the time at which the same is to be presented in at least one, but not to exceed three, newspapers printed and published in such county. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

Petition for
incorpora-
tion of
district

With such publication the county clerk shall also cause to be published a notice of the time of the meeting of the board when such petition will be considered and that all persons interested therein may then appear and be heard. At such time the board of supervisors shall hear the petition and those appearing thereon together with such written protests as shall have been filed with the clerk of the board prior to such hearing by or on behalf of owners of taxable property situated

Hearing on
petition

within the boundaries of the proposed district and may adjourn such hearing from time to time, not exceeding four weeks in all. No defect in the contents of the petition or in the title or form of the notice or signatures, or lack of signatures, thereto shall vitiate any proceedings thereon, provided, such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which would be benefited by the formation of such district; nor shall any lands which will not, in the judgment of said board, be benefited by such district be included within such proposed district. Any person whose lands are benefited by such district may upon his application, in the discretion of said board, have such lands included within said proposed district.

Determi-
nation and
findings

Upon such hearing of said petition, the board of supervisors shall determine whether or not said petition complies with the requirements of the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the Attorney General. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise.

Notice of
election

Upon the final determination of the boundaries of the district the board of supervisors shall give notice of an election to be held in said proposed water district for the purpose of determining whether or not the same shall be incorporated, the date of which election shall be not more than 60 days from the date of the final hearing of such petition. Such notice shall describe the boundaries so established and shall state the proposed name of the proposed incorporation (which name shall contain the words "----- County Water District"), and the county clerk shall cause such notice to be published once a week for at least two weeks prior to such election in at least one, but not to exceed three, newspapers printed and published in said county. At such election the proposition to be submitted shall be: "Shall the proposition to organize ----- County Water District under (naming the chapter containing this act) of the acts of the Fortieth Session of the California Legislature and amendments thereto be adopted?" And the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to general elections, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote

Proposition
to be
submitted

Election

at any election under the provisions of this act unless such person possesses all the qualifications required of electors under the general election laws of the State. Within four days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election in each municipal corporation or part thereof and in the unincorporated territory included in such proposed water district shall be in favor of organizing such county water district, said board shall by an order entered on its minutes declare the territory inclosed within the proposed boundaries duly organized as a county water district under the name theretofore designated, and the county clerk shall immediately cause to be filed with the Secretary of State and shall cause to be recorded in the office of the county recorder of the county in which such district is situated, each, a certificate stating that such a proposition was adopted. Upon the receipt of such last mentioned certificate the Secretary of State shall, within 10 days, issue his certificate reciting that the county water district (naming it) has been duly incorporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such county water district is situated. From and after the date of such certificate, the district named therein shall be deemed incorporated as a county water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. In case less than a majority of the votes cast are in favor of said proposition the organization fails but without prejudice to renewing proceedings at any time in the future.

Certificate
of incor-
poration

Renewal of
Proceedings

SEC. 2. Section 4 of said act is amended to read:

Stats 1937,
p 102

Sec. 4. Within 90 days after the date of filing with the county clerk of the copy of the certificate of the Secretary of State, provided for in Section 3 of this act, the board of supervisors of the county in which the county water district is located shall make and cause to be entered upon its minutes at a regular meeting thereof an order calling an election in such county water district for the election of a board of directors for the county water district consisting of five members, each of whom shall be a resident of and qualified to vote at elections of the district.

Election of
directors

The order of the board of supervisors shall fix the date of the election which shall not be more than 60 days after the date of the order calling the election. The order shall also create one or more voting precincts within the district and establish a polling place in each precinct and appoint a board of election, consisting of one inspector, one judge and two clerks, to hold, conduct and make returns of the election.

The county clerk shall give notice of the election by publishing notice thereof once a week for at least two weeks in one but not to exceed three newspapers published in the county. The notice of election so published shall state the purpose for which the election is to be held, describe the

Notice of
election

voting precincts, state the location of the polling place for each precinct, the name and position of the persons appointed election officers and the date on which the election will be held.

The election shall be conducted in accordance with the general election laws of the State so far as the same may be applicable and the returns canvassed by the board of supervisors of the county at its regular meeting next succeeding the date of the election.

Terms of directors

All directors elected or appointed shall hold office until the election and qualification of their successors. The term of office of directors elected under the provisions of this act shall be four years from and after the date of their respective election; provided, that the directors first elected after the incorporation of the county water district shall classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general water district election, and three of them shall hold office until the election and qualification of their successors at the second succeeding general water district election.

Vacancies

All vacancies occurring in the office of directors shall be filled by appointment by the remaining directors elected and the person so appointed shall have all of the qualifications necessary to be elected a director, and shall hold office during the unexpired term.

General and special elections

The election of directors of the district shall be held in every second year after its organization, on the fourth Tuesday in March, and shall be known as the general water district election. All other elections which may be held by authority of this act, or of the general laws, shall be known as special water district election. All the expenses of holding the elections provided for by this section or by succeeding sections of this act, except Sections 25 and 25a, shall be borne by the district.

Stats 1935, p 2103

Nomination and election of directors

SEC. 3. Section 5 of said act is amended to read:

Sec. 5. (1) The mode of nomination and election of all directors of such water district to be voted for at any water district election shall be as follows and not otherwise:

Name of candidate

(2) The name of a candidate shall be printed upon the ballot when a certificate of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Certificate of nomination

(3) The certificate of nomination shall consist of one or more parts, signed by not less than 25 qualified electors residing within said district. Said certificate shall read substantially as follows:

Certificate of Nomination

State of California }
County of _____ } ss

We, the undersigned, certify that we do hereby join in a certificate of nomination of _____, whose residence is at _____, in said county and State, for the office of director

of _____ County Water District to be voted for at the election to be held in said district on the ____ day of _____, 19__, and each of us further certifies that he is a qualified elector residing within said district and is not at this time a signer of any other certificate nominating any other candidate for the above named office, or, in case there are several places to be filled in said office, that he has not signed more certificates than there are places to be filled in said office; that his residence and occupation are as hereinafter stated.

Signature

Residence

Verification Deputy's Affidavit

State of California }
 County of _____ } ss.

I, _____, solemnly swear that I have been appointed according to provisions of the County Water District Act as a verification deputy to secure signatures to a certificate of nomination of _____ as a candidate for election to the office of director, of _____ County Water District; that all the signatures on this section of said certificate were made in my presence and that to my knowledge and belief each of said signatures is the genuine signature of the person whose name it purports to be.

Verification deputy

Subscribed and sworn to before me this _____ day of _____, 19__.

Notary Public (or other official)

The certificate of nomination of which this section forms a part shall, if found insufficient, be returned to said verification deputy at No. _____ Street, _____, California.

(4) It shall be the duty of the county clerk to furnish upon application a reasonable number of forms of certificate of nomination. All certificates must be of uniform size as determined by the county clerk. Each signer of a certificate must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for said office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all his signatures shall be rejected.

Signers of certificates

(5) The candidate or any five qualified electors of the district may appoint verification deputies to secure the signatures to certificates of nomination and the document in which such verification deputies are appointed, as herein provided, shall be filed with the county clerk at or before the time the certificate of nomination is left with the county clerk for filing

Verification deputies

or for examination. Said document shall be in substantially the following form:

Form for Appointment

The undersigned hereby appoint... the following qualified electors of _____ County Water District as verification deputies to obtain signatures to a certificate of nomination nominating _____ as a candidate for the office of director of said district at an election to be held in said district on the _____ day of _____, 19___.

Name	Address
-----	-----
-----	-----
-----	-----

Dated this _____ day of _____, 19_____.

Residence	Signature
-----	-----

Presentation to county clerk

(6) The certificate of nomination consisting of one or more parts may be presented to the county clerk not earlier than 45 days nor later than 30 days before the election. The county clerk shall indorse thereon the date upon which the certificate was presented to him and shall forthwith examine the same and ascertain whether or not it conforms to the provisions of this section. If found not to conform thereto, he shall immediately, in writing, designate on said petition the defect or omission or reason why such certificate can not be filed and shall return the certificate to the person therein designated. The certificate may then be amended and again presented to the clerk as in the first instance and he shall forthwith examine the same. If necessary the board of supervisors shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Amendment

Withdrawal of signatures

(7) Any signer of a certificate of nomination may withdraw his name from the same by filing with the county clerk a written revocation of his signature before the certificate is filed by the clerk and not otherwise. He shall then be at liberty to sign a certificate for another candidate for the same office.

Withdrawal of candidate

(8) Any person who has been nominated under this section as a candidate may, not later than 25 days before the day of election, cause his name to be withdrawn from nomination by filing with the county clerk a written request therefor. No name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not equal the number to be elected, then other nominations may be made by filing certificates therefor not later than 25 days prior to such election.

(9) If either the original or amended certificate of nomination be found sufficiently signed, the clerk shall file the same 25 days before the date of the election. When a certificate of nomination shall be filed with the clerk it shall not be withdrawn nor added to.

Filing of certificate

(10) The county clerk shall preserve in his office, for a period of two years, all certificates of nomination filed under this section.

(11) Immediately after such certificates are filed, the county clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than 20 days before the election, certify such list as being the list of candidates nominated, and the board of supervisors shall cause said certified list of names and the offices to be filled to be published in a proclamation calling an election at least once a week for two successive weeks before the date of the election in some newspaper of general circulation published in the district and designated by the board of directors of the district. In case there is no newspaper of general circulation published in the district, such board of directors may designate any newspaper of general circulation published in the county. Such proclamation shall conform in all respects to the provisions of the Elections Code governing the conduct of general elections now or hereafter in force, applicable thereto, except as otherwise herein provided.

List of candidates

Election proclamation

(12) The county clerk shall cause the ballots to be printed and bound and numbered as provided by said Elections Code, except as otherwise required in this act. The ballots shall contain the list of names and the respective offices as published in the proclamation and shall be in substantially the following form:

Form of ballots

General (or Special) District Election,
 ----- County Water District
 (Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

(13) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for questions to be voted upon at water district elections, as provided for under this act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Printing of ballots

(14) The ballot shall contain the following instructions: "For director vote for (giving number)."

(15) A half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(16) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample
ballots

(17) The county clerk shall cause to be printed sample ballots, identical with the ballot to be used at the election, and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Candidates
elected

(18) In case there is but one person to be elected to an office, the candidate receiving the highest number of the votes cast for the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected. The secretary shall immediately make out and deliver to each person elected a certificate of election signed by him and authenticated with the seal of the district.

Oaths

(19) Every officer of the district before entering upon the duties of his office shall take and subscribe the official oath and file the same with the secretary. Such oath of office may be taken before the secretary or any member of the board of directors or any officer authorized by law to administer oaths. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as provided in Section 4 of this act.

(20) No informality in conducting district elections shall invalidate the same.

Statement of
expenditures

(21) A candidate at district elections is not required to file a statement of expenditures used in aid of his campaign.

Stats 1913,
p 1049

SEC. 4. Section 5 of said act is amended to read:

Law
governing
elections

SEC. 6. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all water district elections, except as in this act otherwise provided; provided, that the board of supervisors shall canvass the returns of the first election and that thereafter, except as herein provided, the board of directors shall meet as a canvassing board and duly canvass the returns within seven days after any water district election, including any water district bond election.

Stats 1913,
p 1049

SEC. 5. Section 8 of said act is amended to read:

Board of
directors

SEC. 8. The board of directors shall be the governing body of such county water district. It shall hold its first meeting within 30 days after the general election for the election of direc-

tors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

SEC. 6. Section 12.17 is added to said act, to read:

Sec. 12.17. To cause taxes to be levied for the purpose of paying, and to pay, the expenses of organization of the district, including fees of attorneys and others employed to conduct the organization proceedings. The board may issue warrants of the district to pay such expenses, bearing interest at 6 per cent per annum from date of issue until funds shall be available to pay such warrants.

New section
Tax for
organization
expenses

SEC. 7. Section 14 of said act is amended to read:

Sec. 14. The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The general manager shall have full charge and control of the maintenance, operation and construction of the water works or water works system of said water district, with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, and shall, subject to the approval of the board of directors, fix their compensation. The general manager shall perform such other duties as may be imposed upon him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may adopt. The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been approved or authorized by the board of directors, or at least three members thereof, and by the general manager, or in his absence or inability to act, by an officer or director thereto authorized by said board. The board of directors shall also designate a depositary or depositaries to have the custody of the funds of the district, all of which depositaries shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe. The general manager, secretary and auditor, and all other employees or assistants of said district who may be required so to do by the board of directors, shall give bonds to the district conditioned for the faithful performance of their duties as the board of directors from time to time may provide.

Stats. 1929,
p 1159

Duties of
officers

Depositary

Omotal
bonds

New section
Liability of
directors

SEC. 8. Section 14.5 is added to said act, to read:

Sec. 14.5. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the district shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director or the officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or shall retain such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

New section
Claims for
damages,
etc

SEC. 9. Section 14.6 is added to said act, to read:

Sec. 14.6. Whenever it is claimed that any property has been taken, injured, damaged, or destroyed as a result of any dangerous or defective condition of any property, equipment or facilities owned, operated or controlled by the district or its directors, officers, agents or employees or by any act or omission of any director, officer, agent or employee of the district, a verified claim for damages shall be presented in writing and filed with such director, officer, agent or employee and with the secretary of the board of directors, within 90 days after such accident, injury, taking, damage, or destruction has occurred. Whenever it is claimed that any person has been injured or damaged as a result of any dangerous or defective condition of any property, equipment or facilities owned, operated or controlled by the district or its directors, officers, agents or employees or by any act or omission of any director, officer, agent or employee of the district, a verified claim for damages shall be presented in writing and filed with such director, officer, agent or employee and with the secretary of the board of directors, within 180 days after such injury or damage has occurred. Each claim filed for the purpose of complying with this section shall specify the name and address of the claimant, the date and place of the accident, injury, taking, damage, or destruction, and the nature and extent of the injury or damage claimed. The foregoing shall be a condition precedent to the filing or maintaining of any action for such injury or damage. The district may employ counsel to defend any action brought against it or any of its directors, officers, agents or employees on account of any such injury, taking, damage, or destruction, and the fees and expenses involved therein shall be a lawful charge against the district.

Employment
of counsel

New section

Interpre-
tation

SEC. 10. Section 14.7 is added to said act, to read:

Sec. 14.7. Nothing contained in Sections 14.5 and 14.6 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said sections, nor shall the provisions of said sections or either or

any of them be deemed to amend, modify or repeal the provisions of an act entitled :

“An act relating to the liability in damages of the officers of districts, towns, cities, cities and counties, counties and of the State of California for injuries to person or property resulting from defects and dangers in public streets, highways, bridges, buildings, work or property, prescribing the duties of certain public officers with respect thereto, and repealing an act entitled ‘An act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property,’ approved April 26, 1911.”

Stats 1919,
p. 756
See Gov. C.,
Secs 1951-
1953, 2001

SEC. 11. Section 22d is added to said act, to read :

New section
Laws
applicable
Stats 1913,
p.421

Sec. 22d. The Municipal Improvement Act of 1913, approved June 6, 1913, as now or hereafter amended, and the Street Opening Act of 1903, as codified in Sections 400) and following of the Streets and Highways Code, as now existing or hereafter amended, are also applicable to districts formed under this act. The Improvement Bond Act of 1915 as codified in Sections 8500 and following of said code, as now existing or hereafter amended, is also so applicable for use in conjunction with the Improvement Act of 1911 as codified in Sections 5000 and following of said code, as now existing or hereafter amended, or with other improvement acts. Such acts or any of them may be used in the discretion of the board of directors in the construction of any work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder. The definitions and terms provided in Section 22c hereof shall apply to such proceedings. As additional notice a certified copy of any assessment and the diagram attached thereto issued under any of said acts shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory and shall remain an official record in the office in which it may be filed. Such filing, however, shall not affect or qualify the district record thereof.

CHAPTER 1052

An act to add a new section to the Agricultural Code, relating to milk and cream.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 469.5 is added to the Agricultural Code, to read:

Sale of
manufactur
ing milk
or cream

469.5. Manufacturing milk or manufacturing cream shall be sold only for manufacturing purposes and to be converted into some other form or product and manufacturing milk or manufacturing cream shall not be sold for human consumption in a fluid state.

CHAPTER 1053

An act making an appropriation to carry out the provisions of the California Food and Fiber Production Act, to take effect immediately.

In effect
immediate.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

Appropriation

Stats. 1945,
p. 3397

Stats 1945,
p 206

SECTION 1. There is hereby appropriated for expenditure during the Ninety-sixth, Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of the California Food and Fiber Production Act the unencumbered balance of the appropriation made by Section 50 of said act, together with the unencumbered balance of the appropriation made by "An act making an appropriation to carry out the provisions of the California Food and Fiber Production Act, and providing for the establishing of a revolving fund therefrom, to take effect immediately," approved June 21, 1944. Any expenditures made from this appropriation shall be subject to the provisions of Sections 675, 675a and 677.5 of the Political Code.

Current
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 1054

An act to amend Sections 1804 and 1829 of the Education Code, relating to the election of school trustees.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1804 of the Education Code is amended to read:

1804. Not less than 60 days before the election, the trustees shall post notices in three public places in the district and publish the notice once a week for three weeks in some newspaper of general circulation published in the district. Notices shall specify the time and place of election, the number of trustees to be voted for, the location of the polls, and the hours during which the polls will be kept open. If there is no newspaper of general circulation published in the district, notices of the election shall be given by posting.

Notice of
election of
school
trustees

SEC. 2. Section 1829 of said code is amended to read:

1829. The officers of election shall fill in the blanks provided on the envelopes and inclose and seal in the envelopes the roster of voters and tally list and ballots cast at the election. The inspector of the election shall take possession of the returns and deliver them to the clerk of the school district who shall receipt him for the returns. On the seventh day after the election at 2 o'clock p.m. the governing board of the district shall meet and canvass the returns and issue certificates of election to the person or persons elected and file duplicates of the certificates with the county superintendent of schools having jurisdiction over the district.

Canvass by
governing
board

Immediately following its canvass of the returns, the governing board of the district shall forward the returns to the county superintendent of schools having jurisdiction over the district, who shall keep the returns on file for one year.

CHAPTER 1055

An act making an appropriation for support of the State printing plant, State Department of Finance, to take effect immediately.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-three thousand five hundred fifteen and $\frac{35}{100}$ dollars (\$23,515.35) out of any money in the State treasury not otherwise appropriated, is hereby appropriated for support of the State printing plant, State Department

Appropriation

ment of Finance during the Ninety-fifth and Ninety-sixth Fiscal Years.

Transfer to
State
Printing
Fund

SEC. 2. The amount herein appropriated shall, by the State Controller upon the effective date of this act, be transferred to the State Printing Fund in the State treasury.

Current
expenses

SEC. 3. This act, inasmuch as it provides an appropriation for the usual current expenses of the State shall, under the provisions of Section 1, Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 1056

An act to amend Section 482 of the Vehicle Code, relating to accidents involving vehicles.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 482 of the Vehicle Code is amended to read:

Duty to
give infor-
mation and
render aid

482. Duty to Give Information and Render Aid. (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall also give his name, address and the registration number of the vehicle he is driving, the name of the owner, and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with or shall give such information and exhibit such license to any traffic or police officer at the scene of the accident and shall render to any person injured in such accident reasonable assistance, including the carrying or the making arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. In the event of death of any person resulting from an accident, the driver of any vehicle involved must, after fulfilling the requirements of Section 480 of this code and the foregoing requirements of this subsection, and if there be no traffic or police officer at the scene of the accident to whom to give the information required by this subsection, shall, without delay, report such accident to the nearest office of the California Highway Patrol or office of a duly authorized police authority and submit with such report the information required by this subsection.

(b) The driver of any vehicle involved in an accident resulting only in damage to property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's

license, except that when the driver of any vehicle collides with any vehicle which is unattended the provisions of Section 483 hereof shall apply.

(c) If the driver does not have his operator's or chauffeur's license in his possession, he shall exhibit other valid evidences of identification to the occupants of a vehicle collided with.

CHAPTER 1057

An act to amend Section 7405 and add Section 7413 to the Health and Safety Code, relating to burial and removal permits.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7405 of the Health and Safety Code is amended to read:

7405. No burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him, except that when human remains are transported from outside the State into a registration district in California for interment, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported, as a basis upon which he shall issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment and the place of death. The transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred and a copy of the permit issued by the local registrar shall be filed as a permanent record by that registrar.

Filing of
death
certificate
Exception

SEC. 2. Section 7413 is added to the Health and Safety Code, to read:

7413. No human remains shipped into the State from other States, Territories or foreign countries shall be interred without first securing a burial permit or a removal permit from the local registrar of vital statistics of the district within which the interment shall be made.

Remains
shipped
into State

CHAPTER 1058

An act to add a new section to the Streets and Highways Code, to be numbered 100.7, relating to powers of the Department of Public Works with respect to bridges acquired under the California Toll Bridge Authority Act, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 100.7 is added to the Streets and Highways Code, to read as follows:

Insurance
of bridges
Stats 1929,
p 1489

100.7. The department may, for the protection of the State of California, insure any bridge on the State Highway System acquired or constructed under provisions of the California Toll Bridge Authority Act against all risks in any amount up to the full insurable value thereof. In case of damage or destruction, the proceeds of such insurance shall be applied to the restoration of such bridge. Any such bridge may be so insured irrespective of the retirement of all indebtedness incurred for its acquisition or construction, and the cost of such insurance shall be paid from any funds available to the department for highway purposes.

Free
bridges

Any such bridge shall, after retirement of all indebtedness incurred for its acquisition or construction, be maintained and operated as a free bridge and the cost thereof charged to funds available for maintenance of State highways. Nothing in this section contained shall repeal or impair the provisions of Chapter 24 of the Statutes of 1933, providing for the continued collection of tolls on the San Francisco-Oakland Bay Bridge until moneys advanced by the State are reimbursed, and said Chapter 24 is continued in full force and effect.

Urgency

SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

It is anticipated that sufficient funds will be accumulated for the retirement of all indebtedness against the Carquinez and Antioch Bridges prior to the date on which this act otherwise would become effective, and there is no provision of law authorizing carrying of insurance on said bridges after the retirement of such indebtedness. Damage or destruction of said bridges, or either of them, would require expenditure of large sums of money and would place an unreasonable burden upon highway funds of this State. It is necessary that funds be available for the immediate repair or reconstruction of such bridges in order to preserve the public peace, health and safety and the facilities for public travel and transportation which said bridges now afford.

This act is necessary in order that such funds be immediately available for the financing of such repair or restoration of said bridges. It is, therefore, essential that this act go into immediate effect, and the legislature so determines that it shall become effective immediately.

It is also necessary that immediate provision be made for the maintenance and operation of said bridges as free bridges in order to avoid any necessity for continued collection of tolls thereon for purposes of maintenance or operation by reason of the provisions of Section 6 of Chapter 927 of the Statutes of 1937. It is therefore necessary that this act go into immediate effect in order to permit the maintenance and operation of each of said bridges as a toll-free bridge as well as the insurance of the same.

CHAPTER 1059

An act to add Sections 601.5 and 607 to the Agricultural Code, relating to imitation ice cream and imitation ice milk.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 601.5 is added to the Agricultural Code, to read:

601.5. Imitation ice cream and imitation ice milk, are substances, mixtures or compounds made in imitation of, or having the appearance of ice cream, or ice milk, and which contain any edible oil or fat, other than milk fat or which contain any solids other than milk solids not fat except stabilizer, fruits, nuts or chocolate syrup. Imitation ice cream shall contain not less than 10 per cent of edible oil or fat, imitation ice milk shall contain not less than 4 per cent of edible oil or fat, nor more than six-tenths of 1 per cent of pure and harmless edible stabilizer approved by the director. Imitation ice cream, or imitation ice milk, when sold by the manufacturer or retailer shall not contain more than 75,000 bacteria per gram. Imitation ice cream, and imitation ice milk, shall otherwise conform to the composition and weight requirements specified in regulations of the director.

SEC. 2. A new section is hereby added to the Agricultural Code, to read:

607. Milk shakes, malted milks or malts as such terms are commonly used in the restaurant, confectionary or soft drink trade shall not be made from imitation ice cream, imitation ice milk nor served to any customer for consumption on the premises where made unless there shall be displayed on said premises and

visible to all customers a sign, which, as the case may require, shall read:

“Imitation ice cream used in the milk drinks served here” or “Imitation ice milk used in the milk drinks served here.”

Each such sign shall be printed in plain block letters not less than 6 inches high.

Operative
date

SEC. 3. Sections 601.5 and 607 of the Agricultural Code as added by this act shall not become operative until the cessation of hostilities in all wars in which the United States is now engaged. When said sections become operative they shall supersede any conflicting provision of Section 601 of said code.

CHAPTER 1060

An act to add Section 1622 to the Health and Safety Code, relating to biologics.

In effect
September
15 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1622 is added to the Health and Safety Code, to read:

Law
applicable
to biologics

1622. Nothing in this chapter shall be considered to be in conflict with Division 21, Chapter 2, of this code and all provisions of Division 21, Chapter 2, shall apply to biologics within the meaning of this chapter, except that the provisions of such chapter of such division shall not apply to products of:

Exceptions

(a) A laboratory licensed by the United States Public Health Service; or

(b) A laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture.

CHAPTER 1061

An act to amend Sections 643 and 644 of and to add Section 634.5 to the Agricultural Code, relating to milk and cream, and the sanitation of dairy farms and milk products plants.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 634.5 is added to the Agricultural Code, to read:

Cream from
market milk

634.5. In the process of producing cream from market milk to be used as market cream or for the standardization of market milk such cream may be heated not to exceed 165 degrees Fahrenheit and then immediately cooled to 50 degrees Fahren-

heit or less and such heat treatment shall not prevent the subsequent pasteurization of such cream.

SEC. 2. Section 643 of said code is amended to read :

643. A dairy farm is insanitary in the following cases :

Insanitary
dairy farm
defined

(a) If the pails, cans, bottles or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus or equipment coming in contact with the milk or its products are not thoroughly washed and afterwards sterilized each time the same are used by exposing them to water or water vapor at a temperature above 170 degrees Fahrenheit for a period of at least 15 minutes, or by boiling water or by superheated steam, or by a chemical or other sterilization process which has been approved by the director, and the methods by which same shall be used to be established by regulation of the director; or if the containers, utensils, appliances or equipment after sterilization are not adequately dried and protected from flies and dust and other contamination; or if any containers, utensils, appliances or equipment are used for any purpose other than that of handling milk or the products of milk.

(b) If the udders, flanks, hind legs and tails of cows are not reasonably clean during milking.

(c) If the milk or cream is not protected from contamination by dust and flies.

(d) If the person or wearing apparel of the dairyman, his employees or other persons who handle the milk or its products are soiled or not washed with reasonable frequency, or if the hands of milkers are not clean during the entire period of milking.

(e) If the milk or cream is not cooled to as low a temperature as practicable within one hour after it is drawn from the cows, and kept as cool as conditions will permit until delivery to the plant or the consumer.

(f) If a suitable milk house or room, properly screened to exclude flies and insects is not provided and maintained for the separating, cooling, mixing, canning and keeping, or otherwise caring for the milk or cream. Said milk house or room shall not be located in or be a part of any dwelling house, barn, or poultry house, and shall not be used for any other purpose.

(g) If any urinal, privy vault, open cesspool, pigpen, stagnant water, accumulation of manure or other filth is permitted within 100 feet of the milk house or room, or within 50 feet of any cow stables, or stanchions or other place where milking is done.

(h) If to the interior of cattle stables, barns, milking sheds, milk house or room, an application of lime whitewash or paint is not made, if in the judgment of an authorized inspector it is needed.

(i) If the walls become soiled with manure, urine or other filth.

(j) If the yards or inclosures are filthy or insanitary, or if any part of such yards or inclosures, other than pastures, are

made the depositories of manure in heaps or otherwise, where it is allowed to ferment and decay.

(k) If the water supply for use around the dairy farm or for drinking by livestock is stagnant, polluted with manure, urine drainage, decaying vegetable or animal matter or pathogenic bacteria from any source.

(l) If the feed is spoiled, or otherwise unfit for feeding cows for the production of milk.

(m) If any milk or cream is separated, cooled, mixed, canned or kept in any room or place which is occupied by any person as a sleeping or living apartment, or occupied by fowls or animals.

SEC. 3. Section 644 of said code is amended to read :

644. A milk products plant is insanitary in the following cases:

(a) If milk or cream or any product of either is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or contains foreign substances detrimental to the quality of the manufactured product.

(b) If the utensils and apparatus that come in contact with milk or its products are not thoroughly washed and sterilized by means of boiling water or superheated steam, or by a chemical or other sterilization process which has been approved by the director and the methods by which same shall be used to be established by regulation of the director, immediately following the completion of any processing operations and if the cans or containers in which the milk or cream or products of either is received, transported or delivered are not thoroughly washed, sterilized and dried after emptying and before being sent out to be used again or if any containers, utensils, or apparatus, or equipment are used for any purpose other than that of handling milk and the products of milk.

(c) If the floor is not constructed of nonabsorbent material acceptable to the department or if the floor is so constructed as to permit the flowing of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay can take place, or if such floor can not be readily kept free from dirt.

(d) If floor drains are not provided that will convey refuse milk, water and sewage away to a point at least 50 yards distant from such milk products plant or if any cesspool, privy vault, hog yard, slaughterhouse, manure or any decaying vegetable or animal matter shall be so located as to permit foul odors to reach such milk products plant or storeroom or depot where milk or its products are sold or handled; or if such milk products plant is not adequately and conveniently supplied with water free of pollution with sewage or contamination with pathogenic bacteria unless said water be subjected to efficient chlorination or otherwise treated to make it safe for use in connection with the manufacture of food products.

(e) If such milk products plant does not permit access of light and air sufficient to secure good ventilation.

Insanitary
milk
products
plant
defined

(f) If in any building used in connection with any milk products plant any species of animal life are permitted. If upon the floor or walls any milk or its products or any filth is allowed to accumulate or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any milk products plant are unclean and not washed from time to time with reasonable frequency, or if suitable toilet and lavatory facilities and clean towels are not provided for employees.

(g) If tight, sound and cleanable walls and ceilings are not provided so as to exclude flies, insects and dust.

CHAPTER 1062

An act to add Section 12½ to the City Carrier's Act, relating to the service of decisions and orders of the Railroad Commission. Stats 1935, p 1057, amended

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 12½ is added to the City Carrier's Act, New section
to read:

Sec. 12½. For the purpose of service of decisions and orders of the commission issued pursuant to Section 9 of this act, the commission may from time to time establish such reasonable classifications or groups of carriers included in the term "city carriers," as the special nature of the services performed by such carriers shall require. At the time application is made for the issuance of a permit under this act, or at any time thereafter, each carrier may be required to designate the class or classes of service performed or to be performed and to furnish such information concerning the nature and extent of its operations as may be deemed necessary or useful in establishing such classifications or groups of carriers. Classifi-
cation, etc.,
of city
carriers

Upon the issuance by the commission of any decision or order made applicable to a particular class or group of carriers, or to particular commodities transported or areas served, a copy thereof shall be served without charge upon each carrier affected by such decision or order. Upon the issuance of a permit to operate as a city carrier, the commission shall serve without charge upon such carrier a copy of each tariff, decision or order previously issued that is then applicable to the class or classes of transportation service such carrier intends to perform. Each carrier shall be bound to observe any tariff, decision or order applicable to such carrier after service thereof.

CHAPTER 1063

Stats 1895,
p 76,
amended

An act to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

In effect
September
15, 1945

[Approved by Governor June 26, 1945 Filed with Secretary of State
June 26, 1945.]

The people of the State of California do enact as follows:

Stats 1895,
p 76

SECTION 1. The title of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, is hereby amended to read as follows:

Title

An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations, and regulating hours on duty.

Stats 1937,
p 1547

SEC. 2. Section 1 of the act cited in the title hereof is amended to read:

Yearly and
monthly
leaves of
absence

Section 1. In every city, fire district, county fire district and fire protection district of this State where there is a regularly organized paid fire department, or county fire warden department, the board of supervisors, common council, commissioners or other body having the management and control of the same, shall once each year grant to each regular or permanent member thereof, a leave of absence from active duty of not less than 15 consecutive days in each year and in addition thereto a leave of absence from active duty of not less than four working shifts in every month of such service. Leave of absence so granted, as aforesaid, must be arranged by said board, council, commission, commissioners or other governing body so as not to interfere with or in any way impair the efficiency of said department. No deduction shall be made from the salary or pay of any member of such fire department or county fire warden department granted such leave of absence under the provisions of this act.

CHAPTER 1064

An act to amend Section 363 of the Agricultural Code, relating to cattle bills of sale.

[Approved by Governor June 26, 1945 Filed with Secretary of State
June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 363 of the Agricultural Code is amended to read:

363. No person shall buy, sell or accept a bovine animal, the carcass of any bovine animal from which the hide has not been removed, or the hide thereof, unless the seller or donor give, and the buyer or donee receive, at the time of delivery of such animal, carcass or hide, a written bill of sale or written instrument, giving the number, kind, and brand or brand and marks of each such hide, carcass or animal, signed by the party giving the same. Failure of the seller or donor to give a written bill of sale or written instrument to the buyer or donee shall have no effect upon the validity of any sale or contract of sale or gift of bovine animals nor upon the rights of either the buyer or donee or seller or donor thereunder.

CHAPTER 1065

An act to amend Section 343 of the Agricultural Code, relating to brands and marks inspection.

[Approved by Governor June 26, 1945. Filed with Secretary of State
June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 343 of the Agricultural Code is amended to read:

343. The shipper or slaughterer shall notify the inspector, who shall make his inspection at point of shipment prior to shipment or at place of slaughter prior to slaughter as soon as practicable after being notified.

The fees shall be paid at point of shipment, en route or at first destination, by the person in charge of the animal, carcass, or hide, and the fee for such inspection shall be the sum of ten cents (\$0.10) for each animal, carcass or hide inspected except that, the fee shall be five cents (\$0.05) for each cattle hide or calf skin classified as a reduction hide or skin, and the fee shall be as herein otherwise provided by Section 343.5 and 367 of this code.

The total of all fees collected by the department upon the same cattle moving from points within this State through one public stockyard which is posted by the Secretary of Agriculture of the United States or through one public sales yard, shall

not exceed ten cents (\$0.10) per head for all inspections including inspection at point of shipment, en route, or at first destination, inspection upon release from said public stockyard or said public sales yard, and inspection at place of slaughter.

The inspection required by Section 363.3 shall be made and a brand inspection certificate issued but no fee shall be collected for this inspection on cattle originating in California.

Cattle may be shipped from a public stockyard or from a public sales yard to another public stockyard or public sales yard if the shipment is accompanied by a duplicate yellow California brand inspection certificate releasing the shipment from the prior public stockyard or public sales yard to another public stockyard or public sales yard designated in said certificate, but the cattle shall be inspected before being released from such designated public stockyard or public sales yard, a brand inspection certificate issued, and the fee shall be five cents (\$0.05) for each animal and shall be paid by the person or his agent consigning the cattle to said market; provided, however, that if such duplicate yellow California brand inspection certificate does not accompany the shipment, on presenting proof of ownership, satisfactory to the director, the cattle shall be inspected prior to being offered for sale and prior to being released from such public stockyard or public sales yard, and the fee shall be ten cents (\$0.10) for each animal inspected prior to being offered for sale, said fee to be paid by the person or his agent consigning the cattle to said market.

CHAPTER 1066

An act to add Article 2, comprising Sections 8551 to 8557, inclusive, to Chapter 4, Part 4, Division 6, of the Public Resources Code, to add Section 10018 to said code, and to repeal Chapter 640 of the Statutes of 1935, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, and providing for the distribution of money deposited in the State treasury in connection therewith.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 2, comprising Sections 8551 to 8557, inclusive, is added to Chapter 4, Part 4, Division 6 of the Public Resources Code, to read:

Article 2. Cooperation With Federal Agencies in Relation to Grazing Lands

8551. An act of Congress entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement

Provisions
of Federal
act
48 Fed.
Stats. 1269

and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934, provides for the cooperation of the Secretary of the Interior of the United States with State and other officials and associations, and for the payment of certain money by the Secretary of the Interior to the State.

8552. The State Lands Commission may cooperate with the Secretary of the Interior, and may, in the name of the State exchange lands in the manner and under the conditions prescribed in Section 8 of that act.

Cooperation
See also
Stats. 1945,
Ch. 1333

8553. The State Lands Commission is hereby designated the "State land officials" referred to in Section 9 of that act.

State Lands
Commission
See also
Stats. 1945,
Ch. 1333

8554. The Fish and Game Commission in the Department of Natural Resources is hereby designated the "official State agency engaged in conservation or propagation of wild life" referred to in Section 9 of that act.

Fish and
Game
Commission
See also
Stats. 1945,
Ch. 1333

8555. The money deposited in the State treasury pursuant to Section 10 of that act shall be distributed to the counties by the Department of Finance in such manner as the Secretary of the Interior may direct. In the absence of any direction by the Secretary of the Interior, the Department of Finance shall distribute the money to the counties from which the grazing fees were collected in the proportion which the public grazing lands in such county bears to the whole of the grazing district involved and which district is officially established by the Secretary of the Interior. Such money shall be expended within the counties for range improvements and for control of predators.

Distribution
of Federal
funds
See also
Stats. 1945,
Ch. 1333

8556. The money deposited in the State treasury pursuant to Section 11 of that act shall be distributed to the counties by the Department of Finance in the same manner and under the same conditions as prescribed in Section 8555 of this article. Such money shall be used within the counties, for the benefit of the public schools and county highways in equal shares.

Same
See also
Stats. 1945,
Ch. 1333

8557. Any State or county offices or agency, or any stockmen's association, whether incorporated or unincorporated, or any person, firm, corporation, or association may enter into cooperative agreements with the Secretary of the Interior for the purpose of carrying out the provision and the policy of that act.

Cooperative
agreements
See also
Stats. 1945,
Ch. 1333

SEC. 2. Section 10018 is added to said code, to read:

10018. Chapter 640 of the Statutes of 1935 is hereby repealed.

Repeal

CHAPTER 1067

An act to add Sections 7971 to 7974, inclusive, and Section 10017 to the Public Resources Code, and to repeal Sections 3571 and 3572 of the Political Code relating to public lands, and providing for the refunding of payments in cases where public lands are improperly sold.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Sections 7971 to 7974, inclusive, are added to the Public Resources Code, as part of Article 8, Chapter 4, Part 3, Division 6 thereof, to read:

Certificate
of purchase
of lands,
etc

7971. If any land was not the property of the State, at the date application was filed therefor, or if the land applied for was swamp and overflowed land but the application became or was void by reason of the fact that the land had not been segregated, or if subsequent to March 20, 1889, any money has been accepted by the State as a part of or on account of the purchase price of any State land under an application or certificate of purchase which at the time of accepting such money had become invalidated by reason of an act of the Legislature of the State of California entitled "An act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers," approved March 20, 1889, the owner of such certificate of purchase or patent may receive in exchange therefor, from the commission, a certificate showing the amount paid and the class of land upon which payment was made by conveying a quitclaim deed to the State, all of his right, title and interest in and to the land. If the land is lieu land or indemnity land, the commission's certificate shall not issue until the selection therefor is canceled by authority of the Department of the Interior.

Stats 1889,
p 428

Amounts to
be repaid

7972. In all cases where money has been paid since the passage of the act of March 20, 1889, on account of the purchase price of lands where the certificates or applications, became invalidated by reason of that act, the amount to be repaid as shown in the certificate to be issued by the commission in exchange for the certificate of purchase, shall be only such amount as has been paid on account of the purchase price of such lands subsequent to the passage of the act of March 20, 1889.

Authority
of commis-
sion, etc.

7973. The authority of the commission to issue such certificate and likewise the authority of the auditor and Controller to issue their warrants, as provided in Section 7974, shall not be barred by any period of time which may have elapsed since the issuance of the certificate of purchase or patent, but in the issuance of the certificate, the commission shall first deter-

mine that the person applying for the certificate is the owner of the certificate of purchase or patent, and has not assigned or conveyed his interest therein or in the land therein described or any part thereof, and that it is a proper case for the issuance of a certificate. A copy of a patent duly certified by the county recorder of any county where it has been recorded shall have the same force and effect as the original.

7974. If the land sold was swamp and overflowed, the county auditor of the county in which the land is situated shall, upon the surrender to him of the certificate mentioned in Section 7971, draw his warrant in favor of the person surrendering the certificate for the amount therein specified, upon the treasurer of the county, who shall pay the warrant out of the swamp and overflowed land fund of the district in which the land is situated. If the land sold was not swamp and overflowed, the Controller of the State, upon the surrender to him of the certificate, shall draw his warrant in favor of the person surrendering the certificate, for the amount therein specified, upon the Treasurer of the State, who shall pay the warrant out of the fund into which the purchase-money was paid.

Sale of
swamp and
overflow
lands

SEC. 2. Section 10017 is added to Division 10 of said code, to read:

10017. Sections 3571 and 3572 of the Political Code are hereby repealed.

Repeals

CHAPTER 1068

An act to amend Section 13½ of the Highway Carriers' Act, relating to the service of decisions and orders of the Railroad Commission fixing rates of highway carriers.

Stats 1945,
p 878,
amended

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
13, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 13½ of the Highway Carriers' Act is amended to read:

Stats 1943,
p 1353

13½. For the purpose of service of decisions and orders of the commission issued pursuant to Section 10 of this act, the commission may from time to time establish such reasonable classifications or groups of carriers included in the term "highway carriers," as the special nature of the services performed by such carriers shall require. At the time application is made for the issuance of a permit under this act, or at any time thereafter, each carrier may be required to designate the class or classes of service performed or to be performed and to furnish such information concerning the nature and extent of its operations as may be deemed necessary or useful in establishing such classifications or groups of carriers.

Classifi-
cation, etc
of highway
carriers

Upon the issuance by the commission of any decision or order made applicable to a particular class or group of carriers, or to

Service

particular commodities transported or areas served, a copy thereof shall be served without charge upon each carrier affected by such decision or order. Upon the issuance of a permit to operate as a highway carrier, the commission shall serve without charge upon such carrier a copy of each tariff, decision or order previously issued that is then applicable to the class or classes of transportation service such carrier intends to perform. Each carrier shall be bound to observe any tariff, decision or order applicable to such carrier after service thereof.

CHAPTER 1069

An act to add Section 592 to the Vehicle Code, relating to parked vehicles.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 592 is added to said code, to read:

Parked
locked
vehicle

592. Parking Locked Vehicle. No person shall leave standing a locked vehicle in which there is any person who can not readily escape therefrom.

CHAPTER 1070

An act to amend Section 784 of the Probate Code, relating to sale of real property.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 784 of the Probate Code is amended to read:

Appraisal
of real
property
sold at
private
sale

784. No sale of real property at private sale shall be confirmed by the court unless the sum offered is at least 90 per cent of the appraised value thereof, nor unless such real property has been appraised within one year of the time of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, a new appraisement must be had. This may be done at any time before the sale or confirmation thereof. Such new appraisement may be made by the appraiser who made the original appraisement without further order of court or further request for the appointment of a new appraiser. In the case of the death, removal or other disability to act of the original appraiser or if for just cause, a new appraiser is to be appointed, proceedings for his appointment shall be had as in the case of an original appraisement of an estate.

CHAPTER 1071

An act to amend Section 3440 of the Civil Code, relating to fraudulent conveyances.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3440 of the Civil Code is amended to read:

3440. Every transfer of personal property, other than a thing in action, or a ship or cargo at sea or in a foreign port, and every lien thereon, other than a mortgage, when allowed by law, and a contract of bottomry or respondentia, is conclusively presumed if made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things transferred, to be fraudulent, and therefore void, against those who are his creditors while he remains in possession, and the successors in interest of such creditors, and against any persons on whom his estate devolves in trust for the benefit of others than himself, and against purchasers or encumbrancers in good faith subsequent to the transfer; provided, however, that the provisions of this section shall not apply to the transfers of wines in the wineries or wine cellars of the makers or owners thereof, or other persons having possession, care, and control of the same, and the pipes, casks, and tanks in which the said wines are contained, which transfers shall be made in writing, and certified and verified in the same form as provided for chattel mortgages, and which shall be recorded in the book of official records in the office of the county recorder of the county in which the same are situated; provided, also, that the sale, transfer or assignment of a stock in trade, in bulk, or a substantial part thereof otherwise than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferor, or assignor, and the sale, transfer, assignment or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, will be conclusively presumed to be fraudulent and void as against the existing creditors of the vendor, transferor, assignor or mortgagor, unless at least seven days before the consummation of such sale, transfer, assignment or mortgage, the vendor, transferor, assignor or mortgagor, or the intended vendee, transferee, assignee, or mortgagee, shall record in the office of the county recorder in the county or counties in which the said stock in trade, fixtures or equipment are situated a notice of said intended sale, transfer, assignment or mortgage, stating the name and address of the intended vendor, transferor, assignor or mortgagor and the name and address of the intended vendee, transferee, assignee or mortgagee, and a general statement of the

Transfers
presumed
fraudulent

Transfers
of wines

Bulk sales

Notice

Publication

Public
auctionTransfers
under
order of
court

character of the merchandise or property intended to be sold, assigned, transferred or mortgaged, and the date when and the place where the purchase price or consideration, if any there be, is to be paid; and shall publish a copy of such notice in a newspaper of general circulation published in the township in which such transfer or assignment is intended to be made, if there be one, and if there be none in such township, then in such a newspaper in the county embracing such township, at least once, which publication shall be completed not less than two days before the date of such intended sale, transfer, assignment or mortgage; provided, nevertheless, that if such intended sale is to be at public auction the notice above required to be recorded and published shall state that fact, the time, terms, and place of said sale, the names and addresses of the vendor and auctioneer, and a general statement of the character of the merchandise or property intended to be sold; but such sale shall in no event occur within seven days of the date of recordation of said notice; and any auctioneer selling said stock in trade or fixtures and store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant shall be personally liable for all damages incurred by any creditor of said merchant in the event said notice is not recorded and published as aforesaid; provided further, that the provisions of this section shall not apply or extend to any sale, transfer, or assignment of a stock in trade nor to any sale, transfer, assignment or mortgage of the fixtures, or store equipment, of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors generally, nor by any assignee acting under such an assignment for the benefit of creditors generally nor to any mortgage or chattel mortgage made for the benefit of creditors generally, nor to any sale, transfer, assignment or mortgage of any property exempt from execution.

CHAPTER 1072

An act to amend Sections 4852.06, 4852.12, 4852.14, 4852.15 and 4852.18 of the Penal Code, relating to the pardoning and rehabilitation of persons convicted of felonies.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4852.06 of the Penal Code is amended to read:

4852.06. Except as provided in Section 4852.18, after the expiration of the minimum period of rehabilitation applicable to him (and, in the case of persons released upon parole, after the termination of parole), each person who has filed a notice of intention pursuant to Section 4852.01 and has complied with the requirements of Sections 4852.02 and 4852.05 may file in the superior court of the county in which he then resides a petition for ascertainment and declaration of the fact of his rehabilitation and of matters incident thereto, and for a certificate of rehabilitation under this chapter. No such petition shall be filed until and unless the petitioner has continuously resided, after leaving prison, in the county in which it is filed for a period of not less than three years immediately preceding the date of filing the petition and until and unless the same period has elapsed since the service of the notice required by Section 4852.02 upon the appropriate peace officer in the county in which the petition is filed.

Petition for declaration of rehabilitation

SEC. 2. Section 4852.12 of the Penal Code is amended to read:

4852.12. In any proceeding for the ascertainment and declaration of the fact of rehabilitation under this chapter, the court, upon the filing of the application for petition of rehabilitation, shall require from the district attorney an investigation of the residence of the petitioner, the criminal record of the petitioner as shown by the records of the Bureau of Criminal Identification and Investigation, and the investigation of any representation made to the court by the applicant, and the district attorney shall file with the court a full and complete report of the results of said investigations, and shall require from the district attorney and the chief of police or sheriff having jurisdiction as provided in subdivision (a) of Section 4852.02 written reports setting forth all matters within their knowledge relating to the conduct of the petitioner during his period of rehabilitation, including all matters mentioned in Section 4852.11.

Reports of district attorney and chief of police or sheriff

SEC. 3. Section 4852.14 of said code is amended to read:

4852.14. The clerk of the court shall immediately transmit certified copies of the certificate of rehabilitation to the Governor, to the Adult Authority and the Bureau of Criminal

Copies of certificate of rehabilitation

Identification and Investigation, and, in the case of persons twice convicted of a felony, to the Supreme Court.

SEC. 4. Section 4852.15 of the Penal Code is amended to read:

Construc-
tion of
chapter

4852.15. Nothing in this chapter shall be construed to abridge or impair the power or authority conferred by law on any officer, board, or tribunal to revoke or suspend any right, privilege, or franchise for any act or omission not involved in his conviction, or to require the reinstatement of the right or privilege to practice or carry on any profession or occupation the practice or conduct of which requires the possession or obtaining of a license, permit, or certificate. Nothing in this chapter shall affect any provision of Chapter 5 of Division 2 of the Business and Professions Code or the power or authority conferred by law on the Board of Medical Examiners therein, or the power or authority conferred by law upon any board that issues a certificate permitting any person to practice or apply his art or profession on the person of another. Nothing in this chapter shall affect any provision of Chapter 4 of Division 3 of the Business and Professions Code or the power or authority in relation to attorneys at law and the practice of the law in the State of California conferred by law upon or otherwise possessed by the courts, or the power or authority conferred by law upon the State Bar of California or any board or committee thereof.

SEC. 5. Section 4852.18 of said code is amended to read:

Time for
filing
notice

4852.18. Any person heretofore convicted of a felony who has been discharged from the State prison or other State institution or agency to which he was committed, after the completion of the term for which he was sentenced, and has complied with the requirements of Section 4852.05 since his discharge, may immediately file the notice of intention provided for in Section 4852.01. Such person may file the petition provided for in Section 4852.06 at any time after the expiration of one year from the date of his discharge from custody.

Any person, except a person sentenced to imprisonment for life, heretofore convicted of a felony who is on parole on the effective date of this chapter, may file such notice of intention at any time after the effective date of this chapter, and may file his petition at any time after one year from the date of his release on parole, but in no event prior to his discharge from custody upon the termination of his parole.

However, no petition shall be filed under the foregoing provisions of this section until and unless the petitioner has continuously resided in the county in which it is filed for a period of not less than three years immediately preceding the date of filing the petition.

Any person heretofore convicted of a felony who on the effective date of this chapter is confined in a State prison or other institution or agency to which he was committed, and any person hereafter convicted of a felony, may file the notice of inten-

tion at any time after his parole or his discharge from custody. Any such person may file the petition after the expiration of the periods mentioned in Section 4852.06 of this code.

CHAPTER 1073

An act to amend Sections 1150 and 1151 of, and to add Sections 1194.8 and 1194.9 to, the Insurance Code, relating to investments of insurers.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1150 of the Insurance Code is amended to read:

1150. Every admitted incorporated insurer may purchase, hold, or convey real estate only for the following purposes and in the following manner: Real estate
investments

(a) The building in which it has its principal office and the land upon which that building stands.

(b) Real estate requisite for its accommodation in the convenient transaction of its business.

(c) Real estate acquired by it, or by any person for it, to secure the payment of loans previously contracted or for moneys due.

(d) Real estate purchased at sales upon deeds of trust or upon judgments or decrees obtained for such loans or debts.

(e) Real estate conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

(f) Real estate acquired by gift or devise.

(g) Real estate acquired in part payment of the consideration of the sale of real property owned by it, if each such transaction shall not effect an increase in its investment in such real property.

(h) Upon the written approval of the Insurance Commissioner, real estate requisite or desirable for the protection or enhancement of the value of other real or personal property owned by such insurers.

(i) Real estate and improvements thereon under the provisions and subject to the conditions and limitations of Section 1194.8.

SEC. 2. Section 1151 of said code is amended to read:

1151. If, after a hearing, the commissioner is satisfied that an insurer is carrying upon its books any parcel or parcels of real estate at values exceeding the sound market value thereof, he may order the insurer to: Valuation
of real
estate

(a) Create an adequate contingency reserve against the book value of such parcel or parcels, or

(b) Reduce the book value of such parcel or parcels by a corresponding amount.

Disposal

In case of real estate, not of a character described in subdivisions (a), (b), (h) or (i) of Section 1150 which has been held by the insurer for more than five years, the commissioner may order the insurer to dispose of such real estate within six months if, after a hearing, the commissioner is satisfied that:

(1) The insurer has refused reasonable offers for the sale of such real estate, or

(2) Such real estate may be disposed of without undue hardship to such insurer.

For the purpose of enabling him to determine upon the issuance of an order pursuant to this section, the commissioner, if he is not satisfied with the appraisal furnished at his request by the insurer, may appraise such real estate at the expense of the insurer.

Penalty

The commissioner may suspend or revoke the certificate of authority of an insurer failing to comply with any order issued under the provisions of this section.

SEC. 3. Section 1194.8 is added to said code, to read:

Excess
fund
investments

1194.8. Excess fund investments may be made by a life insurer in real estate and in making improvements thereon for business or residential purposes as an investment for the production of income. The phrase "business or residential purposes" shall not include real estate primarily intended for use or valued as agricultural, horticultural, farm, ranch or mineral property. Any such investment may be made only by admitted insurers having admitted assets aggregating in value not less than twenty-five million dollars (\$25,000,000). Real estate acquired and improvements made thereon under this section shall not exceed in the aggregate an amount equal to 5 per cent of the insurer's admitted assets or an amount equal to 50 per cent of the total of the capital and surplus of such insurer. Real estate acquired under this section shall be in addition to that which is authorized to be acquired under the provisions of paragraphs (a) to (h) inclusive of Section 1150. Except upon the prior approval in writing of the commissioner, an investment may not be made under the authority of this section if at the time of the making of such investment it would result in the insurer then owning real estate, other than of the kind and for the purposes described in paragraphs (a), (b) and (f) of Section 1150, in an amount exceeding 5 per cent of the insurer's admitted assets. Any investment in a single parcel of real estate including improvements thereon made under the authority of this section shall not be made in an amount in excess of 1 per cent of the insurer's admitted assets. Percentage or dollar value of assets and surplus as provided herein shall be determined by the insurer's last preceding annual statement of conditions and affairs made as of the December 31st last preceding and which has been filed with the commissioner pursuant to law.

SEC. 4. Section 1194.9 is added to said code, to read:

Disposal

1194.9. If the commissioner shall decide, after due notice and hearing that the interest of any company having real estate acquired pursuant to the provisions of Section 1194.8

requires that any specific parcel or parcels of such real estate be disposed of, then such insurance company shall dispose of such real estate within such reasonable time as the commissioner shall direct.

CHAPTER 1074

An act to amend Sections 2939 and 2940 of the Civil Code, relating to mortgages.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2939 of the Civil Code is amended to read:

2939. A recorded mortgage, if not discharged as provided in the preceding section, must be discharged upon the record by the officer having custody thereof, on the presentation to him of a certificate signed by the mortgagee, his personal representatives or assigns, acknowledged or proved and certified as prescribed by the chapter on "recording transfers," stating that the mortgage has been paid, satisfied, or discharged. Reference shall be made in said certificate to the book and page where the mortgage is recorded.

Discharge
on record
of mortgage

SEC. 2. Section 2940 of the said code is amended to read:

2940. A certificate of the discharge of a mortgage, and the proof or acknowledgment thereof, must be recorded at length, and a reference made in the minute of the discharge made upon the record of the mortgage to the book and page where the discharge is recorded.

Certificate
and record
of discharge

CHAPTER 1075

An act to amend Section 19616 of the Education Code, and making an appropriation, relating to child care centers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Section 19616 of the Education Code is amended to read:

19616. This chapter shall have no force or effect from and after July 1, 1947, or six months after the proclamation of the President of the United States that hostilities in the existing war have ceased, whichever is the earlier.

See also
Stats 1945,
Ch 710

Duration

Appropriation

SEC. 2. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of forty thousand dollars (\$40,000) to the Department of Education, in addition to, and in augmentation of, Item 76 in the Budget Act of 1945, to permit the department to supervise child care centers.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

In order that the successful prosecution of the wars in which the United States is now engaged be not impeded it is necessary that the present authorization for the maintenance of child care centers by school districts which ceases July 1, 1945, be continued and that State funds be made available for temporary or supplemental financial assistance to child care centers where a demonstrated need can be shown and for proper supervision of child care centers so that parents who are engaged or hereafter must engage in essential war work may have assurance of proper care for their minor children during the hours of their employment. It is, therefore, necessary that this act take effect immediately.

CHAPTER 1076

An act to amend Section 8006 of the Education Code, relating to the maintenance by a school district of schools and classes outside its boundaries.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 8006 of the Education Code is amended to read:

Maintenance
of schools
outside
districts

8006. The governing board of any school district, may establish and maintain outside of the boundaries of the district, for persons in the service of the United States or of the State assigned to, or serving at any camp, post, or other place under the jurisdiction of the United States or of the State, or for persons employed or living on any such camp, post, or other place, or for persons evacuated from the district by order of any military officer of the United States or of the State to meet an emergency created by war, or of any civil officer of the United States, the State, or any county, city and county, or city authorized to order such evacuation to meet an emergency created by war, and for the children or wards of such persons any schools or classes which the board may lawfully establish and maintain within the boundaries of the district.

The governing board of the district shall not maintain any school or class for other than persons and their children or wards evacuated from the district, under the provisions of this section in any other school district without the consent of the governing board of the other district.

CHAPTER 1077

An act to amend Section 3129 of the Education Code, relating to elections of members of governing boards of high school districts.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3129 of the Education Code is amended to read:

3129. The election shall be called by the governing board of the high school district, which shall, for that purpose designate a polling place in each of the school districts composing the high school district at which the electors thereof shall vote; provided, that, in the discretion of the board it may combine a suspended elementary school district with a contiguous elementary school district for the purposes of such election and the electors of both shall vote at the polling place designated in the active school district.

CHAPTER 1078

An act to amend Sections 19071 and 19202 of the Education Code, relating to books and apparatus for school libraries.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 19071 of the Education Code is amended to read:

19071. County boards of education may adopt a list of books and apparatus for district school libraries of districts not employing a superintendent of schools or a librarian for full time.

SEC. 2. Section 19202 of said code is amended to read:

19202. No warrant shall be drawn by the superintendent of schools upon the order of any governing board of any school district against the library fund of any district unless the order is accompanied by an itemized bill, showing the books and apparatus, and the price of each in payment of which the order

is drawn, and unless the books and apparatus, except in the case of library books and apparatus purchased by a district employing a district superintendent of schools or a school librarian for full time, have been adopted by the county, city, or city and county board of education.

CHAPTER 1079

An act to add Section 18312 to the Education Code, relating to junior college buildings.

In effect
September
15, 1945

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 18312 is added to the Education Code, to read:

Deposit of
dormitory
rentals

18312. Moneys received by a district from rental of quarters in dormitories constructed with moneys derived from the sale of bonds may, in lieu of being deposited in the county treasury to the credit of the general fund of the district, be deposited in the county treasury to the credit of the interest and sinking fund of the district.

CHAPTER 1080

An act to add Title 8a, comprising Sections 1274.1 to 1274.17, inclusive, to Part 3 of the Code of Civil Procedure, to amend Section 1268 of the Code of Civil Procedure, Section 15 of the Bank Act, and to repeal Section 1273 of the Code of Civil Procedure, relating to the disposition of property actually abandoned and presumed to be abandoned.

Stats 1909,
p 87,
amended

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Title 8a is added to Part 3 of the Code of Civil Procedure, to read:

TITLE 8a. ABANDONED PROPERTY

Short title 1274.1. This title shall be known as the "Abandoned Property Act."

Procedure The procedure to be followed for reporting property presumed to be abandoned, for the delivery thereof to the State, for adjudging such property to be abandoned, and for the recovery thereof by the owner shall be as provided in this title; except that nothing contained in this title shall in any way supersede any provisions of law now or hereafter enacted

relative to the escheat of real or personal property, or any procedure now or hereafter established by law for the delivery to the State, county, city, or other governmental department, agency, or district of the State, county, or city of any real or personal property because the same is forfeited, abandoned, or the owner thereof is unknown or can not be found, nor shall anything contained in this title be applicable to such provisions or procedures, but the provisions of this title shall be an additional and alternative remedy and procedure for the delivery of such property to the State.

1274.2. As used in this title:

(1) "Person" means any individual, partnership, firm, corporation, association, or mutual company. Definitions

(2) "Holder" means any person who holds property which by this title or any other law of this State is presumed to be abandoned.

(3) "Owner" means any person who either in his own right or in a representative capacity is the owner, claimant, or entitled to the possession of the property.

1274.3. All amounts of money heretofore deposited with any person which is a State bank, National banking association, savings bank, commercial bank, trust company, State building and loan association, Federal savings and loan association, savings union, credit union, or any other similar type of corporation or organization, and appearing as of January 1, 1945, on the books and records of said person as due or owing to the owners thereof and all amounts hereafter deposited with any such person to the credit of depositors who have not made a deposit on said account or withdrawn any part thereof or the interest, and which shall have remained unclaimed for more than 20 years after the date of such deposit, or withdrawal of any part of principal or interest, and where neither the depositor nor any claimant has filed any notice with such person showing his or her present residence, and the present residence and whereabouts of the depositor or claimant are unknown, shall, with the increase and proceeds thereof, be presumed to be abandoned. The foregoing definition of property presumed to be abandoned shall be construed to include all amounts held or owing by any such person to which an owner is entitled whether designated as bank deposits, time deposits, demand deposits, savings deposits, certificates of deposit, investment certificates, shares, certificates of shares, credits, certificates of credits, or by any other similar designation. Property presumed to be abandoned

1274.4. Every person who is the holder of property presumed to be abandoned shall annually, as of January 1st, report all such property to the State Controller. The report shall be sworn to by the officer or agent of the holder preparing the same and shall be filed in triplicate in the office of the State Controller on or before March 1st of each year and shall give the name of the owner, his last known address, the amount and kind of property and date when received, the interest due if any and the amount thereof, and such other information as the State Report to State Controller

Controller may require for the administration of this title. One copy of such report shall be delivered by the State Controller to the Attorney General.

Compiled
returns of
reports

1274.5. The State Controller shall immediately after March 1st of each year prepare returns of all reports received by him, compiled by counties in which such property is located or held. The compiled returns for each county shall contain in addition to the matters otherwise required by this title the name and address of the holder and a notice that the property listed in the return is presumed to be abandoned property and will be delivered to the State Treasurer if money or if other property be delivered to the State Controller for deposit in the State treasury on or after June 1st, unless the owner thereof appears and makes claim on the holder prior thereto.

Notice

Publication

The State Controller shall cause the compiled return for each county together with said notice to be published in a newspaper of general circulation published in the county at least once a week for four consecutive weeks. If there is no newspaper of general circulation published in the county, he shall cause to be posted a copy of the compiled return for said county, together with said notice at the courthouse in said county for a period of four consecutive weeks. The publication or posting shall be begun on or before April 1st of each year, and when it is completed shall be constructive notice to all interested parties and shall be in addition to any other notice required by law. If for any reason the return together with said notice is not published or posted in any county prior to April 1st, the same may be published or posted at any time thereafter, provided that the date for the delivery of said property to the State Treasurer or State Controller shall be specified at not less than two calendar months from the date of first publication or posting.

If in the judgment of the State Controller the compiled return for any county or any portion of such compiled return includes property of such small value as not to justify the cost of publication, he shall cause notice to be given in the same manner as if there were no newspaper of general circulation published in the county.

Delivery of
property

1274.6. Every person who has made a report as required by this title shall, between June 1st and June 15th of each year, or within 15 days after the date specified in the notice, deliver to the State Treasurer all money so reported, and deliver all other property so reported to the State Controller for deposit in the State treasury except if the holder of any of the property or the owner thereof certifies to the State Controller by sworn statement that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exists or never did exist, or certifies the existence of any fact or circumstance which has a substantial tendency to rebut such presumption, then the holder shall not be required to deliver the property to the State Treasurer or State Controller except upon order of a court of competent jurisdiction.

If an action has been filed by any person claiming any property which has been reported to the State Controller, the holder shall not deliver the property to the State Treasurer or State Controller during the pendency of the action, but shall notify the State Controller of the fact, and shall also notify him of the termination of the action, and if such claimant is judged not to be the owner, he shall thereupon deliver such property to the State Treasurer or State Controller. Exception

Upon the receipt of money or other property by the State Treasurer, the State Controller shall issue a receipt for the same and said receipt shall be deemed a voucher in favor of the holder as though executed by the owner of such property. All money received by the State Treasurer pursuant to this section shall be deposited to the credit of the "Abandoned Property Fund," which fund is hereby created, and such money shall be held subject to the rights of owners to recover the same as herein-after provided. All other property deposited with the State pursuant to this title shall be recorded and accounted for by the State Controller. Abandoned
Property
Fund

1274.7. The Attorney General may at any time commence an action or actions in the name of the State of California, in the Superior Court in and for the County of Sacramento, to compel any person or persons to make and file the reports required by this title, and may join in one action any number of persons who are holders of property presumed to be abandoned for the same reason without separately stating a cause of action as to each of them, and such action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of the place of trial. Summons shall be served in such action or actions in the manner provided for in civil actions. Action to
compel
compliance

1274.8. The Attorney General may at any time commence an action or actions in the name of the State of California, in the Superior Court in and for the County of Sacramento, to compel any person or persons to deliver to the State Treasurer or State Controller property presumed to be abandoned and may join in one action any number of persons who are holders of property presumed to be abandoned for the same reason without separately stating a cause of action as to each of them, and such action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of the place of trial. Action to
compel
delivery

If the property presumed to be abandoned has been reported to the State Controller and a return and notice thereof has been posted or published as hereinbefore provided, such action shall be against the holders thereof alone, and summons shall be served in such action or actions in the manner provided for in civil actions.

1274.9. If any property is delivered to the State Treasurer or State Controller on the presumption of abandonment, the Attorney General may at any subsequent time commence proceedings under Section 1268 Code of Civil Procedure to estab- Action to
establish
abandon-
ment

lish conclusively that such property was actually abandoned or that the owner thereof has died and there is no person entitled to it. When a judgment under Section 1268 Code of Civil Procedure shall have become final the money and proceeds from the property shall be transferred to the School Land Fund for the support of the common schools.

Recovery of
property
delivered
to State

1274.10. Any person who claims property so delivered to the State Treasurer or State Controller on the presumption of abandonment shall file a verified petition in the Superior Court in and for the County of Sacramento, stating facts necessary for the court to determine his right thereto. At least 20 days before the hearing of the petition, a copy of the petition and notice of hearing must be served on the Attorney General, who may answer the same at his discretion. If, upon trial of the issues, the court is satisfied of the claimant's right or title to the money or property claimed, it shall grant him a certificate to that effect under its seal. Upon presentation of such certificate, the State Controller shall draw his warrant on the State Treasurer for the amount of money covered thereby, without interest or costs to the State, and if the certificate covered any property, upon presentation of such certificate the State Controller shall direct the State Treasurer to deliver the property to the claimant, and the certificate shall serve as sufficient authority for the delivery of the property to the claimant.

Claims of
less than
\$300

Whenever the money claimed by any person, or the total value of property, including money claimed, is less than three hundred dollars (\$300) any such claimant may, in lieu of filing such petition, present his claim for the money or other property to the State Board of Control, stating the facts necessary for the board to determine his right thereto. The board may, in its discretion, upon recommendation of the Attorney General, allow and order paid such claim, without interest or cost to the State, or order the delivery of the property to the claimant. When payment has been made or the property has been delivered under this section to any claimant, no suit shall thereafter be maintained by any other claimant against the State or any officer thereof for or on account of such money or property.

Whenever the holder of such property has erroneously delivered the same to the State Treasurer or State Controller the same may be refunded or returned to said holder on order of the Board of Control.

Appropriation

Said Abandoned Property Fund is hereby appropriated to pay the warrants drawn by the State Controller upon presentation of the certificate of the superior court, or upon the order of the State Board of Control for the payment of a claim or refund allowed by it, all as provided for in this section.

Alternative
remedy for
delivery of
property and
establishing
abandonment

1274.11. If no return and notice thereof has been posted or published as hereinbefore provided, as an alternative remedy, the Attorney General may at any time commence an action or actions in the name of the State of California, in the Superior Court in and for the County of Sacramento, to compel any person or persons to deliver to the State Treasurer or State

Controller property presumed to be abandoned, and have it determined that such property is actually abandoned or that the owner thereof has died and there is no person entitled to it. There may be joined in one action any number of persons who are the holders of property presumed to be abandoned for the same reason and the owners thereof without separately stating a cause of action as to each of them, and such action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of the place of trial.

Service of process in such action or actions shall be made by service of summons on the holders of such property in the manner provided for service in civil actions, and by publication of a copy of such summons in a newspaper in the County of Sacramento at least once a week for four consecutive weeks. At the time of issuing the summons the clerk shall also issue a notice signed by him, giving the title and number of said action, and referring to the complaint therein, and directed to all persons, other than those named as defendants therein, claiming any interest in any property mentioned in said complaint and requiring them to appear within 60 days after the first publication of such summons, and show cause, if any they have, why the property involved in such action should not be declared abandoned or that the owners thereof have died and there is no person entitled to it, and delivered to the State Treasurer, if money, or delivered to the State Controller for deposit in the State treasury, if other than money, and notifying them that if they do not so appear and show cause the State will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to and published with a copy of said summons, and at the end of the copy of such notice so published there shall be a statement of the date of the first publication of said summons and notice. Any person interested may appear in said action and become a party thereto. Upon the completion of the publication of the summons and notice, and the service of the summons on the holders of such property, the court shall have full and complete jurisdiction over the State and said property, and of the person of everyone having or claiming any interest therein, and shall have full and complete jurisdiction to hear and determine the issues therein, and render the appropriate judgment thereon.

Upon the trial the court shall hear all parties who have appeared, and if it determines that the property has actually been abandoned or that the owner thereof has died and there is no person entitled to it, the court shall render judgment in favor of the State declaring that the property has actually been abandoned or that the owner has died and there is no person entitled to it, and vesting title thereto in the State, and commanding the holder of such property to deliver it to the State Treasurer or State Controller, to be received, invested, accounted for and paid out in the same manner and by the

same officers, as is provided in this title for money and property in the Abandoned Property Fund.

Petition for
recovery of
property

Within five years after such judgment any person who has not appeared in said proceedings and who claims any property included in such judgment shall file a verified petition in the Superior Court in and for the County of Sacramento, or file a claim therefor with the Board of Control in the manner provided in Section 1274.10 Code of Civil Procedure.

Limitation
of action

All persons who fail to appear and file their petitions within the time limited are forever barred; saving however, to infants, and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or within one year after their respective disabilities cease.

When a judgment under this section shall have become final the money and proceeds from the property shall be transferred to the School Land Fund for the support of the common schools.

Dispositor
of property

1274.12. The State Controller may sell on behalf of and in the name of the State of California any property delivered to him and deposited by him in the State treasury pursuant to this title in the manner and with the same authority as provided by Section 1274 Code of Civil Procedure, and may dispose of or manage said property in the manner and with the same authority provided in Section 1274e Code of Civil Procedure. The proceeds from any such sale or disposition shall be deposited with the State Treasurer to the credit of the Abandoned Property Fund. With the consent of the State Board of Control, the State Controller may destroy or otherwise dispose of any of such property, determined by him to be valueless or of such little value that the costs of conducting a sale would probably exceed the amount realized therefrom; and neither the State Treasurer or State Controller can be held to respond in damages at the suit of any person claiming loss by reason of such destruction or other disposition.

Investment
of fund

1274.13. Whenever and as often as there is in the State treasury to the credit of the Abandoned Property Fund (in excess of the retention hereinafter provided for) the sum of ten thousand dollars (\$10,000) or more, the Director of Finance must invest the same in bonds of this State, or in the bonds of the United States, or in the bonds of the several counties, cities and counties, permanent road districts, cities and towns, metropolitan water districts, municipal utility districts or school districts of this State; the investments to be made in such manner and on such terms as the director shall deem best for the fund. No investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the amount of ten thousand dollars (\$10,000), and whenever a demand presented against said fund will reduce the amount of cash therein below the specific amount of ten thousand dollars (\$10,000) it shall be the duty of the director to sell such bonds belonging to said fund as he may deem proper, for the purpose of making good the cash retention of ten thousand dollars (\$10,000). Bonds purchased under the provisions

of this section must be delivered to the State Treasurer, who shall keep them as a portion of said Abandoned Property Fund, and the interest upon such bonds shall be paid into the State School Fund and apportioned like other moneys employed for the support of common schools.

1274.14. The expiration of any period of time specified by law, during which an action or proceeding may be commenced or enforced to secure payment of a claim for money or recovery of property, shall not prevent any such money or property from being deemed abandoned property, nor affect any duty to file a report required by this title or to deliver to the State Treasurer or State Controller any such abandoned property; and shall not serve as a defense in any action or proceeding brought under the provisions of this title to compel the filing of any report or the delivery of any abandoned property required by this title or to enforce or collect any penalty provided by this title.

Explanation
of time
no defense,
etc

1274.15. The care and custody of all property delivered to the State Treasurer or State Controller pursuant to this title is assumed by the State for the benefit of those entitled thereto, and the State is responsible for the payment of all claims established thereto pursuant to law, less any lawful deductions.

Effect of
delivery of
property
to State

Any person delivering property to the State Treasurer or State Controller which is presumed to be abandoned property shall be immediately relieved and held harmless by the State from all or any claim or claims which exist at that time with reference to such abandoned property or which may thereafter be made or may come into existence on account of or in respect to such abandoned property.

No action shall be maintained against any person who is the holder of property presumed to be abandoned, or any officer as agent thereof, for:

(a) The recovery of abandoned property delivered to the State Treasurer or State Controller pursuant to this title or for interest thereon subsequent to the date of the report of such abandoned property to the State Controller.

(b) Damages alleged to have resulted from such delivery to the State Treasurer or State Controller.

No owner of abandoned property shall be entitled to receive interest on account of such abandoned property from and after the date a report of such abandoned property is made to the State Controller pursuant to this title, whether or not he was entitled to interest on such property prior to such report.

1274.16. Any person who violates any of the provisions of this title shall forfeit to the State of California the sum of one hundred dollars (\$100) a day for each and every day such violation shall continue, except that the State Controller may extend the time for making any report or delivering any property to the State Treasurer or State Controller as required in this title and may waive the payment of any penalty or part thereof provided for by this section.

Penalties

Constitutionality

1274.17. If any provision of this title, or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 2. Section 1268 of the Code of Civil Procedure is amended to read:

Action to establish escheat

1268. The Attorney General shall, from time to time, commence actions on behalf of the State for the purpose of having it adjudged that title to real or personal property, to which the State has become entitled by escheat, has vested in the State, and for the purpose of having it adjudged that property has been actually abandoned or that the owner thereof has died and there is no person entitled thereto and the same has escheated and vested in the State; provided, however, that any action for the escheat of real or personal property under the provisions of the Alien Land Law, as amended, may be instituted and prosecuted by the Attorney General or by the district attorney of the county in which such real or personal property is situated. Such actions shall be brought in the Superior Court for the County of Sacramento; except that if any real property covered by the petition is not situated in the County of Sacramento, an action respecting the real property shall be commenced in the superior court for the county in which such real property, or any part thereof, is situated; provided further, that any action for the escheat of real or personal property under the provisions of the Alien Land Law, as amended, shall be commenced and prosecuted in the superior court for the county in which such real or personal property is situated.

Venue of actions

Petition

Such action shall be commenced by filing a petition. The provisions of Section 1239 of this code, relating to the facts to be set forth in the petition, joinder of parties and causes of action, and the provisions of Section 1271 of this code, relating to appearances and pleadings, shall be applicable to any proceeding had under this section; provided, however, that in any action for the escheat of real or personal property under the provisions of the Alien Land Law, as amended, all of the provisions of the Alien Land Law, as amended, relating to the commencement and prosecution of such actions shall have the same effect as though incorporated in the provisions of this section, and the provisions of Section 1269 of this code, relating to the facts to be set forth in the petition, joinder of parties and causes of action, and the provisions of Section 1271 of this code relating to appearances and pleadings, shall, insofar as they are applicable, cover such actions.

Upon the filing of the petition, the court shall make an order requiring all persons interested in the property or estate to appear on a day not more than 90 days or less than 60 days from the date of the order and show cause, if any they have, why title to the property should not vest in the State of California.

Service of process

Service of process in such actions shall be made by delivery of a copy of the order, together with a copy of the petition,

to each person who claims title to any property covered by the petition and who is known to the Attorney General or the State Controller or who has theretofore filed in the office of the State Controller a written request for such service of process, stating his name and address, including street number, or post-office box number, if any, and by publishing the order at least once a week for four successive weeks in a newspaper published in the county in which the action is filed, the last publication to be at least 10 days prior to the date set for the hearing.

Upon completion of the service of process as provided in this section, the court shall have full and complete jurisdiction over the estate, the property, and the person of everyone having or claiming any interest in the property, and shall have full and complete jurisdiction to hear and determine the issues therein, and to render an appropriate judgment.

If it appears from the facts found or admitted that the State is entitled to the property or any part thereof mentioned in the petition, judgment shall be rendered that title to such property or part thereof, as the case may be, has vested in the State by escheat.

Within five years after judgment of escheat to the State in any proceeding had under this title, except judgment in proceedings for the escheat of real or personal property under the provisions of the Alien Land Law, as amended, any person not a party or privy to such proceeding may file a petition in the Superior Court of the County of Sacramento, showing his claim or right to the property, or the proceeds thereof. A judgment of escheat to the State rendered pursuant to the provisions of the Alien Land Law, as amended, shall vest both legal and equitable title to the escheated property absolutely in the State, any other provisions of this title notwithstanding.

No costs of suit shall be allowed against any party in any action or proceeding had under this section.

SEC. 3. Section 15 of the Bank Act is amended to read:

Sec. 15. The provisions of Title 8a of the Code of Civil Procedure shall govern the reporting and disposition of accounts dormant for 20 years or more. An original sworn copy of such report furnished the State Controller pursuant to said provisions shall be filed in the office of the Superintendent of Banks on or before March 1st of each year by the president or managing officer of every bank.

The president or managing officer of every bank, must within 15 days after the first day of January of every odd-numbered year, return to the Superintendent of Banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding 10 years and not known to be living, and the amount of whose deposit is more than ten dollars (\$10). Such statements shall show the amount of the account, the depositor's last known place of residence or post-office address, and the fact of death, if known to such president or managing officer. Such

Jurisdiction
of court

Judgment

Petition for
recovery of
property

Costs

Stats 1925,
p 510

Reports and
disposition
of dormant
accounts

Sworn
statements

Penalties

president or managing officer must give notice of these deposits in one or more newspapers published in or nearest to the town or city where such bank has its principal place of business, at least once a week for four consecutive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits. The Superintendent of Banks must incorporate in his subsequent report such returns made to him as provided in this section. If any president or managing officer of any bank neglects or refuses to make the sworn statements required by this section such bank shall forfeit to the State of California the sum of one hundred dollars (\$100) a day for each day such default shall continue. Any president or managing officer of any bank who violates any of the provisions of this section shall forfeit to the State of California the sum of one hundred dollars (\$100) a day for each and every day such violation shall continue. For the purposes of this section all deposits received by any bank under the provisions of Section 31, Section 31a or Section 31b of this act shall be deemed to have been deposited with such bank at the time the deposit was made with the bank from which the deposit was transferred; provided, that any bank which shall make any deposit with the State Treasurer in conformity with the provisions of law shall not thereafter be liable to any person for the same and any action which may be brought by any person against any bank for moneys so deposited with the State Treasurer shall be defended by the Attorney General without cost to such bank.

Repeal

SEC. 4. Section 1273 of the Code of Civil Procedure is hereby repealed.

CHAPTER 1081

An act to add Section 19312 to the Education Code, relating to the establishment of cafeterias by school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

The people of the State of California do enact as follows:

Purchase of perishable foodstuffs, etc

SECTION 1. Section 19312 is added to the Education Code, to read:

19312. Perishable foodstuffs and seasonal commodities needed in the operation of cafeterias may be purchased by the school district in accordance with rules and regulations for such purchase adopted by the governing board of said district notwithstanding any provisions of this code in conflict with such rules and regulations.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution and shall, therefore, go into

immediate effect. A statement of the facts constituting such necessity is as follows:

As a result of the impossibility of making satisfactory arrangements with outside organizations for the operation of school cafeterias, certain school districts are faced with the problem of taking over the operation of their cafeterias at the close of the current school year. Budget requirements must be estimated, food and supplies purchased, and other arrangements and plans must be perfected for the immediate operation of cafeterias by the school districts. Additionally, present code restrictions make it impractical, if not impossible, for school districts to purchase adequate stocks of perishable foods, seasonal commodities, and surplus food commodities released by the Federal Government. An emergency has thus arisen making it imperative that this act take immediate effect.

CHAPTER 1082

An act to amend Sections 4218 and 4220 of the Political Code and Section 327 of the Revenue and Taxation Code, relating to investigations, surveys, and maps.

[Approved by Governor June 26, 1945 Filed with Secretary of State
June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4218 of the Political Code is amended to read:

4218. The surveyor shall copy, plat, or trace all maps filed ^{Maps. etc} for record in the office of the recorder of the county for which he shall be elected, and shall be ex officio deputy recorder for said county for such purposes, at the cost of the party filing the same for record; provided, however, that all maps or plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this section. The surveyor shall plat, trace, blueprint or otherwise make all county, township, road, district, and all other maps, and all assessors' block-books, for the county of which he is surveyor; provided, that when the office of the assessor has not been provided with such maps and block-books, or when the maps or block-books in the office of the assessor are insufficient or defective and the surveyor neglects or refuses to make the same, or when the facilities of the surveyor's office are inadequate to do so the board of supervisors may provide for the making of said maps and block-books by contract with other competent person or persons for the making or purchase thereof and may provide for the payment therefor from the funds of the county. In the preparation of assessors' maps and block-books, the county surveyor shall make all investigations and surveys necessary to provide complete and accurate maps. All such maps which are platted, traced, blue-printed

or otherwise made, as aforesaid, together with all data obtained by the surveyor from other sources, shall thereafter become the property of the county.

SEC. 2. Section 4220 of the Political Code is amended to read :

Duties of
surveyors
re State
lands

4220. Each surveyor, within 90 days after making any survey which adjoins or crosses any lands owned by the State, excluding tax-deeded lands but including school lands, swamp and overflow lands, or tidelands, or which adjoins or crosses any navigable stream or slough, or county boundary, shall transmit to the State Lands Commission a plat of such survey, showing on such plat all data necessary to establish the relative positions of all lines and boundaries involved in that portion of the survey affecting the interests of the State. The State Lands Commission may require the surveyor to submit also a copy of the field notes, or a portion thereof, in which case the commission shall pay the surveyor the cost of copying such notes.

He must transmit such information concerning surveys made by him, and other matters connected with the duties of his office, as may be required by law to be furnished to the State Lands Commission.

SEC. 3. Section 327 of the Revenue and Taxation Code is amended to read :

County
officer's
maps

327. Where any county or county officer possesses a complete, accurate map of any land in the county, or whenever such a complete, accurate map has been made in compliance with Section 4218 of the Political Code, the assessor may number or letter the parcels in a manner approved by the board of supervisors. This map or a copy shall at all times be publicly displayed in the office of the assessor.

Land may be described by reference to this map.

All such maps in the possession of county assessors on August 27, 1937, and used for assessment purposes only, are deemed to have been numbered or lettered and approved properly.

CHAPTER 1083

An act to add Article 3 to Chapter 4 of Division 5 of the Education Code, relating to the granting to veterans of diplomas of graduation from high school.

In effect
September
15, 1945

[Approved by Governor June 26, 1945 Filed with Secretary of State
June 26, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 is added to Chapter 4 of Division 5 of the Education Code, to read :

Article 3. Graduation

Credit for
training in
military
service

10531. The governing board of any district maintaining a four year high or senior high school may, subject to such rules and regulations as may be prescribed by the State Board of

Education, evaluate courses completed by a veteran in any high school, junior college or State college, grant credit toward graduation for military service and training received while in the military service of the United States and if satisfied that such veteran has completed the equivalent of the requirements for graduation from such high school, may grant such veteran a diploma of graduation from such high school.

10532. A veteran who entered the military service of the United States while a student in the twelfth grade of a high school and who at the time of his entrance into such military service had satisfactorily completed the first half of the work required for the twelfth grade shall be granted a diploma of graduation from such high school. Graduation of veteran

10533. "Veteran" as used in this article, means a person "Veteran" who has served 90 days or more in the military service of the United States during a war with a foreign power or during any National emergency declared by the President of the United States and who has been honorably discharged from such service.

CHAPTER 1084

An act to amend Sections 2, 9, 9.1, and 9.2 of, and to add Sections 6.1 and 8.2 to, the "Metropolitan Water District Act," approved May 10, 1927, relating to the definitions of certain terms, providing for the addition or inclusion of areas to or in metropolitan water districts and providing for the effect thereof, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts, county water districts, and county water authorities, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district, county water district, or county water authority, so included within any such metropolitan water district and providing the effects thereof, providing for the election to pay the taxes or a portion thereof levied by any such metropolitan water district out of the municipal funds of any municipality whose corporate area is comprised within an overlying municipal water district, municipal utility district, public utility district, county water district, or county water authority, whose corporate area is included within such metropolitan water district, providing for presentation of claims and demands against metropolitan water districts, and declaring the severability of the provisions of this act. Stats 1927.
p 694,
amended

[Approved by Governor June 26, 1945 Filed with Secretary of State
June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the act cited in the title hereof is amended to read: Stats 1941,
p 446

Sec. 2. (a) Subject to the limitation contained in paragraph (b) of this section, as used in this act and in all other acts Definitions

to the extent that such other acts confer rights or powers or impose duties or obligations upon municipal corporations or municipalities or cities with relation to metropolitan water districts and to the extent that such other acts confer rights or powers or impose duties or obligations upon metropolitan water districts with relation to component municipal corporations or municipalities or cities, the following terms shall have the following meanings, respectively ascribed to them, namely:

"Metropolitan water district"

(1) "Metropolitan water district" shall mean any metropolitan water district incorporated under this act.

"Municipal water district"

(2) "Municipal water district" shall mean any municipal water district incorporated under the Municipal Water District Act of 1911, as amended, and all further amendments thereof or supplements thereto.

"Municipal utility district"

(3) "Municipal utility district" shall mean any municipal utility district incorporated under the Municipal Utility District Act, as amended, and all further amendments thereof or supplements thereto.

"Public utility district"

(4) "Public utility district" shall mean any public utility district incorporated under any of the following acts, namely, an act entitled "An act to provide for the incorporation and organization of public utility districts, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts," approved June 5, 1913; an act entitled "An act providing for the incorporation of public utility districts by municipalities and unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 27, 1915, as amended; and an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, and all further amendments thereof or supplements thereto.

Stats 1915,
p 866

Stats 1921,
p 906

"County water district"

(5) "County water district" shall mean any county water district incorporated under the County Water District Act, as amended, and all further amendments thereof or supplements thereto.

Stats 1915,
p 1049

(6) "County water authority" shall mean any county water authority incorporated under the County Water Authority Act, as amended, and all further amendments thereof or supplements thereto.

"County water authority" Stats 1943, p 2090

"Municipal corporation," "municipality" or "city" shall mean any city, and any city and county, of the State of California, whether organized under a freeholders' charter or under the provisions of general laws; and shall also mean any municipal water district, any municipal utility district, any public utility district, any county water district, and any county water authority.

"Municipal corporation," etc

(8) "Board" and "board of directors" shall be deemed to refer to the directors created under Section 6 hereof.

"Board"

(b) Except as otherwise provided in Section 8.2 of this act, wherever in this act or in any other act rights or powers are conferred or duties or obligations imposed upon any municipal corporation or municipality or city in connection with or by reason of, the inclusion of the corporate area of such municipal corporation or municipality or city within the corporate boundaries of such metropolitan water district, or wherever in this act or in any other act applicable to metropolitan water districts rights or powers are conferred or duties or obligations imposed upon such metropolitan water district with relation to such municipal corporations or municipalities or cities, the terms "municipal corporation," "municipality" and "city" shall mean and refer to those municipal corporations or municipalities or cities, the corporate areas of which, as units, respectively, shall have been included in or annexed to such metropolitan water district, and said terms shall not mean or refer to any municipal corporation or municipality or city whose corporate area, either in whole or in part, may be included within the corporate boundaries of any overlying municipal corporation or municipality or city, the area of which last-mentioned entity shall have been included in or annexed to such metropolitan water district as a unit.

Application of "Municipal corporation," etc

Sec. 2. Section 6.1 is added to said act, to read :

New section

Sec. 6.1. No suit shall be brought on any claim for money or damages against any metropolitan water district or the board of directors or any officer or employee thereof, until a verified demand therefor shall have been filed, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, and except in cases of claims under Section 8.1 of this act for refund of taxes levied by such district, verified demands for all such claims for damages must be filed with the secretary of such district within six months after the occurrence from which the damages arose or within six months after the effective date of this Section 6.1, and verified demands for all other claims shall be filed with the secretary of such district within six months after the last item of the account or claim accrued or within six months after the effective date of this Section 6.1. Each such

Claims for money or damages

verified demand shall set forth with reasonable certainty the nature of the claim and shall contain the name and the address of the claimant, the date of the occurrence from which the damages arose or the date when each item of the account or claim accrued, the total amount originally claimed, all payments thereon or offsets or credits thereto, the net amount due, owing, and unpaid on such claim, and if such claim shall have been assigned, the name of the original claimant and the names of all assignees and the full particulars of each assignment. Verified demands so filed with said secretary shall be presented to the board of directors at its next meeting, and failure of the board of directors to act upon any such verified demand within ninety (90) days from the date such demand is filed with said secretary shall be deemed to be a rejection thereof. Nor shall suit be brought against such district or the board of directors or any officer or employee thereof upon any claim or demand that shall have been approved in whole and audited for payment; provided, that nothing herein contained shall be construed so as to deprive the holder of any claim of his right to resort to writ of mandamus or other proceeding against the district or the board of directors or any officer thereof to compel it or him to act upon such claim or to pay the same when so audited. If suit be brought on a claim allowed in part and rejected in part by the board of directors and no more is recovered in such suit than the amount so allowed by the board of directors, no costs shall be awarded to the claimant.

New section
Application
of terms

SEC. 3. Section 8 2 is added to said act, to read :

Sec. 8.2. (a) Notwithstanding the limitations contained in paragraph (b) of Section 2 of this act, as used in this Section 8.2 the terms "municipal corporation," "municipality," "city," "municipal water district," "municipal utility district," "public utility district," "county water district," and "county water authority," shall have the meanings ascribed to said terms as set forth in paragraph (a) of said Section 2 of this act.

Declaration
of intention
to pay
taxes from
municipal
funds

(b) On or before the first of February in any year the governing body of any municipality whose corporate area is included within the corporate boundaries of any overlying municipal corporation or municipality or city, the area of which last-mentioned entity shall have been included in or annexed to a metropolitan water district as a unit, may declare its intention to pay out of its municipal funds all or some portion of the amount of taxes to be derived from the area of such metropolitan water district within such municipality so declaring its intention, as such amount of taxes shall be fixed in the next succeeding August by resolution of the board of directors of such metropolitan water district. Such declaration of intention shall be made by order upon motion, which order shall be certified to the controller of such metropolitan water district and shall recite that such municipality, pursuant to the provisions of this Section 8.2, and at the time and in the manner herein provided, will elect to pay all or some portion

of the amount of taxes of such metropolitan water district to be derived from such municipality as so fixed in said resolution of the board of directors of such metropolitan water district. On or before the first of February in such year, and concurrently with the certification to the controller of such metropolitan water district of said declaration of intention, a certified copy of said declaration shall be filed by such municipality with the county assessor of each county within which such municipality or any part thereof shall lie and with the State Board of Equalization, accompanied in each instance by a statement of the creation of such municipality or the change of boundaries thereof setting forth the legal description of the boundaries of such municipality as so created or so changed, together with a map or plat indicating such boundaries; provided, that such statement and such map or plat need not accompany the certified copies of said declaration of intention so to be filed with said county assessor and with said State Board of Equalization where such municipality since its creation and last change in boundaries already has filed with said county assessor and with said State Board of Equalization the statement and map or plat required to be so filed by the provisions of Section 3720 of the Political Code of the State of California.

(c) Upon the certification of such declaration of intention to the controller of such metropolitan water district and the filing of certified copies thereof with said county assessor and with said State Board of Equalization, pursuant to the provisions of paragraph (b) of this Section 8.2, it shall become and be the duty of said county assessor and of said State Board of Equalization to prepare the assessments for the next ensuing fiscal year of all property within such metropolitan water district lying in such municipality, segregated in such manner that the county auditor of each county within which such municipality or any part thereof shall lie, in issuing his certificate to the controller of such metropolitan water district on or before the fifteenth day of August of such year, pursuant to the requirements of Section 8 of this act, will be able to segregate the assessed valuation of all property in his county within such metropolitan water district lying in such municipality, and it shall be the duty of each such county auditor to make such segregation in his said certificate. Likewise, the county assessor or other officer or officers, whose duty it is to collect taxes under the provisions of Section 9 (a) of Article XIII of the Constitution of the State of California within such municipality, shall segregate all taxes so collected in such municipality, and all such taxes when so collected shall be paid over to the treasurer of such metropolitan water district, subject to the deduction authorized by paragraph (f) of Section 8 of this act. In the event that such municipality, pursuant to the provisions of paragraph (b) of this Section 8.2, shall declare its intention to pay out of its municipal funds the whole of the amount of taxes to be derived from the area of such metropolitan water district within such municipality, as such amount of taxes shall be fixed in the next suc-

Assessment
of property
within
municipality

ceeding August by resolution of the board of directors of such metropolitan water district and shall file a satisfactory financial statement of the kind mentioned in Section 8.1 of this act, then the provisions of said Section 8.1 of this act respecting deferment of collection of taxes under the provisions of said Section 9 (a) of Article XIII of the Constitution of the State of California shall apply to such municipality.

Transmission of tax levy resolution to governing board of municipality

(d) Upon receipt by the controller of such metropolitan water district of the certificate or certificates of the respective county auditor or county auditors segregating the assessed valuation of all property within such metropolitan water district lying within such municipality so declaring its intention under and pursuant to the provisions of this Section 8.2, the board of directors of such metropolitan water district, in levying taxes for such fiscal year, shall cause to be computed and shall declare in its tax levy resolution the amount of money to be derived from the area of such metropolitan water district lying within such municipality by virtue of each respective tax levy made by said board of directors, pursuant to the provisions of Sections 8, 9, and 9.1 of this act, and said board of directors shall cause a certified copy of its said tax levy resolution to be transmitted to the presiding officer of the governing body of each such municipality so declaring its intention pursuant to the provisions of this Section 8.2, and the governing body of any such municipality, on or before the twenty-fifth day of August of such year, may elect to pay out of the municipal funds of such municipality all or any portion of the amount of taxes which would otherwise be levied by such metropolitan water district upon property within such municipality, and so far as consistent with the provisions of this Section 8.2, the provisions of paragraphs (d), (e), (f), and (g) of Section 8 of this act shall apply. In the event that the provisions of Section 8.1 of this act respecting deferment of collection of taxes under the provisions of Section 9 (a) of Article XIII of the Constitution of the State of California shall have become applicable to such municipality, a failure of such municipality to elect to pay pursuant to such declaration of intention, shall have the consequences specified in said Section 8.1.

Effective period of declaration

(e) Any declaration of intention made pursuant to the provisions of this Section 8.2, shall be effective only for the respective year for which made.

Stats 1941, p. 446
Annexation of territory

SEC. 4. Section 9 of said act is amended to read:

Sec. 9. Annexation to any metropolitan water district organized hereunder may be effected by either of the following methods:

Annexed territory subject to taxation

(a) Subject to the provisions of Section 9.1 of this act, whenever any area shall be annexed to or consolidated with the area of any municipality, the area of which, as a unit, shall have become a part of any metropolitan water district organized hereunder, such annexed or consolidated area shall, by virtue of its annexation to or consolidation with such municipality, become and be a part of such district and the taxable property

therein shall be subject to taxation thereafter for the purposes of said metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding.

(b) The governing or legislative body of any municipality may apply to the controller of any metropolitan water district for a statement showing the amount of the bonded and other indebtedness of the district, the assessed value of the taxable property therein according to the most recent assessment, and the names of all municipalities, the areas of which as units respectively, shall have been included within the district, and it shall thereupon be the duty of the controller to furnish such information to the applicant. After consideration of such statement the governing body of such municipality may apply to the board of directors of such metropolitan water district for consent to annex the corporate area of such municipality to the metropolitan water district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which the corporate area of such municipality may be annexed to and become a part of the metropolitan water district. Such terms and conditions may provide, among other things, for the levy by such metropolitan water district of special taxes upon taxable property within such municipality in addition to the taxes elsewhere in this act authorized to be levied by such metropolitan water district, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors in fixing such terms and conditions shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum, and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. The action of the board of directors evidenced by order made on motion shall be promptly transmitted to the governing body of such applying municipality, which governing body may thereupon submit to the qualified electors of such municipality, at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least 10 days and in three public places in the municipality; when given by publication such notice shall be published once at least 10 days before the date fixed for the election in a newspaper of general circulation published in the municipality. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for elections in such municipality. If such proposition shall receive the affirmative vote of a majority of electors of such municipality voting thereon at such election, the governing body of such municipality shall certify the result of

Annexation
upon
agreement
for tax
levy

Municipal
election

Certificate

such election on said proposition to the board of directors of said district and a certificate of proceedings hereunder shall be made by the secretary of the district and filed with the Secretary of State. Upon the filing thereof in the office of the Secretary of State, the corporate area of such municipality shall become, and be, an integral part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and the board of directors of such metropolitan water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within 10 days, issue his certificate, reciting the filing of said papers in his office and the annexation of the corporate area of such municipality to such metropolitan water district. The Secretary of State shall transmit the original of his said certificate to the secretary of such metropolitan water district and shall forward a certified copy thereof to the county clerk of each county in which is situated such metropolitan water district or any portion thereof. The secretary of such metropolitan water district shall file with the county assessor of each county within which such metropolitan water district or any part thereof shall lie and with the State Board of Equalization a statement of the change of boundaries of such metropolitan water district setting forth the corporate names of the municipalities the corporate areas of which shall be included within such metropolitan water district, which statement also shall contain a legal description of the boundaries of such annexed corporate area of such municipality unless a statement and map or plat indicating the boundaries of such last-mentioned municipality theretofore shall have been filed with the county assessor of each county within which such municipality or any part thereof shall lie and with the State Board of Equalization, pursuant to Section 3720 of the Political Code or other applicable provisions of law. Such statement so filed by the secretary of such metropolitan water district shall be accompanied by a map or plat indicating the boundaries of such metropolitan water district as so changed. If such statement and map or plat be so filed on or before the first of February but subsequent to the thirtieth day of June next preceding, all taxable property within the corporate area of such municipality so annexed shall be subject to taxation by such metropolitan water district for the purposes hereinabove in this section and elsewhere in this act provided, commencing with the fiscal year beginning on July 1st next ensuing. If such statement and map or plat be so filed subsequent to February 1st but before July 1st and if a statement and map or plat indicating the boundaries of such municipality shall have been filed with the county assessor of each county

Certificate
of Secretary
of StateStatement
of change of
boundaries

Taxation

within which such municipality or any part thereof shall lie and with the State Board of Equalization, on or before said first day of February, pursuant to Section 3720 of the Political Code, or other applicable provisions of law then all taxable property within such annexed corporate area of such municipality, the taxes upon which are a lien upon land sufficient in value to secure their payment, shall be subject to such taxation by such metropolitan water district commencing with the fiscal year beginning on said first day of July and all taxable property within such annexed corporate area of such municipality, the taxes upon which are not a lien upon land sufficient in value to secure their payment, shall be subject to such taxation by such metropolitan water district commencing with the fiscal year beginning on the first day of July in the calendar year next succeeding the calendar year in which the statement and map or plat are so filed by the secretary of such metropolitan water district. If such last-mentioned statement and map or plat be so filed subsequent to February 1st but before July 1st and if a statement and map or plat indicating the boundaries of such municipality shall not have been filed in the aforesaid manner on or before said first day of February, then all taxable property within such annexed corporate area of such municipality shall be subject to such taxation by such metropolitan water district commencing with the fiscal year beginning on the first day of July in the calendar year next succeeding the calendar year in which the statement and map or plat are so filed by the secretary of such metropolitan water district.

(c) The validity of any proceedings for the annexation of a municipality or city to any district organized hereunder, shall not be contested in any action unless such action shall have been brought within three months after the completion of such proceedings, or, in case such proceedings are completed prior to the time that this paragraph takes effect, then within three months after this paragraph shall have become effective.

SEC. 5. Section 9.1 of said act is amended to read:

Sec. 9.1. No annexation or addition shall be made to the corporate area of any municipal water district, municipal utility district, public utility district, county water district, or county water authority, referred to in Section 2 of this act, and the corporate area of which, as a unit, shall have been included in or annexed to a metropolitan water district, without first obtaining the consent of the board of directors of such metropolitan water district. Consent to such annexation or addition may be conditioned upon terms providing, among other things, for the levy by such metropolitan water district of special taxes within the area so sought to be annexed, in addition to the taxes elsewhere in this act authorized to be levied by such metropolitan water district upon the completion of such annexation or addition, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors in fixing such terms and conditions, shall specify the aggregate

Time for
commencing
contest of
annexation
proceedings

Stats 1941,
p. 446
Consent to
annexation

amount to be raised and the number of years prescribed for raising such aggregate sum, and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. The action of the board of directors of such metropolitan water district, evidenced by order made on motion shall be promptly transmitted to the governing body of such municipal water district, municipal utility district, public utility district, county water district, or county water authority, and if such action grant consent to the proposed annexation or addition to such municipal water district, municipal utility district, public utility district, county water district, or county water authority, the substance of the terms and conditions of such consent shall be set forth in the notice of any election called for the purpose of determining whether such proposed annexation or addition shall be made. Upon the completion of such annexation or addition, the board of directors of such metropolitan water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of such annexation or addition so fixed.

Stats 1941,
p 446

SEC. 6. Section 9.2 of the act cited in the title hereof is amended to read as follows:

Continuance
of identity
of annexed
district

Sec. 9.2. The inclusion in, or annexation to, a metropolitan water district of the corporate area of any municipal water district, municipal utility district, public utility district, county water district, or county water authority, referred to in Section 2 of this act, shall not destroy the identity or legal existence or impair the powers of any such municipal water district, municipal utility district, public utility district, county water district, or county water authority, notwithstanding the identity of purpose, or substantial identity of purpose, of such metropolitan water district.

Constitutionality

SEC. 7. If any section, subsection, sentence, clause or phrase of this act, or of the act or acts of which this act is amendatory or supplemental, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of this act, or that any one or more sections, subsections, sentences, clauses or phrases of the act or acts of which this act is amendatory or supplemental, be declared unconstitutional. If any section, subsection, sentence, clause or phrase of this act for any reason be held to be unconstitutional and such unconstitutional provision shall have purported to repeal or amend any provision of the act or acts of which this act is amendatory or supplemental, the provision existing and in force at the time of the enactment of this act shall remain and be in full force and effect notwithstanding such purported repeal or amendment.

CHAPTER 1085

An act to add Sections 585.2 and 592.1 to the Vehicle Code, relating to the stopping or standing of utility vehicles and the removal of vehicles which constitute obstructions to traffic from a highway.

[Approved by Governor June 26, 1945. Filed with Secretary of State June 26, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 585.2 is hereby added to the Vehicle Code, to read:

585.2. Obstructions to Traffic. Any vehicle which is left standing upon a street or highway in an unusual position and which obstructs the normal movement of traffic may be removed from such street or highway by any officer referred to in Section 585 subject to the procedure therein provided.

Obstructions
to traffic

SEC. 2. Section 592.1 is hereby added to the Vehicle Code, to read:

592.1. Stopping, Standing or Parking of Utility Vehicles. The foregoing restrictions in this chapter shall not apply to the driver or owner of any service vehicle owned or operated by a utility or public utility, whether privately, municipally or publicly owned, used in the construction, removal or repair of utility or public utility property or facilities, when such vehicle is stopped, standing or parked at the site of work involving the construction, removal or repair of such utility or public utility property or facilities upon, in or under a street or highway, provided that when any such service vehicle is so stopped, standing or parked there shall be placed not less than two warning flags or barriers during daylight and not less than two warning lights or flares during the time referred to in Section 618 hereof, not less than ten (10) feet and not more than fifty (50) feet in advance of and to the rear of such vehicle.

Stopping,
standing or
parking of
utility
vehicles

CHAPTER 1086

An act to amend Section 737n of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Inyo.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 737n of the Political Code is amended to read:

737n. The annual salary of the judge of the Superior Court in and for the County of Inyo is seven thousand dollars (\$7,000).

See also
Stats 1945,
Ch 850
Superior
judge.
Inyo

CHAPTER 1087

An act to amend Sections 4075 and 4076 of, and to add Section 4076.5 to, the Political Code, relating to claims against counties.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4075 of the Political Code of the State of California is hereby amended to read as follows:

Claims
against
counties -
Itemization

4075. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular service rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified by the signature of the claimant to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board, or with the auditor, according to the procedure prescribed for the particular county, within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact and give time to have the claim itemized and reverified by the signature of the claimant.

Presentation
to board of
supervisors

All claims against any county or against any public officer in his official capacity payable out of any public fund under the control of the board of supervisors, whether such claim be founded upon contract, express or implied, or upon any act or omission of the county or any officer or employee thereof, or of any district or public entity the funds of which are controlled by the board of supervisors, or of any officer or employee of any such district or public entity, shall be presented to the board of supervisors as herein provided before any suit may be brought on any such claim, and no suit shall be brought on any such claim until said claim has been presented as herein provided and rejected in whole or in part. In presenting any claim not founded upon contract full details as to the nature of the claim, the time and place when and where it arose, the public property and public officers or employees alleged to be at fault, the nature, extent and amount of the injury or damage claimed, and all other details necessary to a full consideration of the merit and legality of such claim shall be stated in writing signed by the claimant or someone authorized by him, and in all other respects such claims shall be presented and acted upon in the same manner as claims founded upon contracts.

SEC. 2. Section 4076 of the said code is amended to read :

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk, or with the auditor as prescribed in the preceding sections, not less than three days or if prescribed by ordinance five days prior to the time of the meeting of the board at which it is asked to be allowed. Such demand shall be made in form substantially as follows :

Time for filing claims Form

Clerk's memoranda, No. _____ fund. Demand of _____, dated _____, in the sum of \$_____ for _____. Allowed by the board of supervisors, _____, 19___ in the sum of \$_____. Attest: _____ Clerk of the board.

Demand of _____ No _____ Fund _____ Demand on the treasury of the County of _____, State of California, for the sum of _____ dollars, being for _____

Table with 4 columns: Date, Items, Dollars, Cents. Includes a total line for \$_____.

Expenditures authorized and approved by me. _____

The undersigned, under the penalty of perjury states: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due, and that the same is presented within one year after the last item thereof has accrued.

Allowed by the board of supervisors, _____, 19___, in the sum of \$_____, payable out of _____ fund. Attest: _____

Countersigned: _____ Clerk of board of supervisors. _____ Chairman board of supervisors.

Warrant No. _____ Approved, _____, 19____. _____ County auditor. No. _____ Registered _____, 19____. _____ County treasurer.

Approval
and
allowance

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the board of supervisors," together with the date of such allowance, the amount of such allowance, and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the auditor, who shall, in case he approves said demand, indorse upon it "approved," date, and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so approved and signed by the auditor, shall constitute the warrant on the treasury within the meaning of this chapter, except as hereinafter provided; provided, that the board of supervisors of any county may in their discretion adopt such other form or forms for the submission and payment of claims and may prescribe and adopt warrant forms separate from demand forms, to the end that the approved demands may be permanently retained in the auditor's office as vouchers supporting the warrants issued, and may prescribe such other procedure for the allowance and payment of claims as may better meet the needs of the particular county, but in such form of claim so adopted shall provide:

Other
forms

Provisions
to be
included

First—For the approval of the officer directing the expenditure, provided that in counties having a system under which expenditures may be initiated by requisition the approval may be omitted from claims initiated by requisition.

Second—For the approval of the purchasing agent or other officer issuing the purchase order under which the charge was incurred, or having charge of contracts or schedules of salaries under which the claim arose.

Third—For the approval of at least one member of the board of supervisors; provided, that in lieu of the supervisor's approval on each claim there may be substituted duplicate lists of claims allowed, showing, as to each claim, the name of the claimant, the amount allowed, the date of allowance, and the fund on which allowed. Such lists shall have been certified to the board by the clerk of the board or other competent officer or employee designated by the said board for such purpose, as being a true list of claims properly and regularly coming before the board. Upon allowance of claims each of said lists, after amendment if necessary, shall be certified to as correct by one member of the board of supervisors and by the clerk of the board and filed, one in the office of the clerk of the board of supervisors and one in the office of the auditor, and when so filed the lists shall constitute respectively the "allowance book" and the "warrant book" described by Section 4039 of this code.

Fourth—For the certificate of the clerk of the board of supervisors as to the date and amount of allowance of such claim by the board, provided that if the duplicate lists of claims allowed referred to in the foregoing subdivision are filed then the said certificate may be omitted, but in its stead there shall

appear on each claim a reference by date or number or otherwise to the list on which said claim appears listed as allowed.

Fifth—For the certificate of the clerk of the board of supervisors or of the county auditor as to the correctness of the computations.

Sixth—For the county auditor's approval.

SEC. 3. Section 4076.5 is added to said code, to read :

4076.5. Any individual who wilfully makes and subscribes a claim pursuant to Sections 4075 or 4076 which he does not believe to be true and correct as to every material fact therein stated shall be guilty of a felony, and upon conviction thereof shall be subject to the penalties prescribed for perjury by the Penal Code of this State.

False
claim.
Penalty

CHAPTER 1088

An act to add Section 5157.5 to the Public Resources Code, relating to beach erosion work.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5157.5 is added to the Public Resources Code, to read :

5157.5. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, boards of supervisors in their respective counties shall have jurisdiction and power to construct within the incorporated as well as the unincorporated area of the county works for the prevention of beach erosion or for the restoration of eroded beaches or both. Such work may be performed along any portion of the ocean front regardless of ownership of the adjacent upland. Before any such work is performed by a county within the incorporated area of any county, the consent of the governing body of such incorporated area shall first be obtained.

Beach
erosion
work by
counties

CHAPTER 1089

An act to amend Sections 4266 and 4283 of the Political Code, relating to compensation for public service in counties of the thirty-seventh class and forty-seventh class, respectively.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 417
Nevada
Salaries

SECTION 1. Section 4266 of the Political Code is amended to read:

4266. In counties of the thirty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor
District
attorney

1. The auditor, twelve hundred dollars (\$1,200) per annum.
2. The district attorney, two thousand eight hundred dollars (\$2,800) per annum.

Super-visors

3. Each supervisor, two thousand two hundred dollars (\$2,200) per annum, for all services rendered as supervisor, as a member of the board of equalization, and as road commissioner. Each supervisor shall also receive six cents (\$.06) for each mile traveled on county business, but not in excess of the sum of forty dollars (\$40) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

Jurors

4. Grand jurors and trial jurors in the superior court shall each receive for each day's attendance, the sum of six dollars (\$6), and mileage to be paid at the rate of thirty-five cents (\$.35) per mile for each mile actually and necessarily traveled from their residences to the county seat in going only; such mileage to be allowed but once during each session such jurors are required to attend same. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county. The compensation provided by this section shall be paid to incumbent officers.

Incumbent
officers
See also
Stats 1945,
Ch 417
Del Note
Salaries

SEC. 2. Section 4283 of said code, is amended to read:

4283. In counties of the fifty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor

1. The auditor, two thousand five hundred twenty dollars (\$2,520) per annum and in addition thereto two hundred dollars (\$200) annually for preparing the county budget when prepared by him. During the time and in the event that the office of recorder is consolidated with the office of auditor the auditor, as such, shall receive no compensation.

District
attorney

2. The district attorney, two thousand two hundred twenty dollars (\$2,220) per annum and such fees as are now or may hereafter be paid to that officer.

3. Each supervisor, eighty-five dollars (\$85) per month and ^{Supervisors} mileage at the rate of seven cents (\$0.07) per mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any session, regular or special, of the board. Actual expense outside the county shall be allowed and paid. Each supervisor is, in addition, allowed three hundred dollars (\$300) per annum to cover mileage expense at seven cents (\$0.07) per mile as ex officio road overseer or commissioner.

4. Grand jurors and trial jurors in the superior courts in ^{Jurors} civil and criminal cases, three dollars and fifty cents (\$3.50) in lawful money of the United States for each day's attendance and mileage at the rate of seven cents (\$0.07) per mile each way for each mile necessarily traveled in attending court. In criminal cases such fees and mileage of the trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance and the treasurer of the county shall pay the warrants. The fees of jurors in justices' courts shall be two dollars and fifty cents (\$2.50) per day for each day's attendance and mileage at the rate of seven cents (\$0.07) per mile each way traveled in attending court.

The compensation provided by this section shall be paid to ^{Incumbent officers} incumbent officers.

CHAPTER 1090

An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1340.6 of the Fish and Game Code is amended to read:

1340.6. In that part of District 1½ lying outside of Siskiyou ^{Bear Sea-}County bear may be taken between August 1st and December ^{sons, etc} 31st. In that part of District 1½ lying within Siskiyou County and in all other districts bear may be taken between October 15th and December 31st. Not more than two bears may be taken during the open season. Bear may be taken only with firearms or with bow and arrow. Nothing in this code shall prohibit the owners of livestock from protecting such livestock from depredations of bear, nor to prohibit Federal, State or county trappers from killing or trapping bear when such bear are killing or molesting livestock.

CHAPTER 1091

An act to amend Section 20332 of the Health and Safety Code, relating to revenues and expenditures of police protection districts.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 20332 of the Health and Safety Code is amended to read:

Tax limit
of police
protection
district

20332. The board may levy a tax on property in the district sufficient to raise a sum not in excess of three thousand six hundred dollars (\$3,600) per annum. The tax shall be levied and collected in the same manner and by the same officers as in the case of county general property taxes.

CHAPTER 1092

An act to amend Section 491 of the Fish and Game Code, relating to gaff and other such appliances.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 491 of the Fish and Game Code is amended to read:

Possession of
fish spear or
gaff

491. It is unlawful for any person to possess, except in his home, any fish spear, or gaff within 300 feet of any lake or stream in this State, at any time when spearing is prohibited in such lake or stream. This section does not apply to the possession of a gaff carried as an accessory while angling.

CHAPTER 1093

An act to amend an act entitled "An act providing for preparation of postwar county highway construction projects, and making an appropriation therefor, approved May 18, 1943," by adding a new section, numbered 9, thereto, relating to availability of the appropriation thereby made to the counties of this State for road and highway purposes.

Stats 1943,
p 2135,
amended

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 9 is added to the act cited in the title hereof, to read: New section

Sec. 9. The appropriation made in Section 1 shall be available at all times during the Ninety-seventh and Ninety-eighth Fiscal Years. Availability
of appro-
priation

CHAPTER 1094

An act to amend Section 6362 of the Revenue and Taxation Code, relating to retail sales and use taxes.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 6362 of the Revenue and Taxation Code is amended to read:

6362. There are exempted from the taxes imposed by this part, the gross receipts from the sale of, and the storage, use, or other consumption in this State of, tangible personal property which becomes an ingredient or component part of any publication regularly issued at average intervals not exceeding three months and any such publication. Exemption
of publishing
matter, etc

CHAPTER 1095

An act to repeal Section 169 of the Fish and Game Code, relating to game refuges.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 169 of the Fish and Game Code is repealed. Repeal

CHAPTER 1096

An act to amend and renumber Sections 629, 630 and 631, of the Fish and Game Code, relating to the closing of lakes or streams to fishing.

In effect
September
15, 1945

[Approved by Governor July 7, 1945 Filed with Secretary of State
July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 629 of the Fish and Game Code is amended and renumbered to read:

Closing
waters to
fishing

495. The director of the department may, with the consent of the Governor, upon recommendation of the commission, close any stream, lake, or other inland waters, or portions thereof, to all types of fishing, except for the taking of fish otherwise permitted by this code under a commercial fishing license, for such time as the director may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

SEC. 2. Section 630 of said code is amended and renumbered to read:

Taking fish
prohibited

496. During the period when any open season is suspended or closed by the director, it is unlawful to take any fish, as designated in the closing order, in the closed area.

SEC. 3. Section 631 of said code is amended and renumbered to read:

Publication
and posting
of orders

497. Any order issued under the provisions of Section 495 of this code shall be filed with the Secretary of State, and such filing shall be deemed a legal notice thereof, and shall be published twice in at least one newspaper of general circulation in any county affected by such order. The publications shall be separated by a period of not less than one week and not more than two weeks. The order shall be posted in such public places in each county as the director may direct.

CHAPTER 1097

An act to add Section 39.2 to the Fish and Game Code, relating to granting of powers to the commission to reduce the bag and possession limits on game fish, birds, or mammals.

In effect
September
15, 1945

[Approved by Governor July 7, 1945 Filed with Secretary of State
July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 39.2 is added to the Fish and Game Code, to read:

Reduction
of daily bag
limit

39.2. Whenever after due investigation the commission shall find that game fish, birds, or mammals have decreased in numbers in any fish and game district to such an extent that a

scarcity exists, the said commission, with the approval of the Director of Natural Resources and with the consent of the Governor, is hereby authorized to reduce the daily bag limit and the possession limit on such species of game fish, birds or mammals as are in danger of depletion, for such period of time as may be specified or until such time as new legislation thereon enacted by the Legislature may become effective.

Any order issued under the provisions of this section shall be filed with the Secretary of State, and such filing shall be deemed a legal notice thereof, and such order shall be published twice in at least one newspaper of general circulation in any county affected by such order. Such publications shall be separated by a period of not less than one week and not more than two weeks. Such orders shall be posted in such public places in each county as the director may direct.

Publication
and posting
of orders

CHAPTER 1098

An act to amend Section 80 of the Fish and Game Code, relating to District 12B.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 80 of the Fish and Game Code is amended to read:

80. District 12B. The following shall constitute Fish and Game District 12B: The waters and tidelands to highwater mark of the Carquinez Straits not included within District 12; the waters and tidelands to highwater mark of Suisun Bay, excluding that portion (commonly known as Grizzly Bay) lying north of a line between the southwest point of Grizzly Island and the west end of Pelican Point, and also excluding that portion (commonly known as Honker Bay) lying north of a line between Dutton Landing and the north end of Chipps Island; all waters of the Sacramento River flowing within the main channel between the mouth thereof and the drawbridge across said river at Rio Vista; and the waters of New York Slough and Broad Slough; also all waters of the San Joaquin River flowing in the main channel thereof, between its mouth and a line drawn from Criminal Point on Venice Island directly across said river to the beacon light on the opposite shore.

CHAPTER 1099

An act to amend Section 4041.29 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4041.29 of the Political Code is hereby amended to read:

Acquisition
and opera-
tion of
garbage
dumps, etc

4041.29. Boards of supervisors in the respective counties shall have the jurisdiction and power to acquire, construct, reconstruct, alter, enlarge, maintain and operate such dump sites, for garbage or rubbish, combustible or incombustible or both, incinerators and other disposal plants for the disposal of combustible or noncombustible rubbish or both as in their judgment shall be necessary and proper, and to permit the use, by lease or otherwise, of any such dump site, incinerator or other disposal plant by incorporated towns or municipalities, or other governmental agencies; to acquire by gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, and to pay for and hold the same as in their judgment shall be necessary and proper to the exercise of their power herein set forth; to make and enforce all necessary and proper regulations for the use of such facilities not in conflict with the Constitution and the laws of the State; to collect compensation from private or public parties for the right to dump or for the use of such dump site, incinerator, or other disposal plant, or for the disposal of garbage or rubbish brought to such dump site, incinerator or other disposal plant; to restrict the use of such facilities to the inhabitants of the unincorporated areas of the county and to extend their use to incorporated towns and municipalities within the county, at the discretion of the board of supervisors and under such terms as shall be determined by the board.

Construction
of section

This section shall not limit the right of any city, city and county, or county to buy, lease, or otherwise acquire and to operate a dump site, for garbage or rubbish, combustible or incombustible or both, incinerator or other disposal plant in another county.

CHAPTER 1100

An act to amend Section 597 of the Welfare and Institutions Code, relating to membership on probation committee.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 597 of the Welfare and Institutions Code is amended to read:

597. The judge of the superior court in each county, and in counties having more than one judge the judge who has been designated the judge of the juvenile court, shall, by order entered in the minutes of the court, appoint a committee to be known as the "probation committee," and shall fill all vacancies occurring in such committee. Except as may be otherwise provided in a county charter adopted under Section 7½ of Article XI of the Constitution, in any county having a population in excess of 600,000, the probation committee shall consist of nine citizens of good moral character; and in each other county, the probation committee shall consist of seven citizens of good moral character.

Probation
committee

CHAPTER 1101

An act to amend Section 520 of, and to add Sections 520.2, 520.3, and 545 to, the Fish and Game Code, relating to waters in this State and the protection of fish therein.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 520 of the Fish and Game Code is amended to read:

520. As used in this article:

Definitions

(a) "Dam" includes all artificial obstructions;

(b) "Conduit" includes pipe, mill race, ditch, flume, siphon, tunnel, canal, and any other conduit or diversion used for the purpose of taking or receiving water from any river, creek, stream, or lake;

(c) "Owner" includes the United States (except that for the purpose of Sections 520.5, 522, 526 and 534 "owner" does not include the United States as to any dam in the condition the dam exists on the effective date of the amendment to this section), a person, political subdivision, and a district (other than a fish and game district), owning, controlling or operating a dam or pipe;

(c) "United States" means the United States of America, and in relation to any particular matter includes the officers, agents, employees, agencies, or instrumentalities authorized to act in relation thereto.

SEC. 2. Section 520.2 is added to said code, to read :

Filing
application
for dam

520.2. The United States shall file with the commission pursuant to this article a separate application for each dam it proposes to construct or enlarge if an owner other than the United States would be required to file an application pursuant to Division 3 of the Water Code in order to construct or enlarge the same dam. The application shall be on forms provided by the commission.

SEC. 3. Section 520.3 is added to said code, to read :

Contents of
application

520.3. The application of the United States shall give the following information :

- (a) The name and address of the owner.
- (b) The location, type, size, and height of the proposed dam and appurtenant works.
- (c) The storage capacity of the reservoir.
- (d) Such other pertinent information as the commission requires.
- (e) As accurately as may be readily obtained, the area of the drainage basin, rainfall and stream flow records and flood flow records and estimates.
- (f) The purpose for which the impounded or diverted water is to be used.
- (g) Such other appropriate information as may be necessary in a given instance.

In instances wherein the physical conditions involved and the size of the dam are such as to render the above requirements as to drainage areas, rainfall, stream flow, and flood flow unnecessary, the commission may waive the requirements.

SEC. 4. Section 545 is added to said code, to read :

Legislative
declaration

545. In including the United States within the scope of this article the Legislature declares that it understands that the law and policy of the United States with respect to the development of water resources, the reclamation of land from flood and overflow, and in all other respects is to comply with State laws respecting water. The provisions of this article provide a procedure for the United States to comply with the provisions and policy of State law respecting its subject matter.

CHAPTER 1102

An act to amend Section 4013 of the Political Code by adding thereto a new officer to be known as the controller.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4013 of the Political Code is hereby amended to read as follows:

4013. The officers of a county are:

County
officers

1. A district attorney;
2. A sheriff;
3. A county clerk;
4. A controller;
5. An auditor, who shall be ex officio controller;
6. A treasurer;
7. A recorder;
8. A license collector;
9. A tax collector, who shall be ex officio license collector;
10. An assessor;
11. A superintendent of schools;
12. A public administrator;
13. A coroner;
14. A surveyor;
15. Members of the board of supervisors;
16. A livestock inspector;
17. A fish and game warden;
18. A county librarian;
19. A county health officer;
20. Such other officers as may be provided by law.

CHAPTER 1103

An act to amend the title and Section 2 of an act entitled "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, relating to joint county and municipal buildings.

Stats 1913,
p 331,
amended

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The title of the act cited in the title hereof is Title amended to read:

An act to enable counties to join with incorporated cities and towns within such counties in the construction of public buildings to be used for county and municipal purposes.

Stats 1915
p 331

Buildings
Erection,
etc

SEC. 2. Section 2 of the act cited in the title hereof is amended to read:

Sec. 2. Said public building shall be erected and maintained on such terms and conditions as shall be agreed upon by said board of supervisors of such county and said city council, city commission, board of city trustees or other legislative body of such incorporated city or town and shall be used by such county and such incorporated city or town only for county and municipal purposes.

CHAPTER 1104

An act to amend Section 883 of and add Section 904 to the Fish and Game Code, relating to nets.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 883 of the Fish and Game Code is amended to read:

Use of
drift gill
nets, etc.

883. In that part of District 16 lying north and west of a line drawn from the light on the end of the Monterey Breakwater due east to the shore line, drift gill nets and set gill nets may be used. In District 15 it shall be unlawful to use set lines or any line with more than five hooks.

The possession upon board of any boat in District 15, of any purse seine net, drift gill net or round haul net, when such boat shall have drifted by force of current, tide or wind into the waters of said district, shall not be deemed a violation of this code.

SEC. 2. Section 904 is added to said code, to read:

Trammel
nets

904. In District 17, trammel nets may be used. In District 17, meshes of the trammel nets must be at least eight inches in length.

CHAPTER 1105

An act to amend Sections 611.6, 612, 613, 615, and 615.5 of the Fish and Game Code, relating to trout.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 611.6 of the Fish and Game Code is amended to read:

Trout:
Season, etc

611.6. In District 1½ trout may be taken between May 1st and the last day of February. The bag limit is five per day,

irrespective of size, between November 1st and the last day of February. Not more than one bag limit may be possessed by any person during one day.

SEC. 2. Section 612 of said code is amended to read:

612. In the Russian, Napa and Navarro Rivers and in those ^{Same} portions of Eel River in Districts 2, 2 $\frac{1}{4}$ and 2 $\frac{3}{4}$, and in tidewater in Districts 2, 3, 4 in the Santa Ynez River as far as the Buellton Bridge, in the Ventura River in District 3 $\frac{1}{2}$ from its mouth upstream to the Foster Memorial Bridge, and 15 and 16, trout may be taken from May 1st to the last day of February. The bag limit is three fish per day, irrespective of size, between November 1st and the last day of February. Not more than one daily bag limit may be possessed by one person during one day.

SEC. 3. Section 613 of said code is amended to read:

613. In Districts 1 $\frac{1}{2}$ and 5 and in the Klamath River and ^{Same} Trinity River excluding their tributaries, trout may be taken from May 1st to the last day of February. In the tributaries of the Klamath River in District 1 $\frac{1}{2}$, trout may be taken between May 1st and December 31st. The bag limit is five fish per day, irrespective of size, between November 1st and the last day of February. Not more than one daily bag limit may be possessed by one person during one day.

SEC. 4. Section 615 of said code is amended to read:

615. In District 2 $\frac{1}{2}$ all varieties of trout and whitefish may ^{Same} be taken from May 30th to the last day of February. The bag limit is three fish per day, irrespective of size, between November 1st and the last day of February. Not more than one daily bag limit may be possessed by one person during one day.

SEC. 5. Section 615.5 of said code is amended to read:

615.5. In District 12A trout may be taken from May 1st to ^{Same} the last day of February. The bag limit is three fish per day, irrespective of size, between November 1st and the last day of February. Not more than one daily bag limit may be possessed by one person during one day.

CHAPTER 1106

An act to amend Section 875.5 of the Fish and Game Code, relating to nets.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 875.5 of the Fish and Game Code is amended to read:

875.5. In Districts 1 $\frac{1}{2}$ and 2 $\frac{1}{2}$ it is unlawful to possess any ^{Gill or} gill or trammel net with meshes over one and three-fourths ^{trammel} inches in length, except under regulations which may be pre- ^{nets:} Districts 11 ^{and 2 $\frac{3}{4}$}

Bait
seines
District 2

scribed by the commission; in District 2 bait seines may be used to take fish, other than catfish and game fish, to be used as bait only, subject to the restriction that such seines may not measure more than four by thirty feet in size with not to exceed one-half inch mesh stretched.

CHAPTER 1107

An act to amend Section 470 of the Civil Code, relating to railroad franchises and permits.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

Use of
city streets,
etc., by
railroad
corporation

SECTION 1. Section 470 of the Civil Code is amended to read:
470. No railroad corporation may use any street, alley, or highway, or any of the land, whether covered by water or otherwise, owned by the municipality within any incorporated city or town, unless the right to so use the same is granted by a two-thirds vote of the town or city authority from which the right must emanate, provided, however, that if any railroad corporation operating within an incorporated city or town shall apply to the governing body of such a city or town for a franchise or permit to cross any such street, alley, or highway, with main, branch, side, switching, or spur trackage, then the governing body of such city or town, within a reasonable time, shall hold a public hearing upon such application after reasonable notice to the applicant and to the public and shall thereafter grant the franchise or permit applied for upon reasonable terms and conditions unless such governing body shall reasonably find that the grant of such franchise or permit would be detrimental to the public interest of such city or town. Nothing in this section shall impose any duty upon, or limit the authority of, any city organized and existing pursuant to a freeholder's charter, or any officer thereof.

CHAPTER 1108

An act to amend Section 4243 of the Political Code, relating to compensation for public services in counties of the fourteenth class.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4243 of the Political Code is amended to read:

Riverside
County
Salaries

4243. In counties of the fourteenth class, the following shall receive as full compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, four thousand five hundred dollars (\$4,500) Auditor per annum.

2. The district attorney, six thousand dollars (\$6,000) per annum, and actual traveling expenses while away from his office on county business. District attorney

3. Each supervisor, two thousand four hundred dollars (\$2,400) per annum and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending meetings thereof; and the necessary actual expenses incurred by him while engaged in county business outside his district, or outside the county; provided, further, that each supervisor shall spend one day in each week, other than the day when the said board is officially in session, at the office of the board of supervisors in the county courthouse at the county seat. The particular day which each supervisor shall be on duty as herein required, shall be determined by lot, so that a supervisor will be on duty as aforesaid on Tuesday, Wednesday, Thursday, Friday and Saturday of each week. Supervisors

Each member of the board of supervisors shall be required to obtain and keep in force a public liability bond in the amount of fifty thousand dollars (\$50,000), insuring to the benefit of any and all persons who may be injured or aggrieved by any act or omission of said supervisor in his official capacity; provided, that the premium or charge of such bond shall not exceed one-half of 1 per cent per annum on the amount of such bond; and provided further, the premium or charge for such bonds shall be paid by the said county in the manner that the premiums or charges for the bonds of public officers are paid. Bonds of supervisors

The compensation hereinbefore provided shall be paid in equal monthly installments out of the salary fund of the county. The provisions of this section relating to the annual compensation of county officers shall apply to incumbents.

4. For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations the sum of five dollars (\$5) per day. For every mile actually traveled as a grand juror in attending the superior court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, ten cents (\$0.10) per mile for each mile actually traveled, provided no mileage shall be allowed for traveling outside of the county. Jurors

Trial jurors in the superior court, shall receive for each day's required attendance in court the sum of three dollars (\$3), and for each mile from their residence to and from the county seat, the sum of ten cents (\$0.10) per mile, such mileage to be allowed only for each day such jurors are required to and do attend.

Trial jurors in justices' courts, shall receive for each day's required attendance in court the sum of two dollars (\$2), and for each mile from their residence to and from the court the sum

of ten cents (\$0.10) per mile, such mileage to be allowed only for each day such jurors are required to and do attend.

Constitutionality

5. If any paragraph, sentence, clause, or phrase of this section for any reason is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have passed each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses, or phrases, be declared unconstitutional.

CHAPTER 1109

An act to add Chapter 9, comprising Sections 4881 to 4883, inclusive, to Division 4 of the Public Resources Code, relating to burning of brush-covered lands.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9, comprising Sections 4881 to 4883, inclusive, is added to the Public Resources Code, to read:

CHAPTER 9. BURNING OF BRUSH COVERED LANDS

Burning
brush
application

4881. Any person, firm or corporation, or any group or combination thereof, owning or controlling brush covered land within an area the fire protection of which is primarily State responsibility may apply to the Division of Forestry for permission to burn the brush from such lands. The application shall be on a form prescribed by the division and shall contain a description of the lands, the period of time during which the burning is proposed to be conducted, a statement of the precautions and preventive measures that the applicant proposes to prevent the spread of fire to other lands, and such other pertinent information as the division may require.

Investigation by
division

4882. Upon receipt of an application the division shall make such investigation as may be necessary to determine whether a permit shall be granted and may require the applicant to submit additional information if needed for that purpose.

Permit

4883. If the division determines that the proposed burning of brush can be conducted at a time and in a manner that will reasonably avoid damage to property of others, it shall issue to the applicant a permit for the burning of the brush covered lands. The permit shall describe the lands which are authorized to be burned, the period of time during which burning may be conducted, and shall specify the precautions to be taken by the applicant to prevent damage to the property of others by reason of such burning including, if deemed necessary, the advance preparation of firebreaks and the fire fighting equipment and personnel required to be present during such burning.

CHAPTER 1110

An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class. Stats 1925, p 648, amended

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 11b of the act cited in the title is amended to read: Stats 1943, p 2037

Sec. 11b. The municipal court in a city or city and county of the second and three-eighths class shall be constituted, and the judges, officer, and attaches thereof shall receive compensation, as follows: Cities of 2 $\frac{1}{2}$ class (Sacramento)

(a) There shall be three judges, each of whom shall receive six thousand dollars (\$6,000) per annum, payable in equal monthly installments. Judges, etc

(b) There shall be one clerk, to be appointed by the judges of the court, who shall be the secretary of the court, and who shall receive two hundred eighty-five dollars (\$285) per month.

The clerk shall appoint the following:

One chief deputy clerk, who shall receive two hundred seventy-five dollars (\$275) per month;

One court clerk, who shall receive two hundred eighteen dollars and seventy-five cents (\$218.75) per month;

Two deputy clerks, one of whom shall receive two hundred fifteen dollars (\$215) per month, and one of whom shall receive two hundred dollars (\$200) per month;

One deputy clerk, who shall receive one hundred eighty dollars (\$180) per month;

One senior stenographer-clerk, who shall receive one hundred eighty dollars (\$180) per month;

One deputy clerk, who shall be a stenographer, who shall receive one hundred eighty dollars (\$180) per month; and

One clerk, who shall receive one hundred sixty dollars (\$160) per month.

(c) There shall be one marshal, to be appointed by the judges of the court, who shall receive two hundred eighty-five dollars (\$285) per month.

The marshal shall appoint the following:

One assistant marshal, who shall receive two hundred thirty-five dollars (\$235) per month;

One chief deputy marshal and one deputy marshal, each of whom shall receive two hundred ten dollars (\$210) per month; and

One deputy marshal who shall be a stenographer-clerk, who shall receive one hundred eighty dollars (\$180) per month.

CHAPTER 1111

An act to amend Section 48 of Chapter 4, Division 1 of the Fish and Game Code, relating to the disposition of fines and forfeitures imposed or collected for violations of any of the provisions of said code.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State
July 7, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 178

Fines
collected
Disposition

SECTION 1. Section 48 of the Fish and Game Code is amended to read:

48. Unless otherwise provided all fines and forfeitures imposed or collected in any of the courts of this State for violations of any of the provisions of this code enforced by the commission or any other law providing for the protection or preservation of birds, mammals, fish, mollusks, or crustaceans, shall be paid by the court imposing or collecting the same as follows: one-half to the commission or someone designated by it for that purpose, and all moneys so collected by the commission shall be paid into the State treasury to the credit of the Fish and Game Preservation Fund; and one-half to the county in which the offense was committed, which may be placed in a county fish and game propagation fund and expended for propagation and conservation of fish or game, or both, within the county under the direction of the board of supervisors; provided, that the board of supervisors of said county may enter into written agreements with the board of supervisors of one or more other counties for the expenditure of such funds for propagation and conservation purposes in either or any of said counties for the joint benefit of said counties as the judgment of said boards of supervisors may direct. The purchase of real property necessary to said purposes is hereby declared to be lawful and title thereto shall be taken in the joint names of the counties contributing funds therefor. Said real property may be deeded to the State of California upon the express condition that the same shall be employed for the purpose of conservation and propagation within said counties.

CHAPTER 1112

An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

[Approved by Governor July 7, 1945 Filed with Secretary of State
July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4240 of the Political Code is amended to read:

4240. In counties of the eleventh class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums: Orange
County
Salaries

1. The auditor, five thousand one hundred dollars (\$5,100) Auditor
per annum.

2. The district attorney, six thousand dollars (\$6,000) per annum for his full time services. While in receipt of this salary, the district attorney shall not engage in the private practice of the law. District
attorney

3. Each supervisor shall receive three thousand dollars (\$3,000) per annum, payable in monthly installments, and the necessary and actual expenses incurred by him while engaged in county business outside of his own district, not exceeding in the aggregate the sum of two hundred dollars (\$200) per annum. Supervisors

4. In counties of this class grand and trial jurors, in superior courts shall receive for each day's attendance, in court, or upon regularly called jury meetings, or committee meetings, or when appointed by the foreman of a grand jury to make individual investigations per day, the sum of three dollars (\$3). In justice courts in civil cases, jurors shall receive for each day's attendance, per day, the sum of two dollars (\$2). In justice courts and city courts in criminal cases jurors shall receive for each day's attendance, per day, the sum of one dollar and fifty cents (\$1.50) and all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of ten cents (\$0.10) per mile, such mileage to be allowed but once during the trial of any single cause and in any event not more than once in any one day, during any session of the court where such jurors serve; provided, however, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in city court shall be paid by the municipality in which such court is or may be established. Jurors

SEC. 2. The compensation provided for in Section 4240 of the Political Code shall be paid to incumbent officers. Incumbent
officers

CHAPTER 1113

An act to amend Sections 6304, 6344, and 6365 of the Business and Professions Code, and to add Section 6348.1 thereto, relating to county law libraries and boards of trustees thereof.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State
July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 6304 of the Business and Professions Code is amended to read:

Law
library
trustees
Meetings

6304. Each board of law library trustees shall meet regularly each month on such day as it shall appoint, but if it appoint no day, it shall meet on the first Tuesday after the first Saturday of each month, and any board may meet at such other times as it may appoint, at a place to be designated for that purpose. The president of the board may call a special meeting at any time for the transaction of necessary business. A majority of the members constitutes a quorum for business, and an affirmative vote of a majority of the members is required to exercise the powers of the board.

SEC. 2. Section 6344 of the Business and Professions Code is amended to read:

Books,
etc

6344. A board may purchase books, journals, other publications, and other personal property. It may dispose of obsolete or duplicate books, and other unneeded or unusable property.

SEC. 3. Section 6348.1 is added to the Business and Professions Code, to read:

Buildings
Appropriation

6348.1. An appropriation to obtain quarters for the law library in a building to be erected by the board of supervisors of the county, may be made subject to such terms and conditions, including approval of plans and specifications, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors.

Land for
library
building

Where a board of law library trustees determines to erect a library building to house the law library, the State of California or the county or the city in which the building is to be located, may set apart and dedicate land owned by any of them for the permanent use of the building and access thereto.

SEC. 4. Section 6365 of the Business and Professions Code is amended to read:

Discontinuance of
library

6365. Whenever the board of supervisors in any county in this State in which there is but one judge of the superior court, which board shall have adopted the provisions of this chapter and established a law library, desire to discontinue such law library, they shall by ordinance declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judge of the superior court of such county. All moneys

on hand in the law library fund of such county shall be by the same ordinance transferred to the school fund of such county, and the office of member of the board of law library trustees of such law library shall be abolished. After such an ordinance takes effect, the county clerk of such county shall not collect the fees and costs provided for the law library.

CHAPTER 1114

An act to amend Sections 5 and 7 of the Housing Authorities Law, relating to the appointment, qualifications and tenure, and removal of commissioners.

Stats 1938,
ex sess.,
p 9,
amended

[Approved by Governor July 7, 1945 Filed with Secretary of State
July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Housing Authorities Law is amended to read:

Stats 1938,
ex sess.,
p 9

Sec. 5. Appointment, Qualifications and Tenure of Commissioners. When the governing body of a city adopts a resolution as aforesaid, it shall promptly notify the mayor of such adoption. Upon receiving such notice, the mayor, if that office is one that is filled by election by the people, shall appoint five persons as commissioners of the authority created for said city. If the office of mayor is not an elective one, the appointments shall be made by the governing body of the city. When the governing body of a county adopts a resolution as aforesaid, said body shall appoint five persons as commissioners of the authority created for said county. Three of the commissioners who are first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Thereafter commissioners shall be appointed as aforesaid for a term of office of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Commis-
sioners
Appoint-
ment, etc

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers, and

for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners, unless in any case the by-laws of the authority shall require a larger number. The mayor (or in the case of an authority for a county, the governing body of the county) shall designate which of the commissioners appointed shall be the first chairman, but when the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Stats 1938,
ex sess.,
p 9

Removal of
commis-
sioners

SEC. 2. Section 7 of said act is amended to read:

Sec. 7. Removal of Commissioners. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor, if he has the power of appointment of commissioners, otherwise, by the governing body of the city (or in the case of an authority for a county, by the governing body of said county), but a commissioner shall be removed only after he shall have been given a copy of the charges at least 10 days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

CHAPTER 1115

Stats 1937,
p 1898,
amended

An act to amend Section 46 of the County Employees Retirement Act of 1937, relating to employees.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

Stats 1937,
p 1898

SECTION 1. Section 46 of the County Employees Retirement Act of 1937 is amended to read:

Persons
excluded
from
system

Sec. 46. Persons over the age of 55 at the time of their entrance into the service of the county or any district shall not be eligible for membership in the association unless they have been employees of the county or district for three or more years immediately prior to the effective date of a system established pursuant to this act or unless they have been members of any previous pension system which is superseded by a pension system established pursuant to this act.

CHAPTER 1116

An act to amend Section 4041.5 of the Political Code, relating to the expenditure of tax money for making plans and arrangements for worlds' fairs and other fairs and expositions.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4041.5 of the Political Code is amended to read:

4041.5. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to levy a special tax not to exceed four cents (\$0.04) on the one hundred dollars (\$100) of the assessed valuation of all property within the county to be used for advertising, exploiting and making known the resources of the county for the purpose of inducing immigration to, and increasing the trade and commerce of, said county, or for exhibiting or advertising, for said purposes, the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural and other resources or advantages of the county or for making plans and arrangements for a world's fair, trade fair or other fair or exposition at which such resources may be exhibited and for doing such work in cooperation with or jointly by contract with other agencies, associations or corporations; and the boards of supervisors, in their discretion, may use such portion of said fund as they deem proper in furnishing music and musical appearances, either within or outside of the boundaries of their counties, in connection with, as an adjunct to, or for the purpose of supplementing and calling attention to such advertising, exploiting and making known the resources of the county and its name; and the said boards may furnish such music by entering into contracts with or without competitive bidding with individual musicians, orchestras, bands or other musical organizations; and provided, however, that if said rate of four cents (\$0.04) will not raise ten thousand dollars (\$10,000) in any one year the boards of supervisors may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between the amount raised as the result of the four-cent (\$0.04) levy and ten thousand dollars (\$10,000); and provided further, that such tax shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used as authorized under the provisions of Section 4056b of this code; and provided further, that nothing herein contained shall prevent any county from creating a bonded

Special tax
Exploitation
of resources,
fairs, etc

Music, etc

indebtedness under the provisions of Section 4088 of the Political Code of California for the purpose of obtaining funds with which to build, construct or furnish an exposition building or buildings for exhibiting and advertising its resources.

Erection of
comfort
stations

(2) To levy a special tax not to exceed five cents (\$.05) on the one hundred dollars (\$100) of the assessed valuation of all property within the county, to be used for the erection, maintenance and repairs of public comfort stations.

Compiling
war
history

(3) To levy a special tax which shall produce not to exceed two thousand five hundred dollars (\$2,500) to be used for the purpose of compiling a war history of the county.

CHAPTER 1117

An act to add Section 43.5(a) to the Civil Code, relating to the liability of peace officers making arrests pursuant to warrants.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 43.5(a) is added to the Civil Code, to read:

Liability
of peace
officer

43.5(a). There shall be no liability on the part of and no cause of action shall arise against any peace officer who makes an arrest pursuant to a warrant of arrest regular upon its face if such peace officer in making the arrest acts without malice and in the reasonable belief that the person arrested is the one referred to in the warrant.

CHAPTER 1118

Stats 1915,
p. 1502,
amended

An act to amend Section 15 of the Los Angeles County Flood Control Act, relating to work and services performed for the Los Angeles County Flood Control District.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

Stats 1931,
p. 690

SECTION 1. Section 15 of the act cited in the title hereof is amended to read:

Letting
contracts

Sec. 15. All contracts for any improvement or unit of work, except as hereinafter provided, estimated to cost in excess of five thousand dollars (\$5,000), shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation,

Bids

or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for the construction of the improvement or work. The said board shall require the successful bidder or bidders to file with the board good and sufficient bonds, to be approved by the board, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter, and shall also have the right to reject any and all bids not suitable to the best interest of the district. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000), or the work consists of channel protection, dam protection, temporary work, maintenance work, or of emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by force account. It shall be the duty of the purchasing agent of Los Angeles County, and ex officio the purchasing agent of Los Angeles County Flood Control District, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this act, except emergency purchases costing less than ten dollars (\$10), and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed five hundred dollars (\$500). Said purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the chief engineer of the district and approved by one member of the board of supervisors of said district. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by a vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

Bonds

Duty of
purchasing
agent

Plans, etc

Approval
of plans

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; provided, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within 30 days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

CHAPTER 1119

An act to amend Section 4300c of the Political Code, relating to the fees of county recorders.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4300c of the Political Code is amended to read:

Recorder's
fees

4300c. For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents (\$0.10).

For indexing every instrument, paper, or notice, for each name, ten cents (\$0.10).

For filing every instrument, paper, or notice for record, and making the necessary entries thereon, twenty cents (\$0.20); provided, however, that the minimum fee for filing for record, recording, indexing and making the necessary entries on any written instrument, paper or notice except as otherwise provided by law, shall be one dollar (\$1).

For each certificate under seal, fifty cents (\$0.50).

For any copy of a birth, death, or marriage certificate, when such copy is made by him, the same fee as is payable to a State or local registrar of vital statistics.

For any copy of any other record or paper on file in the office of the county recorder, when such copy is made by him, per folio, ten cents (\$0.10).

For examining and certifying to a copy of any record or paper on file in the recorder's office when such copy is prepared by another, three cents (\$0.03) per folio for comparing such copy with the original.

For every entry of discharge, credit, or release on the margin of record, and indexing same, fifty cents (\$0.50).

For searching the records of his office for a birth, death, or marriage certificate, the same fee as is payable to a State or local registrar of vital statistics; in all other cases, for each year, fifty cents (\$0.50).

For abstract of title, for each conveyance or encumbrance, twenty-five cents (\$0.25).

For recording each map or plat where the same is copied in a book of record, for each course, ten cents (\$0.10).

For recording or filing each map wherein land is subdivided in lots, tracts, or parcels, five dollars (\$5).

For filing building contracts, plans and specifications, one dollar (\$1).

For figures or letters on maps or plats, per folio, ten cents (\$0.10); provided, that the fees for recording any map shall not exceed fifty dollars (\$50).

For taking acknowledgment of any instrument, fifty cents (\$0.50).

For recording marriage license, and certificate, to be paid by the county clerk, one dollar (\$1).

For filing notice of estray stock, and all services in estray cases, fifty cents (\$0.50).

For recording each mark or brand, one dollar (\$1).

For administering each oath or affirmation, and certifying the same, fifty cents (\$0.50).

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents (\$0.25); provided, however, no charge or fee shall be made for recording or indexing any discharge of a soldier, sailor or marine discharged from the Army or Navy of the United States or for issuing certified copies thereof.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in Article 59 of this chapter.

Accounting
for fees

CHAPTER 1120

An act to amend Section 432.6, and to repeal Sections 990.2, 990.3, 990.4, 990.5, 990.6, and 990.7 of the Fish and Game Code, relating to licenses.

[Approved by Governor July 7, 1945. Filled with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 432.6 of the Fish and Game Code is amended to read:

432.6. All of the provisions of Sections 990.1, 993, 994, 995, 995.1, and 995.2 shall apply to applicants for or holders of per-
Commercial regulations apply

mits pursuant to Section 432.5 in the same manner and to the same extent as said provisions apply to applicants for or holders of commercial fishing licenses.

Repeals

SEC. 2. Sections 990.2, 990.3, 990.4, 990.5, 990.6 and 990.7 of said code are repealed.

CHAPTER 1121

An act to amend Sections 326, 328, and 329, and to add Sections 327, 330, and 331 to the Fish and Game Code, relating to public shooting grounds.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 326 of the Fish and Game Code is amended to read:

Game
refuges and
public
shooting
grounds

326. Any property acquired for game refuges or public shooting grounds shall be acquired in the name of the State of California, and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection and administration of such property as game refuges or public shooting grounds, or both.

SEC. 2. Section 327 is added to the Fish and Game Code, to read:

Title to
Property

327. The commission shall do all things necessary to secure a valid title in the State of California to the property acquired for game refuges or public shooting grounds but no payment shall be made therefor until the title thereto is satisfactory to the Attorney General, and is vested in the State of California. The acquisition of such property by the State of California shall in no case be prohibited because of rights of way, easements, and reservations, which, from their nature will, in the opinion of the commission in no manner interfere with the use of the property, so encumbered, for the purpose for which it is acquired.

SEC. 3. Section 328 of said code is amended to read:

Operator of
public
shooting
grounds

328. Lands, or lands and water, acquired by the commission for public shooting grounds shall be operated on a non-profit basis by the commission. The commission may determine and fix the amount of, and collect, permit fees for the shooting privilege on such public shooting grounds. Only persons holding valid hunting licenses may apply for or obtain such shooting permits. Funds derived from the sale of said shooting permits shall be deposited in the Fish and Game Preservation Fund.

SEC. 4. Section 329 of said code is amended to read:

Grazing
permits,
etc

329. The commission, by and with the approval of the Department of Finance, may sell grazing permits or otherwise

dispose of excess vegetation or other products, produced on lands acquired by the commission. Funds derived therefrom shall be deposited in the Fish and Game Preservation Fund.

SEC. 5. Section 330 is added to said code, to read:

330. When income is derived directly from property owned by the State of California, Division of Fish and Game, and operated as public shooting grounds, the commission shall reimburse annually the county in which such property is located an amount equal to the county taxes levied upon such property at the time the title to said property was transferred to the State. Such annual reimbursements shall be paid from the Fish and Game Preservation Fund.

SEC. 6. Section 331 is added to said code, to read:

331. The output of any State game farm must be distributed on public lands or where, in the judgment of the commission, birds or mammals propagated on such farms will receive adequate protection and be most likely to thrive and multiply.

CHAPTER 1122

An act to create a flood control district to be called "Riverside County Flood Control and Water Conservation District" and dividing said district into zones; to provide for the control and conservation of flood and storm waters and for the protection of watercourses, watersheds, public highways, life and property in said district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. A flood control and water conservation district is hereby created, to be called "Riverside County Flood Control and Water Conservation District" and the boundaries and

territory of said district shall be as follows: All the territory and area of the County of Riverside hereinafter particularly described and designated as Zone One to Zone Six inclusive.

Zones

SEC. 2. Said district is hereby divided into six zones, which shall be numbered and denominated Zone One, Zone Two, Zone Three, Zone Four, Zone Five, and Zone Six.

Zone 1

SEC. 3. Zone One shall comprise all that territory and area included within the following described boundaries:

Beginning at a point on the northerly boundary of Riverside County at the northeast corner of Sec. 17, T. 2 S., R. 3 W., S.B.B. & M.;

Thence south 1 mile to the southeast corner of said Sec. 17;

Thence west on section lines, 5 miles to the northwest corner of Sec. 22, T. 2 S., R. 4 W., S.B.B. & M.;

Thence south on section lines, $1\frac{1}{2}$ miles to the northeast corner of the S- $\frac{1}{2}$ of Sec. 28, T. 2 S., R. 4 W., S.B.B. & M.;

Thence west on the north boundary of the S- $\frac{1}{2}$ of said Sec. 28, and on the north boundary of the S- $\frac{1}{2}$ of Sec. 29, T. 2 S., R. 4 W., S.B.B. & M., to the center line of State Highway Rt. 19;

Thence southerly on the center line of State Highway Rt. 19 to the center line of Pennsylvania Avenue as shown on map of the Subdivision of Section 30, filed in Map Book 2 at page 37, records of the Recorder of Riverside County, California;

Thence west on the center line of said Pennsylvania Avenue to the center line of Chicago Avenue as shown on said map; said center line of Chicago Avenue being the easterly limits of the City of Riverside;

Thence following said City limits south $4\frac{1}{2}$ miles; west, 2 miles; south, 1 mile; west, 4 miles to the southwest corner of said City at the northeast corner of Sec. 25, T. 3 S., R. 6 W., S.B.B. & M.;

Thence south on the east boundary of said Section to the southeast corner thereof;

Thence west on section lines to an intersection with the southerly boundary of the Lands of the Riverside Land & Irrigating Company, as shown on map recorded in Book 1 of Maps, at page 70, records of the Recorder of San Bernardino County, California;

Thence westerly along said southerly boundary to the center line of Temescal Street as shown on said map;

Thence northwesterly along said center line of Temescal Street to the center line of the southerly drive of State Highway Rt. #43, as said center line is shown on Improvement Plans of the Riverside County Highway Commission Route #2, on file in the Office of the County Surveyor;

Thence westerly on said center line to the westerly boundary of Lot 10, in Block 63, as shown on said Map of the Riverside Land & Irrigating Company;

Thence northerly on the westerly boundary of said Lot 10, and on said westerly boundary extended northerly, to the southerly line of the right of way of the Atchison, Topeka & Santa Fe Railroad;

Thence northerly in a direct line to the southwest corner of Lot 18 as shown on Assessor's Map No. 30, filed in Book 1 of Assessor's Maps at pages 40 and 41 thereof, records of the Recorder of Riverside County, California;

Thence north on the westerly boundary of said Lot 18 to the most northerly corner of said Lot, at a point on the westerly boundary of Lot 1 as shown on said Map;

Thence northerly along the westerly boundary of said Lot 1, in all its various courses, to the northwesterly corner of said Lot at a point on the northerly boundary of the Rancho El Sobrante de San Jacinto;

Thence northeasterly on said Ranch line to the east boundary of Sec. 20, T. 3 S., R. 6 W., S.B.B. & M.;

Thence northerly on section lines to the southerly or left bank of the Santa Ana River;

Thence easterly on said southerly bank to the prolongation of the westerly boundary of Sec. 27, T. 2 S., R. 6 W., S.B.B. & M., as shown on Map of the Jurupa Rancho as recorded in Map Book 9, at page 33, in the office of the Recorder of San Bernardino County, California, produced southerly;

Thence northerly on the prolongation of said westerly boundary produced southerly, and said westerly boundary to the northwest corner of said Sec. 27;

Thence westerly along section lines 3 miles to the southwest corner of Sec. 19, T. 2 S., R. 6 W., S.B.B. & M.;

Thence north along the Township line, 4 miles to the northwest corner of Sec. 6, T. 2 S., R. 6 W., S.B.B. & M.;

Thence following the northerly boundary of Riverside County easterly, southerly, easterly, southerly and easterly to the place of beginning.

SEC. 4. Zone Two shall comprise all that territory and area ^{Zone 2} defined within the following described boundaries:

Beginning at the northeast corner of Sec. 21, T. 3 S., R. 4 W., S.B.B. & M.;

Thence west on section lines, 3 miles to the southeast corner of the City of Riverside;

Thence on the limits of the City of Riverside, west 2 miles; south, 1 mile and west, 4 miles to the southwest corner of the City of Riverside at the northeast corner of Sec. 25, T. 3 S., R. 6 W., S.B.B. & M.;

Thence south on the east boundary of said section to the southeast corner thereof;

Thence west on section lines to an intersection with the southerly boundary of the Lands of the Riverside Land and Irrigating Company as shown on map recorded in Book 1, of Maps, at page 70, records of the Recorder of San Bernardino County, California;

Thence westerly along said southerly boundary to the center line of Temescal Street, as shown on said map;

Thence northwesterly along said center line of Temescal St., to the center line of the southerly drive of State Highway Route No. 43, as said center line is shown on Improvement plans of the

Riverside County Highway Commission Route No. 2, on file in the office of the County Surveyor;

Thence westerly on said center line to the westerly boundary of Lot 10 in Block 63, as shown on said Map of the Riverside Land & Irrigating Company;

Thence northerly on the westerly boundary of said Lot 10, and on said westerly boundary extended northerly to the southerly line of the right of way of The Atchison, Topeka and Santa Fe Railroad;

Thence northerly in a direct line to the southwest corner of Lot 18, as shown on Assessor's Map No. 30, filed in Book 1 of Assessor's Maps, at pages 40 and 41 thereof, records of the Recorder of Riverside County, California;

Thence north on the westerly boundary of said Lot 18 to the most northerly corner of said lot at a point on the westerly boundary of Lot 1, as shown on said map;

Thence northerly along the westerly boundary of said Lot 1 in all its various courses to the northwesterly corner of said lot at a point on the northerly boundary of the Rancho El Sobrante de San Jacinto;

Thence northeasterly on said ranch line to the east boundary of Sec. 20, T. 3 S., R. 6 W., S.B.B. & M.;

Thence northerly on section lines to the southerly or left bank of the Santa Ana River;

Thence easterly on said southerly bank to the prolongation of the westerly boundary of Sec. 27, T. 2 S., R. 6 W., S.B.B. & M., as shown on map of the Jurupa Rancho as recorded in Map Book 9, at page 33, in the office of the Recorder of San Bernardino County, California, produced southerly;

Thence northerly on the prolongation of said westerly boundary produced southerly, and said westerly boundary to the northwest corner of said Sec. 27;

Thence westerly along section lines 3 miles to the southwest corner of Sec. 19, T. 2 S., R. 6 W., S.B.B. & M.;

Thence northerly on the west boundary of said Sec. 19, to the north boundary of said Jurupa Rancho, being a point on the Riverside County line;

Thence westerly, and southerly, following the northerly and westerly boundary of Riverside County in all its various courses to its intersection with the south boundary of Sec. 21, T. 5 S., R. 6 W., S.B.B. & M.; thence east on section lines 7.5 miles—more or less, to the southeast corner of Sec. 22, T. 5 S., R. 5 W., S.B.B. & M.; thence northeasterly in a straight line to the northeast corner of Sec. 13, T. 5 S., R. 5 W., S.B.B. & M., thence east on section lines, 3 miles; thence south on section lines, 2 miles; thence east on section line, 1 mile; thence south on the section line, 1 mile; thence west on the section line, $\frac{1}{2}$ mile to the northwest corner of the E- $\frac{1}{2}$ of Sec. 34, T. 5 S., R. 4 W., S.B.B. & M.; thence south on half section lines, 2 miles to the southwest corner of the E- $\frac{1}{2}$ of Section 3, T. 5 S., R. 4 W., S.B.B. & M.;

Thence east on section lines, 2 $\frac{1}{2}$ miles to the section corner; thence north on the section line, 1 mile to the section corner;

thence west on the section line, 1 mile to the section corner; thence north on section lines, 3 miles to the section corner; thence west on section line, 1 mile to the section corner; thence north on section lines, 2 miles to the section corner; thence west on section lines, 4 miles to the southwest corner of Section 6, T. 5 S., R. 4 W., S.B.B. & M.; thence north on section lines, 4 miles to the northwest corner of Sec. 19, T. 4 S., R. 4 W., S.B.B. & M.;

Thence east on section lines 2 miles to the section corner;

Thence north on section lines 3 miles to the northwest corner of Sec. 4, T. 4 S., R. 4 W., S.B.B. & M.;

Thence east on the township line to the southeast corner of Sec. 33, T. 3 S., R. 4 W., S.B.B. & M.;

Thence north on section lines 3 miles to the point of beginning.

SEC. 5. Zone Three shall comprise all that territory and ^{Zone 3} area included within the following described boundaries:

Beginning at the northeast corner of Sec. 1, T. 7 S., R. 4 E., S.B.B. & M.;

Thence south along section lines 3 miles, more or less, to the southeast corner of Sec. 13, of said Tp. & Range;

Thence east along section lines 6 miles, more or less, to the northeast corner of Sec. 24, T. 7 S., R. 5 E., S.B.B. & M.;

Thence south along township lines, 9 miles to the south boundary of Riverside County;

Thence westerly and northerly on the southerly and westerly boundary of the County of Riverside, in all its various courses to its intersection with the south boundary of Sec. 21, T. 5 S., R. 6 W., S.B.B. & M.; thence east on section lines, 7.5 miles—more or less, to the southeast corner of Sec. 22, T. 5 S., R. 5 W., S.B.B. & M.; thence northeasterly in a straight line to the northeast corner of Sec. 13, T. 5 S., R. 5 W., S.B.B. & M.; thence east on section lines, 3 miles; thence south on section lines, 2 miles; thence east on the section line, 1 mile; thence south on the section line, 1 mile; thence west on the section line, $\frac{1}{2}$ mile to the northwest corner of the E. $\frac{1}{2}$ of Sec. 34, T. 5 S., R. 4 W., S.B.B. & M.;

Thence south on the half section lines, 2 miles to the southwest corner of the E. $\frac{1}{2}$ of Sec. 3, T. 6 S., R. 4 W., S.B.B. & M.;

Thence east on section lines, $2\frac{1}{2}$ miles to the southeast corner of Sec. 1, T. 6 S., R. 4 W., S.B.B. & M.; thence south on section lines 3 miles to the southwest corner of Sec. 19, T. 6 S., R. 3 W., S.B.B. & M.; thence east on section lines, 12 miles to the northeast corner of Sec. 25, T. 6 S., R. 2 W., S.B.B. & M.;

Thence south on the township line, 2 miles to the southwest corner of Sec. 31, T. 6 S., R. 1 W., S.B.B. & M.;

Thence east on the township line 6 miles to the southeast corner of Sec. 36, T. 6 S., R. 1 W., S.B.B. & M.;

Thence north to the southwest corner of Sec. 31, T. 6 S., R. 1 E., S.B.B. & M.;

Thence east on the township lines, 18 miles to the southeast corner of Sec. 36, T. 6 S., R. 3 E., S.B.B. & M.;

Thence south on the west boundary of T. 6 S., R. 4 E., S.B.B. & M.; to the southwest corner of Sec. 31, said Township and Range;

Thence east along the township line, 6 miles—more or less, to the place of beginning.

Zone 4

SEC. 6. Zone Four shall comprise all that territory and area included within the following described boundaries:

Beginning at the northwest corner of Sec. 21, T. 2 S., R. 3 W., S.B.B. & M.;

Thence southeast in a straight line to the southeast corner of said Sec. 21;

Thence east on section lines 2 miles to the section corner;

Thence south 1 mile to the section corner;

Thence east on section lines 2 miles to the section corner;

Thence south on the section line 1 mile to the section corner;

Thence east on section lines 3 miles to the northeast corner of Sec. 3, T. 3 S., R. 2 W., S.B.B. & M.;

Thence south on section line 1 mile to the southeast corner of said Section;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the section corner;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the northwest corner of Sec. 19, T. 3 S., R. 1 W., S.B.B. & M.;

Thence east on the north line of said section 1 mile to the northeast corner of said Section;

Thence south on the east line of said section, 1 mile to the southeast corner of said Section 19;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the section corner;

Thence east on the section line 1 mile to the section corner;

Thence south on section lines 2 miles to the southwest corner of Sec. 3, T. 4 S., R. 1 W., S.B.B. & M.;

Thence east on section lines 6 miles to the northeast corner of Sec. 9, Township 4 S., R. 1 E., S.B.B. & M.;

Thence south on the east line of said Sec. 9 to the northwest corner of Sec. 10, T. 4 S., R. 1 E., S.B.B. & M.;

Thence east on section lines 3 miles to the northeast corner of Sec. 12, T. 4 S., R. 1 E., S.B.B. & M.;

Thence south on the east line of said section to the southeast corner thereof;

Thence east on section lines 8 miles to the northeast corner of Sec. 17, T. 4 S., R. 3 E., S.B.B. & M.;

Thence south on section lines 4 miles to the section corner;

Thence east on section lines 4 miles to the southeast corner of Sec. 36, T. 4 S., R. 3 E., S.B.B. & M.;

Thence south on township lines, 12 miles—more or less, to the southeast corner of Sec. 36, T. 6 S., R. 3 E., S.B.B. & M.;

Thence west on township lines, 18 miles—more or less, to the southwest corner of Sec. 31, T. 6 S., R. 1 E., S.B.B. & M.;

Thence south to the southeast corner of Sec. 36, T. 6 S., R. 1 W., S.B.B. & M.; Thence west on the township line, 6 miles to the southwest corner of Sec. 31, T. 6 S., R. 1 W., S.B.B. & M.;

Thence north on the township line, 2 miles to the northeast corner of Sec. 25, T. 6 S., R. 2 W., S.B.B. & M.;

Thence west on section lines, 12 miles to the southwest corner of Sec. 19, T. 6 S., R. 3 W., S.B.B. & M.;

Thence north on section lines 4 miles to the northeast corner of Sec. 1, T. 6 S., R. 4 W., S.B.B. & M.;

Thence west on the north line of said Sec. 1 to the northwest corner of said section;

Thence north on section lines 3 miles to the section corner;

Thence west 1 mile to the section corner;

Thence north 2 miles to the section corner;

Thence west on section lines 4 miles to the northwest corner of Sec. 7, T. 5 S., R. 4 W., S.B.B. & M.;

Thence north on section lines 4 miles to the northwest corner of Sec. 19, T. 4 S., R. 4 W., S.B.B. & M.;

Thence east on section lines 2 miles to the section corner

Thence north on section lines 3 miles to the northwest corner of Sec. 4, T. 4 S., R. 4 W., S.B.B. & M.;

Thence east on the township line to the southeast corner of Sec. 33, T. 3 S., R. 4 W., S.B.B. & M.;

Thence north on section lines 3 miles to the northeast corner of Sec. 21, T. 3 S., R. 4 W., S.B.B. & M.;

Thence west on section lines 3 miles to the southeast corner of the City of Riverside at the southeast corner of Sec. 13, T. 3 S., R. 5 W., S.B.B. & M.;

Thence north on the east boundary of said City $4\frac{1}{2}$ miles to the center line of Pennsylvania Avenue, as shown on map of the Subdivision of Sec. 30, T. 2 S., R. 4 W., S.B.B. & M., filed in Map Book 2, at page 37 thereof, Records of the Recorder of Riverside County, Calif.;

Thence east on the center line of said Pennsylvania Avenue to the center line of State Highway Route 19;

Thence northerly on the center line of State Highway Route 19 to the north boundary of the S- $\frac{1}{2}$ of Sec. 29, T. 2 S., R. 4 W., S.B.B. & M.; thence east on the north boundary of the S $\frac{1}{2}$ of said Sec. 29, and on the north boundary of the S- $\frac{1}{2}$ of Sec. 28, T. 2 S., R. 4 W., S.B.B. & M., to the northeast corner of said S- $\frac{1}{2}$ of Sec. 28;

Thence north on section lines $1\frac{1}{2}$ miles to the northwest corner of Sec. 22, T. 2 S., R. 4 W., S.B.B. & M.;

Thence east on section lines 5 miles to the point of beginning.

SEC. 7. Zone Five shall comprise all that territory and area ^{Zone 5} included within the following described boundaries:

Beginning at the northwest corner of Sec. 16, T. 2 S., R. 3 W., S.B.B. & M.;

Thence south on the west boundary of said Section to the southwest corner thereof;

Thence southeast in a straight line to the southwest corner of Sec. 22, T. 2 S., R. 3 W., S.B.B. & M.;

Thence east on section lines 2 miles to the section corner;

Thence south 1 mile to the section corner;

Thence east on section lines 2 miles to the section corner;

Thence south on section line 1 mile to the section corner;
 Thence east on section lines 3 miles to the northeast corner
 of Sec. 3, T. 3 S., R. 2 W., S.B.B. & M.;

Thence south on the section line 1 mile to the southeast corner
 of said Section;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the section corner;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the northwest
 corner of Sec. 19, T. 3 S., R. 1 W., S.B.B. & M.;

Thence east on the north line of said Section 1 mile to the
 northeast corner of said Section;

Thence south on the east line of said Section 1 mile to the
 southeast corner of said Section 19;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the section corner;

Thence east on the section line 1 mile to the section corner;

Thence south on section lines 2 miles to the southwest corner
 of Sec. 3, T. 4 S., R. 1 W., S.B.B. & M.;

Thence east on section lines 6 miles to the northeast corner
 of Sec. 9, T. 4 S., R. 1 E., S.B.B. & M.;

Thence south on the east line of said Sec. 9 to the northwest
 corner of Sec. 10, T. 4 S., R. 1 E., S.B.B. & M.;

Thence east on section lines 3 miles to the northeast corner
 of Sec. 12, T. 4 S., R. 1 E., S.B.B. & M.;

Thence south on the east line of said Section to the south-
 east corner of said Section;

Thence east on section lines 4 miles to the southeast corner
 of Sec. 10, T. 4 S., R. 2 E., S.B.B. & M.;

Thence north on section lines 14 miles to a point on the north-
 erly boundary of the County of Riverside at the northeast cor-
 ner of Sec. 3, T. 2 S., R. 2 E., S.B.B. & M.;

Thence westerly, southerly and westerly on the northerly
 boundary of the County of Riverside to the point of beginning.

Zone 6

SEC. 8. Zone Six shall comprise all that territory and area
 included within the following described boundaries:

Beginning at the northeast corner of Sec. 3, T. 2 S., R. 6 E.,
 S.B.B. & M.;

Thence south on section lines 2 miles to the section corner;

Thence east on section lines 2 miles to the southeast corner
 of Sec. 12, T. 2 S., R. 6 E., S.B.B. & M.;

Thence north to the southwest corner of Sec. 7, T. 2 S., R. 7 E.,
 S.B.B. & M.;

Thence east on section lines 4 miles to the section corner;

Thence south on section lines 3 miles to the section corner;

Thence east on section lines 2 miles to the section corner;

Thence south on section lines 2 miles to the southwest corner
 of Sec. 6, T. 3 S., R. 8 E., S.B.B. & M.;

Thence east on section lines 2 miles to the section corner;

Thence south on section lines 2 miles to the section corner;

Thence east on section lines 3 miles to the section corner;

Thence south on section lines 2 miles to the southeast corner of Sec. 26, T. 3 S., R. 8 E., S.B.B. & M.;

Thence west on section lines 3 miles to the section corner;

Thence south on the section line 1 mile to the southeast corner of Sec. 32, T. 3 S., R. 8 E., S.B.B. & M.;

Thence west on section lines 14 miles to the northwest corner of Sec. 6, T. 4 S., R. 6 E., S.B.B. & M.;

Thence south on section line 1 mile to the section corner;

Thence west on section lines 2 miles to the section corner;

Thence north on the section line $\frac{1}{2}$ mile to the northeast corner of the S- $\frac{1}{2}$ of Sec. 3, T. 4 S., R. 5 E., S.B.B. & M.;

Thence west on the north boundary of said S $\frac{1}{2}$ of Sec. 3, 1 mile to the northwest corner thereof;

Thence north on the section line $\frac{1}{2}$ mile to the northwest corner of said Section 3;

Thence west on the section line $\frac{1}{2}$ mile to the southeast corner of the SW- $\frac{1}{4}$ of Sec. 33, T. 3 S., R. 5 E., S.B.B. & M.;

Thence north $\frac{1}{2}$ mile to the northeast corner of said SW- $\frac{1}{4}$;

Thence west $\frac{1}{2}$ mile to the northwest corner of said SW- $\frac{1}{4}$;

Thence north on the section line $\frac{1}{2}$ mile to the northwest corner of said Sec. 33;

Thence west on the section line 1 mile to the section corner;

Thence north on the section line 1 mile to the section corner;

Thence west on section lines 2 miles to the section corner;

Thence north on the section line 1 mile to the section corner;

Thence west on section lines 5 miles to the northwest corner of Sec. 19, T. 3 S., R. 4 E., S.B.B. & M.;

Thence south on section lines 3 miles to the section corner;

Thence east on section lines 2 miles to the northwest corner of the City of Palm Springs, at the northwest corner of Sec. 4, T. 4 S., R. 4 E., S.B.B. & M.;

Thence following the limits of the City of Palm Springs, east 4 miles; south, 1 mile; east, 1 mile; south, 1- $\frac{3}{4}$ miles; east, $\frac{1}{4}$ mile; south, $\frac{1}{4}$ mile; west, $\frac{1}{4}$ mile and south 1 mile to the southeast corner of Sec. 19, T. 4 S., R. 5 E., S.B.B. & M.;

Thence leaving said City limits, south on the section line, 1 mile to the southwest corner of Sec. 29, T. 4 S., R. 5 E., S.B.B. & M.;

Thence east on section lines, 2 miles to the southwest corner of Section 27, of said Township and Range;

Thence south along the west boundary of Section 34 of said Township 4 S., R. 5 E., 1 mile to the southwest corner of said Sec. 34;

Thence west along the township line to the northwest corner of Sec. 3, T. 5 S., R. 5 E., S.B.B. & M.;

Thence south along section lines, 12 miles to the southwest corner of Sec. 34, T. 6 S., R. 5 E., S.B.B. & M.;

Thence west along the township line to the northwest corner of Sec. 3, T. 7 S., R. 5 E., S.B.B. & M.;

Thence south on section lines, 3 miles to the southwest corner of Sec. 15, T. 7 S., R. 5 E., S.B.B. & M.;

Thence west along section lines, 3 miles—more or less, to the southwest corner of Sec. 18 of said T. 7 S., R. 5 E., S.B.B. & M.;

Thence north on section lines, 3 miles to the northeast corner of Sec. 1, T. 7 S., R. 4 E., S.B.B. & M.; thence west on section lines to the southwest corner of Sec. 31, T. 6 S., R. 4 E., S.B.B. & M.;

Thence north on section lines, 12 miles to the southeast corner of Sec. 36, T. 4 S., R. 3 E., S.B.B. & M.;

Thence west on section lines, 4 miles to the section corner,

Thence north on section lines, 4 miles to the section corner;

Thence west on section lines, 4 miles to the southwest corner of Sec. 11, T. 4 S., R. 2 E., S.B.B. & M.;

Thence north on section lines, 14 miles to a point on the northerly boundary of the County of Riverside at the northwest corner of Sec. 2, T. 2 S., R. 2 E., S.B.B. & M.;

Thence east on the northerly boundary of Riverside County, 24 miles to the point of beginning.

Purposes
of act

SEC. 9. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the said waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by retarding, spreading, storing, retaining and causing to percolate into the soil within said district, or without said district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters, the watercourses, watersheds, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or unlawful exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district.

Powers of
district

Riverside County Flood Control and Water Conservation District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.
2. To adopt a seal and alter it at pleasure.
3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
4. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights-of-way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.

5. To take by grant, purchase, gift, devise or lease, or otherwise, and to hold, use, enjoy and to lease or dispose of real, personal or mixed property of every kind within or without the district necessary or convenient to the full exercise of its powers.

6. To incur indebtedness, and to issue bonds in the manner herein provided.

7. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or a zone or zones thereof; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings hereafter begun; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that the said district shall not have the power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside or away from the district.

8. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by retarding, spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, provided that water rights now existing be not thereby infringed upon.

9. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn, any existing works or improvements in said district now or hereafter used to control

flood or storm waters or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act, is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the injury or detriment of any person, or persons, having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public use, and provided further, that no right shall exist in behalf of said district to take by condemnation any property, including water rights, that is now devoted to beneficial use in Orange County; nor to take by condemnation any water rights or property necessary for exercising said water rights that are now devoted to beneficial use, or are now in the process of being devoted to beneficial use in Orange County, within an area along and adjacent to the trunk channel of the Santa Ana River extending from the easterly boundary of Orange County to the Jurupa Narrows and lying between the bluffs on either side of said river, but excluding therefrom any part of the Corona underground water basin as said basin is defined in that certain action in the Superior Court of the State of California, in and for the County of Riverside, numbered 22046, and entitled the Corona Foothill Lemon Company, a corporation, et al. vs. Charles E. Lillibridge, et al.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district with the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of the fee simple or any lesser estate or interest in such property, as the case may be, is necessary. Whenever real property which is devoted to or held for some other public or quasi public use is required by the district for flood control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

Surveys,
etc.

10. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of

said works, whether in this or in another State, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, power plants, franchises, concessions or rights; to enter into and to do any and all acts necessary or proper for the performance of any agreement with the United States, or any State, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Riverside County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and to do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual or any water right or water pumped, stored, appropriated or otherwise acquired, or secured for the use of the Riverside County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any such works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

11. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district and to carry out any of the purposes of this act, in the manner hereinafter provided. Taxes

12. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water Investigations,
etc

rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district.

13. To make contracts and to employ labor and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof by this act.

Board

SEC. 10. The board of supervisors of the County of Riverside shall be, and said board of supervisors is hereby designated as, and empowered to act as, ex officio the board of supervisors of said Riverside County Flood Control and Water Conservation District and said board of supervisors is hereby vested, except as may be restricted herein, with the same powers and shall perform the same duties for and on behalf of said district, and the government thereof, to carry out the objects and purposes of this act that the board of supervisors of the County of Riverside now has or may hereafter have by law for said County of Riverside, and shall also have such other or additional powers for said district as may be necessary to carry out any of the objects or purposes of this act, or to exercise any of the said powers of said district; provided, that such powers and duties are not in conflict with the express terms of this act.

Officers

The county counsel, county clerk, county surveyor, superintendent of county highways, county assessor, county tax collector, county auditor, and county treasurer of the County of Riverside, and their successors in office and all their assistants, deputies, clerks and employees and all other officers of the said County of Riverside, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Riverside County Flood Control and Water Conservation District, and shall respectively perform, as the said board of supervisors may determine, the same various duties for said district as for the said County of Riverside, in order to carry out the provisions of this act.

Said board of supervisors may in its discretion employ counsel and appoint a chairman, a secretary and such other officers, agents and employees of said board or district as in the judgment of said board may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or employment during the pleasure of said board; provided further, however, that in the case of the chief engineer and the retaining of special counsel the approval of a majority of the zone commissioners of the district shall be necessary prior to the employment or appointment thereof.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Riverside.

SEC. 11. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district, and to appoint and employ all needful agents, superintendents, engineers and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act. Regulations,
etc

SEC. 12. Said board of supervisors shall have jurisdiction and power to employ by ordinance, or by resolution if agreeable to law, a competent, registered civil engineer or engineers to investigate carefully the best plan or plans to control the flood and storm waters of said district, and the zones thereof, and the flood and storm waters of streams that have their source outside of said district but which stream or streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by retarding, spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or to conserve in any manner any or all of such waters, and to protect the watercourses, watersheds, public highways, life and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and may direct by resolution, such engineer or engineers to make and file reports from time to time with said board of supervisors, which shall show: Civil
engineer

1. A general description of the work to be done on each project or work of improvement. Report of
engineer

2. General plans, profiles, cross-sections and general specifications of the work to be done on each project or work of improvement. Contents

3. A general description of the lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work.

4. A map or maps which shall show the location and zone of each of said projects or improvements, and lands, rights-of-way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

5. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out such project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Said engineer or engineers shall from time to time and as directed by the board of supervisors file with said board supplementary, amendatory and additional reports and recom- Additional
reports

mercdations as necessity and conveniece may require. Said board of supervisors shall allow to such engineer or engineers, employed as in this section hereinbefore provided, such engineers, surveyors, and others as may be required for making of surveys or doing any other work necessary for the making of such report. The board of supervisors may at any time remove any or all of the engineers or employees employed under this act and may fill all vacancies occurring among them from any cause.

Title to
property

SEC. 13. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of supervisors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of supervisors may determine, by resolution duly entered in its minutes that any property, real, personal or mixed, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same.

Board of
supervisors

SEC. 14. The board of supervisors of said district shall have power, in any year:

Levy of
tax or
assessment

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Riverside County Flood Control and Water Conservation District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole; provided, however, that said ad valorem tax or assessment shall not exceed two cents (\$.02) on each one hundred dollars (\$100) of assessed valuation, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones; provided, however, the tax last above mentioned, namely, a tax upon all taxable property in each or any of said zones according to the benefits derived or to be derived by said respective zones, shall not be levied for the fiscal year 1945-46. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the

several zones from the taxes or assessments levied under the provisions of Subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Sections 17 and 18 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed forty cents (\$0.40) on each one hundred dollars (\$100) of assessed valuation of the taxable property in said zones exclusive of any tax levied to meet the bonded indebtedness of any of said zones and the interest thereon.

SEC. 15. Claims against the Riverside County Flood Control and Water Conservation District shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the Political Code of the State of California for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

Claims
against
district

SEC. 16. The office of zone commissioner in the Riverside County Flood Control and Water Conservation District is hereby created. In each of the six (6) separate zones constituting said district, there shall be three zone commissioners. Said zone commissioners shall be appointed by the board of supervisors of said district and those first so designated shall be appointed within a period of not to exceed fifteen (15) days subsequent to the effective date of this act. The term of office for a zone commissioner shall be six (6) years, except in the case of certain zone commissioners first appointed whose terms of office shall be staggered in the following way:

Zone
commis-
sioners

The zone commissioners first appointed for each of the separate zones of said district, within a period of not to exceed thirty (30) days after their appointment, shall meet together and by lot determine the expiration date of their respective terms of office, one of which shall expire two (2) calendar years after the first day of the second calendar month following the effective date of this act; another of which shall expire four (4) calendar years after the first day of the second calendar month following the effective date of this act; and the other of which shall expire six (6) calendar years after the first day of the second calendar month following the effective date of this act. No person shall be appointed by the board of supervisors of the district to the office of zone commissioner unless said person is a citizen of the United States of America, of the State of California, over the age of 21 years and resides within the zone for which he is appointed. Should a zone commissioner change and remove his residence from the zone for which he was appointed, such removal shall thereupon constitute a vacancy in the office which he holds. The zone commissioners of said district, all or any number of them, shall have the right and privilege to attend all regular and special meetings of the board of supervisors of said district, in their official capacity as such zone commissioners, and the approval of a majority of the zone commissioners of said district shall be a precedent condi-

Terms of
office

Qualifi-
cations

Compensation

tion to the acquisition of or disposal by the district of any water right through the medium of any instrument or agreement in writing. All zone commissioners shall serve without compensation unless otherwise fixed and determined by ordinance enacted by the board of supervisors of said district. In the event of a vacancy occurring in the office of zone commissioner said vacancy shall be filled by appointment by the said board of supervisors for the unexpired portion of the term in which said vacancy exists.

Zone projects

SEC. 17. The zone commissioners of each zone may originate projects or works of improvement in their respective zones and the zone commissioners of one or more contiguous zones may originate joint projects or joint works of improvement of common benefit to said contiguous zones for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any joint project or joint work of improvement located or to be located in either or all of said contiguous zones and of common benefit to said participating zones.

Approval of projects

SEC. 18. The board of supervisors of said district, for the purpose of acquiring authority to proceed with the actual construction of any project or work of improvement or any joint project or joint work of improvement originated as provided in Section 17 hereof, shall, unless the project or work of improvement or joint project or joint work of improvement is first favorably recommended in writing by a majority of the zone commissioners of any or each zone in which said project or work of improvement or joint project or joint work of improvement is to be located, adopt a resolution specifying its intention to undertake such project or work of improvement or joint project or joint work of improvement, together with the engineering estimates of the cost of same and in the case of a joint project or joint work of improvement the proportionate cost to be borne by the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project or work of improvement or joint project or joint work of improvement. Notice of such hearing shall be given by publication once a week for two successive weeks (two publications) prior to said hearing, the last publication of which notice must be at least seven days before the said hearing, in a newspaper of general circulation, circulated in each of the said zones or participating zones as the case may be, and if there be no such newspaper, then by posting notice for two consecutive weeks prior to said hearing in five public places in each of said zones or participating zones. Said notice must designate a public place in each of said zones or participating zones where a copy of the map or maps of said project or work of improvement or joint project or joint work of improvement may be seen by any interested person; said map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time ^{Hearing} to which said hearing may be continued, the board of supervisors of said district shall consider all written and oral objections to the proposed project or work of improvement, or joint project or joint work of improvement. Upon the conclusion of the hearing the board of supervisors of said district may abandon the proposed project or work of improvement, or joint project or joint work of improvement or by unanimous vote of the members of the board of supervisors of said district proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project or work of improvement, or joint project or joint work of improvement, signed by a majority in number of the registered voters, as that number appeared at the last preceding general election, residing within the said zone or participating zones as the case may be, be filed with the board of supervisors of said district, in which event the said project or work of improvement, or joint project or joint work of improvement, must be abandoned.

SEC. 19. (1) Whenever the board of supervisors of said ^{Bonds} district shall determine that a bonded indebtedness should be incurred to pay the cost of any work or improvement as herein authorized in any zone, the said board may by resolution, passed by unanimous vote of the entire board, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement, and the denomination and rate of interest of said bonds, said board shall cause a copy of said resolution, duly certified by the county clerk to be filed for record in the office of the recorder of the County of Riverside within five days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in ^{Special election} subdivision (1) of this section, the said board of supervisors may call a special election in said zone or zones at which shall be submitted to the qualified electors thereof the question, whether or not bonds shall be issued in the amount or amounts determined in said resolution for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from the revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone or zones, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special ^{Same Ordinance} election by ordinance and not otherwise, and shall submit to the qualified electors of said zone or zones the proposition of incurring a bonded debt in said zone or zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred, provided that it shall be sufficient to give a brief, general description of such objects and purposes, and refer

to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth (1/40) of the whole amount of such indebtedness, and the rate of interest to be paid on such indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall in no event exceed five per cent (5%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six (6) for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge, and one clerk for each of such precincts.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Maps

Said board of supervisors shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Publication
of ordinance

Said ordinance calling for such election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in said zone or zones for six (6) consecutive times if published in a daily newspaper of general circulation printed and published in said zone or zones, or two (2) times if published in a weekly newspaper of general circulation printed and published in said zone or zones. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said zone or zones for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Validity of
bonds

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds (2/3) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district, zone or zones for the amounts stated in such proceedings shall be issued and sold as in this act provided.

Bonds
Form

SEC. 20. The said board of supervisors shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the participating zones, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a

place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be payable annually or semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Riverside County, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of Riverside County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds. Denominations

SEC. 21. The said board of supervisors may issue and sell the bonds of such district zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Riverside to the credit of said district for the uses and purposes of the zone voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Riverside. Sale of bonds Proceeds, etc

SEC. 22. Any bonds issued under the provisions of this act shall be a lien upon all but only the taxable property of the zone of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said zone and all the taxable property in the zone shall be and remain liable to be taxed for such payments as hereinafter provided. No zone of said Riverside County Flood Control and Water Conservation District, nor the property therein, shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness of any other zone. Bonds as lien

Levying
taxes

SEC. 23. The board of supervisors shall levy a tax or assessment each year upon all the taxable property in the zone of issuance sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected in the zone of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Riverside County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Riverside County in the manner provided by law for the payment of principal and interest on bonds of said county.

Same
Law
applicable

SEC. 24. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Political
Code
requirements

SEC. 25. Notwithstanding Section 3720 of the Political Code of the State of California the Riverside County Flood Control and Water Conservation District is validly created for purposes of assessment and taxation. The information and maps relating to the Riverside County Flood Control and Water Conservation District and the zones thereof, required by Section 3720 of the said Political Code, shall be filed with the county assessor and the State Board of Equalization as soon as practicable after the effective date of this act, but no later than February 1, 1946; provided, however, that until the requirements of Section 3720 of the Political Code have been fully complied with all taxes levied shall be at a uniform rate for all zones in the district.

Fiscal
Year
1945-46
Taxes

SEC. 26. For the fiscal year 1945-46, but for no other fiscal year, notwithstanding Section 25 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Taxes of the district for the fiscal year 1945-46 are liens on property the same as if they were county taxes, except that the district tax liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the fiscal year 1945-46 are the correct assessments for purposes of taxation by the Riverside County Flood Control and Water Conservation District and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and col-

lecting the taxes for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday of March, 1945, and the date on which attaches the lien for taxes of the Riverside County Flood Control and Water Conservation District for the fiscal year 1945-46, then, on petition of the taxpayer effected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of taxation by the Riverside County Flood Control and Water Conservation District.

In equalizing the assessments made by the county assessor the board of supervisors sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of taxation by the Riverside County Flood Control and Water Conservation District in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for the purposes of taxation by the Riverside County Flood Control and Water Conservation District, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for taxation purposes of the Riverside County Flood Control and Water Conservation District.

The board of supervisors may, by ordinance, prescribe any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying and collecting taxes for the Riverside County Flood Control and Water Conservation District for the fiscal year 1945-46. Except as provided in this section, Section 25 of this act is applicable to the assessment and equalization of property for the purpose of district taxation for the fiscal year 1945-46.

SEC. 27. The bonds of said Riverside County Flood Control and Water Conservation District issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds, and whenever any money or funds may by law, now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or fund may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted, be used as security

for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

Bonds tax
exempt

SEC. 28. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1 $\frac{1}{2}$, Article XIII, of the Constitution of this State.

Letting of
contracts

Bids

SEC. 29. All contracts for any improvement or unit of work except as hereinafter provided estimated to cost in excess of five thousand dollars (\$5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction of, the improvement or work before any contract shall be made therefor, and may let by contract separately any part of said work or improvement. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

Bond

Conforming
to reports,
etc.

SEC. 30. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SEC. 31. Whenever bonds have been authorized by any zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a vote of all of its members determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, said board of supervisors may again proceed as in this act provided, and submit to the qualified voters of said zone the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Additional
bonds

SEC. 32. Should a proposition for issuing bonds for any zone submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall not for six (6) months after such election call or order another election in that zone for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

Failure to
pass bond
issue

SEC. 33. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

Effect of
repeal,
etc

SEC. 34. There is hereby granted to Riverside County Flood Control and Water Conservation District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board of supervisors thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

Rights of
way, etc

SEC. 35. If by any judgment in condemnation or by agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with

Relocation
of streets,
etc

said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

Proceeding
to determine
validity of
existence

SEC. 36. The Riverside County Flood Control and Water Conservation District formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Riverside by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four (4) weeks in some newspaper of general circulation published in said county. Within thirty (30) days after the last publication of said summons shall have been completed and proof thereof filed in said proceeding, any property owner or resident in said district, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding *in rem* and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

Construction

SEC. 37. This act and every part thereof, shall be liberally construed to promote the objects thereof and to carry out its intents and purposes.

Constitutionality

SEC. 38. In case any section or sections, or parts of any sections, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated but shall remain in full force and effect.

Short title

SEC. 39. This act may be designated and referred to as the "Riverside County Flood Control and Water Conservation District Act" and any reference thereto by such designation shall be deemed sufficient for all purposes.

CHAPTER 1123

An act to amend Section 4017 of the Political Code, relating to consolidation of county offices.

In effect
September
13, 1945

[Approved by Governor July 7, 1945 Filed with Secretary of State
July 7, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 4017 of the Political Code is amended to read:

4017. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this title, the

Consolidation of
county
offices

duties of certain of the county offices are hereby consolidated as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and public administrator; county clerk and recorder; county clerk and auditor; treasurer and tax collector; treasurer and recorder; treasurer and assessor; treasurer, assessor, and tax collector; assessor and tax collector; treasurer and public administrator; public administrator and coroner; district attorney and public administrator; district attorney and coroner; sheriff and coroner; sheriff and public administrator; county agricultural commissioner and county sealer of weights and measures.

CHAPTER 1124

An act to amend Section 730 of the Fish and Game Code, relating to halibut.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 730 of the Fish and Game Code is amended to read:

730. Not more than five California halibut which weigh less than four pounds each in the round, or less than three and one-half pounds each dressed with the head on, or less than three pounds each dressed with the head off, may be taken or possessed during any one day by any person except that a holder of a commercial fishing license may take and possess during one day not more than a total of 30 pounds of California halibut of less than such minimum weights. No California halibut weighing less than the specified minimum weights may be sold or offered for sale.

Taking,
etc., of
halibut

CHAPTER 1125

An act to amend Section 4095 of the Political Code, relating to the numbering, registration and cancellation of warrants.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4095 of the Political Code is amended to read:

4095. All warrants issued by the county auditor during each fiscal year, commencing with the first of each fiscal year, must be numbered consecutively and the number, date, amount of each, and the name of the person to whom payable and the

Warrants
to be
numbered,
etc

purpose for which drawn, must be stated thereon, and they must, at the time they are issued, be registered by him. Separate series of numbers may be used for the different kinds of warrants, such as pay roll warrants and general warrants drawn for miscellaneous supplies and expenses, and special warrants drawn on court orders, etc.

Time for
presen-
tation of
warrants

Any warrant not presented to the county treasurer within two years after its date is void, except that any warrant issued for the giving of aid to, and payable to, an indigent, a needy aged person, a needy child or a needy blind person, or issued for the giving of such aid and payable to the guardian, trustee, disbursing agent, or any custodian of the funds or estate of any of them, is void if not presented to the county treasurer for payment within six months after its date.

CHAPTER 1126

An act to amend Sections 3950, 3951, 3952, 3960, and 3968, and to enact Sections 3964 and 3965 of the Revenue and Taxation Code, relating to actions by purchasers or holders of tax-deeded property to determine adverse claims to or clouds upon that property and relating to the partition of tax-deeded property.

In effect
September
15, 1945

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3950 of the Revenue and Taxation Code is amended to read:

Action on
tax deed

3950. Whenever tax-deeded property has been purchased from the State, either under Chapter 7 or Chapter 8, and all subsequent taxes levied have been paid, the purchaser, or any person claiming through him, may bring an action to determine adverse claims to or clouds upon that property. The complaint shall be verified and shall aver the matters above enumerated.

Complaint

SEC. 2. Section 3951 of said code is amended to read:

Defendants:

3951. The complaint shall include as defendants to the action, all persons who are known to plaintiff or who appear of record to have some interest in or claim or cloud on the land described in plaintiff's complaint, arising prior to the date of the deed from the State, other than persons owning a special assessment unless plaintiff seeks to determine the interest or claim of such persons. The State may be made a party defendant.

SEC. 3. Section 3952 of said code is amended to read:

Unknown
defendants

3952. The complaint may further include as defendants persons unknown to plaintiff who claim any right, interest, lien or claim on the land or cloud upon the title of plaintiff thereto

arising prior to the date of the deed from the State. In any case in which any person who appears to have had an interest in said land or any claim or cloud upon the title of plaintiff thereto is dead, the heirs and devisees of such person may be sued as "the heirs and devisees" of said person, naming him.

SEC. 4. Section 3960 of said code is amended to read:

3960. In addition to the matters required to be set forth in the affidavit by the plaintiff pursuant to Sections 412 and 413 of the Code of Civil Procedure, it must appear by the affidavit that the plaintiff used due diligence to ascertain the identity and residence of the unknown defendants and to ascertain the identity and residence of any persons sued as heirs and devisees. Diligence

SEC. 5. Section 3964 is hereby added to said code, to read:

3964. If the court determines that any of the defendants have any right, title, interest, lien or estate in or to the parcel of property involved, the court shall render its decree establishing these rights and may order the sale of the property or the partition thereof. Decree

SEC. 6. Section 3968 of said code is amended to read:

3968. The decree, after it has become final, is conclusive against all the persons named in the complaint who have been served and all unknown persons and the heirs and devisees of any named defendant served as in this chapter provided. Effect of decree

SEC. 7. Section 3965 is hereby added to said code, to read as follows:

If the court orders a sale of the property or a partition thereof, the same shall be made in accordance with the provisions of Chapter 4, Title 10, Part 2, of the Code of Civil Procedure, except that: Sale procedure

(a) The court may appoint one referee instead of three, and Exceptions

(b) Proceeds of sale belonging to unknown special assessment owners, or persons claiming an interest in said special assessments, shall be paid to the treasurer, to be held by him as in like instances of collections by said treasurer of special assessments.

CHAPTER 1127

An act to amend Sections 4271, 4277, and 4287 of the Political Code, relating to compensation for public service.

[Approved by Governor July 7, 1945. Filed with Secretary of State
July 7, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4271 of the Political Code is amended to read:

4271. In counties of the forty-second class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums: El Dorado Salaries

1. The auditor, one thousand eight hundred dollars (\$1,800) per annum. Auditor

District attorney 2. The district attorney, two thousand four hundred dollars (\$2,400) per annum.

Supervisors 3. Each member of the board of supervisors, one thousand five hundred dollars (\$1,500) per annum and twenty cents (\$0.20) per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars (\$300) in any one year.

Jurors In the superior court, jurors' fees in criminal cases shall be allowed as follows:

For attending as a grand juror, for each day's attendance, three dollars (\$3), and fifteen cents (\$0.15) per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, three dollars (\$3), and fifteen cents (\$0.15) per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

SEC. 2. Section 4277 of the Political Code is amended to read:

Amador Salaries 4277. In counties of the forty-eighth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Auditor 1. The auditor, one thousand five hundred dollars (\$1,500) per annum.

District attorney 2. The district attorney, two thousand four hundred dollars (\$2,400) per annum. He may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

Supervisors 3. Each supervisor, one thousand eight hundred dollars (\$1,800) per annum, for his services both as supervisor and as road commissioner, and ten cents (\$0.10) per mile for traveling from his residence to the county seat and return for each regular or special session of the board.

Jurors 4. Grand jurors and jurors in the superior court, six dollars (\$6) per day for each day's attendance, and for each mile actually traveled, in going only, while acting as such jurors, twenty-five cents (\$0.25), and the court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for such per diem and mileage, and the treasurer shall pay the same.

SEC. 3. Section 4287 of the Political Code is amended to read:

Alpine Salaries 4287. In counties of the fifty-eighth class the following salaries and compensation shall be paid, to wit:

Auditor 1. The auditor, nine hundred dollars (\$900) per annum.

2. The district attorney, one thousand two hundred fifty dollars (\$1,250) per annum. District attorney

3. Each supervisor, six dollars (\$6) per day when the board is in session, and twenty cents (\$0.20) per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and when serving as road commissioner six dollars (\$6) per day. Supervisors

4. Each grand juror in the superior court shall receive for each day's attendance three dollars (\$3); for each mile actually traveled one way as such grand juror in the superior court on a summons or order of the court, thirty cents (\$0.30). The per diem and mileage of the grand jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court. Jurors

SEC. 4. The compensation provided by Sections 4271, 4277, and 4287, respectively, of the Political Code, shall be paid to incumbent officers. Incumbent officers

CHAPTER 1128

An act to repeal Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5 and 665 of the Fish and Game Code, and to add Sections 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, and 661 to the Fish and Game Code, relating to the taking of salmon, and declaring the urgency thereof.

[Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Sections 650, 650.5, 650.6, 651, 651.3, 651.5, 651.6, 651.7, 651.8, 652, 653, 654, 655, 656, 656.5, 657, 657.5, 658, 658.1, 658.5, 658.6, 659, 660, 660.5, 661, 662, 662.5, and 665 of the Fish and Game Code are repealed. Repeals

SEC. 2. Section 650 is added to said code, to read:

650. It is unlawful to fish for salmon (*Oncorhynchus*) with spear, except as provided in Sections 654, and 656 or with snag or gaff-hooks, set lines, or lines having more than two attractor blades or more than three hooks per line, or to take any salmon except by angling in such a manner as to cause the salmon voluntarily to take the hook in its mouth. It is unlawful to fish for salmon with more than one line except under a valid commercial fishing license. The provisions of Sections 650 to 659, inclusive, do not affect any provisions of this code permitting the taking of salmon with nets as provided in Sections 860 and 861 of this code, or the taking of salmon by trolling in the ocean districts open to commercial salmon fishing by a holder of a valid commercial fishing license. Salmon Method of taking

SEC. 3. Section 651 is added to said code, to read:

Season: 651. In Districts 6, 7, 8, 9, 10, 11, 15, 16, 17, and 18, salmon
No bag may be taken by hook and line between April 1st and September
limit 15th. There is no bag limit. No such salmon may be less than
Size 25 inches in length, measured from the tip of the snout to the
extreme tip of the tail.

SEC. 4. Section 652 is added to said code, to read:

Season. 652. In Districts 6, 7, 8, 9, 10, 11, 15, 16, 17, and 18, salmon
Bag may be taken by angling between September 16th and December
limit 31st. The bag limit is two per day, irrespective of size. Not
more than one daily bag limit may be possessed by any person
during any one day. No such salmon may be sold.

SEC. 5. Section 653 is added to said code, to read:

Season. 653. Except as provided in Sections 654 and 656, in all other
Other districts salmon may be taken only by angling whenever an open
districts season for trout is specified for such district.

SEC. 6. Section 654 is added to said code, to read:

Season, et' 654. In that portion of the San Joaquin River lying within
Portions of the boundaries of San Joaquin and Stanislaus Counties in that
San portion of the Tuolumne River from its mouth to the highway
Joaquin, bridge opposite Waterford, in that portion of the Stanislaus
Tuolumne River from its mouth to the Santa Fe Railroad bridge opposite
and Riverbank, salmon may be taken by angling or with spear,
Stanislaus between April 1st and December 31st.
Rivers

SEC. 7. Section 655 is added to said code, to read:

Same. 655. In that portion of the San Joaquin River from the junc-
Portion of tion of the Stanislaus River with the San Joaquin River to the
San highway bridge opposite Mossdale and in that portion of the
Joaquin River lying in Merced County, salmon may be
River taken by angling between April 1st and December 31st.

SEC. 8. Section 656 is added to said code, to read:

Same 656. In that portion of the Merced River and its tributaries
Portion of lying above the Santa Fe Railroad bridge near the town of
Merced Cressey salmon may not be taken. In all other waters in Merced
River, etc County, except the San Joaquin River, salmon may be taken by
angling or with spear between April 1st and December 31st.

SEC. 9. Section 657 is added to said code, to read:

Bag 657. The bag limit for salmon 15 inches in length, or
limit. under, except in districts specified in Section 651, is 25 fish or 10
Under 15 pounds and one fish per day; provided, however, that not more
inches than 25 such salmon, trout and Rocky Mountain whitefish in the
aggregate of all species, nor more than 10 pounds of salmon,
trout and Rocky Mountain whitefish in the aggregate of all
species may be taken or possessed in any one day. No such
fish may be sold.

SEC. 10. Section 658 is added to said code, to read:

Same: 658. The bag limit on salmon over 15 inches in length in
Over 15 tidewater of the Klamath River is five per day irrespective of
inches size; the bag limit on salmon over 15 inches in length in all
districts except in tidewater of the Klamath River and as speci-
fied in Section 651 is two per day, irrespective of size. Not
more than one daily bag limit of salmon may be possessed by

any person during any one day. No such salmon may be sold.

SEC. 11. Section 659 is added to said code, to read :

659. All salmon under 25 inches in length taken in districts specified in Section 651 must be landed by means of a landing net or scoop net, and must be returned to the water immediately. All salmon trolling boats must be equipped with a landing net or scoop net. Landing
salmon
under 25
inches

SEC. 12. Section 660 is added to said code, to read :

660. It is unlawful to import into this State from without the State any chinook or silver salmon less than 25 inches in length, measured from the tip of the snout to the extreme tip of the tail. Importation

SEC. 13. Section 661 is added to said code, to read :

661. In Districts 6 and 7, salmon may be taken with hook and line, between April 1st and October 15th with no bag limit, but with size limit as provided in Section 651, and between October 16th and December 31st with a bag limit of two fish per day, irrespective of size. Districts
6 and 7

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted. Duration

SEC. 14. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health and safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

With the shortage of meats and other protein products, and the tremendous demands for fish and fish products, unless immediate protection be granted to the species of marine fish especially salmon, there will be such a depletion of salmon that, in the near future, the food supplies of State and Nation will be jeopardized, as well as the future of that species. Further, that the present laws relating to the taking of salmon are so confusing that but very few persons are able to interpret said laws, and thus be able to take salmon without violating some of those laws. In order to provide the protection for salmon which use our State waters for their normal functions of reproduction during the spring and summer months, it is declared necessary that this act take effect immediately.

CHAPTER 1129

Stats 1921,
p 133311,
amended

An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by amending Sections 7, 7.5, 8 and 9, relating to the escheat of property acquired in violation of the act, the duties of the Attorney General and of district attorneys and county counsels in enforcing the provisions of the act, the sale of real property acquired by the State under the act and the disposition of the proceeds thereof, and the burden of proof in certain instances; and declaring that this act shall take effect immediately.

In effect
immediately

[Approved by Governor July 9, 1945. Filed with Secretary of State
July 9, 1945]

The people of the State of California do enact as follows:

Stats 1923,
p 1020

SECTION 1. Section 7 of the act cited in the title hereof is amended to read:

Property
acquired
by alien

Sec. 7. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in Section 2 of this act, or by any company, association or corporation mentioned in Section 3 of this act, shall escheat as of the date of such acquiring, to, and become and remain the property of the State of California. The Attorney General shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by Section 474 of the Political Code and Title 8, Part 3 of the Code of Civil Procedure. When requested by the Attorney General it shall be the duty of the district attorney or the county counsel of the proper county to join him in the enforcement of all the provisions of this act and in the investigation of violations thereof and the instituting and carrying on of escheat proceedings under this section. The Attorney General shall supervise the work of the district attorneys and county counsels in all such matters. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California, as of the date of such acquisition in violation of the provisions of this act. The provisions of this section and of Sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon or interest in such property so long as such real property so acquired shall remain the property of the alien, company, association or cor-

Escheat
proceedings

poration acquiring the same in such manner. No alien, company, association or corporation mentioned in Section 2 or Section 3 hereof shall hold for a longer period than two years the possession of any agricultural land acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

SEC. 2. Section 7.5 of said act is amended to read :

Stats 1948,
p. 2917
Escheated
property
Sale

Sec. 7.5. Whenever any real property is acquired by the State by reason of the violation of this act, either by escheat or by other method, the State Controller is authorized, upon such terms and subject to such conditions as in his judgment is for the best interests of the State, to sell the real property for cash or on deferred payments. The sale may be at public auction or at private sale. If the sale is made at public auction, it shall be made to the highest bidder, after notice thereof, stating the terms of sale, given in the manner and for the time prescribed in Section 1274 of the Code of Civil Procedure. If the real property is sold at private sale, the sale and all the terms thereof shall be subject to the approval of the Director of Finance.

Whenever, in the judgment of the State Controller, he can not immediately sell such real property to the best interests of the State, he may take possession of the real property, and rent or lease for cash rental or share rental, manage, repair, insure against fire, and otherwise operate and control the property until such time as an advantageous sale can be made.

Notwithstanding any other provision of law to the contrary, any sale made by the State Controller of lands acquired under this act shall convey the full title so acquired, without any reservations.

Title
conveyed

The proceeds of any sale, lease, rental or other income from transactions made with respect to real or personal property pursuant to the provisions of this act, or upon the recovery of any money resulting from a proceeding to escheat real or personal property, or from a conveyance thereof to the State without such a proceeding, shall be deposited in the State treasury in the Alien Land Law Fund, which fund is hereby created. The Controller shall maintain a separate account in such fund covering the receipts and disbursements of moneys arising from the sale, rental or other transactions affecting real or personal property related to each escheat proceeding or to each conveyance or transfer to the State without such proceeding, as in this act provided.

Proceeds
from sale,
etc

All moneys deposited in the Alien Land Law Fund are hereby appropriated to pay the apportionments herein provided; to wit:

Alien Land
Law Fund

During the first 10 days of January, April, July, and October in each year, the Controller shall apportion and pay the balance remaining in each such separate account in the Alien Land Law Fund, as of the last day of the calendar month preceding the date of such apportionment, as follows: One-half thereof shall be transferred, on order of the Controller, to the School Land Fund, and one-half thereof shall be paid, by Controller's warrant, to the treasurer of the county in which was situated, in

Disposition

each case, as of the date of its escheat, conveyance or transfer to the State, the real or personal property from which the money so apportioned was derived.

Whenever all or any part of the balance in any such account in the Alien Land Law Fund was derived from real property or a leasehold interest in real property situated in more than one county, the amount thereof to be apportioned to such counties shall be apportioned and paid to each such county in the proportion which the acreage of such real property situated in such county bears to the total acreage of all such counties. The acreage to be employed by the Controller in making such apportionment shall be determined and furnished to him by the county surveyor of the county or counties participating in such apportionment. All money received by a county under this act shall be expended for the enforcement of this act and of other State laws or for the accomplishment of any other State purpose.

SEC. 3. Section 8 of said act is amended to read :

Sec. 8. Whenever any leasehold or other interest in real property, including cropping contracts which are hereby declared to constitute an interest in real property, but excluding interests in real property covered by Section 7 of this act, is hereafter created by any landlord or owner and acquired by any alien mentioned in Section 2 of this act, or any company, association or corporation mentioned in Section 3 of this act, in violation of the provisions of this act, then and in such event, all of the right, title and interest of such landlord or owner in and to said real property, other than a landlord or owner who has acted in good faith and after reasonable investigation, and the interest of such alien or such company, association, or corporation, in the real property shall escheat to the State of California as of the date of the creation and acquiring in violation of the provisions of this act. The Attorney General shall institute proceedings against both such landlord or such owner and such alien mentioned in Section 2 of this act or such company, association or corporation mentioned in Section 3 of this act, to have such escheat adjudged and enforced in the same manner as is provided in Section 7 of this act. When requested by the Attorney General it shall be the duty of the district attorney or the county counsel of the proper county to join him in the enforcement of all the provisions of this act and in the investigation of violations thereof and the instituting and carrying on of escheat proceedings under this section. The Attorney General shall supervise the work of the district attorneys and county counsels in all such matters. In the event that the interest of such landlord or owner is an interest less than the fee, then in such proceedings the court shall determine the value of all of the right, title, and interest of such landlord or owner, if any, and such alien, company, association, or corporation, as of the date of such acquisition in violation of the provisions of this act, and enter judgment for the State for the amount thereof together with costs. Thereupon the court shall order the sale of the right, title and

Stats 1943
p 2999
Escheat of
interest
acquired
by alien

interest of such landlord or owner and such alien or such company, association, or corporation as provided in Section 1271 of the Code of Civil Procedure. Upon the confirmation of such sale the court shall fix and determine the total costs and expenses of the county in which the case is tried in preparing and prosecuting such escheat cause, and same shall thereupon be repaid to said county out of the proceeds of the sale and the balance shall be paid into the State treasury.

The provisions of this section shall not apply to any real property hereafter acquired in the enforcement or satisfaction of any lien now existing upon or interest in such property so long as such real property so acquired shall remain the property of the alien, company, association, or corporation acquiring the same in such manner. No alien, company, association or corporation mentioned in Section 2 or in Section 3 of this act shall hold for a longer period than two years in possession of any agricultural land acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt. Exceptions

The provisions of this section shall not operate to divest any bona fide interest of any person, firm, corporation, or association, which is acquired in good faith and for value and not in violation of this act prior to the filing of a notice of lis pendens in connection with an action for escheat under the provisions of this act.

Any share of stock or the interest of any member in a company, association or corporation hereafter acquired in violation of the provisions of Section 3 of this act shall escheat to the State of California as of the date of such acquiring, and it is hereby declared that any such share of stock or the interest of any member in such a company, association or corporation so acquired in violation of the provisions of Section 3 of this act is an interest in real property. Such escheat shall be adjudged and enforced in the same manner as is provided in this section for the escheat of a leasehold or other interest in real property. Interests in shares of stock

SEC. 4. Section 9 of said act is amended to read :

Stats 1923, p. 1020

Sec. 9. Every transfer of real property, or of an interest therein, though colorable in form, shall be void as to the State and the interest thereby conveyed or sought to be conveyed shall escheat to the State as of the date of such transfer, if the property interest involved is of such a character that an alien mentioned in Section 2 hereof is inhibited from acquiring, possessing, enjoying, using, cultivating, occupying, transferring, transmitting or inheriting it, and if the conveyance is made with intent to prevent, evade or avoid escheat as provided for herein. Void conveyance in colorable form

A prima facie presumption that the conveyance is made with such intent shall arise upon proof of any of the following group of facts: Basis of presumption

(a) The taking of the property in the name of a person other than the persons mentioned in Section 2 hereof if the con-

sideration is paid or agreed or understood to be paid by an alien mentioned in Section 2 hereof;

(b) The taking of the property in the name of a company, association or corporation if the memberships or shares of stock therein held by aliens mentioned in Section 2 hereof, together with the memberships or shares of stock held by others but paid for or agreed or understood to be paid for by such aliens, would amount to a majority of the membership or issued capital stock of such company, association or corporation;

(c) The execution of a mortgage in favor of an alien mentioned in Section 2 hereof if such mortgagee is given possession, control or management of the property.

Burden
of proof

In each of the foregoing instances the burden of proof shall be upon the defendant to show that the conveyance was not made with intent to prevent, evade or avoid escheat.

Enforce-
ment of
act.

When requested by the Attorney General it shall be the duty of the district attorney or the county counsel of the proper county to join him in the enforcement of all the provisions of this act and in the investigation of violations thereof and the instituting and carrying on of escheat provisions. The Attorney General shall supervise the work of the district attorneys and county counsels in all such matters.

The enumeration in this section of certain presumptions shall not be so construed as to preclude other presumptions or inferences that reasonably may be made as to the existence of intent to prevent, evade or avoid escheat as provided for herein.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

A large number of violations of the Alien Land Laws of California have taken place, over a considerable period of time, as a result of which substantial areas of land have been illegally acquired and are now being held by aliens ineligible to citizenship. This not only deprives citizens and those eligible to become such of the right to acquire and enjoy the use of these lands, but it engenders a lack of respect for the laws of this State and their enforcement, both on the part of ineligible aliens and citizens. There exists a feeling of uncertainty and distrust as to the lawful ownership of land in many localities of the State, with resultant growing resentment and threatened unrest. The prosecution of proper proceedings to escheat lands illegally acquired to the State and bring about their sale to those legally qualified to own and enjoy them is necessary at this time. Because of the crafty manner in which the subterfuges and evasions have been perpetrated, the task of uncovering these violations and conducting the necessary legal proceedings is extremely difficult, and requires the combined effort of the law agencies of the State. To meet the need the Attorney General must be fully implemented and the district attorneys and county

counsels must join in this important work, with appropriate provision for the allocation and payment to the counties of a proper share of whatever proceeds result from escheat proceedings involving property situate therein.

CHAPTER 1130

An act to add Sections 8007 and 8008 to the Education Code, relating to the maintenance of public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 8007 is added to the Education Code, to read:

8007. Whenever a school building or buildings of a school district are or have been destroyed, or made unusable through any cause for the maintenance of school, and the Superintendent of Public Instruction is satisfied no suitable quarters for the school can be or could have been obtained within the district, he may authorize the governing board of the district to maintain a school elsewhere than within the district or to contract for the education of the pupils of such district with the governing board of another district and may approve any such action heretofore taken during the school year 1944-1945 by the governing board of a school district.

Maintaining school outside of district, where building destroyed or unusable

The maintenance of a school by a district outside the boundaries of the district or the making of a contract by the governing board of a district as provided in this article shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

Duration

SEC. 2. Section 8008 is added to said code, to read:

8008. Whenever the governing board of a school district is unable to maintain the school or schools in the district because of its inability to secure a teacher, or teachers, the board may, with the approval of the county superintendent of schools having jurisdiction and the Superintendent of Public Instruction, maintain the school, or schools, of the district elsewhere than within the district or contract for the education of the pupils of such school, or schools, with the governing board of another district.

Maintaining school outside district, etc., when unable to secure teachers

The maintenance of a school by a district outside the boundaries of the district or the making of a contract by the governing board of a district as provided in this article shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

Duration

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Conditions now existing resulting from the war in which the United States is now engaged have made it impossible for the governing boards of several districts, the school buildings of which have been destroyed or made unusable, to secure housing for such schools within the districts. In order to make possible the uninterrupted education of the children affected in such cases, it is necessary that this act take immediate effect.

CHAPTER 1131

An act to add Chapter 4 to Part 3 of the Harbors and Navigation Code, relating to the issuance of revenue bonds, and declaring emergency.

In effect immediately

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 is hereby added to Part 3 of the code cited in the title to read as follows:

CHAPTER 4. REVENUE BONDS

Revenue bonds

6100. Pursuant to this chapter a district may create a revenue bond indebtedness for the acquisition and construction, or acquisition or construction of any improvements or property or facilities contained within its powers.

Issuance

6101. The issuance of said bonds shall be authorized by ordinance adopted by two-thirds of all the members of the board, to take effect upon its publication.

Publication of ordinance

6102. The secretary shall publish said ordinance once in a newspaper of general circulation printed in said district, and if there is none, then in such newspaper published in the county in which said district is located.

Contents of ordinance

6103. Said ordinance shall specify the total amount, denomination, method of maturity, and the rate or maximum rate

of interest of said bonds, and in general terms, the acquisitions and improvements to be constructed thereby; and, in addition, shall contain such other and further provisions as in the judgment of the board are deemed advisable.

6104. The proceeds of said bonds shall be placed in an account in the treasury of the district to be entitled Harbor District Revenue Construction Fund No. _____, and used exclusively for the objects and purposes mentioned in the ordinance. Bonds Proceeds

6105. The lien of said bonds of the same issue shall be prior and superior to all revenue bonds subsequently issued. Lien of bonds

6106. Proceedings for the issuance of said bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as now or hereafter provided in the applicable provision of subdivisions (d) and (f) of Section 3, and Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the Sanitation and Sewer Revenue Bond Act of 1941. As used therein the word "resolution" shall mean ordinance, the word "municipality" shall mean district, and the words "governing body" shall mean board. Law applicable to proceedings, etc.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Because of the questionable amount of benefit of a harbor development to land in the vicinity of some harbors, revenue bonds lend themselves advantageously to the development of such harbors. In such areas the assessed valuation of the properties in the district are seldom sufficient to support a bond issue in an amount sufficient to acquire or construct adequate improvements. Harbors so situated and requiring improvements are engaged in industries which further the war effort, and which will promote the postwar economic and general welfare

CHAPTER 1132

An act to amend Section 5216 of the Education Code, and to add Sections 6929.1 and 6931.1 to said code, all relating to the supervision of instruction in elementary schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Education Code Section 5216 is amended to read:

5216. There shall be in each county treasury a fund known as the county elementary school supervision fund, into which County elementary school supervision fund

shall be paid all moneys apportioned to the fund. The county elementary school supervision fund shall be expended by the county superintendent of schools, except as otherwise provided by this code, exclusively for the payment of the salaries and necessary expenses of supervisors to supervise instruction in the elementary school districts of the county having less than 900 units of average daily attendance during the next preceding school year, and for the furnishing of such clerical help, supplies, and equipment to the supervisors as the county superintendent of schools deems necessary.

SEC. 2. Section 6929.1 is added to said code, to read:

Teacher
units
allowed
to fund

6929.1. One teacher unit shall be allowed to the county elementary school supervision fund of the county for each 500 or major fraction of 500 units of average daily attendance in the aggregate in all the elementary school districts of the county, including union elementary school districts, having an average daily attendance of 300 or more but less than 900 units of average daily attendance during the preceding school year.

SEC. 3. Section 6931.1 is added to said code, to read:

Same

6931.1. The Superintendent of Public Instruction shall also allow one teacher unit to the county elementary school supervision fund of the county for each 500 or major fraction of 500 units of average daily attendance in the aggregate in all the elementary school districts of the county, including union elementary school districts, having an average daily attendance of 300 or more but less than 900 units of average daily attendance during the preceding school year.

Effect
Stats. 1945,
Ch 678

SEC. 4. Section 3 of this act shall take effect only if Chapter 13.5 of Division 3 of the Education Code is enacted by the Legislature at its Fifty-sixth Session and, in such case, at the time said Chapter 13.5 takes effect, Education Code Section 6929.1 added by this act is hereby repealed.

Repeal

Urgency

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The adequate supervision of the instruction given pupils in the elementary schools is essential to secure the most effective instruction of pupils. Inasmuch as the purpose of this act is to assure more adequate supervision of pupils in the elementary schools, it is necessary, in order to permit the accomplishment of such purpose at the earliest possible time, that this act take effect immediately.

CHAPTER 1133

An act to amend Sections 17053.5 and 19202 of, and to add Section 19203.5 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 17053 5 of the Revenue and Taxation Code is amended to read:

See also Stats 1945, Ch 646 Simplified return

17053.5. (a) With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, in lieu of the tax imposed under Section 17052, as limited by Sections 19200 and 19201.5 of this code, there shall be levied, collected and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than five thousand dollars (\$5,000) and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table:

The tax shall be—				
If the adjusted gross income is over—	But not over—	Single person (not head of family)	Married person making separate return	(1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of family
\$2,200	\$2,250	\$0	\$0	\$0
2,250	2,300	0	0	0
2,300	2,350	0	0	0
2,350	2,400	0	0	0
2,400	2,450	0	0	0
2,450	2,500	0	.77	0
2,500	2,550	0	1.24	0
2,550	2,600	0	1.71	0
2,600	2,650	0	2.18	0
2,650	2,700	0	2.65	0
2,700	2,750	0	3.12	0
2,750	2,800	0	3.59	0
2,800	2,850	0	4.06	0
2,850	2,900	0	4.53	0
2,900	2,950	0	5.00	0
2,950	3,000	0	5.47	0

The tax shall be—				
If the adjusted gross income is over—	But not over—	Single per- son (not head of family)	Married per- son making separate return	(1) Mar- ried per- son whose spouse has no gross income, or (2) mar- ried person making joint return, or (3) head of family
\$3,000	\$3,050	\$0	\$5.94	\$0
3,050	3,100	0	6.41	0
3,100	3,150	0	6.88	0
3,150	3,200	0	7.35	0
3,200	3,250	0	7.82	0
3,250	3,300	.79	8.29	0
3,300	3,350	1.26	8.76	0
3,350	3,400	1.73	9.23	0
3,400	3,450	2.20	9.70	0
3,450	3,500	2.67	10.17	0
3,500	3,550	3.14	10.64	0
3,550	3,600	3.61	11.11	0
3,600	3,650	4.08	11.58	0
3,650	3,700	4.55	12.05	0
3,700	3,750	5.02	12.52	0
3,750	3,800	5.49	12.99	0
3,800	3,850	5.96	13.46	0
3,850	3,900	6.43	13.93	0
3,900	3,950	6.90	14.40	0
3,950	4,000	7.37	14.87	0
4,000	4,050	7.84	15.34	0
4,050	4,100	8.31	15.81	0
4,100	4,150	8.78	16.28	0
4,150	4,200	9.25	16.75	0
4,200	4,250	9.72	17.22	0
4,250	4,300	10.19	17.69	0
4,300	4,350	10.66	18.16	0
4,350	4,400	11.13	18.63	0
4,400	4,450	11.60	19.10	0
4,450	4,500	12.07	19.57	0
4,500	4,550	12.54	20.04	0
4,550	4,600	13.01	20.51	0
4,600	4,650	13.48	20.98	0
4,650	4,700	13.95	21.45	0
4,700	4,750	14.42	21.92	0
4,750	4,800	14.89	22.39	0
4,800	4,850	15.36	22.86	0
4,850	4,900	15.83	23.33	.83
4,900	4,950	16.30	23.80	1.30
4,950	4,999.99	16.77	24.27	1.77

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income four hundred dollars (\$400) for each such dependent.

(b) For the purpose of this section—

Definitions

(1) "Married person" means a married person on the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17952.

(3) An individual not a head of a family or a married person shall be treated as a single person.

(4) "Head of family" means a head of family on the last day of the taxable year, unless such person dies during the taxable year, in which case such determination shall be made as of the date of death.

(c) This section shall not apply to an estate or trust, an individual filing a return for a period of less than 12 months on account of a change in the accounting period, or to a married individual whose spouse files a return at any time during the taxable year and computes the tax without regard to this section.

Returns excluded

SEC. 2. Section 19202 of said code is amended to read:

See also Stats. 1945, Ch 646 Credits against net income of estates and trusts

19202. With respect to taxable years beginning after December 31, 1942, and before January 1, 1947, there shall be allowed as a credit against net income, in the case of an estate, an exemption of one thousand five hundred dollars (\$1,500) and, in the case of a trust, an exemption of one hundred dollars (\$100).

SEC. 3. Section 19203.5 is added to said code, to read:

19203.5. With respect to taxable years beginning after December 31, 1944, and before January 1, 1947, every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year

Individual return

(a) A net income of three thousand dollars (\$3,000) or over, if single;

(b) A net income of four thousand five hundred dollars (\$4,500) or over, if married; or

(c) A gross income of six thousand dollars (\$6,000) or over, regardless of the amount of net income.

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Tax levy

CHAPTER 1134

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to taxation of property.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

“Taxing
agency”

SECTION 1. As used in this act “Taxing agency” includes the State, county, and city. “Taxing agency” also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

“Revenue
district”

SEC. 2. As used in this act “Revenue district” includes every city and district for which the county officers assess property and collect taxes or assessments.

Validation

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

Scope of
act

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

Consta-
tutionality

SEC. 5. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 1135

An act to amend Section 28 of the Agricultural Code, relating to funds.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 28 of the Agricultural Code is amended to read:

Share of
adminis-
trative
expense
charged to
special
fund
agencies

28 Any bureau, division, board or other agency of the department which is supported otherwise than by the appropriations from the General Fund in the State treasury may be charged its proportionate share of the administrative expense of the department or may be charged a share computed to

reasonably compensate for the administrative services rendered by the department; apportionment of such expenses shall be made and determined by the director, subject to the approval of the Director of Finance; but the proportionate or computed share so charged shall not exceed 5 per cent of the collections made by the department for such bureau, division, board or other agency.

All moneys charged and received by the department for such proportionate or computed share as reimbursement for administrative expense shall be remitted to the State treasury for credit to the current appropriation from the General Fund of the State for the support of the department, and said sum so remitted shall be available for expenditure for the support of said department.

CHAPTER 1136

An act to add Section 8.5 to an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, relating to statutes of limitation, and declaring the effect of this law.

Stats 1921,
p. lxxviii,
amended

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 8.5 is added to the act cited in the title hereof to read:

Sec. 8.5. No statute of limitations shall apply or operate as a bar to any escheat action or proceeding now pending or hereafter commenced pursuant to the provisions of this act.

Statute of
limitations

SEC. 2. The amendment made by this act does not constitute a change in, but is declaratory of, the preexisting law.

Preexisting
law

CHAPTER 1137

An act to amend Section 14797 of the Revenue and Taxation Code, relating to maximum commissions that may be retained by county treasurers out of inheritance taxes.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 14797 of the Revenue and Taxation Code is amended to read:

Maximum
yearly
commissions

14797. The maximum commissions that may be retained by the county treasurer out of the total inheritance taxes paid to and accounted for by him in any one year are as follows:

(a) By the county treasurer of a county of the first class, twenty thousand dollars (\$20,000).

(b) By the county treasurer of a county of the second class, seventeen thousand dollars (\$17,000).

(c) By the county treasurer of a county of the third class, twelve thousand dollars (\$12,000).

(d) By the county treasurer of a county of any other class, five thousand dollars (\$5,000).

CHAPTER 1138

An act to add a new article to Chapter 13 of Part 10 of the Revenue and Taxation Code to be numbered Article 5, relating to the authority of the Franchise Tax Commissioner to enter into closing agreements in respect to personal income taxes for any taxable period.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. A new article is hereby added to Chapter 13 of Part 10 of the Revenue and Taxation Code to read as follows:

Article 5. Closing Agreements

Agreement
in respect
to tax levy

19132. The commissioner or any person authorized in writing by the commissioner is authorized to enter into an agreement in writing with any person (or of the person or estate for whom he acts) in respect of any tax levied under Part 10 of this code for any taxable period.

If such agreement is approved by the State Board of Control, within such time as may be stated in the agreement, or later agreed to, such agreement shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the State, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

CHAPTER 1139

An act to amend Section 714 of, and to add Section 717.1 to, the Code of Civil Procedure, relating to execution on the property of the judgment debtor.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 714 of the Code of Civil Procedure is amended to read:

714. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, issued to the sheriff, or a constable, or marshal of the county where he resides, or if he does not reside in this State, to the sheriff, or a constable, or marshal of the county where the judgment roll is filed, or the judgment entered in the justices' docket, is returned unsatisfied in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from a judge or justice of the court, requiring such judgment debtor to appear and answer concerning his property before such judge or justice, or a referee appointed by him, at a time and place specified in the order.

Examination
of judgment
debtor

SEC. 2. Section 717.1 is added to the Code of Civil Procedure, to read:

717.1. Neither a judgment debtor nor a debtor of a judgment debtor shall be required to attend before a judge, justice or referee outside of the county in which he resides or in which he has a place of business.

Same
Limitations

CHAPTER 1140

An act to amend Section 226 of the Labor Code, relating to wages.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Labor Code is amended to read:

226. Every employer shall semimonthly or at the time of each payment of wages furnish each of his employees either as

Wage
deduction
statement

a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing all deductions made from such wages; provided, all deductions made on written orders of the employee may be aggregated and shown as one item.

CHAPTER 1141

An act to repeal Section 1100 of the Labor Code, relating to political affiliations of employees.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 1100 of the Labor Code is repealed.

CHAPTER 1142

An act to repeal Chapter 2 of Division 20 of the Health and Safety Code, and to reenact the provisions thereof as Part 6 of Division 5 of the Labor Code, relating to tanks and boilers.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 of Division 20 of the Health and Safety Code is repealed.

SLC. 2. Part 6 is added to Division 5 of the Labor Code, to read:

PART 6. TANKS AND BOILERS

CHAPTER 1. SCOPE OF CHAPTER AND GENERAL PROVISIONS

"Division" 7620. "Division," as used in this part, means the Division of Industrial Safety.

"Boiler" 7621. "Boiler," as used in this part, means any steam boiler subject to this part.

"Tank" 7622. "Tank," as used in this part, means any air pressure tank subject to this part.

Scope 7623. This part applies to all steam boilers and air pressure tanks which are not specifically exempted in this chapter.

Tanks exempted 7624. The following air pressure tanks are not subject to this part:

(a) Air pressure tanks under the jurisdiction or inspection of the United States Government.

(b) Air pressure tanks used in household domestic service.

(c) Air pressure tanks of 1½ cubic feet or less in capacity and installed as part of a motor vehicle or its trucking or accessory equipment and not subject to a maximum pressure of more than 150 pounds per square inch.

(d) Air pressure tanks installed on units of transportation, including trucks, buses and streetcars, which units of transportation are operated by any person, firm or corporation subject to the jurisdiction of the Interstate Commerce Commission or the California Railroad Commission.

7625. The following steam boilers are not subject to this part: Boilers exempted

(a) Boilers under the jurisdiction or inspection of the United States Government, and all other boilers operated by employers not subject to Division 4 of this code.

(b) Boilers on which the pressure does not exceed 15 pounds per square inch.

(c) Automobile boilers and boilers on road motor vehicles.

7626. This part does not limit the authority of the division to prescribe or enforce general or special safety orders. Safety orders

CHAPTER 2. ADMINISTRATION

7650. Inspections required by this part may be made by inspectors employed by the division or by a certified inspector. Certified inspectors

A certified inspector is one who has an unrevoked certificate of competency issued pursuant to this part, and who is employed by any of the following:

(a) A county.

(b) A city.

(c) An insurer.

(d) A person, for the purpose of testing only tanks or boilers owned by him.

7651. A certificate of competency may be obtained by application made to the division. Certificate Application

7652. The division may determine by examination the competency of an applicant for a certificate of competency. Examination

7653. Upon good cause being shown therefor, the division may revoke a certificate of competency. Revocation

7654. Within 21 days after each inspection made by him, every certified inspector shall forward a report of his inspection to the division on the forms provided by it. His certificate of competency may be revoked by the division for failure to comply with this section. Report by inspector

CHAPTER 3. OPERATION OF TANKS AND BOILERS

7680. No tank or boiler shall be operated unless a permit for its operation has been issued by the division. Permit to operate

7681. The division shall inspect or cause to be inspected each tank at least every two years. Inspection of tanks

7682. The division shall inspect or cause to be inspected each boiler, internally and externally, at least every year. Inspection of boilers

- Permit** 7683. If a tank or boiler is found to be in a safe condition for operation, a permit shall be issued by the division for its operation.
 In the case of a tank, the permit shall continue in effect for not longer than two years.
 In the case of a boiler, the permit shall continue in effect for not longer than one year.
- Same: Displaying** 7684. Each permit shall be posted under glass in a conspicuous place on or near the tank or boiler covered by it.
- Renewal, etc** 7685. The division may issue and renew temporary permits for not to exceed 30 days each, pending the making of replacements or repairs.
- Revocation** 7686. Upon good cause being shown therefor, and after notice and an opportunity to be heard, the division may revoke any permit.
- Order requiring repairs** 7687. If the inspection shows a tank or boiler to be in an unsafe or dangerous condition, the division may issue a preliminary order requiring such repairs or alterations to be made to it as are necessary to render it safe, and may order its use discontinued until the repairs or alterations are made or the dangerous or unsafe condition is remedied.
- Hearing on order** 7688. Unless the preliminary order is complied with, a hearing before the division shall be allowed, upon request, at which the owner, operator, or other person in charge of the tank or boiler may appear and show cause why he should not comply with the order.
- Decision** 7689. If it thereafter appears to the division that the tank or boiler is unsafe and that the requirements contained in the preliminary order should be complied with, or that other things should be done to make the tank or boiler safe, the division may order or confirm the withholding of the permit and may make such requirements as it deems proper for the repair or alteration of the tank or boiler, or the correction of the dangerous and unsafe conditions.
- Court review** 7690. The order may be reheard by the division, or reviewed by the courts, in the manner specified by this code for safety orders, and not otherwise.
- Injunction** 7691. If the operation of a tank or boiler without a permit constitutes a serious menace to the life or safety of any person employed about it, the division or any of its safety inspectors, or any person affected thereby, may apply to the superior court of the county in which the tank or boiler is situated for an injunction restraining its operation until the condition has been corrected or a permit secured.
- Restraining order** 7692. The certificate of the division that no permit exists for the operation of a tank or boiler, and the affidavit of any safety inspector of the division that its operation constitutes a menace to the life or safety of any person employed about it, is sufficient proof to warrant the immediate granting of a temporary restraining order.

CHAPTER 4. INSPECTION FEES

7720. No fee shall be charged by the division where an inspection is made by a certified inspector. Fees

7721. The division shall fix and collect fees for the inspection of tanks, not exceeding three dollars (\$3) for each inspection. Same

7722. The division shall collect fees for the inspection of boilers as follows: Same

(a) For boilers 20 inches or less in diameter, or less than three horsepower:

(1) External inspection, two dollars (\$2).

(2) Internal inspection, three dollars (\$3).

(b) For fire tube boilers over 20 inches in diameter:

(1) External inspection, three dollars (\$3).

(2) Internal inspection, seven dollars and fifty cents (\$7.50).

(c) For water tube boilers:

(1) External inspection, five dollars (\$5).

(2) Internal inspection, fifteen dollars (\$15).

7723. All inspection fees shall be paid before the issuance of a permit. Payment

7724. The inspection fees collected under this article shall be paid into the General Fund. Disposition

CHAPTER 5. OFFENSES

7750. Except during the time that a request for a permit remains unacted upon, every person owning or having the custody, management, or operation of a tank or boiler who operates it without a permit issued pursuant to this part is guilty of a misdemeanor. Penalty

The operation of a tank or boiler without a permit constitutes a separate offense for each day that it is so operated.

CHAPTER 6. MISMANAGEMENT OF STEAM BOILERS

7770. Every engineer or other person having charge of any steam-boiler, steam-engine, or other apparatus for generating or employing steam, used in any manufactory, railway, or other mechanical works, who wilfully, or from ignorance or from gross neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine or apparatus, or to cause any other accident whereby human life is endangered, is guilty of a felony. Bursting boiler, etc.: Endangering life

7771. Every person having charge of any steam-boiler, steam-engine, or other apparatus for generating or employing steam, used in any manufactory, railroad, vessel, or other mechanical works, who wilfully, or from ignorance or neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine, or apparatus, or to cause any other accident whereby the death of a human being is caused, is punishable by imprisonment in the State prison for not less than one nor more than 10 years. Same: Causing death

CHAPTER 1143

An act to amend Sections 12100, 12150, 12300, and 12400 of the Government Code and Section 141 of the Education Code, relating to the salaries of State officers.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 111

Lieutenant
Governor

See also
Stats 1945,
Ch 111

Secretary
of State

See also
Stats 1945,
Ch 111

State
Treasurer

See also
Stats 1945,
Ch 111

Controller

Superin-
tendent of
Public
Instruction

SECTION 1. Section 12100 of the Government Code is amended to read:

12100. The annual salary of the Lieutenant Governor is ten thousand dollars (\$10,000).

SEC. 2. Section 12150 of the Government Code is amended to read:

12150. The annual salary of the Secretary of State is ten thousand dollars (\$10,000).

SEC. 3. Section 12300 of the Government Code is amended to read:

12300 The annual salary of the State Treasurer is ten thousand dollars (\$10,000).

SEC. 4. Section 12400 of the Government Code is amended to read:

12400. The annual salary of the Controller is ten thousand dollars (\$10,000).

SEC. 5. Section 141 of the Education Code is amended to read:

141. The annual salary of the Superintendent of Public Instruction is ten thousand dollars (\$10,000). He shall execute an official bond in the sum of ten thousand dollars (\$10,000).

CHAPTER 1144

An act to add Sections 17531.5 and 17533.5 to the Business and Professions Code, prohibiting the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 17531.5 is added to the Business and Professions Code, to read:

Surplus
materials
Advertising
sale

17531.5. It is unlawful for any person, firm or corporation, in any newspaper, magazine, circular, form letter or any open publication, published, distributed or circulated in the State of California or on any billboard, card, label or other advertising medium, or by means of any other advertising device, to

advertise, call attention to or give publicity to the sale of any merchandise, which merchandise is surplus materials as defined in the Federal Surplus Property Act of 1944, being Chapter 479, Public Laws United States 457, approved October 3, 1944, unless there be conspicuously displayed directly in connection with the name and description of such merchandise and each specified article, unit or part thereof, a direct and unequivocal statement, phrase, or word which will clearly indicate that such merchandise or each article, unit or part thereof so advertised is or consists of surplus materials as defined in the Federal Surplus Property Act of 1944.

SEC. 2. Section 17533.5 is added to the Business and Professions Code, to read:

17533.5. It shall be unlawful for any person, firm, corporation or association to sell or offer for sale any surplus materials as defined in the Federal Surplus Property Act of 1944, being Chapter 479, Public Laws United States 457, approved October 3, 1944, if such person, firm, corporation or association does business, carries on or trades under or in any way uses in dealing with the public, directly or indirectly, any name which by reason of the inclusion of a word or words such as "Army," "Navy," "United States," "Federal," "treasury," "procurement," "G. I.," or any others which connote the United States Government or its armed forces or any of its departments or agencies, has a tendency to lead the purchasing public to believe, contrary to fact, that the establishment at which such materials are offered for sale has some official relationship to the United States Government or that all of the articles sold or offered for sale are such surplus materials or that the articles there sold are of higher quality and lower prices than those elsewhere obtainable; provided, however, that this section shall not prohibit the continued use of a trade name by an establishment which for three years prior to the effective date of this section has continually used such word or words as its trade name or as a portion thereof. Same Name, etc of seller
Exception

CHAPTER 1145

An act amending Section 56 of the Civil Code, relating to the granting of permission to minors to marry by the superior court.

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 56 of the Civil Code is amended to read:

56. Any unmarried male of the age of 21 years or upwards, and any unmarried female of the age of 18 years or upwards, and not otherwise disqualified, is capable of consenting to and consummating marriage; provided, that any male unde- Marriage
Consent

age of 21 years and over the age of 18 years and any female under the age of 18 years and over the age of 16 years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed by the clerk issuing the marriage license, as provided in Section 69 of the Civil Code, is capable of consenting to and consummating marriage; provided, further, that any male under the age of 18 years and any female under the age of 16 years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed with the clerk issuing the marriage license, as provided in Section 69 of the Civil Code and where, after such showing as the superior court may require an order of said superior court is made, granting permission to said person to marry, is capable of consenting to and consummating marriage.

CHAPTER 1146

An act to amend Section 13841.1 of the Education Code, relating to leaves of absences for persons employed by school districts in positions requiring certification qualifications.

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 13841.1 of the Education Code is amended to read:

Sick
leave

13841.1. Every person employed by a school district in a position requiring certification qualifications shall be entitled to five days leave of absence for illness or injury and such additional days in addition thereto as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a school year of service. If such employee does not take the full amount of leave allowed in any school year under this section the amount not taken shall be accumulated from year to year up to a total of 25 days, or such additional days as the governing board may allow.

Rules

The governing board of each school district shall adopt rules and regulations requiring, and prescribing the manner of proof of illness or injury for the purposes of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well recognized church or denomination.

Exceptious

Nothing in this section shall be deemed to modify or repeal any provision of law contained in Article 3 of Chapter 6 of Division 3 of the Health and Safety Code.

The provisions of Section 13841 relating to compensation, shall not apply to the first five days of absence of any such

employee on account of illness or accident or to such additional days granted by the governing board.

Nothing in this section contained shall apply to any employee of any school district controlled by a governing board which has under its control a district or districts having a combined average daily attendance of 100,000 or more, and which had on April 1, 1943, a rule providing for the payment of sick leave salary to its certificated employees, so long as such district maintains such rule, or a rule as favorable to its certificated employees, in effect.

CHAPTER 1147

An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7 and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of buildings, including the securing of building permits and the prescribing of the fees therefor.

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 19132 of the Health and Safety Code is hereby amended to read as follows:

19132. The applicant shall file with his application:

- (a) A complete set of the plans of the work proposed.
- (b) A set of specifications describing the materials to be used in the work.
- (c) The fee prescribed for filing an application for a building permit.

Building
permit
Application

SEC. 2. Section 19132.3 is hereby added to the Health and Safety Code, to read as follows:

19132.3. The following are the fees which shall be paid on filing an application for a permit: Same: Fees

- (a) If the work to be done will not exceed fifty dollars (\$50) in cost, no fee is required.
- (b) If the work to be done will exceed fifty dollars (\$50) in cost, the fee is two dollars (\$2) if the cost does not exceed one thousand one dollars (\$1,001), and an additional two dollars (\$2) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of one thousand one dollars (\$1,001) to and including fifteen thousand dollars (\$15,000).
- (c) If the work to be done will exceed fifteen thousand dollars (\$15,000) in cost, the fee is thirty dollars (\$30), and an additional one dollar (\$1) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of fifteen thousand dollars (\$15,000) to and including fifty thousand dollars (\$50,000).

(d) If the work to be done will exceed fifty thousand dollars (\$50,000) in cost, the fee is sixty-five dollars (\$65) and an additional fifty cents (\$0.50) for each additional one thousand dollars (\$1 000) or fraction thereof in excess of fifty thousand dollars (\$50,000).

Whenever the governing body of any city or county determines that the expenses of the enforcement agency subject to its jurisdiction incurred in the issuing of permits, including examining the applications, plans, and specifications filed with the enforcing agency, are not met by the fees prescribed in this section, such governing body may adopt an ordinance prescribing such fees for filing applications as will pay the expenses of the enforcement agency incurred in issuing permits pursuant to this chapter.

SEC. 3. Section 19132.5 is hereby added to the Health and Safety Code, to read as follows:

Fees where work started prior to obtaining permit
19132.5. Where work for which a permit is required by this chapter is started or proceeded with prior to the obtaining of such permit, the fees prescribed in Section 19132.3 shall be doubled. The payment of such double fee does not relieve any person from fully complying with the requirements of this chapter in the execution of the work

SEC. 4. Section 19132.7 is hereby added to the Health and Safety Code, to read as follows:

Fees based on estimate of cost
Records
19132.7. The enforcement agency shall determine the cost of the work to be done for which the applicant desires a permit, and shall be guided by approved estimating practices. The enforcement agency shall keep a permanent account of all fees received under this chapter, the names of the persons upon whose account the same were paid, the date and the amount thereof, and the location of the building or premises to which they relate. All fees received shall be paid into the treasury of the city or county.

SEC. 5. Section 19132.9 is hereby added to the Health and Safety Code, to read as follows:

Exemption from fees
19132.9. The United States, the State of California, school districts, counties and cities shall not be required to pay a fee for filing an application for a building permit pursuant to this chapter.

SEC 6. Section 19138 of the Health and Safety Code is hereby amended to read as follows:

Filing under State Housing Act, Div. 13, Pt. 1, H. and S. C.
19138. In any case where a building subject to this chapter is also subject to the permit provisions of the State Housing Act, it shall not be necessary to make duplicate filings of plans and specifications hereunder, to include in the application a detailed statement of the work to be done, nor shall it be necessary to pay a fee for filing an application for a building permit under this chapter if a fee is prescribed by local ordinance for a permit under the State Housing Act. In such cases, the application hereunder may contain a general statement of the work to be done, with a specific reference to the application, plans, and specifications filed under the State Housing Act.

CHAPTER 1148

An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas, documents and certificates authorizing service in the public schools.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 12755 of the Education Code is amended to read:

12755. Upon the becoming final of the conviction of the holder of any credential, including a life diploma, or document, issued by the State Board of Education of a violation, or attempted violation, of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194-232, both inclusive, 244, 245, 261 to 267, both inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, 503 and 504, or of Welfare and Institutions Code Section 702, the State Board of Education shall forthwith revoke the credential, life diploma, or document.

SEC. 2. Section 12784 of the Education Code is amended to read:

12784. Upon the becoming final of the conviction of the holder of a certificate issued by a county board of education of a violation or attempted violation of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194-232, both inclusive, 244, 245, 261 to 267, inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, 503 and 504, or of Welfare and Institutions Code Section 702, the county board of education shall forthwith revoke the certificate.

CHAPTER 1149

An act to amend Section 1031 of, and to add Sections 1032.6 and 1033.7 to, the Code of Civil Procedure, relating to costs and interest after judgment.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1031 of the Code of Civil Procedure is amended to read:

1031. In municipal courts and justices' courts the prevailing party, including a defendant as to whom the action is dismissed, is entitled to his costs and necessary disbursements;

Costs in
municipal
and justices'
courts

provided, that where the prevailing party recovers less than the sum of fifty dollars (\$50) principal and interest, the court may, in its discretion, allow or deny costs to such prevailing party, or may allow costs in part in such amount as it may deem proper.

Attorney's
fee

In actions for the recovery of wages for labor performed, where the amount of the demand, exclusive of interest, does not exceed three hundred dollars (\$300), the court shall add, as part of the cost, in any judgment recovered by the plaintiff, an attorney's fee not exceeding 20 per cent of the amount recovered.

SEC. 2. Section 1032.6 is added to the Code of Civil Procedure, to read:

Costs, etc.,
in aid of
execution

1032.6. In superior courts, municipal courts, and justices' courts, the judgment creditor is entitled to the costs and necessary disbursements of proceedings taken by him in aid of an execution upon any judgment rendered therein.

SEC. 3. Section 1033.7 is added to the Code of Civil Procedure, to read:

Judgment
creditor.
Cost bill

1033.7. A judgment creditor who asks for a writ of execution to be issued with accrued interest or accrued costs included therein, prior to the issuance of said writ shall file with the clerk of the court, or the justice if there be no clerk, and serve upon the judgment debtor either personally or by mail not later than five days after the issuance of the writ, a cost bill after judgment, setting out the following information:

Contents

1. If he claims accrued interest, the computation thereof;
2. If he claims accrued costs, the items of his costs and necessary disbursements after judgment;
3. The items and total of all payments on account and partial satisfactions with the dates thereof, and
4. The net balance then actually due on said judgment

Said cost bill after judgment shall be verified by the oath of the judgment creditor or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items and statements are correct and that the disbursements have been necessarily incurred in the action or proceeding.

Upon the filing of the cost bill after judgment as herein provided, a writ of execution may be issued including accrued interest and accrued costs.

Filing

If a cost bill after judgment has not been filed prior to the issuance of the writ of execution, then the clerk or justice shall strike out of the writ of execution the reference to the amount of accrued interest and accrued costs. The issuance of a writ of execution without the inclusion therein of accrued interest or accrued costs to which the judgment creditor may be entitled shall not prejudice a later claim therefor.

Filing
copy

A copy of said cost bill after judgment shall be filed with the officer who executes said writ of execution, otherwise the officer is not required to collect the accrued interest or accrued costs.

A cost bill after judgment need not repeat the items set out in a prior cost bill or bills but may incorporate them by reference.

A judgment debtor dissatisfied with the accrued interest or accrued costs claimed, within five days after the service of a copy of the cost bill after judgment, may file a motion to have the costs taxed by the court in which the judgment was rendered, or by the judge or justice thereof at chambers.

Motion
to tax
costs

CHAPTER 1150

An act to amend Section 18711 of the Government Code, relating to affiliations by the State Personnel Board.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 18711 of the Government Code is hereby amended to read as follows:

See also
Stats 1945,
Ch 123

18711. The board may join associations of personnel agencies having as their purpose the interchanging or supplying of information relating to the technique of personnel administration.

Interchange
of
information

CHAPTER 1151

An act to amend Sections 3355, 3477, 3513, 3516, 3552.16, 3552.24, 3631, 3691, 3701.5, 3704, 3706, 3710, 3712, 3797, 3802, 3805, 4662, and 5137.5 of the Revenue and Taxation Code, relating to real property taxation.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3355 of the Revenue and Taxation Code is amended to read:

See also
Stats 1945,
Ch 653

3355. The published notice of sale of tax-sold property shall show:

Contents of
notice of
sale of tax-
sold property

(a) A list of descriptions of the property. The assessments contained in this notice of sale shall be numbered in ascending numerical order.

(b) That five or more years will have elapsed on the date of sale at public auction since the property was sold to the State.

(c) The year of sale to the State and the fiscal year for which the taxes were levied.

(d) That the property will be sold at public auction to the highest bidder for cash, in lawful money of the United States or negotiable paper as the tax collector in his discretion may elect, unless sooner redeemed.

(e) The time and place at which the property will be sold.

(f) That the minimum acceptable bid will be the amount of taxes, delinquent penalties, and costs for which it was sold to the State plus the amount of one dollar (\$1).

(g) The amount of the minimum bid, opposite the description of the property.

(h) The time within which the successful bidder must redeem the property.

(i) That, after a bid is made and accepted at the sale, the right of redemption, except by the purchaser, ceases.

(j) That if no bid is made and accepted at the sale, and the property is deeded to the State, the right of redemption ceases as provided in Sections 3511.3 and 3511.5.

(k) The date of the notice.

See also
Stats 1945,
Ch. 657

Minimum bid

SEC. 3. Section 3477 of the Revenue and Taxation Code is amended to read:

3477. No bid shall be accepted at a sale under this chapter for a sum less than the amount for which the property was sold to the State plus the amount of one dollar (\$1) unless there has been a partial cancellation of taxes or a redemption from a portion thereof, in either of which events no bids shall be received for less than the remaining portion plus the amount of one dollar (\$1).

SEC. 4. Section 3513 of the Revenue and Taxation Code is amended to read:

Contents of deed

3513. In addition to the usual provisions of a deed conveying real property, the deed shall specify:

(a) The date of sale to the State.

(b) That the property was duly assessed for taxation and the tax legally levied.

(c) The year the property was assessed for taxation and the name of the assessee for that year.

(d) That the property was sold to the State for nonpayment of delinquent taxes which were a lien on the real property.

(e) The amount for which the property was sold.

(f) That five or more years have elapsed since the sale to the State and no person has redeemed the property.

(g) That the property is therefore conveyed to the State according to law.

SEC. 5. Section 3516 of the Revenue and Taxation Code is amended to read:

Filing by Controller

3516. The Controller shall file the deeds to the State in his office and keep a record to show the subsequent disposition of the property by the State.

Termination of redemption

SEC. 6. Section 3552.16 of the said code is amended to read:

3552.16. If any portion of the property subject to redemption is not so redeemed, the right of redemption is terminated on the effective date, and when the terms of the agreement have been met by the administering agency, the tax collector shall, without charge, execute to the administering agency a deed of the unredeemed property.

SEC. 7. Section 3552.24 of the Revenue and Taxation Code is amended to read:

3552.24. The deed conveys to the administering agency all the State's interest in the property. State's Interest

SEC. 8. Section 3631 of the Revenue and Taxation Code is amended to read:

3631. After all necessary steps ordered by the court have been taken, the court shall render its interlocutory decree requiring the payment, within six months after the interlocutory decree becomes a final judgment, of the amount of taxes, computed as of the date of payment, without interest, penalties or costs thereon. The interlocutory decree shall declare that if payment is not made within such six months period, a final decree shall be rendered, quieting the State's title under the tax deed as to tax-deeded property. As to tax sold property which has not been tax-deeded, the interlocutory decree shall declare that, if payment is not made within such six-month period, a final decree shall be rendered, determining the correct amount of taxes due and no redemption shall be made without interest, penalties or costs thereon. This interlocutory decree is an appealable judgment. No costs shall be awarded to either party in any action under this chapter. Interlocutory decree as to payment

A certified copy of such interlocutory decree shall be filed with the tax collector and with the county auditor if he is the redemption officer. If not filed the property may be sold by any of the methods provided for the sale of tax-deeded property and such sale shall convey title free of any right, title or interest of the plaintiffs in such action.

SEC. 9. Section 3691 of the said code is amended to read: See also Stats 1945, Ch 653

3691. The tax collector may sell for lawful money of the United States or negotiable paper as the tax collector in his discretion may elect all or any portion of tax-deeded property as provided in this chapter, unless by other provisions of law such tax-deeded property is not subject to sale. Any person, regardless of any prior or existing lien on, claim to or interest in such property, may purchase at said sale. Power to sell

SEC. 11. Section 3701.5 of the Revenue and Taxation Code is amended to read:

3701.5. If a prospective purchaser withdraws his application due to a taxing agency objecting to the sale, or if a taxing agency objects to the sale and before the date of sale applies to purchase the property under Chapter 8 of this part and as provided in Section 3695 of this chapter, the entire proceeding is canceled. After the cancellation, it shall be the same as if no application had been made by the applicant, and any such application to purchase by a taxing agency shall be governed by the provisions of Chapter 8 of this part. Cancellation

SEC. 12. Section 3704 of the Revenue and Taxation Code is amended to read:

3704. The notice of intended sale shall state:
(a) The time and place of the intended sale;
(b) A description of the property to be sold; Contents of notice of intended sale

(c) The name of the last assessee of the property;

(d) If the right to redeem the property has not already been terminated, there shall also be a statement that if the property is not redeemed before it is sold, the right of redemption will cease.

SEC. 13. Section 3706 of the Revenue and Taxation Code is amended to read:

Sale and
minimum
price

3706. If the property is not redeemed before the first bid is received on such property, the tax collector shall sell the property at public auction to the highest bidder at the time and place fixed.

In the case of a sale at public auction whether on application of a prospective purchaser or without any application from a prospective purchaser, no bid shall be accepted for a sum less than the minimum price approved in the resolution of the board of supervisors; provided however, the tax collector may reduce such minimum price when a partial redemption has been made under Chapter 2, Part 7, Division 1 of this code, after such price was fixed, by not more than the ratio that the delinquency on the portion so redeemed bears to the delinquency upon the whole.

SEC. 14. Section 3710 of the Revenue and Taxation Code is amended to read:

Contents
of deed

3710. In addition to the usual provisions of a deed conveying real property, the deed shall specify:

(a) That the real property was duly sold and conveyed to the State for nonpayment of taxes which had been legally levied and were a lien on the property;

(b) That the State, through the tax collector, has sold the property at public auction;

(c) The name of the purchaser and the amount for which the property was sold to him inclusive of advertising costs;

(d) That the property is therefore conveyed to the purchaser according to law.

SEC. 15. Section 3712 of the Revenue and Taxation Code is amended to read:

3712. The deed conveys title to the purchaser free of all encumbrances of any kind existing before the sale, except:

(a) Any lien for installments of special assessments, which installments will become payable upon the secured roll after the time of the sale.

(b) The lien for taxes or assessments or other rights of any taxing agency which does not consent to the sale under this chapter.

(c) Liens for special assessments levied upon the property conveyed which were, at the time of the sale under this chapter, not included in the amount necessary to redeem the property from the sale to the State, and, where a taxing agency which collects its own taxes has consented to the sale under this chapter, not included in the amount required to redeem from sale to such taxing agency.

(d) Easements constituting servitudes upon or burdens to the property; water rights, the record title to which is held separately from the title to the property; and restrictions of record.

SEC. 16. Section 3797 of the Revenue and Taxation Code is amended to read:

3797. The notice of agreement shall state:

Contents of
notice of
agreement

(a) A description of the property substantially as described in the agreement.

(b) The name of the last assessee of the property.

(c) That an agreement for the sale of the property or for an option to purchase it, or both, as the case may be, has been made by the board of supervisors of the county with the taxing agency named in the agreement and has been approved by the Controller.

(d) That a copy of the agreement is on file in the office of the board of supervisors.

(e) If the right to redeem the property has not already been terminated, there shall also be a statement that unless the property is redeemed or an installment plan of redemption is initiated before it is sold, the right of redemption will cease.

SEC. 18. Section 3802 of the Revenue and Taxation Code is amended to read:

3802. The agreement does not become effective until 21 days after the first publication or the mailing of the notice of agreement, whichever is later.

Agreement
effective

SEC. 19. Section 3805 of the Revenue and Taxation Code is amended to read:

3805. In addition to the usual provisions of a deed conveying real property, the deed shall specify:

Contents
of deed

(a) That the real property was duly sold and conveyed to the State for nonpayment of taxes which had been legally levied and were a lien on the property.

(b) The name of the purchaser.

SEC. 20. Section 4662 of the Revenue and Taxation Code is amended to read:

4662. The amounts distributed to the State under this chapter shall be placed in the State General Fund unless otherwise provided by law.

Amounts
due State

SEC. 21. Section 5137.5 of the said code is amended to read:

5137.5. The written protest shall be numbered by the tax collector and filed in his office and the fact of such protest and the number thereof shall be marked on the roll or delinquent roll, opposite the tax to which the payment relates.

Protest to be
numbered
and marked
on roll

CHAPTER 1152

An act to amend Section 6103 of the Government Code, relating to fees.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 6103 of the Government Code is amended to read:

No fees for
official filing
or service

6103. Neither the State nor any county, city, district, or other political subdivision, nor any public officer or body, acting in his official capacity on behalf of the State, or any county, city, district or other political subdivision, shall pay or deposit any fee for the filing of any document or paper, for the performance of any official service, or for the filing of any stipulation or agreement which may constitute an appearance in any court by any other party to the stipulation or agreement. This section does not apply to the State Compensation Insurance Fund, nor where a public officer is acting with reference to private assets or obligations which have come under his jurisdiction by virtue of his office, or where it is specifically provided otherwise.

Exception:

CHAPTER 1153

An act to amend Sections 16687 and 16732 of the Education Code, relating to the employment of minors.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 16687 of the Education Code is amended to read:

Inspection
and cancella-
tion of
permits, etc

16687. Permits and certificates shall always be open to inspection by attendance or probation officers, by officers of the Division of Labor Statistics and Law Enforcement, and by officers of the Superintendent of Public Instruction. All permits to work or to employ and all certificates of age shall be subject to cancellation at any time by the Superintendent of Public Instruction, or by the Labor Commissioner, or by the person issuing the permits or certificates whenever any such officer or person finds that the conditions for the legal issuance of the permits or certificates of age do not exist or did not exist at the time the permit was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated.

SEC. 2. Section 16732 of said code is amended to read:

16732. Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors under the age of 16 years shall keep a separate register containing the names, ages, and addresses of the minor employees, and shall post and keep posted in a conspicuous place in every room where the minors are employed, a written or printed notice stating the working hours per day for each day of the week required of the minors, and shall keep on file all permits to employ, or vacation permits for minors under the age of 16 years. The records and files shall be open at all times to the inspection of school attendance and probation officers and the officers of the Division of Labor Statistics and Law Enforcement, of the Superintendent of Public Instruction, and of the State Board of Education.

Register and
notice of
hours

CHAPTER 1154

An act to amend Section 1475 of the Penal Code, relating to writs of habeas corpus.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1475 of the Penal Code is amended to read:

1475. The writ of habeas corpus may be granted in the manner provided by the Constitution. If the writ has been granted by any court or a judge or justice thereof, and after the hearing thereof the prisoner has been remanded, he shall not be discharged from custody by the same or any other court of like general jurisdiction, or by a judge or justice of the same or any other court of like general jurisdiction, unless upon some ground not existing in fact at the issuing of the prior writ. Should the prisoner desire to urge some point of law not raised in the petition for or at the hearing upon the return of the prior writ, then, in case such prior writ had been returned or returnable before a superior court or a judge thereof, no writ can be issued upon a second or other application except by the appropriate district court of appeal or some justice thereof, or by the Supreme Court or some judge thereof, and in such an event such writ must not be made returnable before any superior court or any judge thereof. In the event, however, that the prior writ was returned or made returnable before a district court of appeal or any justice thereof, no writ can be issued upon a second or other application except by the Supreme Court or some judge thereof, and such writ must be made returnable before said Supreme Court or some judge thereof.

Granting of
writ of
habeas
corpus

Every application for a writ of habeas corpus must be verified, and shall state whether any prior application or applications have been made for a writ in regard to the same deten-

Form and
contents
of writ

tion or restraint complained of in the application, and if any such prior application or applications have been made the later application must contain a brief statement of all proceedings had therein, or in any of them, to and including the final order or orders made therein, or in any of them, on appeal or otherwise.

Service of
copy of
application

Whenever the person applying for a writ of habeas corpus is held in custody or restraint by any officer of any court of this State or any political subdivision thereof, or by any peace officer of this State, or any political subdivision thereof, a copy of the application for such writ must in all cases be served upon the district attorney of the county wherein such person is held in custody or restraint at least 24 hours before the time at which said writ is made returnable and no application for such writ can be heard without proof of such service in cases where such service is required.

If such person is in custody for violation of an ordinance of a city which has a city attorney, a copy of the application for the writ must also be served on the city attorney of the city whose ordinance is the basis for the charge at least 24 hours before the time at which the writ is made returnable, provided that failure to serve such city attorney shall not deprive the court of jurisdiction to hear the application.

CHAPTER 1155

An act to add Section 1308 to the Education Code, relating to superintendents, associate superintendents and assistant district superintendents of schools of unified school districts.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1308 is added to the Education Code, to read:

Superin-
tendent of
schools in
city and
county

1308. The superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county shall also perform the duties of the county superintendent and shall be entitled to have such associate superintendents and assistant superintendents of schools as appointed by the board of education, and when appointed, they shall be designated as associate superintendents and assistant superintendents.

CHAPTER 1156

An act to amend Sections 8902, 8937, 8940, 8954, 8966, and 8970 of, and to add Sections 8971, 8972, 8973, 8974, and 8975 to, the Business and Professions Code, relating to the licensing of yacht and ship brokers and salesmen.

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 8902 of the Business and Professions Code is amended to read:

8902. "Broker" refers to a person who, as a whole or partial vocation, for others, and for a compensation, sells or offers for sale, buys or offers to buy, lists, solicits prospective purchasers of, negotiates the purchase or sale or exchange of, charters, offers to charter, negotiates the charter of, leases, rents, places for lease or rent, or negotiates loans on, yachts or ships.

A person shall be deemed to be a broker, within the meaning of this section, if, for another and for a compensation, he does any of the acts or participates in any of the transactions herein defined, even though at some subsequent time he may obtain title to, or procure in his own name the certification or registration of, the yacht or ship in question.

SEC. 2. Section 8937 of said code is amended to read:

8937. This chapter does not apply:

(a) To a transaction involving the sale by a person of his own yacht or ship, provided that at the time the transaction was entered into, the yacht or ship was registered or certificated in his own name as owner with the United States Department of Commerce or the United States Coast Guard or any county in this State.

Exceptions to licensing provisions

(b) To services rendered by an attorney at law in performing his duties as such attorney at law.

(c) To any receiver, trustee in bankruptcy or other person acting under the order of any court.

SEC. 3. Section 8940 of said code is amended to read:

8940. (a) Every license issued to a corporation entitles an officer of the corporation to act as the licensee under the license and every license issued to a copartnership entitles one member to act as the licensee under the license.

Corporate licenses

Any member of a copartnership who desires to act as a broker or salesman under this chapter on his own behalf shall procure a license.

(b) Every corporation making application for a license under this chapter shall furnish the commission with a resolution of its board of directors, giving the name of the officer who is to act for and on behalf of the corporation, and every copartnership making an application for a license under this chapter shall set forth in the application the name of the partner who is to act under a license for and on behalf of the copartnership.

(c) Every corporation licensed under the provisions of this chapter may, by a resolution of its board of directors, substitute another officer for the one named in the license; provided, the person to be substituted qualifies by passing a written examination and the corporation pays the required fees, as set forth in this chapter.

(d) Every copartnership licensed under the provisions of this chapter may substitute another partner for the one named in the license; provided, such partner qualifies by passing the written examination and the copartnership pays the required fees as set forth in this chapter.

SEC. 4. Section 8954 of said code is amended to read:

Grounds for
disciplinary
action

8954. The commissioner may temporarily suspend or permanently revoke the license of a broker or salesman found to be guilty of:

(a) Making any substantial misrepresentation.

(b) Making any false promise of a character likely to influence, persuade or induce any person with whom business is transacted under this chapter.

(c) A continued and flagrant course of misrepresentation or making of false promises.

(d) Acting for more than one party in a transaction without the knowledge and consent of all parties.

(e) Commingling the money or other property of his principal with his own.

(f) Selling or offering for sale, buying or offering to buy, negotiating the purchase or sale or exchange of, chartering, offering to charter, or negotiating the charter of, leasing, renting, or negotiating loans on, any ship or yacht which has not been registered and for which a certificate of registration has not been issued, as required by Chapter 251 of the Statutes of 1935.

(g) Any other conduct constituting fraud or dishonest dealings.

Any licensee who performs any act or participates in any transaction which belongs to or is connected with a class of activity other than the class for which he is licensed, shall be subject to disciplinary action and may have his license temporarily suspended or permanently revoked by the commissioner.

The following acts shall be deemed improper practices, subjecting a licensee to disciplinary action and constituting ground for the denial, suspension, or revocation of a license:

(a) Using coercive or oppressive methods, contrary to rules and regulations to be promulgated by the commissioner, for the purpose of obtaining business or of procuring an exclusive listing, or participating in a transaction knowing that such means have been or will be used therein:

(b) Quoting or soliciting a price other than the gross listing price or such other basic price as may be fixed by the custom of the trade or by special contract, without disclosing to a party entitled to disclosure, the basis on which the price is quoted or solicited.

SEC. 5. Section 8966 of said code is amended to read :

8966. If a license is not renewed by February 1st of the year succeeding the period for which the license was granted or renewed, the license shall become delinquent. A delinquent license shall be reinstated upon the filing of an application and the payment of the renewal fee and a penalty, but not otherwise. The penalty shall be an amount equal to the amount of the renewal fee or fees which the licensee would have been required to pay to keep his license from becoming delinquent. Renewal of
licenses

Every delinquent license that is not reinstated within two years of the date when the license became delinquent shall become forfeited and shall not be reinstated.

Every person holding a forfeited license shall forthwith return such license to the commission, upon the demand of the commissioner, and no application for a new license shall be accepted and no license shall be issued until the lapse of six months after the return of the forfeited license.

Every application for the reinstatement of a delinquent license shall be sworn to before a notary public or other person authorized to take acknowledgments under oath. The application shall state that applicant has not performed any act nor participated in any transaction described in Section 3902 hereof, during the period in which his license was delinquent, and that he has not been guilty of an offense nor done any act that would have been a cause for the suspension or revocation of his license, as set forth in Sections 8954 and 8955 hereof.

SEC. 6. Section 8970 of said code is amended to read :

8970. The commissioner shall charge and collect the following fees. Fee schedule

1. One hundred dollars (\$100) for every original broker's license, regardless of class and also regardless of whether or not an original license covers two or more classes.

2. Fifty dollars (\$50) for the annual renewal of an original broker's license, regardless of class and whether or not the license covers two or more classifications.

3. Ten dollars (\$10) for every original salesman's license, regardless of class and whether or not such license covers two or more classifications.

4. Ten dollars (\$10) for annual renewal of a salesman's license, regardless of class and whether or not such license covers two or more classes.

5. Fifteen dollars (\$15) for a broker's or salesman's examination. Fifteen dollars (\$15) for each examination to increase the scope of a B, C, D, E or F license, but if an examination to increase the scope of a license covers two or more subjects at one time, then only one examination fee will be charged.

6. One hundred dollars (\$100) for any licensee holding a B, C, D, E or F license, who wishes to convert such license to an A license.

7. Twenty-five dollars (\$25) for each class in which the licensee, other than an A licensee, wishes to increase the scope of his original license.

8. Five dollars (\$5) for a salesman's temporary license.
9. Ten dollars (\$10) for every license obtained by a broker for a branch office, and for every renewal thereof.
10. One dollar (\$1) for changing the name or address of a licensee on the records of the department.
11. One dollar (\$1) for every transfer of a salesman's license for every change of employment.
12. One dollar (\$1) for a duplicate license.
13. Ten dollars (\$10) for the substitution of a name in the license of a corporation or copartnership, and an examination fee of fifteen dollars (\$15).

At the time of reclassification and reissuance of licenses, as hereinafter described, the commissioner shall charge and collect a fee of five dollars (\$5) from each licensee, irrespective of renewal fees. If an examination is given pursuant to request, the regular fee of fifteen dollars (\$15) shall be charged and collected therefor.

SEC. 7. Article 7, comprising Sections 8971, 8972, 8973 and 8974, is added to Division 3, Chapter 16, of said code, to read:

Article 7. Classification and Examination

Classes of
licenses

8971. The commissioner shall have the power to adopt rules and regulations classifying yacht and ship brokers or salesmen, on the following basis:

A license issued to a broker or salesman shall be limited to the class or classes for which the applicant has demonstrated his qualifications and fitness by his application and examination.

No salesman shall be licensed in any class other than that for which the employing broker is licensed.

A person shall be deemed qualified to be licensed as a broker only if, as shown by the affidavits of two responsible persons, he has:

(a) held master papers for a period of one year or has owned and operated a shipyard, or ship repair facility, or a landing or mooring basin, or has been a marine surveyor, or has been a foreman or superintendent of a shipyard for a period of one year, prior to making an application;

(b) been licensed by this or another State for a period of one year; or

(c) been employed as a yacht or ship salesman for at least one year.

The commissioner shall issue licenses for the following classes:

(a) Yacht and ship brokers or salesmen, covering all phases of the business.

(b) Yacht brokers or salesmen: Those handling transactions involving vessels under three hundred (300) gross tons, other than the transactions defined in subsections (d), (e) and (f) hereof.

(c) Ship brokers or salesmen: Those handling transactions involving yachts and ships in excess of three hundred (300)

gross tons, other than the transactions defined in subsections (d), (e) and (f) hereof.

(d) Sport fishing-craft brokers or salesmen: Those handling transactions involving the chartering, renting or leasing of a yacht or ship for sport or pleasure fishing.

(e) Charter brokers or salesmen: Those handling transactions involving the chartering of mercantile vessels, regardless of tonnage.

(f) Newly-built pleasure boat brokers or salesmen: Those handling transactions involving the sale or exchange of new stock-built pleasure boats.

The commissioner may issue one license covering two or more of the classes, other than class (a), hereinbefore described.

8972. Each applicant for a license shall take a written examination to determine his qualification and fitness to engage in the activities of the class or classes for which he makes application. Examinations

Each licensee, other than one belonging to general class (a), may make written application to broaden the scope of his original license by including therein the activities of any other class. Before being granted such a license, the applicant must take a written examination covering the requirements for such additional class or classes.

A licensed broker may request the withdrawal of an application for one of his salesmen before such salesman has taken his written examination; but in such case, the commissioner shall retain the examination fee but shall return to the broker the original license fee.

The failure of an applicant for a license to appear at the time and place designated by the commissioner for the written examination, unless such applicant has a valid excuse, shall act as a forfeiture of the examination fee, and any such applicant shall be required to pay an additional fee before being permitted again to take the written examination.

8973. The commissioner shall select suitable and appropriate questions for the written examination for each class for which the applicant has made application, in order to determine the applicant's knowledge of and experience in the following subjects: Examination subjects

1. Yacht and Ship Brokers' Act.
2. California lien laws relating to vessels.
3. California Labor Code, relating to employees on yachts or ships.
4. Federal Seaman's Act (known as the "Jones Act").
5. Methods of determining the stability of a vessel.
6. Latent defects in a vessel.
7. Commercial charters and fishing boat agreements.
8. United States Department of Commerce procedure relating to registration of documented vessels.
9. Pleasure boat charters.
10. Department of Commerce procedure relating to registration of certificated boats.

11. Revenue and Taxation Code relating to vessels.
12. Personal property liens relating to dry storage.
13. Maritime procedure in connection with the transfer of flags on vessels.
14. Wood-destroying infestation found in vessels, and identification and prevention of same.
15. Various types of sailing vessels.
16. Various types of marine engines, both gas and diesel.
17. How to determine the physical condition of the hull, her machinery and appurtenances.
18. Methods of making loans on vessels.
19. What vessels are exempt from documentation or certification.
20. Responsibility of broker as a fiduciary agent.
21. Various types of material used in the construction of vessels.
22. Marine insurance.
23. Various makes of stock-built cruisers, speed boats, and small craft.
24. Various types of transoms used in the construction of vessels.
25. Navigation laws of the United States.

Existing
licenses

8974. On or before December 31, 1946, the commissioner shall reclassify and reissue licenses for all brokers and salesmen holding licenses at that time. No examination shall be required for this purpose, but any licensee may request and shall then be given an examination for the purpose of determining his qualification and fitness for any other class or classes. Upon the reclassification, anyone holding a class (a) license shall be entitled, in the absence of a supervening disqualification, to have such license reissued to him, unless he otherwise elects.

SEC. 8. Article 8, comprising Section 8975, is added to Division 3, Chapter 16, of said code, to read:

Article 8. Temporary Licenses

Conditions
for issuance
of temporary
licenses

8975. Temporary licenses may be issued to salesmen under the following conditions:

(a) Such licenses shall be issued for a period not to exceed sixty (60) days.

(b) An application must be filed for a temporary license, and at the same time the applicant must pay the prescribed fee.

(c) The applicant must state under oath his qualifications for the position of salesman, and must show that he has not been guilty of any conduct and has not done any act that would constitute good cause for the suspension or revocation of a permanent license.

(d) On or before the expiration date of the temporary license, such licensee shall take a written examination for a permanent license of the class or classes which he selects and for which he is qualified. If without valid excuse he fails to appear for the examination at the time prescribed, the examination fee shall be forfeited.

CHAPTER 1157

An act to add Section 10003 to Part 1 of Division 6 of the Water Code, relating to the appropriation of water and priorities thereof.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 10003 is added to Part 1 of Division 6 of the Water Code, to read:

10003. Notwithstanding anything contained in this part, all applications heretofore filed by the Department of Finance under Part 2 of Division 6 shall remain valid and shall retain and have the status and priority accorded to such applications as now or hereafter provided in said Part 2.

Applications
of Department
of Finance

CHAPTER 1158

An act to amend Section 2957 of the Civil Code, relating to the validity of mortgages on personal property or crops.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2957 of the Civil Code is amended to read:

2957. A mortgage of personal property or crops is void as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property in good faith and for value, unless:

See also
Stats 1945,
Chs 93 and
226

Requisites to
validity of
personal
property
or crop
mortgage

1. It is acknowledged, or proved and certified, in like manner as grants of real property;

2. The mortgage, if of animate personal property other than crops growing or to be grown, is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, or in case the mortgagor is a non-resident of this State, in the office of the recorder of the county where the property mortgaged is located at the time the mortgage is executed;

Place of
recording

3. The mortgage, if of crops growing or to be grown, is recorded in the office of the recorder of the county where the land is located upon which such crops are growing or to be grown;

4. The mortgage, if of personal property other than crops growing or to be grown or animate personal property, is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, and

also in the county where the property mortgaged is located, at the time the mortgage is executed, and to which such property is thereafter removed;

Designation 5. Each such mortgage is clearly entitled on the face thereof, apart from and preceding all other terms of the mortgage, to be a mortgage of crops and chattels, or either;

Rerecordation 6. Within four years from the last recording or rerecording thereof, it be recorded in its entirety or in lieu thereof there be recorded a certificate executed by the mortgagor or mortgagee, or the successor in interest of either thereof, and recorded in the office of the recorder of each county in which the mortgage has been recorded, which said certificate shall be in substantially the following form:

CERTIFICATE OF RERECORDATION

By this Certificate of Recordation that certain mortgage made by -----, mortgagor, to -----, mortgagee, and dated the ----- day of -----, in the year -----, and recorded in the office of the recorder of the county of ----- on the ----- day of -----, in the year -----, in Book ----- of ----- at page ----- (set forth if available the date and place of each recordation), be and the same hereby is rerecorded.

(signed) A. B.

Said certificate shall be acknowledged, or proved and certified, in like manner as grants of real property. No certificate shall be deemed defective because it does not refer to all of the recordations of the original mortgage. The provisions of subdivision 6 of this section shall not apply to any mortgage heretofore or hereafter made pursuant to an order, judgment, or decree of court of record, or heretofore or hereafter made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or heretofore or hereafter made by a public utility as defined in the Public Utilities Act, but such a mortgage when once recorded as provided by law, shall remain valid and effective as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property mortgaged without rerecording, anything in this section to the contrary notwithstanding. The term "rerecording" as used in this section shall include the recording of a certificate of rerecording, and the provisions of this section, as amended in 1941, shall apply to all mortgages of personal property or crops whether recorded or rerecorded prior or subsequent to the enactment of this section or any amendment thereto; and

7. No crop mortgage covering crops which are to be harvested later than the 12 months after the date of the mortgage shall be valid, except as between the parties and as against any person having actual notice thereof, if executed by a tenant of the land unless the tenant is the holder of a leasehold by an instrument in writing and of record or a memorandum of which is of record in the office of the county recorder of the county in which the land is situated; and unless said mortgage refers to

said lease or memorandum of lease by date of recordation and book and page of the records of said recorder in which said lease or memorandum of lease is recorded; and no crop mortgage executed by such tenant as mortgagor therein shall be effective for any purpose whatsoever after and beyond the termination date of such lease except for rights in annual, but not perennial crops, and the provisions of Section 1945 shall not apply to extend the lien of any crop mortgage referred to in this section.

CHAPTER 1159

An act to amend Section 7059 of, and to add Sections 7055, 7056, 7057 and 7058 to, the Business and Professions Code, relating to contractors.

[Approved by Governor July 9, 1945. Filed with Secretary of State
July 9, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7055 is added to the Business and Professions Code, to read:

7055. For the purpose of classification, the contracting business includes any or all of the following branches: Contracting
business

- (a) General engineering contracting.
- (b) General building contracting.
- (c) Specialty contracting.

SEC. 2. Section 7056 is added to said code, to read:

7056. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works for any or all of the following divisions or subjects: Irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and airways, sewerage and bridges. General
engineering
contractor

SEC. 3. Section 7057 is added to said code, to read:

7057. A general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any part thereof. General
building
contractor

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

SEC. 4. Section 7058 is added to said code, to read:

7058. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts. Specialty
contractor

Classifi-
cations

SEC. 5. Section 7059 of said code is amended to read:

7059. The registrar, with the approval of the board, may adopt rules and regulations necessary to effect the classification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage, as defined by Sections 7055, 7056, 7057, and 7058. A licensee may make application for classification and be classified in more than one classification if the licensee meets the qualifications prescribed by the board for such additional classification or classifications. No additional application or license fee shall be charged for qualifying or classifying a licensee in additional classifications.

Nothing contained in this section shall prohibit a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which he is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

CHAPTER 1160

An act to amend Section 259 of the Probate Code and to repeal Sections 259.1 and 259.2 of the Probate Code, relating to the rights of inheritance of aliens.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 259 of the Probate Code is hereby amended to read as follows:

Reciprocal
rights of
aliens to
inherit

259. The right of aliens not residing within the United States or its territories to take real property in this State by succession or testamentary disposition, upon the same terms and conditions as residents and citizens of the United States is dependent in each case upon the existence of a reciprocal right upon the part of citizens of the United States to take real property upon the same terms and conditions as residents and citizens of the respective countries of which such aliens are residents and the right of aliens not residing in the United States or its territories to take personal property in this State by succession or testamentary disposition, upon the same terms and conditions as residents and citizens of the United States is dependent in each case upon the existence of a reciprocal right upon the part of citizens of the United States to take personal property upon the same terms and conditions as residents and citizens of the respective countries of which such aliens are residents. It shall be presumed that such reciprocal rights exist and this presumption shall be conclusive unless prior to the

hearing on any petition for distribution of all or a portion of such property to an alien heir, devisee or legatee not residing within the United States or its territories a petition is filed by any person interested in the estate requesting the court to find that either one or both of such reciprocal rights does not or do not exist as to the country of which such alien heir, devisee or legatee is resident. Upon the hearing of such petition the burden of establishing the nonexistence of such reciprocal right or rights shall be upon the petitioner. Notice of such hearing shall be given in the manner provided by Section 1200 of this code.

SEC. 2. Section 259.1 of the Probate Code is hereby repealed. Repeal

SEC. 3. Section 259.2 of the Probate Code is hereby repealed. Repeal

CHAPTER 1161

An act to amend Section 4750 and to add Sections 4751, 4753, and 4754 to the Labor Code, relating to disabled workmen who sustain subsequent injury and making an appropriation to carry out the purposes thereof.

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4750 of the Labor Code is amended to read as follows:

4750. An employee who is suffering from a previous permanent disability or physical impairment and sustains permanent injury thereafter shall not receive from the employer compensation for the later injury in excess of the compensation allowed for such injury when considered by itself and not in conjunction with or in relation to the previous disability or impairment. Compensation for subsequent injury

The employer shall not be liable for compensation to such an employee for the combined disability, but only for that portion due to the later injury as though no prior disability or impairment had existed.

SEC. 2. Section 4751 is added to the Labor Code to read as follows:

4751. If an employee who is permanently partially disabled by reason of the loss of, or loss of use of, a hand, an arm, a foot, a leg, or an eye receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree of disability caused by the combination of both disabilities is greater than that which would have resulted from the subsequent injury alone, and the combined effect of the last injury and the previous disability or impairment is a permanent disability equal to 70 per cent or more of total, he shall be paid in Payment of additional compensation

addition to the compensation due under this code for the permanent partial disability caused by the last injury, compensation for the remainder of the combined permanent disability existing after the last injury, as provided in this article.

SEC. 3. Section 4753 is added to the Labor Code, to read as follows:

Computation
of payment

4753. From such additional compensation, there shall be deducted any monetary payments for permanent disability or impairment which the employee is entitled to receive after the occurrence of the last injury, from any Federal or State funds to which he has not directly contributed, except that payments made to the employee or to which he is entitled as a pension or other compensation for disability incurred in service in the armed forces of the United States shall not be deducted therefrom.

SEC. 4. Section 4754 is added to the Labor Code, to read as follows:

Method of
payment

The commission may direct payment for the purposes specified in Section 4751, and the Controller upon claim filed by the Department of Industrial Relations shall draw his warrant in accordance with the direction of the commission. The Treasurer shall make payment in accordance with the warrant.

Appropri-
ation

SEC. 5. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated to the Department of Industrial Relations, the sum of two hundred thousand dollars (\$200,000), to pay during the Ninety-seventh and Ninety-eighth Fiscal Years the additional compensation provided for by Section 4751 of the Labor Code.

CHAPTER 1162

An act to authorize the Director of Finance to sell and convey certain real property, and making an appropriation of a portion of the proceeds thereof.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

Authority
to sell

SECTION 1. The Director of Finance is hereby authorized to sell upon such terms and conditions as in his opinion may be for the best interests of the State any or all of the following real property, except such portion or portions thereof as may be located below the ordinary high water mark:

Parcel 1. That certain real property located in the County of Sacramento, State of California, and acquired by the State of California by deed dated July 7, 1943, from Libby, McNeill & Libby, a corporation, to the State of California, recorded in Book 1018, page 182, of Official Records of Sacramento County, State of California.

Parcel 2. That certain real property located in the County of Yolo, State of California, and acquired by the State of California by deed dated October 19, 1917, from River Farms Company of California, a corporation, to the State of California, recorded in Volume 93 of deeds at page 265, of Official Records of Yolo County, State of California.

SEC. 2. The Director of Finance is hereby authorized to order and to have made all necessary deeds of conveyance and papers and searches, abstracts, and certificates of title and surveys of said real property, and to take all necessary and proper proceedings and bring the necessary suits to cure any defects in said title, the cost and expenses of all of which, together with any other expenses of the sale, may be paid from the appropriation for support of the Department of Finance, and such appropriation reimbursed from the proceeds of said sale. ^{Proceedings, etc}

SEC. 3. The Director of Finance is hereby authorized and directed to execute to the purchaser for and on behalf of and in the name of the State of California, a deed of conveyance of said real property in the usual form of grant, bargain and sale, and deliver the same upon the payment of the full amount of the purchase price; and said deed shall be effectual to pass and convey to the said purchaser all of the right, title, interest and estate of the State of California in and to said real property. ^{Conveyance}

SEC. 4. After payment of expenses as provided by Section 2 of this act the balance of the money received from the sale of Parcel 1 shall be paid into the State treasury in augmentation of the appropriation in Chapter 1, Second Extraordinary Session, 1943. Any moneys remaining from the sale of Parcel 2 shall be paid into the State treasury and deposited in the General Fund. ^{Disposition of proceeds}

SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, together with the right to prospect for, extract and remove such deposits of minerals, including oil and gas, therefrom. ^{Mineral rights}

CHAPTER 1163

An act to amend Section 12201 of, and to add Sections 12103.5 and 12515 to, the Business and Professions Code, relating to weights and measures.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 12103.5 is hereby added to the Business and Professions Code, to read:

12103.5. The duty of enforcing this division and carrying out its provisions and requirements is vested in the director and ^{Enforcement}

in each sealer acting under the supervision and direction of the director.

SEC. 2. Section 12201 of the Business and Professions Code is amended to read:

Failure to
fill vacancy

12201. In case the legislative body of any county does not appoint a county sealer for such county within 30 days after a vacancy occurs, the director shall assign as soon as practicable a Deputy State Sealer who shall perform all the duties of the sealer in such county.

The actual cost of such services shall be paid by the county in the same manner in which other claims against the county are paid.

The compensation for a Deputy State Sealer shall be in accordance with the salary range established by the State Personnel Board for this classification. In addition to this compensation, the Deputy State Sealer shall be repaid by the county for his actual traveling expenses in connection with his work in the county.

SEC. 3. A new section, to be numbered 12515, is hereby added to the Business and Professions Code, to read:

Notification
of sale,
repair, etc

12515. Any person having made repairs or adjustments for hire to any weighing instrument or to any measuring instrument when not its owner, user or operator nor an employee regularly employed by him, or any person having sold or installed any such instrument, who within 24 hours after such instrument has been sold, installed, repaired or adjusted, fails to notify the sealer of the county in which such instrument has been sold, installed, repaired or adjusted, that such sale, installation, repair or adjustment has been made, is guilty of a misdemeanor.

CHAPTER 1164

An act to amend Sections 5006 and 5922 of the Education Code, relating to school districts.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5006 of the Education Code is amended to read:

Employees'
bonds

5006. The governing board of every school district shall require each employee of the district, whose duty it is to handle funds of the district, to be bonded under a suitable bond indemnifying the district against loss. Such bond may be a name schedule bond, schedule position bond or blanket bond, and shall be in such amount and type as the board shall consider necessary and desirable. The boards shall pay from the funds of the district the cost of the premium necessary to provide the bond.

SEC. 2. Section 5922 of said code is amended to read :

5922. The amount of the revolving fund shall not exceed an amount equal to the average daily attendance of the district for the next preceding year multiplied by seven dollars (\$7), and shall be determined as follows: The inventory of stores on hand of the school district at the time of the establishment of the fund, which stores have been paid for from school district funds and reported to the county superintendent, plus whatever sum the governing board in its discretion may appropriate, not to exceed an aggregate sum determined as above, including stores on hand and designated appropriation, shall be the amount to constitute the revolving fund of the district.

Revolving
fund for
warehouse
stock

Where a common revolving fund is established for two or more school districts governed by governing boards of identical personnel, the amount of the revolving fund shall not exceed an amount equal to the average daily attendance of the districts for the next preceding year multiplied by seven dollars (\$7) and shall be determined as follows: The inventory of stores on hand of each school district at the time of the establishment of the fund which have been paid for from school district funds and reported to the county superintendent, plus whatever sums the governing board of each district in its discretion may appropriate, not to exceed an aggregate sum as determined above, including stores on hand and designated appropriations, shall be the amount to constitute the revolving fund, and each district shall retain its equity in the common fund.

The amount of any revolving fund once established as herein prescribed may be increased to an amount not in excess of the average daily attendance of the next preceding year multiplied by seven dollars (\$7), or decreased, in the discretion of the governing board, as the needs of the district may require, in the same manner and by the same procedure as herein prescribed for establishment of such fund.

The fund is established through the sale of stores to the school districts, which shall be paid by warrant. The warrants shall be made payable to the "revolving fund of-----" (Here insert name or names of the school district or school districts establishing the fund)

CHAPTER 1165

An act to amend Section 19183 of the Education Code, relating to library funds of city school districts.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 19183 of the Education Code is amended to read:

Library fund
in city and
county

19183 In each city or city and county, comprising a single district, the amount apportioned shall not be less than forty cents (\$.40) for each pupil of average daily attendance in the elementary schools.

CHAPTER 1166

An act to amend Section 2206 of the Education Code, relating to gifts, donations, bequests and devises to school districts.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2206 of the Education Code is amended to read:

Acceptance
of gifts

2206. The governing board of any school district may accept on behalf of, and in the name of, the district such gifts, donations, bequests, and devises as are made to the district or to or for the benefit of any school or college administered by the district. Such gifts, donations, bequests and devises may be made subject to such conditions or restrictions as the governing board may prescribe.

CHAPTER 1167

An act to amend Section 12751 of the Education Code, relating to the suspension of credentials, life diplomas and other documents issued by the State Board of Education.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Education Code Section 12751 is amended to read:

Failure to
fulfill
contract

12751. Should any person employed by a school district in a position requiring certification qualifications refuse, without good cause, to fulfill a valid contract of employment with such

district or leave the service of such district without the consent of the superintendent, if any, or the governing board, of such district except in the manner provided for by law, the State Board of Education shall, after proof of such fact is made to it, suspend the credentials, including life diplomas and other documents, theretofore issued to him by the State Board of Education for not exceeding one year.

If the credentials, life diplomas and other documents issued to persons by the State Board of Education have once been suspended pursuant to this section, the State Board of Education may, if such credentials, life diplomas and other documents again become subject to suspension under this section, suspend such credentials, life diplomas and other documents for not more than two years.

CHAPTER 1168

An act to add Sections 322, 368 and 1553 to the Education Code, relating to the destruction of records.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 322 is added to the Education Code, to read:

322 Whenever the destruction of records of a county board of education is not otherwise authorized or provided for by law, the secretary of the county board of education may, with the approval of the Superintendent of Public Instruction, destroy such records of the county board of education as are five years old and are determined by the Superintendent of Public Instruction to have served their purpose and to be no longer required.

Records of
county board
of education

SEC 2. Section 368 is added to said code, to read:

368. Whenever the destruction of records of a county superintendent of schools is not otherwise authorized or provided for by law, the county superintendent of schools may, with the approval of the Superintendent of Public Instruction, destroy such records of his as are five years old and are determined by the Superintendent of Public Instruction to have served their purpose and to be no longer required.

Records of
county super-
intendent of
schools

SEC. 3. Section 1553 is added to said code, to read:

1553. Whenever the destruction of records of a district is not otherwise authorized or provided for by law, the governing board of the district may, with the approval of the Superintendent of Public Instruction, destroy such records of the district as are five years old and are determined by the Superintendent of Public Instruction to have served their purpose and to be no longer required.

Records of
school
district

CHAPTER 1169

An act to add Section 15003 to the Government Code, relating to the deputy director of the Department of Justice.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 15003 is added to the Government Code, to read:

Deputy
director

15003. There is hereby created the office of deputy director of the department. The deputy director shall be appointed and his compensation shall be fixed by the Attorney General at not to exceed seven thousand five hundred dollars (\$7,500) per year. The deputy director shall be a civil executive officer and shall be exempt from civil service.

CHAPTER 1170

An act to amend Section 4015 of the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts, providing for the handling and disposition of such money, and providing that this act shall take effect immediately.

In effect
immediately

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4015 of the Public Resources Code is hereby amended to read:

Federal aid

4015. All money received by this State pursuant to the provisions of the Clarke-McNary Act (June 7, 1924, Ch. 348, 43 Stat. 653) shall be paid into the State treasury to the credit of the General Fund.

CHAPTER 1171

An act to amend Section 185 of the Education Code, relating to traveling expenses.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 185 of the Education Code is amended to read:

official
business

185. For the purposes of Political Code Section 352, the following constitute, among other proper purposes of like or different character, State business for officers and employees of the

Department of Education for which the officers and employees shall be allowed actual and necessary traveling expenses:

(a) Attending meetings of any National association or organization having as its principal purpose the study of matters relating to education or to a particular field or fields of education, or any agency of such association.

(b) Conferring with officers or employees of the United States, or appearing before committees of either house of the Congress of the United States, relative to problems relating to education in California.

(c) Conferring with officers or employees of other States engaged in the performance of similar duties.

(d) Obtaining information useful to the department in the conduct of its work.

When traveling is outside the State, traveling and expense shall be approved by the Governor and Director of Finance as provided in Political Code Section 352.

The amount expended under the provisions of this section for travel outside the State shall not exceed one thousand five hundred dollars (\$1,500) in any one fiscal year. This limitation does not include travel necessary to the furtherance of a program for the cultivation of herbs for medicinal and perfume purposes.

CHAPTER 1172

An act to amend Section 18023 of the Government Code, relating to office and working hours and the payment of overtime compensation.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 18023 of the Government Code is amended to read:

18023. The granting of compensating time off in lieu of overtime worked is not prohibited where compensating time off can be granted within six calendar months following the month in which the overtime was worked and without impairing the services rendered by the employing State agency.

See also
Stats 1945,
Ch. 123

Compensat-
ing time off

CHAPTER 1173

An act to add a new article heading to Chapter 1, Part 1, Division 12 of the Health and Safety Code, to amend Sections 13101, 13104, 13107, 13108, 13109, 13111, 13316 and 13654 thereof, and to add Sections 13100.1, 13111.1 and 13111.2, and Article 2, comprising Sections 13140 to 13146, inclusive, to Chapter 1, Part 2, Division 12 thereof, relating to the State Fire Marshal.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Preceding Section 13100 of the Health and Safety Code, insert the following article heading:

Article
heading

Article 1. General

Functions of
State Fire
Marshal

SEC. 1.5. Section 13100.1 is added to said code, to read:
13100.1. The functions of the office shall be to foster, promote and develop ways and means of protecting life and property against fire and panic.

See also
Stats. 1945,
Ch. 1185

Appointment
and salary

SEC. 2. Section 13101 of said code is amended to read:
13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. He shall be paid a salary of four thousand eight hundred dollars (\$4,800) per annum.

Enforcement
of fire laws

SEC. 3. Section 13104 of said code is amended to read:
13104. The State Fire Marshal shall aid in the enforcement of all laws and ordinances and any rules and regulations adopted under the provisions of this chapter relating to fires or to fire prevention and protection.

Attendance
at fires

He shall, if possible, attend, and take charge of and protect all property which may be imperiled by any fire other than:

(a) A forest, brush, or grain fire

(b) A fire occurring within any city or town maintaining a fire department, within a county fire protection district, or within a county where there is a regularly appointed county fire warden.

Reports
to district
attorney

SEC. 3.5. Section 13107 of said code is amended to read:
13107. If there is reason to believe that any fire has resulted from crime or that crime has been committed in connection with any fire, the State Fire Marshal shall report that fact in writing to the district attorney of the county in which the fire occurred. If the fire occurred in a city or county having a regularly organized fire department, such investigations and reports shall be made in conjunction with the fire official of that area.

Rules and
regulations

SEC. 4. Section 13108 of said code is amended to read:
13108. The State Fire Marshal shall make and enforce orders, rules, and regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits

from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equipment and furnishings that present unusual fire hazards in, any State institution.

SEC. 5. Section 13109 of said code is amended to read :

13109. The State Fire Marshal, his deputies, or his salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect them at the time and for the purpose stated in this section. Inspections

SEC. 6. Section 13111 of said code is amended to read :

13111. The State Fire Marshal's Fund shall be discontinued on the first day of the month following the effective date of this section. The unexpended money in the fund shall thereafter be transferred to the General Fund. The cost of enforcing this chapter and any other laws in which the State Fire Marshal is designated as the enforcing officer or agent shall be paid for out of funds appropriated from the General Fund for that purpose. Funds and appropriations

Any appropriation heretofore or hereafter made payable out of the State Fire Marshal's Fund, on and after the first day of the month following the effective date of this section, shall be payable out of the General Fund.

Any appropriations heretofore or hereafter made to the Division of Fire Safety in the Department of Industrial Relations shall be deemed to have been made to the Office of the State Fire Marshal.

SEC. 7. Section 13111.1 is added to said code, to read :

13111.1. The office of the State Fire Marshal may expend money appropriated for the administration of the laws, the enforcement of which is committed to the office. Such expenditures by the office shall be made in accordance with law in carrying on the work for which such appropriations were made. Expenditures

SEC. 8. Section 13111.2 is added to said code, to read :

13111.2 The State Fire Marshal is the head of a department within the meaning of Chapter 2, Part 1, Division 3, Title 2, of the Government Code. Head of department

SEC. 9. Article 2 is added to Chapter 1, Part 2, Division 12 of said code, to read :

Article 2. The State Fire Advisory Board

13140. There is hereby created in the office of the State Fire Marshal a State Fire Advisory Board of eleven, who shall act in an advisory capacity to the State Fire Marshal in establishing minimum standards for the protection of life and prop- State Fire Advisory Board

erty against fire and panic and for the coordination of activities in the State Fire Marshal's office with those of local governmental agencies.

Qualifications 13140.5. No person shall be appointed to or retain membership on the board who is not a regular member of a regularly organized governmental fire department or agency.

Quorum 13140.6. A quorum of the board shall consist of not less than six regular members of the board.

Chairman 13140.7. The State Fire Marshal shall act as chairman of the board.

Meetings 13141. The board shall meet at the call of the State Fire Marshal and shall be paid actual and necessary traveling expenses.

Appointment 13142. The members of the State Fire Advisory Board shall be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor.

Standards for fire prevention 13143. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic. Violation of any rule or regulation shall be deemed to be in violation of this chapter.

Fire safety regulations 13144. The State Fire Marshal shall prepare in book or bulletin form the fire safety regulations adopted by him and shall make them available to anyone at cost of printing.

Enforcement of regulations 13145. The State Fire Marshal, the chief of any city or county fire department or fire protection district and their authorized representatives may enforce in their respective areas, rules and regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Division of authority 13146. The division of authority for enforcement of such rules and regulations shall be as follows:

(a) The chief or any city or county fire department or fire protection district, and their authorized representatives, shall have the authority to enforce the rules and regulations in their respective areas.

(b) The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.

(c) The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body.

See also Stats. 1947, Ch. 1517 License fees

SEC. 10. Section 13316 of said code is amended to read: 13316. All license fees shall be paid into the State treasury and credited to the General Fund.

See also Stats. 1947, Ch. 1517 Deposit of moneys

SEC. 11. Section 13654 of said code is amended to read: 13654. All moneys collected pursuant to this chapter shall be paid into the State treasury and credited to the General Fund.

CHAPTER 1174

An act to amend Section 7423 of the Public Resources Code, relating to public lands, and providing for payment of refunds upon surrender of certificates of indemnity or scrip and certificates of purchase.

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7423 of the Public Resources Code is amended to read:

7423. Whenever any person has the right to recover from the State, or desires to receive from the State, any sum of money paid by him for a certificate of indemnity or scrip, he shall surrender the certificate or scrip to the commission, which shall thereupon cancel it and issue to him a certificate showing the amount paid and the class of land upon which the payment was made. Upon the surrender to the Controller of the certificate showing the amount paid, he shall draw his warrant in favor of the person surrendering it for the amount therein specified upon the Treasurer of the State, who shall pay the amount of the warrant out of the fund into which the purchase money was paid.

Surrender of
certificate of
indemnity
·
Payment

In cases where certificates of purchase have been issued for the land selected in lieu of the base described in the indemnity certificate of location or scrip, the owner of the certificate of purchase shall be governed by the provisions of Sections 7971, 7972, and 7973.

CHAPTER 1175

An act to amend Sections 2 $\frac{3}{4}$ and 50 $\frac{3}{4}$ of the Public Utilities Act, relating to public utilities.

Stats 1915,
p 115,
amended

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2 $\frac{3}{4}$ of the Public Utilities Act is amended to read:

Stats 1935,
p 1830

Sec. 2 $\frac{3}{4}$. (a) The term "highway common carrier" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any auto truck, or other self-propelled vehicle not operated upon rails, used in the business of transportation of property as a common carrier for compensation over any public highway in this State between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town, or city and county, except that passenger stage corporations,

Definitions

as defined in Section 2½ of this act, transporting baggage and express upon passenger vehicles incidental to the transportation of passengers shall not be highway common carriers as herein defined, and except that any such corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever shall not be a highway common carrier as herein defined in operating within lawfully established pickup and delivery limits of a common carrier in the performance for such carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such carrier insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated point.

(b) The words "between fixed termini or over a regular route" when used in this act mean the termini or route between or over which any highway common carrier usually or ordinarily operates any auto truck or other self-propelled vehicle, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any auto truck or other self-propelled vehicle is operated by a highway common carrier "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the findings of the commission thereon shall be subject to review.

(c) The term "common carrier" when used in this act, in addition to the definition herein otherwise given, shall include every highway common carrier, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating within this State.

Stats 1941,
p 2061

SEC. 2. Section 50½ of the Public Utilities Act is amended to read:

Operation of
highway
common
carriers

Sec. 50½. (a) No highway common carrier shall hereafter operate or cause to be operated any auto truck, or other self-propelled vehicle not operated on rails, for the transportation of property as a common carrier for compensation on any public highway in this State except in accordance with the provisions of this act.

Supervision
and regu-
lation

(b) The Railroad Commission of the State of California is hereby vested with power and authority to supervise and regulate every highway common carrier in this State; to fix the rates, fares, charges, classifications, rules and regulations of each such highway common carrier; to regulate the accounts, service and safety of operations of each such highway common carrier; to require the filing of annual and other reports and of other data by such highway common carriers; and to supervise and regulate highway common carriers in all other matters affecting the relationship between such carriers and the shipping public. The Railroad Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations applicable to any and all highway common carriers. The Railroad Commission, in the exercise of the jurisdiction conferred

upon it by the Constitution of this State and by this act, shall have power and authority to make orders and to prescribe rules and regulations affecting highway common carriers, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county, and in case of conflict between any such order, rule or regulations and any such ordinance or permit, the order, rule or regulation of the Railroad Commission shall in each instance prevail.

(c) No highway common carrier shall hereafter begin to operate any auto truck, or other self-propelled vehicle, for the transportation of property for compensation on any public highway in this State without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier on July 26, 1917, and in good faith continuously thereafter, or for operations exclusively within the limits of an incorporated city, town or city and county, or for the performance of pickup, delivery, or transfer services by such carrier within such carrier's lawfully published pickup and delivery zones insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated point. Any right, privilege, franchise, or permit held, owned or obtained by any highway common carrier may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the Railroad Commission. The Railroad Commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Without the express approval of the commission, no certificate of public convenience and necessity issued to one highway common carrier under the provisions of this section, or heretofore issued by the commission to one highway common carrier for the transportation of property by auto truck or self-propelled vehicle, nor any operative right of one highway common carrier founded upon operations actually conducted in good faith on July 26, 1917, shall be combined, united or consolidated with another such certificate or operative right issued to or possessed by another highway common carrier so as to permit through service between any point or points served, by one highway common carrier, on the one hand, and any point or points served, by another highway common carrier, on the other hand; nor, without the express approval of the commission, shall any through route or joint, through, combination, or proportional rate be established by one highway common carrier between any point or points which it serves, on the

Certificate
of public
convenience
and necessity

one hand, and any point or points served by another highway common carrier, or the other hand. Any one highway common carrier may establish through routes and joint rates, charges, and classifications between any and all points served by such highway common carrier under any and all certificates or operative rights issued to or possessed by such highway common carrier.

Suspension,
etc., of
certificate

The Railroad Commission may at any time for a good cause suspend, and upon notice to the holder of an operating right acquired by virtue of operations conducted on July 26, 1917, as aforesaid, or to the grantee of any certificate, and opportunity to be heard, revoke, alter or amend any such operative right or certificate.

Investigation
and hearing

(d) When a complaint has been filed with the commission alleging that any vehicle is being operated without a certificate of public convenience and necessity as required by this act, or when the commission has reason to believe that this act is being violated, it shall be the duty of the commission to investigate such operations and the commission shall have power after a hearing to make its order requiring the owner or operator of such vehicle to cease and desist from any operation in violation of this act; and it shall be the duty of the commission to enforce compliance with such order under the powers vested in the commission by this act or by law.

CHAPTER 1176

Stats 1935,
p 1226,
amended

An act to amend Section 66 of the Unemployment Insurance Act, relating to unemployment insurance and the procedure and provisions for claims for benefits thereunder.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

Stats 1945,
Ch 576

SECTION 1. Section 66 of the Unemployment Insurance Act is amended to read:

Claims for
benefits
Duties of
employer

Sec. 66. Claims for benefits shall be made in accordance with such regulations as the commission may prescribe. Each employer shall post and maintain in places readily accessible to individuals in his service printed statements concerning such regulations or such other matters, as the commission may by regulation prescribe. Each employer shall supply each such individual at the time he becomes unemployed copies of such printed statements or materials relating to claims for benefits in such manner as the commission may by regulation prescribe. Such printed statements shall be supplied by the commission to each employer without cost to him.

CHAPTER 1177

An act to add Section 47 to the Unemployment Insurance Act, relating to unemployment insurance and the publication of the rate of taxation thereunder. Stats 1935, p 1226, amended

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 47 is added to the Unemployment Insurance Act, to read: New section

Sec. 47. The annual tax rate or contribution rate which under this act is determined to apply to any particular employee or any particular employer, or group of employees or group of employers shall be made public and available for public inspection; provided that in no case shall the amount of tax paid by any employee or employer, or group of employees or group of employers be disclosed to the public. Inspection of tax rate, etc

CHAPTER 1178

An act to amend Sections 56 and 58 of the Unemployment Insurance Act, relating to unemployment insurance and the eligibility for benefits thereunder. Stats 1935, p 1226, amended

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 56 of the Unemployment Insurance Act is amended to read: Stats 1939, p 7

Sec. 56. An individual is not eligible for benefits for unemployment, and no such benefit shall be payable to him under any of the following conditions: Ineligibility for benefits

(a) If he left his work because of a trade dispute and for the period during which he continues out of work by reason of the fact that the trade dispute is still in active progress in the establishment in which he was employed.

SEC. 2. Section 58 of said act is amended to read:

Sec. 58. (a) An individual shall be disqualified for benefits if: Disqualification for benefits

(1) He has left his most recent work voluntarily without good cause, if so found by the commission;

(2) He has been discharged for misconduct connected with his most recent work, if so found by the commission; provided that, an individual shall be presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer shall have given notice to the contrary

to the commission in writing within five days after the termination of service, setting forth such facts as are necessary to establish a prima facie case in support thereof. If the employer files such notice, the question shall immediately be determined in the same manner as benefit claims;

(3) He has wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any benefits under the provisions of this act;

(4) He, without good cause, has refused to accept suitable employment when offered to him, or failed to apply for suitable employment when notified by a public employment office.

(b) If an individual is disqualified under the provisions of subsection (a) of this section, he shall be ineligible to receive benefits for the week in which the cause of his disqualification occurred and for not more than four weeks which immediately follow such week.

(c) In cases of the successive disqualifications under the provisions of subsection (a) of this section, the commission may in its discretion extend the period of ineligibility provided for in subsection (b) of this section for an additional period not to exceed eight additional weeks.

CHAPTER 1179

Stats 1935,
p 1226,
amended

An act to amend Section 6 and to repeal Sections 52.1 and 52.2 of the Unemployment Insurance Act, relating to definitions contained therein.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

Stats. 1943,
p 3032

SECTION 1. Section 6 of the Unemployment Insurance Act is amended to read:

Definitions

Sec. 6. (a) "Commission" means the California Employment Stabilization Commission.

(b) "Public employment office" means a free public employment office or branch thereof operated by this State or maintained as a part of a State controlled system of public employment offices.

(c) "State" includes Alaska, Hawaii, and the District of Columbia, as well as each of the States of the United States.

(d) "Calendar-quarter" means the period of three consecutive calendar months ending on March 31st, June 30th, September 30th, or December 31st, or the equivalent thereof as may be prescribed by authorized regulations.

(e) "Contributions" means the money payments to the Unemployment Fund required by this act.

(f) "Unemployment Fund" means the Unemployment Fund established by this act.

(g) "Unemployment Administration Fund" means the Unemployment Administration Fund established by this act.

(h) "Benefit account" means the benefit account established by this act.

(i) "Clearing account" means the clearing account established by this act.

(j) "Unemployment Trust Fund account" means the Unemployment Trust Fund account established by this act.

(k) "Social Security Board" means the Social Security Board established by the Social Security Act.

(l) "Department" means the Department of Employment established by this act.

(m) "Unemployment Trust Fund" means the Unemployment Trust Fund established and maintained pursuant to Section 904 of the Federal Social Security Act as amended.

(n) "Appeals Board" means the California Unemployment Insurance Appeals Board established by this act.

(o) "Federal Unemployment Tax Act" means Subsection C of Chapter 9 of the Federal Internal Revenue Code, or the corresponding provisions of any other Federal act into which the provisions of said sections hereafter may be incorporated.

(p) "Authorized regulations" means regulations promulgated pursuant to the provisions of this act.

(q) "Benefit year," with respect to any individual, means the one-year period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and thereafter the one-year period beginning with the day on which such individual again files a valid claim after the termination of his last preceding benefit year. Any claim for benefits made in accordance with the provisions of this act and rules and regulations adopted thereunder shall be deemed a "valid claim" for purposes of this section if the individual is unemployed and has been paid wages in employment for employers necessary to qualify for benefits under Section 53 of this act.

(r) "Base period" means the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

SEC. 2. Sections 52.1 and 52.2 of said act are repealed. Repeals

CHAPTER 1180

An act to amend Section 7 of and to add Section 7.1 to the Unemployment Insurance Act, relating to unemployment insurance and excluded employments thereunder. Stats 1935, p 1226, amended

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Unemployment Insurance Act is amended to read: Stats 1945, Ch 793

Sec. 7. The term "employment" does not include:

(a) Agricultural labor;

Excluded employments

- (b) Domestic service in a private home;
- (c) Maritime services as to which this State is prohibited by the Constitution and laws of the United States of America from requiring contributions of employers or their workers with respect to wages as provided in this act;
- (d) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 21 in the employ of his father or mother;
- (e) Service performed in the employ of the United States Government or of any instrumentality of the United States; provided, that in the event that the Congress of the United States shall permit the States to require any instrumentalities of the United States to make payments into an unemployment fund under a State unemployment compensation act, and to comply with State regulations thereunder, then, to the extent permitted by Congress, and from and after the date as of which such permission becomes effective, all of the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals and services; provided further, that if this State should not be certified by the Social Security Board under Section 903 of the Social Security Act for any year, then the payments required of such instrumentalities and their workers with respect to such year shall be refunded by the commission from the Unemployment Fund without interest;
- (f) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;
- (g) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;
- (h) Service, under any unemployment compensation system established by a law of the United States;
- (i) Service performed by uncompensated officers or employees of a corporation or association where the corporation or association is not subject to the Federal Unemployment Tax Act.
- (j) Service performed by directors of a corporation or association receiving a per diem of not more than twenty dollars (\$20) for attending meetings of the board of directors, with or without a reasonable mileage for going to and from meetings of the board and other reasonable expenses incidental to attending such meetings where the corporation or association is not subject to the Federal Unemployment Tax Act.

(k) If, when, and during such time as the definition of the term "employment," as contained in the Federal Unemployment Tax Act, excludes from "employment" any one or more of the following types of service, then that type or types of service as are so excluded shall likewise be excluded from the definition of employment as contained in this section:

(1) Domestic service in a local college club, or local chapter of a college fraternity or sorority;

(2) Casual labor not in the course of the employer's trade or business;

(3) Service performed in any calendar quarter in the employ of any organization exempt from Federal income tax if

(i) The remuneration for such service does not exceed forty-five dollars (\$45), or

(ii) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order or association and is performed away from the home office or is ritualistic service in connection with any such society, order or association, or

(iii) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college or university.

(4) Service performed in the employ of an agricultural or horticultural organization;

(5) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if

(i) No part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and

(ii) Eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(6) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or designated beneficiaries, if

(i) admission to membership in such association is limited to individuals who are employees of the United States Government, and (ii) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

(7) Service performed in any calendar quarter in the employ of a school, college, or university, not exempt from Federal income tax, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed forty-five dollars (\$45) (exclusive of room, board, and tuition);

(8) Service performed in the employ of a foreign government (including service as a consular or other officer or employe or a non-diplomatic representative);

(9) Service performed in the employ of an instrumentality wholly owned by a foreign government.

(i) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(ii) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(10) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to State law.

New section
Services
performed
during
part of pay
period

SEC. 2. Section 71 is added to said act, to read:

Sec. 71. If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this paragraph the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him.

CHAPTER 1181

Stats 1935,
p 1226,
amended

An act to repeal Section 56.5 of, and to add Sections 56.5 and 6.6 and to amend Section 19 to the Unemployment Insurance Act, relating to reciprocal arrangements with other States and to advances under Title 12 of the Social Security Act.

In effect
Septembe-
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 56.5 of the Unemployment Insurance Act is repealed.

New section

SEC. 2. Section 56.5 is added to said act, to read:

Reciprocal
arrange-
ments with
other Sta-
es or U S

Sec. 56.5. The commission is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby

(a) Services customarily performed in more than one State by an individual for a single employer shall be deemed to be services performed entirely within any one of the States (i) in which any part of such individual's service is performed, or (ii) in which such individual has his residence, or (iii) in which the employer maintains a place of business, provided there is in effect as to such services an election by the employing unit with the acquiescence of such individual, approved by the agency charged with the administration of such State's unemployment compensation law pursuant to which all the services performed by such individual for such employer are deemed to be performed entirely within such State.

(b) Potential rights to benefits accumulated under the unemployment compensation laws of one or more States or under one or more such laws of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under the terms which the commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

(c) Wages or services in employment subject to an unemployment compensation law of another State or of the Federal Government shall be deemed to be wages in employment for employers for the purpose of determining his rights to benefits under this act, and wages in employment for employers as defined in this act shall be deemed to be wages or services on the basis of which unemployment compensation under the law of another State or of the Federal Government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this act upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this act as the commission finds will be fair and reasonable as to all affected interests. Reimbursements paid from the fund pursuant to this subsection shall be deemed to be benefits for the purposes of this act. The commission is authorized to make to other State and Federal agencies and to receive from such other State or Federal agencies reimbursements from or to the fund, in accordance with arrangements entered into pursuant to this subsection.

(d) Contributions due under this act with respect to wages for employment shall, for the purpose of Sections 37 and 38 of this act, be deemed to have been paid to the Unemployment Fund of this State as of the date payment was made as contributions therefor under another State or Federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursements to the fund of such contributions and the actual earnings thereon as the commission finds will be fair and reasonable as to all affected interests. The commission may collect contributions in like manner for such agencies of other States

and the Federal Government administering unemployment compensation laws and remit such contributions to such agencies under appropriate reciprocal arrangements.

(e) Services on vessels engaged in interstate commerce wherever performed shall be deemed performed within this State or any such other State on the basis of the location of the operating office of the employer from which the operations of the vessel are ordinarily and regularly supervised, managed, directed, and controlled.

The commission is also authorized to apply for an advance to the State Unemployment Fund and to accept the responsibility for the repayment of such advance in accordance with the conditions specified in Title XII of the Social Security Act, as amended, in order to secure to this State and its citizens the advantages available under the provisions of such title.

58 Fed
Stats.
Ch 480

New section
Services
within
State

SEC. 3. Section 6.6 is added to said act, to read:

Sec. 6.6. The term "employment" includes a person's entire service, if such service is deemed performed in this State by virtue of an arrangement made pursuant to this act and does not include any service which by virtue of such an arrangement is deemed performed in another State.

Stats 193f,
p 3015

Unemploy-
ment Fund

SEC. 4. Section 19 of said act is amended to read:

Sec. 19. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an Unemployment Fund, which shall be administered by the commission exclusively for the purposes of this act. This fund shall consist of (1) all contributions collected under this act; (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; and (4) all earnings of such property or securities; and (5) all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided.

CHAPTER 1182

An act to amend Section 13902 of the Government Code, relating to the State Board of Control.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 112

Compen-
sation of
appointive
member

SECTION 1. Section 13902 of the Government Code is amended to read:

13902. If the third member is not a State officer acting ex officio, he shall receive twenty-five dollars (\$25) for every day of actual attendance at meetings of the board not in excess of four meetings per month, together with his necessary traveling expenses in attending such meetings.

CHAPTER 1183

An act to amend Sections 178, 188, 333, 415, 434, and 510 and to repeal Sections 179, 181, 185, 186, 190, 191, and 192, of the Military and Veterans Code, relating to military property.

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945.]

In effect September 13, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 178 of the Military and Veterans' Code is amended to read:

178. All military property of the State which after a proper inspection is found unsuitable for the use of the State may, with the approval of the Department of Finance, be sold, destroyed, or otherwise disposed of by The Adjutant General. All proceeds shall be remitted to the State treasury and credited to the General Fund.

Property unfit for use

SEC. 2. Section 179 of said code is repealed.

Repeal

SEC. 3. Section 188 of said code is amended to read:

188. In the event of a call to active duty in case of insurrection, invasion, tumult, riot, breach of the peace, public calamity or catastrophe, or other emergency, or imminent danger thereof, The Adjutant General, with the approval of the Governor, may secure all necessary supplies, subsistence, transportation, medical, surgical, and hospital services for the officers and men called to active duty. Such purchases and services shall be exempt from State Purchasing Agent Act and Section 675a, Political Code. Claims for expenses thus incurred, when approved by The Adjutant General as purchases for the emergency, shall be deemed valid claims against appropriations for military purposes.

Medical service, etc.

Except as otherwise provided in this act all claims shall be subject to all the provisions of law relating to audit by the Controller and the Department of Finance and the requirements of the State Purchasing Act and Section 675a, Political Code.

SEC. 4. Section 333 of said code is amended to read:

333. No claim shall be allowed under this article except upon vendors' invoices or demand made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the National Guard or Naval Militia, or notary public, and forwarded through the headquarters of the regiment, coast artillery corps, separate battalion, or next higher unit, or separate squadron, with the approval of each commanding officer through whose headquarters they are required to pass, direct to The Adjutant General.

Claims for compensation, etc

SEC. 5. Section 415 of said code is amended to read:

415. If the commanding officer of the organization charged does not concur in the finding of the surveying officer, then the value of lost or destroyed property and the person or command to be charged therewith shall be determined by a board consisting of the commanding officer of the organization in which such property is lost and two disinterested officers not below

Determination of value of lost or destroyed property

the grade of major appointed by The Adjutant General. A decision of a majority of the board so constituted shall be final.

SEC. 7. Section 434 of said code is amended to read:

Regulation,
for use of
armories

434. The Adjutant General, under the direction of the Governor, shall make and enforce regulations for the government and control of such armories and where appropriations have been made therefor, may purchase or lease real estate for armory or storage purposes.

SEC. 8. Section 510 of said code is amended to read:

High
school
cadet
uniforms

510. High school cadets shall wear such uniforms as The Adjutant General prescribes. The Adjutant General may issue to the high school cadets necessary cap and collar ornaments and chevrons. A regulation uniform for cadets shall be kept in The Adjutant General's office to be used as sample from which the uniforms for the high school cadets shall be made. Such issues may be made by The Adjutant without charge to the high school cadets or to the school. The Adjutant General, after receiving written acknowledgment from the high school principal of the receipt of such property, shall account the same as a transfer of equipment.

Repeals

SEC. 9. Sections 184, 185, 186, 190, 191, 192 of said code are repealed.

CHAPTER 1184

An act to amend Section 24205 of the Education Code, relating to the issuance of college degrees.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 24205 of the Education Code is amended to read:

Issuance of
certificates
or diplomas

24205. The power to issue certificates or diplomas evidencing the completion of any course of instruction in medicine, surgery, chiropody, drugless practice, dentistry, pharmacy, optometry, veterinary medicine, chiropractic, osteopathy, public accountancy, law, architecture, nursing, or civil engineering, or to confer degrees of any kind or character whatsoever, is limited to corporations incorporated pursuant to this article, whose articles of incorporation, or amended articles or incorporation, confer such authority, and which comply with Sections 24202 to 24204, inclusive. This section shall not apply to any university, college, or seminary of learning which prior to September 19, 1939, has been given, or whose trustees have been given, the right to exercise corporate powers and privileges by special legislative act or which has been chartered under existing laws as an educational institution with the power to confer degrees and continuously offered and (except for normal vacation periods) conducted, from the first day of January, 1939, to September 19, 1939, regular resident courses of instruction in such subjects.

CHAPTER 1185

An act to amend Section 21 of the Agricultural Code, Sections 151 and 10055 of the Business and Professions Code, Section 10204, 13002, and 14002 of the Government Code, Section 13101 of the Health and Safety Code, Section 21 of the Corporate Securities Act, Section 501 of the Public Resources Code, Sections 130 and 152 of the Welfare and Institutions Code, Section 3700 of the Political Code, Section 10 of the Public Utilities Act, and Section 22003 of the Education Code, Sections 76 and 77 of the Unemployment Insurance Act, relating to State officers and employees, their qualifications and salaries.

Stats 1917,
p 673,
amended

Stats 1917,
p 115,
amended

Stats 1935,
p 1226,
amended

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 21 of the Agricultural Code is amended to read:

21. The department shall be conducted by an executive officer known as the Director of Agriculture. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary of ten thousand dollars (\$10,000) per annum. Before entering upon the duties of his office, the director shall execute an official bond in the sum of twenty-five thousand dollars (\$25,000).

Director of
Agriculture

SEC. 2. Section 151 of the Business and Professions Code is amended to read:

151. The director is appointed by the Governor and holds office at the Governor's pleasure. He shall receive a salary of eight thousand dollars (\$8,000) per annum, and his necessary traveling expenses. He shall execute and furnish to the State of California an official bond in the sum of twenty-five thousand dollars (\$25,000) conditioned upon the faithful performance of his duties.

Director of
Professional
and
Vocational
Standards

SEC. 3. Section 10055 of the Business and Professions Code is amended to read:

10055. Each member of the board, except the commissioner, shall serve without compensation.

Real Estate
Board

The commissioner shall receive an annual salary of ten thousand dollars (\$10,000), to be paid monthly out of the State treasury upon a warrant of the Controller.

Real Estate
Commis-
sioner

Each member shall be allowed his actual and necessary traveling expenses in the discharge of his duties.

SEC. 4. Section 10204 of the Government Code is amended to read:

See also
Stats 1945,
Ch 111

10204. The annual salary of the Legislative Counsel is ten thousand dollars (\$10,000). The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties.

Legislative
Counsel

See also
Stats. 1915,
Ch. 1173

State Fire
Marshal

SEC. 5. Section 13101 of the Health and Safety Code is amended to read as follows:

13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. In order to be eligible for appointment, he shall have had not less than eight years experience in a regularly organized fire department in this State. He shall be paid a salary of seven thousand dollars (\$7,000) per annum.

Stats. 1911,
P. 937

Division of
Corporations

Commis-
sioner of
Corporations

SEC. 6. Section 21 of the Corporate Securities Act is amended to read:

Sec. 21. There is hereby created the Division of Corporations. The chief officer of such division shall be the Commissioner of Corporations. He shall be appointed by the Governor and hold office at the pleasure of the Governor. He shall receive an annual salary of ten thousand dollars (\$10,000), to be paid monthly out of the General Fund in the State treasury upon a warrant of the Controller. He shall within 15 days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the Secretary of State and execute to the people of the State a bond in the penal sum of ten thousand dollars (\$10,000) with corporate security or two or more sureties, to be approved by the Governor of the State, for the faithful discharge of the duties of his office.

Stats. 1915,
P. 115

Railroad
Commis-
sioners

SEC. 7. Section 10 of the Public Utilities Act is amended to read:

Sec. 10. (a) The annual salary of each commissioner shall be ten thousand dollars (\$10,000). All officers, experts, engineers, statisticians, accountants, examiners, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners shall be civil executive officers and their salaries as fixed by law shall be paid in the same manner as are the salaries of other State officers. The salary or compensation of every person employed by the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the Board of Control.

(b) All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, and their employees, incurred while on business of the commission, and including the premium or charge for bonds given by surety companies for employees of the commission when required by the commission; provided, however, that no such premium or charge shall exceed one-half of 1 per cent per annum of the amount of such bond, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the Board of Control.

SEC. 8. Section 13002 of the Government Code is amended to read: See also
Stats 1945,
Ch 112

13002. The director is appointed and holds office at the pleasure of the Governor. The annual salary of the director is twelve thousand dollars (\$12,000). Director of
Finance

SEC. 8. Section 22003 of the Education Code is amended to read:

22003. The State Librarian shall be appointed by and hold office at the pleasure of the Governor. He shall receive a salary of seven thousand five hundred dollars (\$7,500) per annum, and before entering upon the duties of his office shall execute an official bond to the State in the penal sum of three thousand dollars (\$3,000). State
Librarian

SEC. 9. Section 14002 of the Government Code is amended to read: See also
Stats 1945,
Ch 118

14002. The director is appointed by and holds office at the pleasure of the Governor. The annual salary of the director is twelve thousand dollars (\$12,000). Director
of Public
Works

SEC. 10. Section 501 of the Public Resources Code is amended to read:

501. There is in the State government a Director of Natural Resources. The department shall be conducted under the control of an executive officer known as Director of Natural Resources. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary of ten thousand dollars (\$10,000) a year. Director of
Natural
Resources

SEC. 10.5. Section 130 of the Welfare and Institutions Code is amended to read:

130. Notwithstanding any of the provisions of this code the Director of Social Welfare shall receive a salary of ten thousand dollars (\$10,000). Director
of Social
Welfare

SEC. 11. Section 152 of the Welfare and Institutions Code is amended to read:

152. The director shall be appointed by and hold office at the pleasure of the Governor, and shall receive a salary of ten thousand dollars (\$10,000) per annum. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars (\$25,000), conditioned upon the faithful performance of his duties. Director of
Mental
Hygiene

SEC. 12. Section 3700 of the Political Code is amended to read as follows:

3700. The annual salary of each member of the State Board of Equalization, representing one of the equalization districts of the State, is ten thousand dollars (\$10,000). Each of said members shall devote his entire time to the services of the State in performing the duties imposed upon said board and the members thereof by the Constitution and Statutes of this State. State
Board of
Equalization

SEC. 13. Section 76 of the Unemployment Insurance Act is amended to read: Stats 1943,
p 3032

Sec. 76. The work and functions of the department shall be segregated and allotted according to their nature into divisions. Department
of
Employment

Chief of
division

One of such divisions shall be designated Division of Public Employment Offices and Benefit Payments, and one shall be designated the Division of Accounts and Tax Collections. Each of these two divisions shall be under a chief who shall be appointed by the Governor, subject to the approval of the Senate, and who shall serve at the pleasure of the Governor. The chief of each of these two divisions shall devote his full time to the performance of his duties as such chief of a division and shall receive a salary of ten thousand dollars (\$10,000) per year. There shall be such other divisions as the commission may determine that the exigencies and nature of the work of the department require.

Stats. 1943,
P. 3032

SEC. 14 Section 77 of the Unemployment Insurance Act is amended to read:

California
Unemploy-
ment
Insurance
Appeals
Board

Sec. 77 The California Unemployment Insurance Appeals Board, to consist of three members to be appointed by the Governor, subject to the approval of the Senate, is hereby created in the Department of Employment. Each member of such board shall devote his full time to the performance of his duties in this act defined and shall receive a salary of ten thousand dollars (\$10,000) per year.

CHAPTER 1186

An act to amend Section 1295 of the Penal Code, relating to bail and deposits instead of bail.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

Deposit in
lieu of
bail

SECTION 1. Section 1295 of said code is amended to read:

1295. The defendant, or any other person, at any time after an order admitting defendant to bail instead of giving bail may deposit with the clerk of the court in which defendant is held to answer, the sum mentioned in the order, and upon delivering to the officer in whose custody defendant is a certificate of the deposit, defendant must be discharged from custody.

Whenever the defendant has been arrested and booked and the amount of bail indorsed on the warrant or fixed by order of the court does not exceed two hundred and fifty dollars (\$250), the defendant, or any other person, may deposit with the officer in charge of the jail wherein the defendant is detained, cash in the amount of the bail indorsed on such warrant or fixed by the order of the court. Upon such deposit being made the defendant must be discharged from custody. The money so deposited shall be transmitted to the judge or clerk of the court by which the warrant was issued not later than the next business day.

CHAPTER 1187

An act to amend Sections 9000, 9030, 9031, 9034, 9126, 9130, 9136, 9164, 9200, 9201, 9203, 9205, 9206, 9216, 9218, 9221 and 9354 of, and to add Section 9264.5 to, and to repeal Section 9204 of, the Public Resources Code, and to repeal Section 10058 of the Elections Code, relating to soil conservation, including but not limited to soil conservation districts.

[Approved by Governor July 9, 1945 Filed with Secretary of State July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 9000 of the Public Resources Code is amended to read:

9000. The Legislature hereby declares that the conservation of the soil is of great importance to the prosperity and welfare of the people of this State and that the provisions of this division of this code are enacted to accomplish the following purposes: Declaration of purposes

(a) To provide a means by which the State may cooperate with the United States and with soil conservation districts organized pursuant to this division in securing the adoption in this State of farm and range practices and land use best adapted to save the soil resources of the State from unreasonable and economically preventable waste.

(b) To provide for the organization and operation of soil conservation districts for the control of run-off and the prevention and control of soil erosion and also to provide means for conserving and supplying water for district lands, which districts, in addition to their other powers, shall have legal authority:

(1) To cooperate with the United States, this State, counties, public districts, other soil conservation districts, persons, associations, and corporations in matters relating to the control of run-off and to soil conservation through the prevention and control of soil erosion. Powers

(2) To construct on privately or publicly owned lands necessary works for the control of run-off and the prevention and control of soil erosion.

(3) To establish and enforce reasonable land use regulations for preventing or reducing loss or damage by soil erosion.

SEC. 2. Section 9030 of the Public Resources Code is amended to read:

9030. There is hereby created the State Soil Conservation Commission. It shall consist of five members: The State Engineer, the dean of the College of Agriculture of the University of California and the Director of Agriculture Extension of the University of California, serving ex officio, and two members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years. State Soil Conservation Commission

SEC. 3. Section 9031 of the Public Resources Code is amended to read:

Appointive
members

9031. The other two members to be appointed shall be directors and in making such appointments, the Governor shall provide for equal representation from the northern and southern portions of the State.

SEC. 4. Section 9034 of the Public Resources Code is amended to read:

Quorum

9034. Three members of the commission shall constitute a quorum for any purpose, including organization.

SEC. 5. Section 9126 of the Public Resources Code is amended to read:

Publication
of notice
of district
election

9126. Notice of election shall be published in a newspaper of general circulation published in the principal county and, if a portion of the district lies in any other county, also in a newspaper of general circulation published in such other county. The cost of publication of the notice in the principal county shall be paid by the principal county and shall be a county charge. The cost of publication of notice in any other county shall be paid by such other county and shall be a county charge.

SEC. 6. Section 9130 of the Public Resources Code is amended to read:

Ballots

9130. The county clerk of any county in which an election under this division is to be held, may provide separate ballots for such election. The separate ballots shall be sufficient if they conform to the requirements of this division and they need not conform to the provisions of the Elections Code relating to the form of ballots.

Conduct of
election

Election officers shall be appointed, ballots and supplies provided, and the election conducted as prescribed by the provisions of this division relating to general soil conservation district elections, except that the board of supervisors shall act in place of the directors and the clerk of the board in place of the secretary of the directors.

SEC. 7. Section 9136 of the Public Resources Code is amended to read:

Canvass

9136. The board of supervisors of each county in which a part of the district is situated shall meet on the second Monday following the election and canvass the votes. The results of the canvass of the votes of each county shall be certified to the board of the principal county.

SEC. 8. Section 9164 of the Public Resources Code is amended to read:

Terms of
first
directors

9164. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the first Tuesday in March of the next odd-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the first Tuesday in March of the second odd-numbered year after the year in which the meeting is held.

SEC. 9. Section 9200 of the Public Resources Code is amended to read:

9200. An election to be known as the General Soil Conservation District election shall be held in each district on the first Tuesday in February in each odd-numbered year, at which a successor shall be chosen for each director whose term of office expires in March next thereafter. General district election

SEC. 10. Section 9201 of the Public Resources Code is amended to read:

9201. Not less than 30 days prior to the election, any five or more electors in the district may file with the board of supervisors of the county in which is situated all or the greatest portion of the land in the district a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land within the district. Nomination of candidates

SEC. 11. Section 9203 of the Public Resources Code is amended to read:

9203. The election shall be conducted by the board of supervisors and county clerk of the county in which is situated all or the greatest portion of the land in the district, the votes cast, and returns made to such board as nearly as practicable in conformity with the general election laws of this State, including but not limited to those relating to local elections, except that the precincts for the election shall not include any territory not in the district, and except that the register used may be that prepared for any other election, and except as otherwise provided. Election laws

SEC. 12. Section 9205 of the Public Resources Code is amended to read:

9205. The board of supervisors of the county in which is situated all or the greatest portion of the land in the district shall canvass the returns of the election. Canvass

SEC. 13. Section 9206 of the Public Resources Code is amended to read:

9206. Such board of supervisors shall provide for the appointment of precinct boards and the formation of precincts for such elections, and shall pay the expenses of the election. Such county clerk shall furnish each precinct board with a map showing the boundaries of the district. Conduct of election

SEC. 14. Section 9216 of the Public Resources Code is amended to read:

9216. The county clerk of the county in which is situated all or the greatest portion of the land in the district as soon as the result is declared shall certify to the district for its records a statement of the result which shall show (a) the whole number of votes cast in the district, (b) the names of the candidates voted for, (c) the number of votes given in each precinct for each candidate. Certification of result

SEC. 15. Section 9218 of the Public Resources Code is amended to read:

9218. Such county clerk shall immediately make out, sign, and deliver to each person elected a certificate of election. Certificate of election

SEC. 13. Section 9221 of the Public Resources Code is amended to read:

Terms of
directors.

9221. The directors so elected and qualified shall take office at noon on the first Tuesday in March next following their election.

The term of office of all directors in districts in existence on the effective date of the amendment to this section in 1945 shall expire at noon on the first Tuesday in March in 1947. Directors elected at the February election in 1947 shall at their first meeting classify themselves by lot into two classes as nearly equal in number as possible. The terms of office of those in the class having the least number shall expire at noon on the first Tuesday in March in the next odd-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the first Tuesday in March of the second odd-numbered year after the year in which the meeting is held.

SEC. 17. Section 9264.5 is added to the Public Resources Code, to read:

Cooperation

9264.5. The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts. An association of soil conservation districts may be organized to facilitate such cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies and the carrying out of projects of joint interest to the districts participating therein.

SEC. 18. Section 9354 of the Public Resources Code is amended to read:

Limitation
of regular
assessment

9354. The regular assessment in any one year shall not exceed two cents (\$.02) on each one hundred dollars (\$100) of assessed valuation of the land, exclusive of improvements and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights are involved.

Repeals

SEC. 19. Section 9202 of the Public Resources Code and Section 10058 of the Elections Code are repealed.

CHAPTER 1188

An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

In effect
September
15, 1945

[Approved by Governor July 9, 1945. Filed with Secretary of State July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5054 of the Welfare and Institutions Code is amended to read:

Appointment
of attorney

5054. The alleged mentally ill person shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally ill person, the judge shall appoint an attorney to represent him.

CHAPTER 1189

An act to add Section 320d to the Civil Code, relating to articles of incorporation.

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 320d is added to the Civil Code, to read:

320d. The articles of incorporation of any corporation may confer upon the holders of any bonds, debentures or other obligations issued or to be issued by such corporation, whether secured by mortgage or otherwise, or unsecured, any one or more of the following powers and rights: (a) the power to vote on the election of directors, or on other matters to be specified in the articles of incorporation; (b) the right of inspection of books of account, minutes and other corporate records; or (c) any other rights to information concerning the financial condition of the corporation which its shareholders have or may have. Notwithstanding anything to the contrary now or hereafter elsewhere contained in the General Corporation Law, any such power or rights so conferred shall not be diminished, as to bonds, debentures or other obligations then outstanding, except by an amendment of the articles of incorporation approved by the vote or written consent of the holders of a majority in principal amount thereof or such larger percentage as may be specified in the articles of incorporation.

Powers of
bond-
holders, etc

CHAPTER 1190

An act to add Section 4703 to the Education Code, relating to the establishment of classes for educating wards of a juvenile court, to be located outside of the boundaries of a unified school district.

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4703 is hereby added to the Education Code, to read:

4703. The governing board of a unified school district coterminous with the boundaries of a city and county, may conduct classes for wards of the juvenile court of said city and county, and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the said school district.

Schools for
wards of
juvenile
court

CHAPTER 1191

An act to add Section 222.5 to, and to amend Section 225 of, the Labor Code, relating to the requirement by employers of the payment by employees or applicants or prospective employees, or the deduction from their compensation, of fees or costs of medical or physical examinations, as a condition of employment, and providing penalties for violation.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 222.5 is added to the Labor Code, to read:

Withholding
examination
fees

222.5. No person shall withhold or deduct from the compensation of any employee, or require any prospective employee or applicant for employment to pay, any fee for, or cost of, any preemployment medical or physical examination taken as a condition of employment.

SEC. 2. Section 225 of said code is amended to read:

Penalty

225. The violation of any provision of Sections 221, 222, 222.5, or 223 is a misdemeanor.

CHAPTER 1192

An act to amend Section 1204 of the Code of Civil Procedure, relating to claims and liens for labor.

In effect
September
15, 1945

[Approved by Governor July 9, 1945 Filed with Secretary of State
July 9, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1204 of the Code of Civil Procedure is amended to read:

Preferred
labor
claims

1204. When any assignment, whether voluntary or involuntary, and whether formal or informal, is made for the benefit of creditors of the assignor, or results from any proceeding in insolvency or receivership commenced against him, or when any property is turned over to the creditors of a person, firm, association or corporation, or to a receiver or trustee for the benefit of creditors, the wages and salaries of miners, mechanics, salesmen, servants, clerks, laborers, and other persons, for personal services rendered such assignor, person, firm, association or corporation, within 90 days prior to such assignment, or the taking over of such property, or to the commencement of the proceeding when a court action is involved, and not exceeding two hundred dollars (\$200) each, constitute preferred claims and liens as between creditors of the debtor, and must be paid by the trustee, assignee or receiver before the

claim of any other creditor of the assignor, insolvent, or debtor whose property is so turned over, and must be paid as soon as the money with which to pay same becomes available. If there is insufficient money with which to pay all such labor claims in full the money available must be distributed among the claimants in proportion to the amount of their respective claims. The trustee, receiver or assignee for the benefit of creditors shall have the right to require sworn claims to be presented and shall have the right to refuse to pay any such preferred claim, either in whole or in part, if he has reasonable cause to believe that such claim is not valid but must pay any part thereof that is not disputed, without prejudice to the claimant's rights, as to the balance of his claim, and withhold sufficient money to cover the disputed portion until the claimant in question has a reasonable opportunity to establish the validity of his claim by court action, either in his own name or through an assignee.

This section is binding upon all the courts of this State and in all receivership actions the court must order the receiver to pay promptly out of the first receipts and earnings of the receivership, after paying the current operating expenses, such preferred labor claims and such liens.

CHAPTER 1193

An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

Stats 1907,
p 124,
amended

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Division 22, comprising Sections 29000 through 29067 is added to the Health and Safety Code, to read:

DIVISION 22. DANGEROUS DRUGS

CHAPTER 1. DEFINITIONS

29000. Definitions of terms in this division apply to this division only. Application of definitions

29001. "Dangerous drug" means any drug unsafe for self medication and includes the following: "Dangerous drug"

(a) Any hypnotic drug. "Hypnotic drug" includes acety-lurea derivatives, barbituric acid or malonylurea derivatives,

chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane derivatives, or any compounds or mixtures or preparations thereof that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchopher, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five per cent (5%) strength, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

"Person" 29002. "Person" means and includes any person, partnership, firm or corporation, acting either as principal or agent.

"Furnish" 29003. "Furnish" means to supply by any means, by sale or otherwise.

"Prescription" 29004. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name of patient, name and quantity of drug or drugs prescribed; directions for use and the date of issue.

"Physician," etc 29005. "Physician," "dentist," "chiropracist," "veterinarian" and "pharmacist" means persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes physician and surgeon and also osteopathic physician and surgeon.

"Manufacturer" 29006. "Manufacturer" means a person who derives, produces or prepares drugs. Every manufacturer shall maintain an established place of business; shall keep purchase and use and sales records; and shall be registered with the board.

"Wholesaler" 29007. "Wholesaler" means a person who supplies drugs that he himself has not derived, produced or prepared, on sales orders but not on prescriptions. Every wholesaler shall maintain an established place of business, shall keep purchase and sales records and shall be registered with the board.

"Pharmacy" 29008. "Pharmacy" means a pharmacy licensed under the provisions of Chapter 9 of Division 2 of the Business and Professions Code.

29009. "Laboratory" means a research, teaching or testing laboratory not engaged in the sale of drugs but using hypnotic drugs for scientific or teaching purposes. Every laboratory shall maintain an established place of business; shall keep purchase records and shall be registered with the Board. ^{"Laboratory"}

29010. "Authorized officers of the law" means legally empowered peace officers including inspectors of the State Board of Pharmacy and of the State Bureau of Food and Drug Inspection. ^{"Authorized officers of the law"}

29011. "Board" means the California State Board of Pharmacy. ^{"Board"}

CHAPTER 2. OFFENSES

29020. No person shall furnish any dangerous drug except upon the prescription of a physician, dentist, chiroprapist or veterinarian. ^{Prescription required}

The provisions of this section do not apply to the sale of any dangerous drug by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiropodist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

29021. No person shall furnish any dangerous drug upon prescription except in a container correctly labeled with the date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber. ^{Container labels}

29022. No person shall refill any prescription for any dangerous or hypnotic drug except upon authorization of the prescriber which may be given with the original prescription, except that a prescription for diphenylhydantoin, amipopyrine, thyroid or the contained or derived active compounds or mixtures of any thereof, or liquid preparations of phenobarbital containing not more than two grains of phenobarbital per ounce, may be refilled for the person for whom prescribed, but only in the amount specified in the prescription. ^{Refilling prescriptions}

29023. No person shall have in possession any hypnotic drug or any preparation included in subdivision (c) of Section 29001 except that furnished to such person upon the prescription of a physician, dentist, chiropodist or veterinarian. ^{Possession of drugs}

The provisions of this section do not apply to the possession of any said drug by a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier.

29024. All stock of any dangerous drug of a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory shall be at all times during business hours open to inspection by authorized officers of the law. ^{Inspection of stock}

- Records 29025. All records of manufacture and of sale or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making.
- Penalties 29026. Every person who violates any provision of this chapter, with respect to any hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Upon a third or subsequent conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter shall institute and maintain proceedings for the forfeiture of such license.
- Minors 29027. Every person who violates any provision of this chapter by use of a minor as an agent or by unlawfully furnishing any hypnotic or dangerous drug to a minor shall be punished as for contributing to the delinquency of such minor.
- Penalties 29028. Every person who violates any provision of this chapter with respect to any dangerous drug other than a hypnotic drug is guilty of a misdemeanor.
- Disposition of fines 29029. All fines collected for violations of the provisions of this chapter shall be paid one-half into the State treasury to the credit of the Contingent Fund of the Board of Pharmacy and one-half to the treasurer of the jurisdiction in which the misdemeanor is prosecuted, to be deposited in the same fund as fines for other misdemeanors occurring in that jurisdiction are deposited.

CHAPTER 3. ADMINISTRATION

- State Board of Pharmacy 29040. The California State Board of Pharmacy shall administer and enforce this division.
- Rules 29041. The board, if after open hearing following due notice to persons who have filled written requests for such notice to the board it shall find any drug to be dangerous to the public health or safety, may make other rules, not inconsistent with this division, limiting or restricting the furnishing of such drug. Any violation of any such rule shall be punished in the same manner as is respectively provided in Sections 29026, 29027 and 29028.
- Notice of adoption of rules 29042. Notice of the adoption of any further rules by the board shall be given to interested parties and no person shall be subject to any prosecution for violating any such rules until the board has given due public notice of the adoption of such rules.
- Copies of laws, etc. 29043. The board shall upon request furnish any person with a copy of the laws or regulations relating to dangerous drugs, the furnishing or possession of which is restricted by this division or by further rules of the board.

SEC. 2. Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing penalties for the violation thereof" is amended to read:

Sec. 5a. The following is schedule "A" referred to in Section 1, viz.: Schedule "A," arsenic, its compounds and preparations, antimony and potassium tartrate, its compounds and preparations, poisonous salts of barium, cowhage, corrosive sublimate and other poisonous derivatives of mercury, cyanide, its compounds and preparations, fluorides, nitro-glycerine, strychnine, hydrocyanic acid, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poisons containing any of the poisons enumerated in this schedule except ant poisons which contain not to exceed four-tenths ($\frac{4}{10}$) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic; provided, however, that the following shall not be included in this schedule, pills, or tablets of aloin belladonna and strychnine, plasters composed of aconite or belladonna, or elixir of iron quinine and strychnine or ethyl alcohol denatured in accordance with any formula approved by the Internal Revenue Department of the Federal Government for external use and all economic poisons, as that term is defined in Article 3 of Chapter 7 of Divis.on 5 of the Agricultural Code and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: Arsenate of lead, arsenate of calcium, paris green, london purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels, any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus, ant poisons containing more than four-tenths ($\frac{4}{10}$) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium; all of which economic poisons, with the above exceptions, may be sold by dealers generally, when prepared, packaged, and sold in accordance with rules and regulations authorized by the provisions of said article of the Agricultural Code, anything in this or any other act to the contrary notwithstanding.

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, oil of bitter almond, bromine, chloroform, creosote, conium, cresolic acid, ether, solution of formaldehyde or formalin, cocculus indicis, all of their preparations; iodine or its tinctures, gelsemium, hyoseyamus, oil of pennyroyal, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of creosol, potassium permanganate, poisonous salts of silver and yellow jasmine.

Stats 1943,
p 2889
See also
Stats 1945,
Ch 1196

Schedule
"A"

Schedule
"B"

See also
Stats 15 15,
Ch 1190

Amido-
pyrine,
cincho-
phen,
sulfanila-
mide, or
thyroid

SEC. 3. Section 23251 of the Health and Safety Code is amended to read:

26251. A drug shall be deemed to be misbranded if it is a drug sold at retail and contains any quantity of amidopyrine, cinchophen, sulfanilamide, thyroid, or any of its preparations, compounds or derivatives, unless it is sold on an order, or prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. Prescriptions containing amidopyrine, cinchophen or sulfanilamide, their compounds, preparations or derivatives issued under this section can not be refilled without the order of the physician, dentist or veterinarian who prescribes the same. Bandages of all types, and preparations and ointments for external use only, containing 5 per cent or less sulfanilamide, or any of its preparations, compounds or derivatives, are exempt from the provisions of this section. The provisions of this section are limited by subdivision (h) of Section 29001 and by Section 29022.

Repeals

SEC. 4. Section 6a of the act cited in the title hereof and Section 347½ of the Penal Code are, and each of them is, repealed.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Under the present law sulfanilamides and substituted sulfanilamides, or compounds or mixtures thereof, for the treatment of poultry can be acquired by poultrymen only after considerable delay and the consequences of such delay may be the serious depletion of the poultrymen's flocks because of disease which could be cured by such preparations. Certain diseases of poultry may break out at any time in any flock and unless measures are taken to provide for the immediate application of necessary remedies there is a danger that the meat supply of the State will be seriously affected. Consequently, in order to assure a continued supply of poultry meat to the people of the State it is necessary that this act take effect immediately.

CHAPTER 1194

An act to provide for the repair, restoration and maintenance of the Jenner Jetty on the Russian River, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of forty thousand dollars (\$40,000) is hereby appropriated to the Water Resources Revolving Fund, one-half from the Fish and Game Preservation Fund, and one-half from the State Beach Fund, to be expended by the Department of Public Works, hereinafter referred to as "department," acting through the State Engineer, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for the repair, restoration and maintenance of the jetty near Jenner at the mouth of the Russian River.

Appropriation for Jenner Jetty

SEC. 2. Plans and specifications for the work provided for in this act shall be prepared by the department and approved by the Director of Natural Resources before commencement of said work.

Plans and specifications

SEC. 3. It shall be the duty of the department to exercise jurisdiction over said Jenner Jetty for the purpose of repairing, restoring and maintaining the same, from time to time, as may be necessary. Such jurisdiction shall be limited to the purpose specified in this section but shall continue to be exercised by the department until otherwise provided by law.

Jurisdiction of Department of Natural Resources

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

Performance of the work is dependent on the placing of concrete at the lowest possible elevations thereby securing a satisfactory and dependable job. The work should be done during the months of May and June when tide and surf conditions are most favorable. In order to allow time for preparation of plans and specifications, advertising for bids and award of contract, and performance of preparatory work on the quarry, roads, and concrete aggregate plant, it is necessary that this act take effect immediately.

CHAPTER 1195

An act to repeal Section 114 of, and to add Section 114 to, the Business and Professions Code, relating to the renewal of licenses, declaring the urgency hereof, to take effect immediately.

In effect
immediately

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 114 of the Business and Professions Code is repealed.

SEC. 2. Section 114 is added to the Business and Professions Code, to read:

Renewal of
licenses by
persons in
military
service

114. Notwithstanding any other provision in this code, any person holding a valid unexpired license issued by any board, commission, or bureau in the department, who enters any branch of the armed services of the United States in time of war or during a national emergency, shall not be required to renew such license at any time while exclusively engaged in such service.

A licensee, having availed himself of the provisions of this section, shall apply for the renewal of his license immediately upon re-entry into the private practice of his profession or vocation, and in no case shall application for renewal of a license be made later than one year from date of discharge from active service or return to inactive military status. The licensee applying for renewal of his license at a time more than one year from date of discharge or return to inactive military status may be subjected to re-examination or to the payment of penalties as prescribed in this code or both.

For the purposes of this section, time spent by a licensee in receiving treatment or hospitalization in any Veterans' Facility during which he is prevented from practicing his profession or vocation shall be excluded from said period of one year.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution, and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

Licenses are daily returning from the armed forces in ever increasing numbers. Many of those who are being discharged do not immediately resume practice of their professions or vocations because they need time in which to readjust themselves mentally and physically and to reestablish their homes and otherwise take care of their personal affairs. Moreover, no allowance for time required for hospitalization following discharge is now permitted.

CHAPTER 1196

An act to add Division 22 to the Health and Safety Code, to repeal Section 347½ of the Penal Code, and to amend Section 5a and repeal Section 6a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, and to amend Section 26251 of the Health and Safety Code, all relating to the possession and sale of dangerous drugs as defined therein and providing penalties for the violation thereof, declaring the urgency hereof, to take effect immediately.

Stats 1907,
p 124,
amended

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Division 22, comprising Sections 29000 through 29067, is added to the Health and Safety Code, to read:

DIVISION 22. DANGEROUS DRUGS

CHAPTER 1. DEFINITIONS

29000. Definitions of terms in this division apply to this division only.

Application
of definitions

29001. "Dangerous drug" means any drug unsafe for self medication and includes the following:

"Dangerous
drug"

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid or malonylurea derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane derivatives, or any compounds or mixtures or preparations thereof that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethylstilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five per cent. (5%) strength, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

- "Person" 29002. "Person" means and includes any person, partnership, firm or corporation, acting either as principal or agent.
- "Furnish" 29003. "Furnish" means to supply by any means, by sale or otherwise.
- "Prescription" 29004. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name of patient, name and quantity of drug or drugs prescribed; directions for use and the date of issue.
- "Physician," etc 29005. "Physician," "dentist," "chiropodist," "veterinarian" and "pharmacist" mean persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes physician and surgeon and also osteopathic physician and surgeon.
- "Manufacturer" 29006. "Manufacturer" means a person who derives, produces or prepares drugs. Every manufacturer shall maintain an established place of business; shall keep purchase and use, and sales record; and shall be registered with the board.
- "Wholesaler" 29007. "Wholesaler" means a person who supplies drugs that he himself has not derived, produced or prepared, on sales orders but not on prescriptions. Every wholesaler shall maintain an established place of business, shall keep purchase and sales records and shall be registered with the board.
- "Pharmacy" 29008. "Pharmacy" means a pharmacy licensed under the provisions of Chapter 9 of Division 2 of the Business and Professions Code.
- "Laboratory" 29009. "Laboratory" means a research, teaching or testing laboratory not engaged in the sale of drugs but using hypnotic drugs for scientific or teaching purposes. Every laboratory shall maintain an established place of business; shall keep purchase records and shall be registered with the board.
- "Authorized officers of the law" 29010. "Authorized officers of the law" means legally empowered peace officers including inspectors of the State Board of Pharmacy and of the State Bureau of Food and Drug Inspection.
- "Board" 29011. "Board" means the California State Board of Pharmacy.

CHAPTER 2. OFFENSES

Prescription required 29020. No person shall furnish any dangerous drug except upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the sale of any dangerous drug by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiropodist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

29021. No person shall furnish any dangerous drug upon prescription except in a container correctly labeled with the date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber. Container labels

29022. No person shall refill any prescription for any dangerous or hypnotic drug except upon authorization of the prescriber which may be given with the original prescription, except that a prescription for diphenylhydantoin, aminopyrine, thyroid or the contained or derived active compounds or mixtures of any thereof, or liquid preparations of phenobarbital containing not more than 2 grains of phenobarbital per ounce, may be refilled for the person for whom prescribed, but only in the amount specified in the prescription. Refilling prescriptions

29023. No person shall have in possession any hypnotic drug or any preparation included in subdivision (c) of Section 29001, except that furnished to such person upon the prescription of a physician, dentist, chiropodist or veterinarian. Possession of drugs

The provisions of this section do not apply to the possession of any said drug by a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier.

29024. All stock of any dangerous drug of a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory shall be at all times during business hours open to inspection by authorized officers of the law. Inspection of stock

29025. All records of manufacture and of sale or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. Records

29026. Every person who violates any provision of this chapter, with respect to any hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Upon a third or subsequent conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter shall institute and maintain proceedings for the forfeiture of such license. Penalties

29027. Every person who violates any provision of this chapter by use of a minor as an agent or by unlawfully furnishing any hypnotic or dangerous drug to a minor shall be punished as for contributing to the delinquency of such minor. Minors

29028. Every person who violates any provision of this chapter with respect to any dangerous drug other than a hypnotic drug is guilty of a misdemeanor. Penalties

Disposition
of fines

29029. All fines collected for violations of the provisions of this chapter shall be paid one-half into the State treasury to the credit of the Contingent Fund of the Board of Pharmacy and one-half to the treasurer of the jurisdiction in which the misdemeanor is prosecuted, to be deposited in the same fund as fines for other misdemeanors occurring in that jurisdiction are deposited.

CHAPTER 3. ADMINISTRATION

State
Board of
Pharmacy
Rules

29040. The California State Board of Pharmacy shall administer and enforce this division.

29041. The board, if after open hearing following due notice to persons who have filed written requests for such notice to the board it shall find any drug to be dangerous to the public health or safety, may make other rules, not inconsistent with this division, limiting or restricting the furnishing of such drug. Any violation of any such rule shall be punished in the same manner as is respectively provided in Sections 29026, 29027 and 29028.

Notice of
adoption
of rules

29042. Notice of the adoption of any further rules by the board shall be given to interested parties and no person shall be subject to any prosecution for violating any such rules until the board has given due public notice of the adoption of such rules.

Copies of
laws, etc.

29043. The board shall upon request furnish any person with a copy of the laws or regulations relating to dangerous drugs, the furnishing or possession of which is restricted by this division or by further rules of the board.

Stats. 1945,
Ch. 1193

SEC. 2. Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing penalties for the violation thereof" is amended to read:

Schedule
"A"

Sec. 5a. The following is schedule "A" referred to in Section 1, viz.: Schedule "A," arsenic, its compounds and preparations, antimony and potassium tartrate, its compounds and preparations, poisonous salts of barium, cowhage, corrosive sublimate and other poisonous derivatives of mercury, cyanide, its compounds and preparations, fluorides, nitroglycerin, strychnine, hydrocyanic acid, phosphorus and its poisonous derivatives and compounds, strophanthus or its preparations, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poisons containing any of the poisons enumerated in this schedule except ant poisons which contain not to exceed four-tenths ($\frac{4}{10}$) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic; provided, however, that the following shall not be included in this schedule: Pills, or tablets of aloin belladonna and strychnine, plasters composed of aconite or belladonna, or elixir of iron quinine and strychnine or ethyl alcohol denatured in accordance with any formula approved by the Internal Revenue Department of the Federal Government for external use and all economic poisons, as that term is defined in Article 3 of Chapter 7 of Division 5 of the Agricultural Code

and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: Arsenate of lead, arsenate of calcium, paris green, london purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels, any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus, ant poisons containing more than four-tenths ($\frac{4}{10}$) of 1 per cent (1%) by weight of arsenic expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium; all of which economic poisons, with the above exceptions, may be sold by dealers generally, when prepared, packaged, and sold in accordance with rules and regulations authorized by the provisions of said article of the Agricultural Code, anything in this or any other act to the contrary notwithstanding.

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, oil of bitter almond, bromine, chloroform, creosote, conium, cresolic acid, ether, solution of formaldehyde or formalin, cocculus indicus, all of their preparations; iodine or its tinctures, gelsemium, hyoscyamus, oil of pennyroyal, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of creosol, potassium permanganate, poisonous salts of silver and yellow jasmine.

SEC. 3. Section 26251 of the Health and Safety Code is amended to read:

26251. A drug shall be deemed to be misbranded if it is a drug sold at retail and contains any quantity of amidopyrine, cinchophen, sulfanilamide, thyroid, or any of its preparations, compounds or derivatives, unless it is sold on an order, or prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. Prescriptions containing amidopyrine, cinchophen or sulfanilamide, their compounds, preparations or derivatives issued under this section can not be refilled without the order of the physician, dentist or veterinarian who prescribes the same. Bandages of all types, and preparations and ointments for external use only, containing five (5) per cent or less sulfanilamide, or any of its preparations, compounds or derivatives, are exempt from the provisions of this section. The provisions of this section are limited by subdivision (h) of Section 29001 and by Section 29022.

SEC. 4. Section 6a of the act cited in the title hereof and Section 347 $\frac{1}{2}$ of the Penal Code are, and each of them is, repealed.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV

Schedule
"B"See also
Stats 1945
Ch. 1193Amido-
pyrine,
cinchophen,
sulfanila-
mide, or
thyroid

Repeals

Urgency

of the Constitution and shall go into immediate effect. A statement of the facts constituting such necessity is as follows:

Under the present law sulfanilamides and substituted sulfanilamides, or compounds or mixtures thereof, for the treatment of poultry can be acquired by poultrymen only after considerable delay and the consequences of such delay may be the serious depletion of the poultrymen's flocks because of disease which could be cured by such preparations. Certain diseases of poultry may break out at any time in any flock and unless measures are taken to provide for the immediate application of necessary remedies there is a danger that the meat supply of the State will be seriously affected. Consequently, in order to assure a continued supply of poultry meat to the people of the State it is necessary that this act take effect immediately.

CHAPTER 1197

An act to amend Sections 306 and 312 of the Agricultural Code, making an appropriation for carrying out the provisions of said code and declaring the effective date of this act, relating to meat inspection.

In effect
October 1,
1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 306 of the Agricultural Code is amended to read:

Optional
inspection

306. In counties where inspection is not mandatory State inspection may be conducted by the department whenever requested. Whenever such inspection is requested by the governing body of any county or city and such inspection is inaugurated the provisions of this article shall apply throughout such county or city, as the case may be.

SEC. 2. Section 312 of said code is amended to read:

Application
for
inspection
service

312. Any person desiring to engage in slaughtering animals or manufacturing meat food products for human consumption in any county of the State, in which Section 305 is effective, or as provided in Section 306, shall apply to the director or the local health authority for the inauguration of an inspection service in the establishment where said animals are to be slaughtered or meat food products manufactured. Such application shall be in writing, addressed to the director or local inspection department. In such application the applicant for inspection shall agree to comply with the provisions of this article and to maintain said establishment in a clean and sanitary manner. Upon receipt of said application, the director or local health authority shall make an inspection of said establishment and if found clean and sanitary, and properly equipped to conduct its business in accordance with the rules

and regulations of the department, the director or local health authority shall inaugurate an inspection service therein and shall give to such establishment an official number, to be used to mark the meat and meat food products of this establishment as provided in this section. Such establishment shall thereafter be known as "official establishment No.____," and no fees shall be collected by the State for the purpose of carrying out the provisions of Sections 305, 306 and 312. Fees

SEC. 3. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of four hundred fifty thousand dollars (\$450,000) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Department of Agriculture in administering and enforcing the provisions of the Agricultural Code relating to meat inspection and slaughterhouse inspection. Appropriation

No portion of the sum appropriated by this act shall be expended in any county, city and county or city where an approved meat inspection service is now maintained, except for supervision by the director, unless such establishment shall elect in writing to the Director of Agriculture on or before January 1, 1946 to discontinue such municipal or county approved inspection service and assume State inspection service. If an establishment does not elect to assume State inspection on or before January 1, 1946, then it may not so elect to assume State inspection service until further moneys shall have been appropriated by the Legislature from the General Fund to provide State inspection service in said establishment. State inspection service may be instituted in such an establishment requesting it, when such moneys have been made available to the Department of Agriculture to provide State inspection service in said establishment. Limitation on expenditure

Notwithstanding any other provision of this section, an establishment temporarily operating under Federal inspection pursuant to wartime regulations for such inspection may elect to assume State inspection service at the termination of such Federal inspection.

SEC. 4. This act shall become effective October 1, 1945. Effective date

Any unencumbered moneys remaining in the Department of Agriculture Fund which have been deposited therein for use in carrying out the provisions of Article 1, Chapter 1, of Division 3 of the Agricultural Code shall be withdrawn therefrom after all charges against same have been determined and paid and the balance shall be deposited in the State treasury to the credit of the General Fund. Unencumbered moneys

Any moneys which have been deposited as inspection fees and held in trust by the director as required by Section 312, as enacted by Chapter 779, Statutes of 1933, and not required for unpaid inspection fees, due prior to the effective date of this act, shall be refunded to the person or establishment having paid such deposited moneys to the director. Refunds

CHAPTER 1198

An act to add Sections 20393 and 20464 to the Government Code, relating to the State Employees' Retirement System, and providing for the method of voting by certain contracting public agencies and validating contracts heretofore authorized by such vote.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 20393 is added to the Government Code, to read:

Discontinu-
ance of
State
service

20393. Any other provision in this part to the contrary notwithstanding, if the State service of a member is discontinued by reason of resignation or discharge, and the amount of his accumulated contributions standing to his credit at that time exceeds five hundred dollars (\$500), he shall have the right to elect within 90 days thereafter and without right of revocation, whether to allow his accumulated contributions to remain in the retirement fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement, but he is not subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age or disability, he shall receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the State contributions held for him and calculated in the same manner as for other members, except that the provisions in this part for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section, the death benefit payable shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of State service prior to such termination not to exceed six.

Sec. 2. Section 20464 is added to the Government Code, to read:

Vote by
Metro-
politan
Water
District

20464. Notwithstanding any other provision of the State Employees' Retirement Law, the board of directors of a metropolitan water district, or the governing body of any other public agency, shall adopt any order, motion, resolution or ordinance, required under the provisions of the State Employees' Retirement Law to be adopted by a majority vote or by a two-thirds vote or by any other specified vote, by such affirmative vote as constitutes under the provisions of the Metropolitan Water District Act, or the statute creating or authorizing the organiza-

tion of such other public agency, a majority vote or a two-thirds vote or such other specified vote, as the case may be, of such board or body.

Any order, motion, resolution or ordinance heretofore so adopted by a metropolitan water district or by such other public agency, and any contract heretofore entered into between the board of directors of a metropolitan water district, or the governing body of such other public agency and the Board of Administration, and which contract was approved by resolution or ordinance adopted by what constituted an affirmative two-thirds vote under the Metropolitan Water District Act, or under the provisions of the statute creating or authorizing the organization of such other public agency, are hereby ratified confirmed, validated, and approved.

CHAPTER 1199

An act to amend the Building and Loan Association Act by amending Sections 9.07 and 9.11 thereof relating to loans. Stats. 1931, p. 483, amended

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 9.07 of the act cited in the title hereof is hereby amended to read as follows: Stats 1933, p. 1089

Sec. 9.07. Security for Loans. For each loan made by a building and loan association a note or notes or other obligation or obligations expressing a rate of interest must be executed by the borrower and must be secured, except as otherwise permitted under Section 9.18 or 9.19, (a) by a first mortgage or first trust deed upon fee title to real property, (b) by the pledge of shares or investment certificates of such association and/or (c) by the pledge of bonds or other collateral. In lieu of making two or more separate loans, each secured by mortgage, trust deed or pledge of one or more properties or securities in amounts permitted by this act, an association may make a single loan secured by all such properties and/or by all such securities, if the principal amount of such single loan does not exceed the aggregate of the principal amounts which would be permitted for such separate loans. Notwithstanding anything to the contrary in this act, any security, whether or not the same be a first encumbrance or charge, on property, either improved or unimproved and either real or personal, may be taken at any time and without limit as additional security for any loan held by such association. Security for loans

Sec. 2. Section 9.11 of said act is hereby amended to read as follows: Stats 1933, p. 1089

Sec. 9.11. Loans upon Shares and Investment Certificates. Loans secured by the pledge of shares or investment certificates of the lending association may be made to the extent of not more than 90 per cent of the then value of such shares or investment certificates Loans upon shares and investment certificates

certificates Any loans which are wholly secured by the pledge of such shares or investment certificates, together with the interest and arrearages due or accrued thereon, may be repaid at any time without the payment of any premium or bonus interest, and upon such payment being made the security pledged therefor shall be surrendered.

CHAPTER 1200

Stats 1931, *An act to amend the Building and Loan Association Act by*
 p 483, *amending Sections 9.09, 9.10 and 9.12 thereof relating*
 amended *to loans.*

In effect
 September
 15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State
 July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1943, SECTION 1. Section 9.09 of the act cited in the title hereof
 p 1323 is hereby amended to read as follows:

Loan terms: Sec. 9.09. Loan Terms. For the purposes of this act, an
 amortized loan shall be one which provides for payments to be
 made on the principal in installments to be paid at regular
 intervals at least semiannually and to commence not later than
 one year after the date of the loan. Such installments may
 include interest and either as to principal alone or as to com-
 bined principal and interest shall be at least of a sufficient
 amount so that the smallest installment provided in the note
 evidencing said loan (other than the last installment) if con-
 tinued at such regular intervals would result in paying the
 entire principal in not more than 20 years (or, in the case of
 loans pursuant to Section 9.18 or 9.19, within 25 years) from the
 due date of the first installment, whether or not such loan be
 written for a shorter period. Such loans may provide for
 payment of interest or principal or both, in addition to such
 regular installments and in the event such regular install-
 ments are not sufficient to pay the entire principal within the
 term thereof, such loans must provide that the entire amount
 unpaid come due and payable within not more than six months
 after the due date of the last regular installment; provided,
 however, that the commissioner may by rules permit and pre-
 scribe a longer maximum term than as herein provided in the
 case of amortized loans upon particular classes of security,
 which classes he shall have power to prescribe and define.

Payments
 on principal

Loans may be made by an association which may or may not
 provide for payments on account of the principal thereof dur-
 ing an initial period not to exceed three years. If any loan
 does not provide for the payment, commencing not later than
 one year after the date thereof, of installments either of prin-
 cipal alone or of combined principal and interest at a rate at
 least equal to the rate hereinabove provided for an amortized
 loan, the same shall not be an amortized loan for the purpose
 of Section 9.10 of this act; but for the purpose of Section 9.14

of this act, any loan held by an association may be classified as an amortized loan during any period within which payments are being made, or within which the note or obligation representing such loan provides for payments to be made, of installments either of principal alone or combined principal and interest thereof at a rate not less than that hereinabove provided for an amortized loan.

Solely for the purposes of this section, Section 9.12a and Section 9.14 of this act, but not for any other purpose, ^{Loans on mutual plan} or loans made on the mutual plan where the installments are to be applied in payment of its own membership shares pledged therewith, such installments together with accumulated earnings thereon shall be construed as having been applied to the principal of such loans.

In the case of all loans hereafter made on the mutual plan, the note or other obligation of the borrower shall expressly provide that in the event such association shall thereafter sell, exchange, transfer, or otherwise dispose of such note or obligation, or in the event such association shall thereafter be liquidated, either voluntarily or involuntarily, then the value of the shares pledged therefor, plus the accrued earnings thereon to the date of such sale or disposition or to the date of the commencement of such liquidation, shall be applied first to advances on account of such loans, second to the interest accrued and unpaid thereon, and third to the principal thereof; and said note or other obligation shall also expressly provide that in the event such association shall thereafter pledge, hypothecate or otherwise encumber such note or obligation, then the value of the shares pledged therefor, plus the accrued earnings thereon to the date of such pledge, hypothecation or encumbrance may, at the option of such association, be applied as aforesaid, and that if the association shall not exercise said option at the time of such pledge, hypothecation or other encumbrance then in the event such note or obligation shall be sold pursuant to such pledge, hypothecation or other encumbrance, the value of such shares, plus the accrued earnings thereon to the date of such sale, shall be applied as aforesaid. In any such case such shares from the time of such application shall be deemed surrendered to the association and canceled. In computing accrued earnings in any such case, the rate used in the last apportionment shall be applied.

The provisions of this section are subject to the provisions of Section 9.18 and of Section 9.19.

SEC. 2. Section 9.10 of said act is hereby amended to read ^{Stats 1933, p 1089} as follows:

Sec. 9.10. Loans upon Real Property. Loans may be made upon the security of improved real property in an amount not in excess of 60 per cent of the appraised value of such real property; provided, however, that amortized loans may be made in an amount not in excess of 70 per cent of the appraised value of such real property; provided further, that amortized loans upon the security of improved real property may be made in an ^{Loans upon real property}

amount not in excess of 80 per cent of the appraised value of such real property if such appraised value does not exceed ten thousand dollars (\$10,000), or not in excess of 80 per cent of the first ten thousand dollars (\$10,000) of such appraised value if it exceeds ten thousand dollars (\$10,000) plus 70 per cent of the remainder of such appraised value, subject to the following conditions in the case of each such loan exceeding 70 per cent: (1) the principal improvement on such real property shall consist of a single family dwelling; and (2) the note or other obligation evidencing such loan shall provide for reduction of principal by monthly installments commencing in the case of construction loans not later than nine months after the date of such loan, and in case of any other loan not later than three months after the date of such loan.

Loans may be made upon the security of unimproved real property in an amount not in excess of 33 $\frac{1}{3}$ per cent of the appraised value of such real property.

Improvements

In respect of any loan made upon the security of real property where it is agreed and/or contemplated that improvements will be made thereon to become a part of such security, said real property shall be deemed to be improved real property and the cost of such proposed improvements shall be included in the appraised value of such real property; provided, however, that at no time shall the amount advanced by the association on such loan exceed the ratio of loan to value authorized by this section in respect to such loan, excluding from such value the value of such proposed building or buildings but including in such value the actual cost of such building or buildings to such time.

The provisions of this section are subject to the provisions of Section 9.18 and of Section 9.19.

Stats 1933,
p. 1089

SEC. 3. Section 9.12 of said act is hereby amended to read as follows:

Loans upon
collateral
security

Sec. 9.12. Loans upon Collateral Security. Loans may be made by any association secured by the pledge of notes or other obligations evidencing loans which are secured by property or securities upon which the association might make a direct loan, if such collateral loans do not exceed 90 per cent of whichever of the following is the lesser: (a) the unpaid principal of the notes or other obligations pledged as collateral security or (b) the amount which the association would be permitted to make as a direct loan on the same property or securities. Loans secured by the pledge of bonds, treasury certificates, notes, mortgage participation certificates or other securities referred to in subdivisions (3), (4), (5), (6), (7), (8) and (9) of Section 9.02 may be made by any association to the extent of not more than 90 per cent of the unpaid principal amount or market value thereof, whichever is less, if at the time of such collateral loans thereon such association would be authorized pursuant to this act to invest in such bonds, treasury certificates, notes, mortgage participation certificates or other securities in an amount at least equal to such unpaid principal amount or market value, whichever is less.

CHAPTER 1201

An act to amend Sections 20750 and 20490 of, and to add Section 20461.5 to, the Government Code, relating to the State Employees' Retirement System, increasing the State contributions to the State Employees' Retirement Fund, and providing a procedure whereby contracting public agencies may elect to subject themselves and their employees to provisions of the law otherwise applicable only to State employees.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
October 1,
1945

The people of the State of California do enact as follows:

SECTION 1. Section 20750 of the Government Code is amended to read:

See also
Stats 1945,
Ch 123,
1345 and
1421

20750. The State's contribution to the Retirement Fund is a sum equal to:

State's contribu-
tion to
Retirement
Fund

(a) 7.20 per cent of the compensation paid State miscellaneous members.

(b) 13.40 per cent of the compensation paid State Patrol members.

As used in subdivisions (a) and (b) "compensation paid" includes the compensation a member absent on military service would have received were it not for his absence in such service, if he makes the normal contributions for the period of absence. The rate of his compensation shall be his compensation at the commencement of his absence.

SEC. 2. Section 20461.5 is added to the Government Code, to read:

20461.5. Whenever by any provision of law an election is given to contracting agencies to subject themselves and their employees to provisions of this part otherwise not applicable to contracting agencies and their employees, and no other means of making such election is expressly provided, any contracting agency may make such election by amendment to its contract with the board approved in the manner provided for the approval of the contracts, including an election among the employees affected, which amendment shall specify the date upon which the agency and its employees shall become subject to the said provisions. Any such election so made by amendment to the contract shall be irrevocable until the contract is terminated. From and after the date specified in the amendment to the contract, said provisions, as they are in effect at the time of election and as they may be amended in the future, shall apply to the contracting agency and to its employees, and the rights, privileges, duties, liabilities, and responsibilities of the contracting agency and of each of its employees included in this system shall be governed thereby.

Election of
contracting
agency

See also
Stats 1941,
Ch 123

SEC. 3. Section 20490 of the Government Code is amended to read:

Contract
provisions

20490. The contract may include any provisions consistent with this part and necessary in the administration of this system as it affects the public agency and its employees.

Whenever in this part an election is given to contracting agencies to subject themselves and their employees to provisions of this part otherwise not applicable to contracting agencies and their employees by amendment to their contracts with the board, any contract made after the effective date of the provision giving such election may include any provisions necessary to give effect to the election of the contracting agency.

Effective
date

SEC. 4. This amendatory act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the Fifty-sixth Regular Session of the Legislature.

CHAPTER 1202

Stats 1931,
p 483,
amended

An act to amend the Building and Loan Association Act by amending Section 1.01 thereof, relating to definitions and Sections 6.01, 6.02, 6.03, 6.04, 6.05, and 6.08 thereof, relating to withdrawals, and to repeal Sections 6.01a, 6.01b, and 6.06 thereof, relating to withdrawals and to add a new section thereto to be numbered 6.10, relating to acquisition of certificates and shares.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1945,
Ch 499

SECTION 1. Section 1.01 of the act cited in the title hereof is hereby amended to read as follows:

Definitions

Sec. 1.01. In General. The following terms, wherever used in this act, shall have the following meanings, except in cases where the context otherwise requires:

“Association” means a building and loan association, as defined in Section 1.02 of this act, and except where otherwise indicated includes both domestic and foreign associations.

“Domestic association” means an association incorporated under the laws of this State, and “Foreign association” means any other association.

“Commissioner” means the Building and Loan Commissioner.

“Shares” means withdrawable shares of an association; which shares shall constitute and may be designated membership shares. “Pledged shares” means shares pledged as security for the payment of a loan from the association issuing such shares.

“Free shares” means all other shares. “Full paid shares,” “Installment shares” (including “serial” and “nonserial” installment shares), “Accumulative shares” and “Prepaid shares” are defined in Section 3.02 of this act.

“Stock” means guarantee stock of an association.

“Investment certificates” means instruments issued by an association, pursuant to Section 5.01 of this act, which expressly state that the right of the holder thereof to withdraw funds evidenced thereby is subject to the provisions of Article VI of this act, and which otherwise conform to the provisions of this act applicable thereto. “Full paid investment certificate,” “Installment investment certificate,” “Accumulative investment certificate,” “Definite term investment certificate,” “Pre-paid investment certificate” and “Minimum term investment certificate” are defined in Section 5.01 of this act. The term “investment certificates,” wherever used in this act, shall be deemed to include all unsecured notes heretofore issued by an association to savers or members of the public generally.

“Shareholder” and “member” are synonymous and mean the holder of one or more shares or of a fraction thereof; provided, however, that in the case of any association which shall provide by its by-laws, pursuant to any provisions of this act, that every person, firm, copartnership, association or corporation holding a certificate of membership as a borrower from such association shall be a member thereof, each person, firm, copartnership, association or corporation holding such certificate of membership shall be a member thereof. “Stockholder” means the holder of stock. “Certificate holder” means the holder of one or more investment certificates. “Investor” includes shareholder, stockholder and certificate holder.

The “value” of shares or investment certificates means the amount paid in upon such shares or investment certificates, plus the accumulated earnings or interest accrued thereon, less any withdrawals therefrom and charges there against. “The matured value” of a share shall be equal to the par value thereof.

“Redemption price” is defined in Section 5.06 of this act, and “withdrawal value” in Section 6.01 thereof.

The term “issuing” wherever used in this act with reference to an association issuing or not issuing shares, stock and investment certificates or any thereof, shall not be limited to issuance thereof at the particular time, but shall include prior issuance if such stock, shares and investment certificates or any thereof (as the case may be) are still outstanding.

“Advertisement” includes advertisement, circular, pamphlet, prospectus, circular letter, newspaper, and also oral statements broadcast by radio.

Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter, and in the neuter gender include the masculine and feminine; the singular number includes the plural, and the plural includes the singular; “writing” includes also printing and typewriting; “oath” includes also affirmation; and “county” includes also city and county.

Stats 1933,
p 1089

SEC. 2. Section 6.01 of said act is hereby amended to read as follows:

Notice of
intention to
withdraw

Sec. 6.01. Notice of Intention to Withdraw. Each association must prescribe by its by-laws, or by contract with its shareholders or certificate holders, or by both, the period of notice of intention to withdraw which such association at its option may require, which period shall be six months in the case of all shares or investment certificates issued after the effective date of this section; provided that nothing contained in this section shall be deemed to forbid an association from (a) issuing shares or investment certificates prescribing the same period of notice of intention to withdraw as prescribed in shares or certificates theretofore outstanding, if such new shares or investment certificates are issued in lieu of such shares or certificates theretofore outstanding; nor (b) receiving additional funds upon installment shares, accumulative shares, installment investment certificates or accumulative investment certificates outstanding at the date this section takes effect, or upon shares or certificates issued in lieu thereof. All certificates hereafter issued evidencing shares or investment certificates shall state the period of such notice and shall also state that the right of the holder thereof to withdraw funds evidenced thereby is subject to the provision of Article VI of this act. Each association may prescribe by its by-laws, or by contract with its shareholders or certificate holders, or both, the terms and conditions of withdrawal, provided such terms and conditions shall not be contrary to the provisions of this act.

Terms of
withdrawal

Void
notice

Any notice of intention to withdraw shall be invalid unless it is given in writing to the office of the association at which the shares or investment certificates in question were issued, or at which the account of such association as to such shares or investment certificates is kept, or to the principal office of such association, signed by a holder entitled to make a withdrawal, or by his attorney or agent. A shareholder or certificate holder may at any time revoke or waive, either in whole or in part, a notice of intention to withdraw and thereupon such notice shall become invalid either in whole or as to such part, as the case may be.

Order of
filing

All notices of intention to withdraw shall be filed when and as received by each association or by the several offices thereof in the order in which they are received, and each shall be kept on file with the exact time of the receipt thereof noted thereon or recorded, until it is paid or becomes invalid. When any notice shall have been on file for the period prescribed therefor, or for the period stated in such notice as the period to elapse previous to making the withdrawal (whichever shall be longer) such notice shall be a "matured notice" for all the purposes of this act; provided, however, that withdrawal claims on behalf of any one investor in an association or by two or more investors in an association, holding shares or investment certificates in common or in joint tenancy, shall mature in installments if such claims shall be for any sum greater than two hundred fifty dol-

lars (\$250), the first of such installments being hereinafter referred to as the "initial installment" and the remaining installment or installments being hereinafter referred to as the "successive installments." Withdrawal claims maturing in installments shall be matured withdrawal claims, within the meaning of this act, only to the extent that such claims are matured as provided in this section, notwithstanding anything to the contrary contained in this act.

The initial installment shall mature: (1) in the case of withdrawal claims filed pursuant to Sections 3.05 and 6.01 of this act, when the notice of intention of withdrawal shall have matured; (2) in the case of withdrawal of definite term investment certificates, upon the express date of maturity of such certificates; (3) in the case of notices of modification given pursuant to Section 5.07 of this act, upon the date of the expiration of the period of such notices of modification; and (4) in the case of maturity of shares pursuant to Section 3.03 of this act, upon the declaration of such maturity by the board of directors of the association. The first successive installment shall mature 30 days after the payment of the initial installment, and the other successive installments shall mature respectively 30 days after the payment of the next preceding successive installment.

In the case of withdrawal claims representing investment certificates or shares having a value in excess of two hundred fifty dollars (\$250), but not greater than one thousand two hundred fifty dollars (\$1,250), each installment shall be two hundred fifty dollars (\$250), or the portion of the claim remaining unpaid at the time such installment matures, whichever is lesser; in the case of withdrawal claims representing investment certificates or shares having a value in excess of one thousand two hundred fifty dollars (\$1,250), but not greater than twenty thousand dollars (\$20,000), each installment shall be one-fifth of such value at the time the initial installment matures or the portion of such claim remaining unpaid at the time such installment falls due, whichever is lesser; and in the case of claims representing investment certificates or shares having a value greater than twenty thousand dollars (\$20,000), each installment shall be four thousand dollars (\$4,000), or the portion of the claim remaining unpaid at the time such installment matures, whichever is lesser.

The provisions of this section shall govern the withdrawal and other rights of the holders of all shares and investment certificates whether heretofore or hereafter issued, and whether or not withdrawal claims shall have heretofore been filed unless such previously filed claims shall have heretofore matured.

No shareholder or certificate holder whose shares or investment certificates are pledged as security for a loan from the association issuing such shares or investment certificates shall be permitted to make a withdrawal or be entitled to give any valid notice of intention to withdraw in respect of such shares or investment certificates until the indebtedness for which such shares or investment certificates are security has been fully

Withdrawals
prohibited

paid, except that withdrawals therefrom may be made without notice provided the full amount of such withdrawals shall be used to pay such indebtedness or any part thereof; provided that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

No valid notice of intention to withdraw may be given in respect of minimum term investment certificates during the minimum term thereof or in respect of definite term investment certificates, nor shall the holders thereof be entitled to withdraw during the minimum term thereof or prior to the maturity thereof, respectively, except at the option of the association issuing such certificates.

Tender of
certificate's

If the shareholder or certificate holder shall tender his certificate for surrender, duly indorsed, within 10 days after any valid notice of intention to withdraw shall have matured, he shall be entitled, subject to Section 6.02 of this act, to receive the withdrawal value of his shares or investment certificates or of that part thereof referred to in such notice, which withdrawal value is hereby defined as the full amount paid in upon the shares or investment certificates surrendered exclusive of the entrance fee, if any, together with dividends, profits or interest, if any, applicable thereto, subject to such adjustment of earnings or interest as may be provided by by-law or contract. Shareholders or certificate holders who shall have given notice of intention to withdraw and who shall fail to tender their certificates for surrender within 10 days after notice from the association that funds are available for the payment thereof shall have no right to withdraw except after giving new notice of intention to do so and such prior notice of intention to withdraw shall become invalid for all of the purposes of this act; provided such notice from the association shall have stated that unless such certificates shall be tendered for surrender within such 10 day period the holder shall have no right to withdraw except after giving new notice of intention to do so.

Failure to
tender in
time

"Association
on notice"

If in the case of any association the sum of the matured withdrawal claims, as defined in this act, shall exceed 5 per cent of the value of all outstanding shares and investment certificates of such association, then such association shall be an "association on notice" for all the purposes of this act. An association which is on notice shall continue to be on notice notwithstanding the fact that the sum of the matured withdrawal claims may become less than said percentage, unless and until all of the matured withdrawal claims shall be paid or funds shall be set aside for the payment thereof; provided, however, that if, in the case of any association which is on notice, the sum of the matured withdrawal claims shall become less than 3 per cent of the value of all outstanding shares and investment certificates of such association, then, with the prior approval of the commissioner, its board of directors may at their option, by resolution, declare such association to be no longer on notice,

and thereupon such association shall cease to be an association on notice for all the purposes of this act, subject to becoming an association on notice as before. In making computations for the purpose of this paragraph, shares and investment certificates shall not be deemed to be unpaid if the association has funds set aside for the payment thereof and has given notice of that fact to the respective holders thereof.

SEC. 3. Sections 6.01a and 6.01b of said act are hereby Repeals repealed.

SEC. 4. Section 6.02 of said act is hereby amended to read Stats 1935, p 798 as follows:

Sec. 6.02. Limitation on Withdrawals. The term "Matured withdrawal claims," as used in this article, shall include each Limitation on withdrawals and all of the following, to wit, (1) the value of all shares or investment certificates or parts thereof, in respect of which valid notices of intention to withdraw shall be on file, matured and unpaid, including notices of intention to withdraw by defaulting shareholders pursuant to Section 3.05 of this act, as well as notices of withdrawal generally pursuant to Section 6.01 of this act; (2) the value of all shares which shall have matured pursuant to Section 3.03 of this act and which shall be unpaid; (3) the value of all investment certificates in respect of which the holders, pursuant to Section 5.07 of this act but subject to Section 6.02 of this act, shall be entitled to receive the redemption price, but which shall be unpaid; and (4) the value of all definite term investment certificates which shall have reached the expressed date of their maturity but which shall be unpaid.

Regardless of whether or not an association is on notice, its Matured claims obligations to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be secondary and subsequent to the right of such association to pay, and to provide a reasonable fund for the payment of, the following: Taxes, assessments, insurance, repairs, alterations and other sums necessary to protect and preserve or to furnish or equip its properties and its interest in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association; interest on investment certificates and dividends on shares; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association; and commitments on its incomplete loans or investments; provided, however, that an association on notice shall not pay any dividends on its stock or distribute any profits to its stockholders or make any loans or investments, except loans or investments pursuant to its obligations incurred before it became an association on notice and except loans expressly permitted by Section 9 01 of this act; provided further, that an association on notice may with the prior consent of the commissioner, and an association not on notice may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims,

make or purchase loans or investments not exceeding the principal amount of moneys borrowed by such association from a Federal home loan bank, or other similar Federal agency, and not theretofore repaid; and provided further, that an association which is on notice may with the prior consent of the commissioner, and an association which is not on notice may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, invest in stock issued by any Federal home loan bank or other similar Federal agency of which such association may be eligible to be a member. Moreover, regardless of whether or not an association is on notice, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be limited to payments from its cash on hand or in bank, proceeds from sale of investments and loans and other cash receipts of such association; and shall be further limited to payments pursuant to the subsequent provisions of this section. The cash, proceeds and other receipts aforesaid which shall remain after deducting therefrom all payments, reserves, loans and investments above mentioned in this paragraph, are hereafter in this Section 6.02 called the "available funds."

"Unrestricted funds"

The term "unrestricted funds," as hereafter used in this Section 6.02, is hereby defined as that part of the available funds which may be used at the option of the association to pay any or all withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw and regardless of the nonpayment of any or all matured withdrawal claims, or any or all minimum term investment certificates before the end of their minimum term or any or all definite term investment certificates before the expressed date of maturity subject to such adjustment of interest, if any, as may be provided in such certificates, or for the purpose of making loans or investments, or for any other purpose not prohibited by law.

If there are no matured withdrawal claims (excepting claims for the payment of which funds have been set aside by the association) then all of the available funds shall be unrestricted funds.

If there are matured withdrawal claims (for the payment of any of which funds have not been set aside by the association), then, whether or not the association is on notice, not to exceed one-third of the available funds shall be unrestricted funds, and at least two-thirds of the available funds shall be applied to the payment of withdrawals. In applying such portion of the available funds to the payment of withdrawals, not to exceed one-third of the available funds may be applied at the option of the association to pay not to exceed one hundred dollars (\$100) per person in each month to any one or more of its shareholders or certificate holders, with or without requiring notice of intention to withdraw and regardless of the nonpayment of any or all matured withdrawal claims (in addition to any unrestricted

funds so applied); and the balance (which in no case shall be less than one-third of the available funds) shall be applied to the payment of matured withdrawal claims as follows:

First—To the payment of withdrawals in respect of investment certificates pursuant to Section 6.01 of this act, to the payment of definite term investment certificates which have reached the date of their maturity and to withdrawals through payments following notice of modifications pursuant to Section 5.07 of this act, without preference of one type of such withdrawal over the other, according to the priority in time of the maturity of the claims for such withdrawals, which in the case of withdrawals pursuant to said Section 6.01 shall be deemed to be the time notice of intention of such withdrawal shall have matured, in the case of withdrawals through payment of definite term investment certificates shall be deemed to be the date of maturity of such certificates, and in the case of withdrawals through payments following notice of modifications pursuant to Section 5.07 of this act shall be deemed to be the date of the expiration of the period of such notice of modifications; provided that as between the holders of certificates upon which the claim for withdrawal shall have matured at the same time, payment shall be made in the order of demand for or notice of such withdrawal, which in the case of definite term investment certificates shall be deemed to be the date of issuance thereof.

Second—To the payment of withdrawals in respect of shares pursuant to Sections 3.05 and 6.01 of this act and withdrawals through payment of matured shares pursuant to Section 3.03 of this act without preference of one type of such withdrawal over the other, according to the priority in time of the maturity of the claims for such withdrawals, which in the case of withdrawals pursuant to said Sections 3.05 and 6.01 shall be deemed to be the time notice of intention of such withdrawal shall have matured and in the case of withdrawals through payment of matured shares pursuant to said Section 3.03 shall be deemed to be the time such shares shall be declared by the board to be matured. In respect of shares so declared to be matured at the same time, then such payment shall be made in the order provided in the by-laws, or in the absence of such provision in the numerical order of issuance.

Notwithstanding anything to the contrary in this act, however, withdrawals may be made at any time without notice from pledged shares and investment certificates, whether or not the association is on notice, provided the full amounts of such withdrawals shall be used to pay the indebtedness for which such shares or investment certificates are pledged, or any part thereof; and provided further, that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

If in any month an association has not used as unrestricted funds or for payments of not more than one hundred dollars

(\$100) per month per person the full amounts which such association is permitted by this Section 6.02 to use for such respective purposes, then the amounts not so used shall be available to the association in any subsequent month for such respective purposes until such amounts shall be so used, in addition to the amounts, if any, which would otherwise be available for such respective purposes in such subsequent month.

Waivers

No association shall make any contract waiving in any manner any of the provisions of this section and, if any such contract shall be so made, such contract shall be void.

The provisions of this section shall govern the withdrawal and other rights of the holders of all shares and investment certificates whether heretofore or hereafter issued, and whether or not withdrawal claims shall have heretofore been filed or shall have heretofore matured.

Stats 1933,
p 1089

SEC. 5. Section 6.03 of said act is hereby amended to read as follows:

Withdrawals
without
notice or
before
maturity

Sec. 6.03. Withdrawals Without Notice or Before Maturity. No association shall agree in advance to pay withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw, nor to pay minimum term investment certificates before the expiration of the minimum term or definite term investment certificates before the expressed date of maturity. Except as otherwise provided in this act in respect of shares and investment certificates pledged to the association issuing the same and except as otherwise so provided in respect of unrestricted funds or payments in each month not to exceed the amount per person permitted by Section 6.02 of this act to any one or more shareholders or certificate holders, no association having matured withdrawal claims for the payment of any of which funds have not been set aside by the association shall pay any withdrawals except upon matured notice of intention to withdraw, nor allow the withdrawal of any minimum term investment certificates before the expiration of its minimum term or of any definite term investment certificate before the expressed date of its maturity; provided, however, that an association having matured withdrawal claims or an association on notice may pay withdrawals before the maturity of such notices if such withdrawals are paid in the order provided in Section 6.02 of this act in respect of associations on notice. Any agreement contrary to the provisions of this section shall be void.

Stats 1931,
p 483

SEC. 6. Section 6.04 of said act is hereby amended to read as follows:

Reports
while on
notice

Sec. 6.04. Reports While on Notice. Each association on notice shall, within 24 hours after becoming an association on notice, mail to the commissioner a statement that such association is on notice; and so long as such association is on notice it shall mail to the commissioner daily or otherwise as the commissioner may direct a statement showing (1) the amount of its cash on hand and in bank; (2) the amount of its United States Government bonds and treasury certificates; (3) the

amount and description of all its other bonds; (4) the amount of all unpaid notices of withdrawal filed with such association; (5) the amount of all borrowings other than through the issuance of investment certificates; (6) the amount of all matured shares and of all definite term investment certificates of such association which shall have reached the date of their maturity; (7) the amount of its incomplete loans; and (8) any other data required by the commissioner.

SEC. 7. Section 6.05 of said act is hereby amended to read as follows: Stats 1931,
p 483

Sec. 6.05. Delay in Paying. Whenever an association shall have been on notice for a period of two years, the commissioner may in his discretion forthwith or at any time thereafter take possession of the property, business and assets of such association and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association may be allowed to resume business upon such conditions as may be approved by the commissioner. The right of the commissioner to take possession under this section is not exclusive, but is additional to his right to take possession under each and every other provision of this act.

Delay in
paying

SEC. 8. Section 6.06 of said act is hereby repealed. Repeal

SEC. 9. Section 6.08 of said act is hereby amended to read as follows: Stats 1933,
p 1089

Sec. 6.08. Withdrawals from Associations Not Issuing Stock or Investment Certificates. The provisions of this section shall not be applicable to any association issuing stock or investment certificates, but shall be applicable to any association not issuing either stock or investment certificates in the event, but only in the event, its by-laws expressly provide that this section shall be applicable to such association. In such case, the provisions of the preceding sections of this article shall also be applicable to such associations, but only if and to the extent that they are not inconsistent with the provisions of this section. In all such associations, holders of free shares therein desiring to withdraw in whole or in part may do so by giving notice thereof in writing of the amount desired to be withdrawn. At all times the right of shareholders to receive payment of withdrawals shall be secondary and subsequent to the right of such association to pay and to provide a reasonable fund for the payment of the following: dividends on shares, taxes, assessments, insurance, amounts necessary to fulfill previous loan commitments, repairs, alterations, and other sums necessary to protect and preserve or to furnish or equip its properties and its interests in properties (including those on the security of which it holds loans); principal and interest on borrowings by such associations; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association.

With-
drawals
from
associations
not issuing
stock or
investment
certificates

While such association is on notice and subject to the foregoing provisions, not more than one-half of the net monthly On notice

receipts from assets then owned, in any one month, shall be applied to withdrawals for that month without the consent of the board of directors, and such payment shall continue until the value of all shares with respect to which notices of withdrawal are on file has been reduced to an amount less than 3 per cent of the value of all outstanding shares. No shareholders shall be permitted to withdraw whose shares are pledged to the association as security for a loan until such loan is fully paid. Whenever the demands of withdrawing shareholders exceed the money applicable to their payment, the notices of intention to withdraw must be registered in the order of filing and while such association is on notice payments thereon must be made in succession in the order that such notices were filed and registered. The remaining one-half of net receipts of such association may be used, in the discretion of the board of directors, for payment of withdrawals with respect to which notice has not been filed, subject to such limitations as the board of directors may fix, and for the operating expenses of the business and for making loans to members, or applied, in the discretion of the board of directors, to payment of withdrawals on notice.

Priority of
withdrawal

All new investments by shareholders after such association is on notice, whether made upon shares already issued or upon new shares issued, shall have priority and shall have a prior right of withdrawal as against all other shareholders.

Payment
of with-
drawals

Whenever an application for withdrawal of free shares shall have been on file, or the payment of matured shares demanded, and either shall have remained unpaid for a period of one year, all the receipts of such association from dues, interest, premium, loans repaid, and the proceeds of all other investments, shall, after the payment of expenses and general indebtedness, be applied toward the payment of withdrawals and maturities. Whenever such application or demands, whether heretofore or hereafter made, have been on file and remain unpaid in whole or in part for more than two years the commissioner may in his discretion forthwith take possession of the property and business of such association, and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association may be allowed to resume business upon such conditions as may be approved by the commissioner.

New section

SEC. 10. Said act is hereby amended by adding thereto a new section to be numbered 6.10, to read as follows:

Acquisition
of
certificates
or shares

Sec. 6.10 Acquisition of Certificates or Shares. No association shall acquire in any manner, directly or indirectly, any investment certificates or shares issued by it except by payment of the full withdrawal value or redemption price in the manner provided in this act, or by offset of such certificates or shares as may be pledged as provided in this act as security for the payment of loans, or in any conversion of a State to a Federal savings and loan association as authorized in Section 1211, or in any plan of reorganization (as defined in Section 16.01) as authorized in Article 16, or in such other manner as may have

the prior approval of the commissioner. No officer, director or employee of any association shall acquire any certificates or shares issued by the association with which he is connected by any method of acquisition other than (a) by investing his funds directly with the association or (b) by gift, bequest or descent, unless such other method of acquisition has the prior approval of the commissioner.

CHAPTER 1203

An act to amend Section 1 of an act entitled "An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor," approved May 18, 1943.

Stats 1943,
p 2134,
amended

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Stats 1943,
p 2134

Section 1. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of twelve million dollars (\$12,000,000), which sum shall be transferred by the State Controller on the effective date of this act from the General Fund to the State Highway Fund. The sum so transferred shall be expended by the Department of Public Works for the preparation of surveys, plans and specifications, and the acquisition of rights of way for State highway postwar construction projects. The said sum shall be apportioned between county groups, as defined by Section 187 of the Streets and Highways Code, and between primary and secondary State highways, in accordance with the appropriation provisions of Article 5 of Chapter 1 of Division 1 of the Streets and Highways Code.

Appropriation
Highway
postwar
construction
projects

On the convening of the Fifty-seventh Session of the Legislature the Department of Public Works shall file with each house of the Legislature a supplemental report specifying what further expenditures have been made hereunder on each such project selected, describing each such project, and giving the estimate of the construction cost thereof.

Report of
expenditures

CHAPTER 1204

An act to repeal Article 3, comprising Sections 13140 to 13148, inclusive, of Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code and to add a new Article 3, comprising Sections 13140 to 13141, inclusive, to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, relating to the refund by State agencies of fees.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Article 3, comprising Sections 13140 to 13148, inclusive, of Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code is hereby repealed.

SEC. 2. A new Article 3, comprising Sections 13140 to 13144, inclusive, is hereby added to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, to read as follows:

Article 3. Refunds

13140. As used in this article:

"Permit"

(a) "Permit" includes application, license, certificate, or authorization.

"Fee"

(b) "Fee" includes any monetary exaction imposed or collected for or as a condition precedent to the issuing, making, taking or securing of any permit, filing, examination, or inspection.

"Special
Deposit
Fund"

13141. This article does not affect payments required by Article 2, Chapter 2, Part 2, Division 4 to be made into or from the "Special Deposit Fund."

Unauthor-
ized refunds

13142. This article does not authorize the refund of any fee when:

(a) The payor, either before or after the issuance of a permit, has exercised or enjoyed, or has not been prevented by law from exercising or enjoying, the rights and privileges conferred thereby.

(b) The payor has been granted permission to take an examination.

(c) The State agency has made an examination, inspection or filing.

Refunds by
State
agencies

13143. Whenever any law which provides for fees does not authorize, as provided in this article, the refund of erroneous or excessive payments thereof, refunds may be made by the State agency which collected the fee of all amounts received by the State agency in consequence of error, either of fact or of law, as to:

(a) The proper amount of such fee.

(b) The necessity of making or securing a permit, filing, examination, or inspection.

(c) The sufficiency of the credentials of the applicant.

(d) The eligibility of an applicant for any other reason.

13144. Any fee subject to refund under this article may be refunded by the State agency collecting the fee (a) before deposit in the State treasury (b) if deposited in the State treasury from the fund to which it was credited or from any appropriation made for such refund, or (c) if deposited in the State treasury out of any money collected by the agency which would otherwise be paid into the treasury to the credit of the same account or fund to which the fee sought to be refunded was credited.

Payment of refunds

SEC. 3. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of the provision to other persons and circumstances, shall not be affected thereby.

Constitutionality

CHAPTER 1205

An act to repeal Chapters 1, 2, 3, 4, 5, and 7 of Division 7 of the Education Code and to add Chapter 1 to Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Chapters 1, 2, 3, 4, 5, and 7 of Division 7 of the Education Code are repealed.

Repeals

SEC. 2. Chapter 1 is added to Division 7 of the Education Code, to read:

CHAPTER 1. LICENSING OF EDUCATIONAL PERSONNEL

Article 1. General Provisions

12001. Governing boards of public school districts shall employ in positions for which certification qualifications are established by this code only such persons as are certificated in accordance with the provisions of this code.

Employment of qualified persons

12002. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this part.

Definitions

12003. "Educational position" includes every type of service for which certification qualifications are established by this chapter.

"Educational position"

12004. A "county certificate" is a document issued or approved by a county board of education authorizing the holder to engage in a specified school service.

"County Certificate"

12005. A "credential" is a document issued by the State Board of Education upon which the holder may secure a county certificate of like grade and kind authorizing him to engage in the service specified in the credential.

"Credential"

- "Life diploma" 12006. A "life diploma" is a document issued on the basis of a credential upon completion by the applicant of specified requirements.
- "Certificate" 12007. The word "certificate" used as a noun refers to the document issued by a county board of education to license the holder to perform the service specified in the certificate.
- "Certificate" 12008. The word "certificate" used as a verb refers to the act of licensing individuals for employment in educational positions.
- "Certificated person" 12009. The term "certificated person" refers to a person who holds one or more documents such as a certificate, a credential, or a life diploma, which singly or in combination license the holder to engage in the school service designated in the document or documents.
- "Certification document" 12010. The term "certification document" as used in this code includes only certificates, credential and life diplomas.

Article 2. Accreditation of Teacher Education Institutions

- Accredited institution. 12025. The State Board of Education shall accredit any teacher education institution meeting such standards as may be prescribed by this board as an institution authorized to give the training required for credentials and to recommend to the State Board of Education the issuance of such credentials to persons who have successfully completed prescribed requirements.

Article 3. Commission of Credentials

- Commission of credentials. 12030. There is continued in existence a Commission of Credentials, consisting of the Superintendent of Public Instruction, and four persons appointed by the Superintendent of Public Instruction.
- Other duties. 12031. The State Board of Education may assign to the Commission of Credentials such other duties relating to certification and accreditation of institutions for purposes of certification as it may see fit.

Article 3.5. Issuance of Credentials

- State college graduates. 12041. The State Board of Education shall grant the appropriate credentials to holders of diplomas granted by State colleges to applicants who have completed a teacher training course prescribed by the State Board of Education upon presentation of the diploma.
- Examinations. 12042. The Commission of Credentials shall examine applications for credentials and life diplomas, and when it is satisfied that any candidate fully meets the standards set by the State Board of Education it shall issue the proper credentials and life diplomas.
- Period of validity. 12043. Each certification document issued by the Commission of Credentials in accordance with provisions of law and State Board of Education regulations shall be valid for the purpose and for the period for which it is issued.

12044. Any applicant for a credential or life diploma who is dissatisfied with the action taken by the Commission of Credentials may appeal to the State Board of Education which shall examine the application and either issue the document or deny the application. Appeal from decision

12045. When a hearing is held under this article the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein. Hearing

Article 4. Content of Certification Documents

12050. Each certification document issued by the State Board of Education shall clearly state the kind of service that it authorizes, the grades or classes, or the types of schools in which it authorizes service, and shall have such other content as the board may prescribe or as may be prescribed by authority of the board. Permitted service

12051. Each certification document issued shall contain its date of expiration and shall be issued on a form prescribed by the State Board of Education, and shall bear the signatures of the secretary and the president of the board or their facsimile signatures countersigned by an assistant secretary of the board, who shall be appointed by the board for this purpose on the recommendation of the secretary of the board. Other contents

Article 5. Emergency Credentials

12060. Emergency credentials may be issued in accordance with regulations established by the State Board of Education on the recommendation of the Commission of Credentials concurred in by the Superintendent of Public Instruction during any National emergency declared by the President of the United States of America and for three years thereafter. The regulations shall fix the expiration date of each emergency credential, but in no event shall such credential be valid for any purpose after the end of the third school year following the close of the school year in which the President of the United States of America declares such National emergency has ceased to exist. Emergency credentials

Article 6. Illegal Issuance of Certification Documents

12070. Any State, county, or city and county superintendent, or any State, county, or city and county board of education, who issues a certification document except as provided for by law is guilty of a misdemeanor. Penalty

Article 7. Personal Qualifications of Applicants for Certification Documents

12100. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly Teacher's oath

swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California, and will by precept and example, promote respect for the Flag and the statutes of the United States and of the State of California, reverence for law and order, and undivided allegiance to the Government of the United States of America." The oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of the governing board of a school district or of any county board of education and filed with the State Board of Education. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the State shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the State. Upon the violation of any of the terms of the oath or affirmation, the State Board of Education shall suspend or revoke the credential which has been issued.

Age
requirement

12101. No person is eligible to teach in any public school in the State or to receive a certification document who has not attained the age of 18 years.

Citizenship

12102. No certification document shall be issued to an applicant who does not meet citizenship requirements established by the State Labor Code except in the case of an exchange teacher who is not a citizen of the United States.

Medical
certificate

12103. When required by the State Board of Education, the application for a certification document or the renewal thereof shall be accompanied by a certificate in such form as shall be prescribed by the State Board of Education, from a physician and surgeon licensed under the provisions of the Business and Professions Code showing that the applicant is free from any contagious and communicable disease or other disabling disease or defect unfitting the applicant to instruct or associate with children.

Blindness

12104. No person otherwise qualified shall be denied the right to receive credentials from the State Board of Education on the grounds he is totally or partially blind.

Article 8. Standards for, and Authorization of, Credentials

Minimum
standards

12125. The minimum general standards for each type of credential shall be as prescribed in this article.

Constitution
of United
States

12126. For the junior college credential, general secondary credential, junior high school credential, general elementary credential, and kindergarten primary credential, the passing of a satisfactory examination on the provisions and principles of the Constitution of the United States or the satisfactory completion of a minimum of two semester units of work therein in a junior college, college, or university of recognized merit in the State shall be required. Such a credential, valid only to the credential expiration date in the year next following the

date of first issuance of the credential, may be granted without the passing of this examination or the completion of this work, provided that credentials so granted shall be issued to remain valid for not less than 12 calendar months.

12127. The minimum standard for the junior college credential shall be the holding of a master's or a doctor's degree granted by an institution approved by the State Board of Education, and the pattern of training prescribed by the board, or equivalent qualifications. Junior college

This credential shall authorize service as a teacher in a junior college.

12128. The minimum standard for the general secondary school credential shall be five years of university or college, or of university, college, and normal school education of present-day standard, including a baccalaureate degree, and a fifth year of collegiate education secured in an institution or institutions accredited by the State Board of Education for this purpose, and the pattern of training prescribed by the board, or equivalent qualifications. General secondary school

This credential shall authorize service as a teacher in any secondary school and in grades seven and eight of any elementary school.

12129. The minimum standard for the junior high school credential shall be four years of collegiate training, including a baccalaureate degree secured in an institution accredited by the State Board of Education for this purpose, and the pattern of training prescribed by the board, or equivalent qualifications. Junior high school

This credential shall authorize service as a teacher in grades seven, eight and nine of any elementary or secondary school.

12130. The minimum standard for the general elementary credential shall be the number of years and the same standard of collegiate training required at the time for graduation from a California State college, including the pattern of training prescribed by the State Board of Education. General elementary school

Each applicant for the general elementary credential shall present evidence showing that he is proficient in the following studies: reading, English, grammar and composition, English and American literature, spelling and defining, penmanship, drawing, vocal music, bookkeeping, arithmetic, algebra to quadratics, plane geometry, geography (physical, political, and industrial), physiology and hygiene, history of the United States, civics, history (ancient, medieval, and modern), school law, methods of teaching, fire prevention, public safety and accident prevention, manners and morals, alcohol and narcotics and their effects upon the human system as determined by science, and one of the following: elementary physics, elementary chemistry or biology.

This credential shall authorize service as a teacher in any elementary school, in grades seven and eight of any junior high school and as principal of any junior high school.

12131. The minimum standard for the kindergarten-primary credential shall be the number of years and the same Kindergarten-primary

standard of collegiate training required at the time for graduation from a California State college, including the pattern of training prescribed by the State Board of Education.

This credential shall authorize service as a teacher in any kindergarten and in grades one, two and three of any elementary school.

Special
secondary

12132. The minimum standard for the special secondary credential shall be as high a general standard for each of the different subjects as conditions at the time will warrant.

No certification to teach, in any grade whatever, a vocational subject shall be granted, unless the candidate has had, as a minimum, three years' experience as a journeyman, or, where this terminology does not apply, its equivalent, in the vocation in which he desires certification.

This credential shall authorize service as a teacher in the subject or subjects named therein in any elementary or secondary school.

Instruction
supervisor

12133. The minimum standard for an instruction supervisor's credential in each grade level shall be a credential or a teacher's certificate authorizing the holder to teach the corresponding grade level in the public schools, and such other professional requirements as may be prescribed by the State Board of Education.

This credential shall authorize service as a supervisor of instruction in the grade level named therein.

School
adminis-
trator

12134. The minimum standard for the school administrator's credential of each grade level shall be: (a) a credential or a teacher's certificate authorizing the holder to teach the corresponding grade level in the public schools of the State, (b) a minimum of not less than two years of experience as a teacher, supervisor, or school administrator, (c) such evidence of special training and study as will satisfy the State Board of Education as to the applicant's fitness to perform the service authorized by the credential.

This credential shall authorize service in the capacities named in the credential.

Librarianship

12135. The minimum standard for the librarianship credential shall be four years of collegiate training, including a baccalaureate degree secured in an institution accredited by the State Board of Education for that purpose, and the pattern of training prescribed by the board.

This credential shall authorize service as a librarian in any elementary or secondary school.

Attendance
officer

12136. The minimum standard for the attendance officer credential shall be the same as for a general elementary credential or an equivalent in schooling, social, practical, and teaching experience, and the pattern of training required by the State Board of Education.

This credential shall authorize service as an attendance officer in any school district or under any county superintendent of schools.

12137. The minimum standard for the health and development credential authorizing service as a supervisor of health in the capacity of a school physician, school nurse, school oculist, school optometrist, school otologist, school audiometrist, school dentist, school chiroprapist or school dental hygienist shall be the possession of a valid license issued by the California State board or agency in charge of the applicant's profession in California, and additional professional training prescribed by the State Board of Education. Health and development

This credential shall authorize service as a supervisor of health in the capacity shown therein.

12138. The minimum standard for an emergency credential shall be as high a general standard as conditions at the time will warrant. Emergency

This credential shall authorize service in the capacity shown therein and in the schools and subject fields shown therein.

12139. Any standard for the granting of any credential, except an emergency credential, when adopted, shall remain in force for not less than four years. Effective period of credentials

12140. The minimum standard for any adult education credential shall be as high a general standard for each of the subjects as conditions at the time will warrant. Adult education

This credential shall authorize service as a teacher in any class for adults in the subjects named therein.

12141. The standard for the military science and tactics credential shall be the recommendation of The Adjutant General of the State of California. Military science and tactics

This credential shall authorize service as a teacher of basic military drill in high school and junior college cadet companies established under Chapter 1 of Part 2 of Division 2 of the Military and Veterans Code. The credential shall be issued only to those who shall qualify as to character in the same manner as required for holders of secondary teaching credentials.

Service under such credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

12142. The standard for the exchange teacher credential shall be as prescribed by the State Board of Education pursuant to Section 13009. Exchange teacher

This credential shall authorize service as an exchange teacher.

Article 9. County Certificates

12200. Each county or city and county board of education may provide for the registration of any credential or life diploma issued by the State Board of Education. Such registration shall be deemed to be the issuance of a certificate to the holder of such credential or life diploma. Such registration shall authorize the service of the holder in the county in the capacity in which and for the period of time for which the credential or life diploma is valid. Registration of credential or life diploma

Preliminary certificates	12201. The superintendent of schools of each county shall issue to persons in training for the teaching service preliminary certificates of a temporary character.
Same	12202. A preliminary certificate shall be issued to the holder of a recommendation from a California institution authorized by the State Board of Education to train teachers and authorizes the holder to do cadet-teaching without salary.
Cadet-teaching	12203. Cadet-teaching shall be of the same kind in the same grades, classes, or types of schools as specified in the recommendation.
Period of certificate, etc.	12204. No preliminary certificate shall be granted for a period exceeding two years, nor shall the superintendent of schools collect a fee therefor.

Article 10. Life Diplomas

Life diploma	12300. The State Board of Education shall grant life diplomas to qualified applicants. Each life diploma shall be valid during the life of the person to whom issued unless sooner suspended or revoked.
Authorized service	12301. The service authorized by each life diploma granted shall be that authorized by a valid credential, other than a credential issued on an emergency basis, held by the applicant at least one year prior to the granting of the life diploma.
Qualifications	12302. Each applicant for a life diploma must have held for at least one calendar year immediately preceding the issuance of a life diploma, a valid credential other than a credential issued on an emergency basis, of the same grade and type as the life diploma applied for.
Application	12303. Each candidate for a life diploma shall submit over his oath a complete application on a form provided by the State Board of Education.
Evidence of competency	12304. The application shall be accompanied by evidence showing that the applicant is competent to perform the service of the life diploma applied for and by a recommendation from the county board of education of the county in which he last served to the effect that the candidate has rendered successful educational service in the public schools of the county for a period of not less than eight consecutive school months and that the candidate is a fit person to possess a life diploma. The recommendation shall be based upon a resolution of the county board approved by at least three-fourths of its members.
Experience	12305. Only candidates are eligible who have had at least 48 school months of successful school experience, at least 21 of which have been in the public schools of the State or in schools maintained for minors by publicly controlled California institutions.

Article 11. Renewal of Certification Documents

Renewal	12400. Valid certification documents shall be renewed under such conditions as the State Board of Education may prescribe.
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12401. A certification document may not be renewed after it has expired, but applicants may secure a new one at any time by meeting all standards then in force.

Same

12402. The State Board of Education shall establish the expiration date for each kind of certification document.

Expiration date

12403. The State Board of Education shall establish the period during which each kind of certification document may be renewed.

Period of renewal

12404. County boards of education may renew any certificate legally issued by them prior to October 1, 1945 and now in force, provided that, no certificate granted upon a credential issued by the State Board of Education for a limited period shall be renewed or extended unless the credential upon which it was issued has been renewed or extended, and then only for the period of the renewal or extension of the State board credential.

Certificates issued prior to October 1, 1945

12405. Whenever the date of expiration of any credential or certificate occurs while the person holding the credential or certificate is in the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the service of the United States Merchant Marine, or in the full time paid service of the American Red Cross, during any National emergency declared by the President of the United States of America, or during a war in which the United States of America is engaged, such credential or certificate is hereby continued in force until six months after such person honorably leaves such service or has been placed on inactive duty.

Military service, etc

The holder of a credential or certificate so extended shall be entitled to a renewal of the credential or certificate prior to its date of expiration as herein fixed, subject to provisions of this code relating to the renewal of credentials or certificates, as the case may be.

Article 12. Validation of Credentials and Certificates

12450. All teaching, administrative service and supervisory service credentials, life diplomas, California normal school diplomas, university documents, normal documents, State teachers college and State college credentials, city, city and county, and county certificates of all grades granted prior to October 1, 1945, not heretofore revoked, shall be continued in full force and effect for the full time for which they were granted and shall be valid for all purposes and to the full extent of time that they were intended to be unless revoked by the State Board of Education.

Credentials and life diplomas issued prior to October 1, 1945

Article 13. Fees for Credentials and Life Diplomas

12500. The fee for each credential or life diploma or for the renewal of a credential shall be three dollars (\$3).

Fees

- Payment** 12501. All of the fees prescribed by this article shall be paid into the State treasury at least once a month to the credit of the General Fund. The State Controller may require financial reports to be made to him at such time and in such form as he prescribes.
- Refund** 12502. Any fee or excess amount of fee paid under this article may be refunded by the Director of Education when the applicant does not qualify for a credential or when such fee or excess is paid in error.

Article 14. Lost or Destroyed Certification Documents

- Lost, etc documents** 12525. Whenever satisfactory proof is presented to the issuing authority by any person to whom the said authority has heretofore granted a certification document that the same has been lost or destroyed, the issuing authority shall, without fee, issue to him, a new certification document of the same kind, grade, character, and tenure as that lost or destroyed.
- Proof** 12526. Satisfactory proof shall consist of an affidavit by the person, giving the kind of the certification document, the date of issue, if possible, and the basis upon which it was issued, together with such other information as the issuing authority may require.

CHAPTER 1206

An act to amend Section 117 of the Vehicle Code, relating to the California Highway Patrol.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 117 of the Vehicle Code is amended to read:

- Promotions** 117. Promotions. All appointments to the classes of chief, assistant chief, supervising inspector, district inspector, captain, and sergeant shall be made from promotional eligible lists resulting from promotional examinations of persons in the next lower class. For the purposes of examinations for chief, the classes of assistant chief, supervising inspector, and district inspector shall be considered equal. For the purposes of examinations for assistant chief, the classes of supervising inspector and district inspector shall be considered equal.

CHAPTER 1207

An act to amend Sections 14305, 14372, 14379, 14474, 14479, 14562, 14563, 14607, 14610, 14632, 14635, 14636, 14637, 14640, 14680, and 14681 of, and to add Sections 14402, 14419.1, 14479.1, 14479.2, and 14682 to, the Education Code, relating to the State Teachers' Retirement System, and validating retirements heretofore made.

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 14305 of the Education Code is amended to read:

14305. The Retirement Board shall credit contributions of the members of the Retirement System to the Retirement Annuity Fund and to the Annuity Deposit Fund with interest at a rate or rates to be declared annually by the board. Earned interest not credited to contributions shall remain in the funds as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

SEC. 2. Section 14372 of said code is amended to read:

14372. All persons who were members of the California State Teachers' Retirement System on June 30, 1944, including persons who are members of a local retirement system, are members of the Retirement System.

SEC. 3. Section 14379 of said code is amended to read:

14379. Teachers employed by the California Polytechnic School, the California School for the Deaf, the California School for the Blind, the Sonoma State Home, Pacific Colony, every institution maintained and operated by the Youth Authority, or the State Board of Education, who hold valid teacher's certificates, or a California State teacher's credential, or who hereafter secure a teacher's certificate valid in this State, or a State teacher's credential are members of the system. A teacher employed by an institution maintained and operated by the Youth Authority, who has been required to become a member of the State Employees Retirement System, may elect, prior to January 1, 1946, to transfer his membership to the State Teachers Retirement System.

SEC. 4. Section 14402 is added to Article 5 of Chapter 14 of Division 7 of said code, to read:

14402. Nothing in this article shall be construed or applied to exclude from membership in this system any member who enters a status requisite for membership in this system in which status he has the right to elect membership in this or another retirement system and who elects membership in the other retirement system, if at the time he becomes a member of the other retirement system he is eligible for retirement under Section 14601 or Section 14603. Time served after becoming a member of the other system shall not be credited to the member

under this system, nor shall contributions or benefits under this system be based upon such time or the salary received by the member during such time.

The member shall not be subject to the requirement that application for retirement shall be made within two years after the last day of service.

This section shall be retroactively applied to continue the membership in this system of any such member whose contributions have not been refunded to him.

SEC. 5. Section 14449.1 is added to said code, to read :

Credit for
service

14449.1. The member shall receive credit for time served in teaching positions in publicly supported universities and colleges in this State.

SEC. 5.1. Section 14474 of said code is amended to read :

Members'
contribu-
tions for
credited
service

14474. Any person to whom service rendered outside of the State after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the Retirement System or its predecessor who is excluded from the Retirement System because of being a member of another retirement system while serving in a status requisite for membership in this Retirement System or its predecessor, and who later becomes subject to its provisions, shall pay, in addition to the sum due under Section 14471 for each year of credited service rendered outside the State or while exempt or while a member of any other system, interest at the rate of 5 per cent per annum on the amount which would have been contributed had he been a member of the Retirement System when the service was rendered. Interest shall begin on the first day of July next following the end of the school year in which the service was rendered, and shall end upon the date of retirement.

SEC. 6. Section 14479 of said code is amended to read :

Basis of
contribu-
tions

14479. The rates of annuity fund contributions shall be based upon sex and age at the nearest birthday at the time of inclusion in or entrance into this Retirement System or at such later time as the member first is required to make annuity contributions, and shall be such as, when applied to the salary of the member, not counting so much thereof as exceeds three thousand dollars (\$3,000) for each school year, and not counting any salary earned in service for which the member is entitled to retirement benefits from a local retirement system, will produce contributions which will provide, on the average, an annuity at age 63 equal to approximately one-half of the benefit specified in Section 14635 to be derived from the Retirement Annuity Fund for service rendered after July 1, 1944, as determined by recognized actuarial methods.

SEC. 7. Section 14479.1 is added to said code, to read :

Change
in status

14479.1. When the status of a member who has not been required to contribute to the Retirement Annuity Fund because of membership in a local retirement system is changed so that he is required to make such contributions, he shall contribute thereafter at a rate based on his age at the time the requirement of such contributions became applicable to him.

SEC. 8. Section 14479 2 is added to said code, to read:

14479.2. Accumulated annuity contributions credited to a member whose date of birth is changed in the records of the retirement system shall be adjusted to the corrected date by refund to the member or payment by the member, as the case may be.

SEC. 9. Section 14562 of said code is amended to read:

14562. The State shall contribute annually to the Permanent Fund an amount, determined actuarially, equal to so much of the benefits to be paid from the Permanent Fund during that year as is not provided by the Permanent Fund contributions based on service after July 1, 1944, of the members receiving such benefits, plus interest at a rate or rates declared annually by the Retirement Board, and by the contributions of employing agencies during that year.

SEC. 10. Section 14563 of said code is amended to read:

14563. The State shall contribute annually to the Retirement Annuity Fund all of the following amounts:

(a) An amount, determined actuarially, equal to the benefits to be paid from the Retirement Annuity Fund during that year in respect to service rendered prior to July 1, 1944.

(b) An amount, determined actuarially, equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year in respect to service rendered after July 1, 1944, as is not provided by the accumulated annuity contributions of the members receiving such benefits.

SEC. 11. Section 14607 of said code is amended to read:

14607. Failure of a member to complete the documents required for retirement, within 180 days after receipt of the application for retirement, in the office of the Retirement Board in Sacramento, shall make the application null and void.

SEC. 12. Section 14610 of said code is amended to read:

14610. Except as otherwise provided in this section, no person retired for service shall accept employment in a status requisite for membership in the Retirement System (including, with respect to persons retired after October 1, 1945, a status in which the person may elect membership in this or another retirement system), or in any teaching capacity in a public school, within two years after the effective date of retirement, and in any event not until after notifying the Retirement Board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination, that he has recovered from the disability for which he was retired. If any person fails to comply with these requirements, the employment shall be invalid. At any time prior to July 1, 1947, or prior to the termination of the war in which the United States of America is now engaged, whichever is the earlier, any person heretofore or hereafter retired for service or after attaining an age at which the classification of persons as permanent employees of school districts ceases and who was not otherwise retired because of bodily or mental infirmity may, after giving notice to the Retirement Board at its office in Sacramento,

accept employment in any status requisite for membership in the Retirement System or in any teaching capacity in a public school.

SEC. 13. Section 14632 of said code is amended to read:

Retireme t
allowanc

14632. Upon retirement for service, a retired member shall receive a retirement allowance which shall consist of:

(a) A retirement salary of fifty dollars (\$50) per month derived from the Permanent Fund, if he is credited with 30 years of service at the time of retirement. The retirement salary shall be subject to the deductions provided in Section 14476, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the salary earned by him in service rendered by him after July 1, 1944, not counting so much of such salary as exceeds three thousand dollars (\$3,000) for each school year, and not counting any salary earned in service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14635.

(c) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of credited service rendered by him prior to July 1, 1944, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14636.

(d) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

SEC. 14. Section 14635 of said code is amended to read:

Service
rendered
after
July 1,
1944

14635. Upon retirement for service at the age of 63 years a member shall receive an annual annuity equal to seventy-five cents (\$0.75) for each hundred dollars (\$100) of salary earned by him in service rendered after July 1, 1944, not counting so much of such salary as exceeds three thousand dollars (\$3,000) for each school year; and not counting any salary earned in service for which the member is entitled to retirement benefits from a local retirement system. Upon retirement at an age less than 63 years, a member shall receive the actuarial equivalent of the value at the lesser age of the annual annuity which he would receive at the age of 63 years, on the basis of salary earned up to the effective date of his retirement, deferred to the age of 63 years.

SEC. 14.1. Section 14636 of said code is amended to read:

Service
rendered
prior to
July 1,
1944

14636. (a) For each year of credited service rendered prior to July 1, 1944, not to exceed 40 years, and not counting any service for which the member is entitled to receive retirement benefits from a local retirement system, the amount of annual annuity which a member shall receive upon retirement for service shall be determined by the service rendered between July 1, 1944, and the date of his retirement, in accordance with the following schedule of amounts payable upon retirement at age 63, and the amount which a member retiring at a lesser

age shall receive shall be the actuarial equivalent of the value at the lesser age of the annual annuity which he would receive at age 63, deferred to age 63 :

Service rendered after July 1, 1944	Annual annuity per year of credited service
Less than 6 months-----	\$3.00
6 months or more but less than 2 years-----	4.00
2 years or more but less than 4 years-----	5.00
4 years or more but less than 6 years-----	6.00
6 years or more but less than 8 years-----	7.00
8 years or more but less than 10 years-----	8.00
10 years or more-----	9.00

(b) If the sum of the amounts payable under Section 14635 and subdivision (a) of this section to a retiring member who is credited with 30 years or more of service and who is not entitled to receive benefits under a local retirement system or who has not failed to make all annuity contributions required of him, is less than twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14632 (not counting any deductions made under Section 14476), he shall receive, in lieu of the amount computed under subdivision (a) of this section, an amount which, when added to the amount payable to him under Section 14635, equals twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14632 (not counting any deductions made under Section 14476).

SEC. 15. Section 14637 of said code is amended to read :

14637. Before the first payment on account of his retirement allowance is made, any member who retires may elect to receive the actuarial equivalent as of the date of retirement, of the annuities payable to him in a reduced annuity, payable throughout life with the provision that :

Option 1. If he dies before he has received in annuity payments provided by his accumulated annuity contributions plus his accumulated annuity deposits the amount of such contributions and deposits as it was at the time of his retirement, the balance of such accumulated annuity contributions and accumulated annuity deposits shall be paid to his estate or to such person as he has nominated by written designation duly executed and filed with the board ; or

Option 2. Upon his death, his reduced annuity shall be continued throughout the life of and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election ; or

Option 3. Upon his death, one-half of his reduced annuity shall be continued throughout the life of, and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election.

He may revoke or change any previous election prior to its approval.

Disability
annuity

SEC. 15.i. Section 14640 of same code is amended to read: 14640. (a) The amount of disability annuity payable under subdivision (b) of Section 14639 shall be the lesser of the two following amounts:

(1) The actuarial equivalent, based on a disabled life, of the value at his age of retirement, and on the basis of an active life, of the sum of the annuities payable to him under subdivisions (b) and (c) of Section 14632 at the age of 63 years, on the basis of salary earned and service rendered up to the effective date of his retirement, deferred to the age of 63 years.

(2) The amount of the annuities which would have been payable to him under subdivisions (b) and (c) of Section 14632 at the earliest later date at which he would have been eligible for retirement for service, assuming that his contributions based on his salary at the date of his retirement for disability had continued to the earliest later date at which he would have been eligible for retirement for service.

(b) If the amount of disability annuity payable under subdivision (a) of this section to a member who is not entitled to receive retirement or disability benefits under a local retirement system or who has not failed to make all annuity contributions required of him is less than twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14639 (not counting any deductions made under Section 14473), he shall receive, in lieu of the amount computed under subdivision (a) of this section, an amount equal to twenty per cent (20%) of the retirement salary payable to him under subdivision (a) of Section 14639 (not counting any deductions made under Section 14476).

SEC. 16. Section 14680 of said code is amended to read:

Ceasing
to be
member of
local
system

14680. If a member of this Retirement System who is or has been a member of a local retirement system ceases to be entitled to retirement benefits from the local retirement system for any credited service rendered after July 1, 1944, and for which he has not contributed to the Retirement Annuity Fund under Section 14478, but continues to be a member of this Retirement System, upon receipt of refund of his contributions to the local retirement system he shall deposit in the Retirement Annuity Fund an amount equal to the contributions which he would have been required to make during such service if he had not then been a member of the local retirement system, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions.

Contribu-
tions

Unless such deposit is made within two years after receipt of refund of his contributions to the local retirement system and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon salary earned in any service after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478. If the deposit is made, the member's rate of

annuity contribution shall be based on his age at the beginning of such service after July 1, 1944.

SEC. 17. Section 14681 of said code is amended to read:

14681. Any person who enters this Retirement System after July 1, 1944, and who receives credit for service rendered after July 1, 1944, but prior to his entry into this Retirement System, shall deposit in the Retirement Annuity Fund an amount equal to the contributions he would have been required to make to the Retirement Annuity Fund during such service if he had then been a member of this Retirement System, with interest from the first of the year next following the date on which such contributions would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Annuity Fund contributions. Entering system with credit for prior service Contributions

Unless such deposit is made within two years after his entry into this Retirement System and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon salary earned in any service after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478. If the deposit is made, the member's rate of annuity contribution shall be based on his age at the beginning of such service after July 1, 1944.

SEC. 18. Section 14682 is added to said code, to read:

14682. If a member of this Retirement System becomes entitled to retirement benefits from a local retirement system for service, and has made contributions to the Retirement Annuity Fund based on salary paid for such service, the accumulated annuity contributions based on that salary shall be refunded to him. Refunds

SEC. 19. All retirements made by the Teachers Retirement Board under the State Teachers' Retirement Act and under the State Teachers Retirement Law prior to the effective date of this act are hereby validated and confirmed. Validation of prior retirement

CHAPTER 1208

An act to amend Sections 26517, 26560, 26561, 26562, 26564, 26566, 26582, and 26583 of the Health and Safety Code, relating to foods.

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 26517 of the Health and Safety Code is amended to read:

26517. (a) No person shall sell, offer for sale, or keep for sale distilled spirits in any package which has been refilled or partly refilled. Distilled spirits

(b) No person shall refill or sell, or cause to be refilled for sale any distilled spirits package.

(c) No person, who, in response to an inquiry or request for any brand, type, or character of alcoholic beverage, shall sell or offer for sale a different brand, type or character, without informing the purchaser of such difference.

Analyses of food

SEC. 2. Section 26560 of said code is amended to read:

26560. The director shall require the Chief of the Division of Laboratories to make examinations and analyses of foods which are on sale in California and which are suspected of being adulterated or misbranded.

Report on adulteration, etc

SEC. 3. Section 26561 of said code is amended to read:

26561. Whenever evidence indicates or examination or analysis shows that adulterated or misbranded food has been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

Same

SEC. 4. Section 26562 of said code is amended to read:

26562. Whenever evidence indicates that adulterated or misbranded food has been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

Notice of violation

SEC. 5. Section 26564 of said code is amended to read:

26564. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set.

District attorney

SEC. 6. Section 26566 of said code is amended to read:

26566. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, a certificate of the facts so found shall forthwith be transmitted to the district attorney of the county in which the adulterated or misbranded food was found.

Prohibition against disposition

SEC. 7. Section 26582 of said code is amended to read:

26582. The food shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the board, the director, or the Chief of the Bureau of Food and Drug Inspections.

Reports

SEC. 8. Section 26583 of said code is amended to read:

26583. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of food and its release.

CHAPTER 1209

An act to amend Sections 1, 2 and 9 of, and to add Sections 2a and 6a to, an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to canneries.

Stats 1925,
p. 931,
amended

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Stats 1941,
p. 3094

Section 1. It shall be unlawful for any person, firm, company, organization, association or corporation in the State of California, to engage in the noncommercial canning of salmon or in the commercial canning of any food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the Division of Animal Industry of the State Department of Agriculture, or the Bureau of Animal Industry of the United States Department of Agriculture, or approved municipal inspection departments or establishments, for the use of man or animal, the sterilization of which in the opinion of the California State Board of Health requires the use of a pressure cooker, or a retort, without first obtaining a license from the said State Board of Health, provided, however, that the Division of Cannery Inspection as hereinafter created shall have supervision over the inspection and examination of raw fish and fish products preparatory to canning, the cost of said inspection and examination to be determined and paid in like manner as provided in Section 4 of this act for products otherwise falling within its provisions. Food products which do not require the use of a pressure cooker but necessitate acidulation and pH determinations come within the provisions of this chapter.

Cannery
licenses

SEC. 2. Section 2 of said act is amended to read:

Stats 1933,
p. 2292

Sec. 2. The said State Board of Public Health shall issue to any person, firm, company, organization, association or corporation in the State of California, an annual license on the receipt of fifty dollars (\$50) per annum, per plant, and such evidence as the board may require to show that the said person, firm, company, organization, association or corporation is properly equipped with a retort or retorts or pressure cooker which are properly equipped with recording thermometers, indicating thermometers and pressure gauges to carry out such rules and regulations as the State Department of Public Health may adopt for the sterilization of such food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the Division of Animal Industry of the State Department of Agriculture, or the Meat Inspection

License
fees

Disposition
of fees

Division, Livestock and Meat Branch of the Office of Marketing Services, War Food Administration, or approved municipal inspection departments or establishments. All moneys received by the State Board of Public Health for fees shall be deposited at least once each month in the State treasury to the credit of the Cannery Inspection Fund, which fund is hereby created to be used, exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the State Board of Public Health and the State Board of Control in the manner provided for by law. One thousand dollars (\$1,000) of the Cannery Inspection Fund may be used as a revolving fund for the purpose of carrying out the provisions of this act.

Revolving
fund

Permits

No person, firm, company, organization, association or corporation in the State of California shall permit any person, employee, or individual to operate a steam controlled retort or retorts used in the commercial canning industry for the sterilization of food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the Division of Animal Industry of the State Department of Agriculture, or the Meat Inspection Division, Livestock and Meat Branch of the Office of Marketing Services, War Food Administration, or approved municipal inspection departments or establishments, unless said person, employee or individual shall first obtain a permit from the State Board of Public Health which shall have power to pass upon and determine the qualifications of the applicant for the permit with a view to the preservation of the public health, and which permit when granted shall be revocable by the board whenever in its judgment the public health requires such action.

New section

SEC. 3. Section 2A is added to said act, to read:

Exemptions

SEC. 2A. The operation of noncommercial canning centers by community canning centers, schools, churches, housewives, or other organizations packing hermetically sealed canned food products for their own consumption and where the canned food is not to be sold for profit, is exempt from the licensing provisions of this chapter and in lieu thereof a permit to operate such canning centers shall be issued, without cost, by said State Board of Public Health upon the submission of such evidence as the board requires to show that the said persons operating said canning centers are qualified and that said canning centers are properly equipped and meet all other provisions of this chapter.

New section

SEC. 3. Section 6A is hereby added to said act to read:

Stand-by
services

SEC. 6A. In making estimates, determinations, assessments, and prorations under Sections 4 and 6 of this act, the Cannery Inspection Board and the State Board of Public Health may include as a part of the cost of inspection a reasonable charge for stand-by services of inspectors.

Stats 1945,
Ch 891

SEC. 4. Section 9 of said act is amended to read:

Revocation
of license

SEC. 9. The State Board of Public Health may after notice and opportunity for hearing for the following cause or causes suspend or revoke a license issued under this act:

(a) The nonpayment of said pro rata share of the cost, or failure to comply with a demand for a cash deposit or other security by the holder of such license.

(b) The noncompliance with any of the regulations of the State Board of Public Health.

(c) After conviction for violation of the California Pure Foods Act (Health and Safety Code) the license may be suspended for a period of from one to 30 days.

(d) The operation of an insanitary cannery after due notice by registered mail has been received.

(e) Inadequate rat-proofing of a cannery throughout.

(f) Wilful packing of any canned food commodity which has been rejected by a duly authorized agent of the State Department of Public Health.

(g) The packing of any canned food commodity under the supervision of this act without notifying the State Department of Public Health before packing same.

The proceedings shall be conducted in accordance with Chapter 5, of Part 1, of Division 3, of Title 2 of the Government Code; and the board shall have all the powers granted therein

CHAPTER 1210

An act to amend Section 9d of "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to license fees and providing for the disposition thereof, and making an appropriation.

Stats 1909,
p. 151,
amended

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 9d of the act cited in the title hereof is amended to read:

Stats 1939,
p. 2650

- License fee Sec. 9d. The annual fee for such license shall be twenty-five dollars (\$25). All proceeds from such fees shall be deposited with the State Treasurer.
- Transfer of funds SEC. 2. The unexpended balance of any money deposited in the Department of Public Health Fund under the provisions of Section 9d of the act cited in the title hereof on the effective date of this act shall be by the State Controller transferred to the General Fund in the State treasury.
- Appropriation SEC. 3. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of four thousand three hundred fifty-five dollars (\$4,355) in addition to, and in augmentation of, Item 228 of the Budget Act of 1945 to permit the Department of Public Health to meet expenditures heretofore payable from the Walnut Shelling Inspection Fund.
- Stats 1945, Ch 644 SEC. 4. To the extent that funds are made available for expenditure by the Department of Public Health by this act, the appropriation made for support of the Department of Public Health by Item 230 of the Budget Act of 1945, payable from the Public Health Fund, shall be abated in an equal amount.
- Abatement of appropriation

CHAPTER 1211

An act to amend Sections 1242 and 2104 and to repeal Section 1243 of the Health and Safety Code, relating to special funds, providing the reversion thereof, and making an appropriation to the Department of Public Health.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

- SECTION 1. Section 1242 of the Health and Safety Code is amended to read:
1242. At the same time all money so collected shall be paid into the State treasury.
- Deposit of funds
- Repeal SEC. 2. Section 1243 of said code is repealed.
- SEC. 3. Section 2104 of said code is amended to read:
2104. An annual fee of five dollars (\$5) shall be required for the certificate of registration. All fees collected under the provisions of this chapter shall be paid into the State treasury.
- Aviary registration fee
- Transfer of funds SEC. 4. The unexpended balances of any moneys deposited in the Department of Public Health Fund under the provisions of Sections 1242 and 2104 of the Health and Safety Code on the effective date of this act shall be by the State Controller transferred to the General Fund in the State treasury.
- Appropriation SEC. 5. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of nine thousand four hundred eight-six dollars (\$9,486) in addition to, and in augmentation of, Item 228 of the Budget Act of 1945
- Stats 1945, Ch 644

to permit the Department of Public Health to meet expenditures heretofore payable from the Clinic and Dispensary Fund and the Aviary Inspection Fund.

SEC. 6. To the extent that funds are made available for expenditure by the Department of Public Health by this act, the appropriation made for support of the Department of Public Health by Item 230 of the Budget Act of 1945, payable from the Public Health Fund, shall be abated in an equal amount.

Abatement
of appro-
priation

CHAPTER 1212

An act to extend the effective date of an act entitled "An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately," approved February 10, 1943, and making an appropriation for the further administration thereof.

Stats. 1943,
p. 257,
amended

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2.5 of the act cited in the title is amended to read as follows:

Stats. 1943,
p. 257

2.5. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, except that within six months thereafter the department may complete any work under way.

Duration

SEC. 2. The unexpended balance of the sum of twenty thousand dollars (\$20,000) appropriated by Section 2 of the act cited in the title is reappropriated for, and shall continue to be available for, the purposes specified in said Section 2, for the period during which this act remains in effect.

Appropriation

CHAPTER 1213

An act to amend Section 19432 of the Education Code, relating to civic centers.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 19432 of the Education Code is amended to read as follows:

19432. Any use, by any individual, society, group, or organization which has as its object or as one of its objects, or is affiliated with any group, society, or organization which has as its object or one of its objects the overthrow or the advocacy

Prohibited
use of
schools

of the overthrow of the present form of government of the United States or of the State by force, violence, or other unlawful means shall not be granted, permitted, or suffered.

Any person who is affiliated with any organization, which advocates or has for its object or one of its objects the overthrow of the present government of the United States or any State, Territory, or Possession thereof, by force or violence or other unlawful means, or any organization of persons which advocates or has for its object or one of its objects the overthrow of the present government of the United States or any State, Territory, or Possession thereof, by force or violence or other unlawful means, is hereby declared to be and is characterized, a subversive element.

Notwithstanding any of the other terms of this chapter, no such governing board shall grant the use of any school property to any person or organization who or which is a subversive element as herein defined.

For the purpose of determination by such governing board whether or not such person or such organization of persons applying for the use of such school property, is a subversive element as herein defined, such governing board may require the making and delivery to such governing board, by such person or any members of such organization, of affidavits in form prescribed by such governing board, stating facts showing whether or not such person or organization is a subversive element as herein defined.

Reference is hereby made to the provision of law relating to perjury and the punishment therefor shall be applicable to persons making and delivering affidavits provided for under the provision of this chapter.

CHAPTER 1214

An act to amend Section 302 of the Streets and Highways Code, relating to the State Highway System.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 302 of the Streets and Highways Code is amended to read:

302. Route 2 is from:

(a) The junction of Route 56 (Funston Approach) and the approach to the Golden Gate Bridge in the Presidio of San Francisco to the international boundary line near Tia Juana via San Diego and National City.

(b) Orcutt to Route 2 south of Santa Maria.

(c) Harriston to Route 2 near Los Alamos

Highways:
Route 2

CHAPTER 1215

An act to add Section 20954 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 20954 is added to the Government Code, to read:

20954. A local miscellaneous member shall be retired for service upon his written application to the board if the following conditions exist: Retirement
of local
miscel-
laneous
member

(a) He is separated from State service because of a curtailment of or a change in the manner of performing such service, and not because of resignation or dismissal under charges.

(b) He has attained age 50 and is entitled to be credited with 15 or more years of State service.

(c) The board determines that his separation is of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or on a seasonal or intermittent basis.

 CHAPTER 1216

An act to amend Section 14341 of the Education Code, relating to the Retirement Investment Board.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 14341 of the Education Code is amended to read:

14341. The board may appoint a committee composed of one or more of its members, which may purchase securities in the open market from time to time, as cash becomes available for investment, from a list of securities previously approved by the board according to title or source of issue and which may sell any securities when it is necessary or advantageous to do so. Purchases and sales of securities by the committee shall be reported forthwith to the other members of the Retirement Investment Board. Investment
of funds

CHAPTER 1217

An act to amend Section 736.3 and to repeal Chapter 11, consisting of Sections 740, 741, 743 to 750, inclusive, and 750.5, of Division 4, and to add Chapter 11 to Division 4, of the Agricultural Code, relating to milk and milk products, including provisions for the investigation of the uses of milk and milk products, programs for stimulating the use of milk and milk products by educational and advertising programs, providing for a California Dairy Industry Advisory Board, prescribing its powers and duties and the duties of the Director of Agriculture under this act, and providing for the financing of the provisions of this act.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 1506
Stabilization and
marketing
plan
Unfair
practices

SECTION 1. Section 736.3 of the Agricultural Code is amended to read:

736.3. Any stabilization and marketing plan shall contain the following provisions:

(a) Provisions for prohibiting distributors and retail stores from engaging in the unfair practices hereinafter set forth:

(1) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(2) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream business of any customer.

(3) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream of like quantity under like terms and conditions.

(4) The false or misleading advertising of fluid milk or fluid cream as defined in Section 654a of the Penal Code.

Contracts

(5) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such producer or association of producers stating the amount of fluid milk to be purchased for any period; the quantity of such milk to be paid for as Class 1, and the price to be paid for all milk received, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class. The contract shall also state the date and method of payment for such fluid milk, which shall not be later than the last day of the month following the month during which the fluid milk was purchased, the charges for transportation if hauled by the distributor, and may contain such other provisions as are not in conflict with this chapter, and shall contain a proviso

to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at the minimum price for fluid milk that is used for Class 4, as said class is defined in Section 735.3 of this code. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution.

(6) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream which is to be or is sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(7) The payment of a lesser price by a distributor to any producer for fluid milk or fluid cream which is distributed to any person, including agencies of the Federal, State or local government, located upon property within the geographical limits of any marketing area for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk or fluid cream for said marketing area.

(b) Provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers, for fluid milk in one or more of the various classes; provided, however, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid milk for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid milk over and above costs incurred in producing and marketing manufacturing milk; and provided further, the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome milk.

Minimum
milk prices
to producers

Any stabilization and marketing plan may contain the following provisions:

(c) Provisions whereby distributors shall report to each producer from whom fluid milk is secured, the volume of fluid milk received from such producer in pounds of milk, the milk fat test of such milk and the amount of fluid milk in milk fat pounds paid for in the several classes and the prices paid for the various classes for each month.

Report of
milk
received

(d) Provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers for fluid cream; provided, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid cream for the marketing area involved to the price of manufacturing cream, taking into consideration the additional costs incurred in producing and marketing fluid cream over and above costs incurred in producing and marketing manufacturing milk and

Minimum
cream
prices to
producers

provided further, that the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome cream.

Equalization
pools

(e) Provisions whereby the director may provide methods for the establishment of minimum prices for fluid milk or fluid milk for fluid cream received within a marketing area regardless of whether such fluid milk or fluid milk for fluid cream is subsequently sold or distributed within or without such marketing area or within or without the jurisdiction of the State of California. Such stabilization and marketing plans may provide for the establishment of prices for fluid milk or fluid milk for fluid cream whether or not such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in another marketing area within the State of California where a stabilization and marketing plan is in effect. The stabilization and marketing plan may provide that producers shall be paid not less than the minimum prices established for the marketing area wherein such fluid milk or fluid milk for fluid cream is ultimately sold or distributed, and may further provide that in the event such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in any place within the jurisdiction of the State of California where no stabilization and marketing plan is in effect, then such fluid milk or fluid milk for fluid cream may be paid by the distributor to the producer thereof at not less than the average price paid by distributors to producers for fluid milk or fluid milk for fluid cream of similar grade and quality at the plants in the vicinity where such fluid milk or fluid milk for fluid cream is so sold or distributed, as such prices are determined by the director from contracts required to be filed with him pursuant to this section.

The director may issue and make effective provisions establishing minimum prices to be paid by distributors to producer-distributors for milk which is not used by the purchasing distributor as Class 1 or Class 2 milk and which provisions may provide that such milk if used in classes other than Class 1 or Class 2 by the purchasing distributor may be paid for at the minimum prices established by the director for such other usage but which shall not be less than the prices as found by the director to be paid by manufacturing milk plants in or adjacent to the area using milk for similar purposes. Such prices shall remain in effect only for the period during which, as determined by the director, there is a surplus of producer-distributor milk.

Operation of
equalization
pools

(f) Provisions whereby the director designates or prescribes methods to provide uniform prices to be paid to all producers supplying fluid milk to distributors for pasteurization purposes in the marketing area involved by pooling the returns of all such fluid milk; provided, that no equalization pool shall be established unless the director, after hearing, determines that producers who supply distributors with not less than sixty-five (65) per cent of the total volume of fluid milk used for pasteurization

zation purposes and who represent not less than sixty-five (65) per cent of the total number of such producers desire the establishment of such pool, but no hearing shall be necessary if said sixty-five (65) per cent, by volume and production, of such producers petition the director in writing to establish such equalization pool as a part of the plan. If the director finds that an equalization pool is necessary to carry out the provisions of this chapter he shall make provision therefor. The director may designate the local control board for the marketing area as his agency to operate the equalization pool and may permit such local board to employ a pool manager and such other necessary personnel and to incur such expenses incidental to the operation of the pool as the director finds are necessary. The director is hereby empowered to require distributors to make reports to the pool manager at such intervals and in such detail as he finds is necessary for the operation of the pool which reports shall be kept confidential as to any individual distributor but shall be available to the director or his agents and the pool manager, and such employees of the pool as are necessary to the operation of the equalization pool.

No provision of any pooling program shall prevent any distributor from paying premiums for quality; provided, all producers supplying fluid milk of like quality to such distributor are paid similar premiums, nor shall any provision prohibit the paying of different prices to producers based on differentials in transportation, adjustments or deductions made by a cooperative association of producers to its members, including the blending of proceeds received from the sale of fluid milk by such cooperative in other markets. Distributors who purchase fluid milk from producers for pasteurization purposes shall deduct from payments due such producers at such time and in such manner such sums as the director determines are sufficient to insure uniform prices to all producers subject to the provisions of the equalization pool, irrespective of the usage of such fluid milk by the distributors. Distributors shall make, in addition to the deductions herein prescribed, such additional deductions per pound milk fat as the director finds necessary to pay all expenses incidental to the operation of the equalization pool, including the establishment of a reserve account to insure prompt payments to producers. The deductions herein prescribed are in addition to any other deductions prescribed by this chapter.

All moneys received by the director pursuant to this section shall be deposited in the Department of Agriculture Fund in the State treasury allocated to each separate marketing area from which they are collected and disbursed only for the purposes specified subject to the approval of the director.

Money
received by
director

Any money received by the director in excess of the amount required for any program shall be returned at such time as the director may determine on a pro rata basis to the persons from whom such funds were collected.

SEC. 2. Chapter 11 of Division 4 of said code is repealed.

Repeal

SEC. 3. Chapter 11 is added to Division 4 of said code, to read:

CHAPTER 11. THE CALIFORNIA DAIRY INDUSTRY
ADVISORY BOARD

Legislative
declaration

740. It is hereby declared, as a matter of legislative determination, that the provisions of this chapter are enacted in the exercise of the police power of this State for the purposes of protecting and furthering the public health and welfare. It is further declared that the dairy industry of this State is affected with a public interest, in that, among other things,

(a) The production, processing, manufacture, and distribution of milk and other dairy products constitute a paramount industry of this State which not only provides substantial and required revenues for the State and its political subdivisions, and employment and a means of livelihood for many thousands of its population, but also furnishes essential foods that are vital to the public health and welfare.

(b) The stabilization, maintenance, and expansion of the dairy industry of California, and of the State, nation-wide, and foreign markets for its products are necessary to assure the consuming public an adequate supply of foods which are indispensable in a proper human diet, to protect, for the State and its political subdivisions, a necessary source of tax revenue, to provide and maintain an adequate standard of living for a great segment of the population of this State, to maintain proper wage scales for those engaged in the dairy industry, and to maintain existing employment.

(c) The essentiality of milk and other dairy products in a proper human nutrition and to the maintenance of a high level of public health is such as to require that the public be made thoroughly aware thereof, and be protected against misrepresentation and deception, by the dissemination of accurate and scientific information relative to the healthful qualities of dairy products, their various classifications and the food values and industrial and medicinal uses thereof, the methods, care and precautions necessary to their proper production, processing, manufacture, and distribution, and the necessary costs and expenses thereof, and the necessity and desirability on the part of the public of using and consuming dairy products of the highest standards of quality.

Purposes

741. The purposes of this chapter are:

(a) To enable the dairy industry with the aid of the State, to develop, maintain, and expand the State, nation-wide, and foreign markets for dairy products produced, processed, or manufactured in this State, and the use and consumption of such dairy products therein.

(b) In aid, but not in limitation, of the aforesaid purpose, to authorize and enable the director to formulate and effectuate, directly or in cooperation with other agencies and instrumentalities hereinafter specified, sales stimulation and consumer,

or other, educational programs designed to increase the use and consumption of milk and other dairy products.

(c) To provide funds for the administration and enforcement of this chapter by fees to be paid by producers and handlers of dairy products, in the manner prescribed herein.

742. As used in this chapter :

Definitions

(a) "Board" means the California Dairy Industry Advisory Board constituted and appointed as hereinafter prescribed.

(b) "Person" means an individual, corporation, partnership, trust, association, cooperative association, and any other business unit or organization.

(c) "Milk" means the lacteal secretion obtained from the udders of cows.

(d) "Cream" means that portion of milk, rich in milkfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force.

(e) "Skim milk" is milk from which a substantial part of the milkfat has been removed.

(f) "Dairy products" includes milk and any derivative of milk in natural, processed, or manufactured form, or constituting part of another article, commodity, or product.

(g) "Processing" means separating, standardizing, pasteurizing, sterilizing, evaporating, condensing, canning, bottling, packaging, or otherwise preparing milkfat in milk, cream, or skim milk for market, or of using the same to manufacture or produce any dairy products; provided, however, that separating by a producer, on the dairy where such milk is produced shall not be deemed processing, nor shall milk so separated be deemed to have been processed; provided further that placing bulk milk, cream, or skim milk in cans for transportation to a handler from the dairy shall not be deemed canning as that term is used in this subsection.

(h) "Milkfat" means the fat of milk.

(i) "Producer" means any person who produces milkfat and sells it or delivers possession or control of it to a handler, in the form of unprocessed milk or cream, or in any other unprocessed form.

(j) "Handler" means any person who, as owner, agent, or broker, purchases, or otherwise acquires possession or control of milkfat from a producer, in the form of unprocessed milk or cream, or in any other unprocessed form, for the purpose of processing the same.

(k) "Producer-handler" means any person who produces milkfat and uses such production, or any part thereof, for processing. For the purposes of this chapter, except as hereinafter otherwise provided, a producer-handler shall be deemed a producer in any transaction involving the delivery of unprocessed milkfat produced by him to another handler, and shall be deemed to be a handler with respect to milkfat produced by him or received from another producer, and processed by such producer-handler.

(l) "Or" and "and," as used herein, may be construed as interchangeable, or as "and/or," as the context may require.

(m) "Fiscal year" means the period from July 1 in any one year to and including June 30th of the following year.

Adminis-
tration

742.1. The director shall administer and enforce the provisions of this act, and shall have and may exercise any or all of the administrative powers conferred by Section 353 of the Political Code upon a head of a department of the State. In order to effectuate the declared purposes of this act, the director is hereby authorized to contract and be contracted with to carry out the declared intent and purposes of this act.

California
Dairy
Industry
Advisory
Board

743. There is hereby created the California Dairy Industry Advisory Board which shall consist of nineteen (19) members, who shall be citizens and residents of this State. Eight (8) members of said board shall be actually engaged in the production of milk. Four (4) of said producers shall be persons whose major interest in the dairy business is in the production of market milk, and four (4) shall be persons whose major interest in the dairy business is in the production of manufacturing milk. Eight (8) members of said board shall be handlers of dairy products, and, in their selection, to the extent that it shall be practicable, representation shall be accorded to the various classes of dairy products processed and manufactured in this State based on the weight of milkfat used in the various classes as shown by the records of the Department of Agriculture of the State of California. The remaining three (3) members of the board shall be producer-handlers who produce a major portion of the milk used in the dairy products handled by them. Officials or members, otherwise qualified, of corporations, associations, and other business units, which are actually engaged in business as producers, handlers, or producer-handlers of dairy products, shall be eligible to be members of the board.

Consent of
producers

743.1. No proceedings shall be had pursuant to this chapter unless and until the director has determined as hereinafter provided that 65 per cent of the producers and handlers who have voted have assented to the institution of campaigns as provided for in this chapter.

List of
producers

Within 15 days after the effective date of this chapter the director shall, from records of the department and independent investigation by him, prepare a list of producers of manufacturing milk, producers of market milk, producer-handlers, and handlers.

Voting
rights, etc

Within 30 days after the effective date of this chapter the director shall prepare and mail to all producers of manufacturing milk, producers of market milk, producer-handlers, and handlers as determined by such list a ballot form, and a summarization of the provisions of this chapter and its intent and purposes, together with a self-addressed stamped envelope. Such ballot shall be in such form as hereinafter provided. For the purpose of ascertaining assent or dissent, producers of manufacturing milk, producers of market milk, and producer-handlers shall be considered producers. For the purpose of

ascertaining assents or dissents of handlers, each person who is licensed under the provisions of Section 671 shall be entitled to one vote; provided, however, that any person who does not operate a milk products plant shall not be entitled to vote as a handler. Each producer and each handler shall be entitled to one vote, which shall be mailed by him so that it shall be postmarked not later than 10 days after it was mailed to him by the director.

Within 10 days after the final period permitted for voting, the director shall count the assents and dissents and make a determination as to the result thereof. If he finds that 65 per cent of the total number of producers voting and 65 per cent of the total number of handlers voting have assented, he shall make a finding as to the result thereof and proceed in accordance with the provisions of Section 744.

The ballot shall be in the following form :

Required votes

Form of ballots

BALLOT CALIFORNIA DAIRY INDUSTRY ADVISORY BOARD ACT

Producer Ballot

Shall campaigns of research, advertising, publicity, and education become effective as provided in the California Dairy Industry Advisory Board Act, Chapter 11, Division 4, of the Agricultural Code? Yes----- No-----

Signature of Producer-----

Address of Producer-----

Date-----

Handler Ballot

Shall campaigns of research, advertising, publicity, and education become effective as provided in the California Dairy Industry Advisory Board Act, Chapter 11, Division 4, of the Agricultural Code? Yes----- No-----

Signature of Handler-----

Address of Handler-----

Date-----

Should 65 per cent of the total number of producers voting and/or 65 per cent of the total number of handlers voting fail to assent to the institution of proceedings as herein provided, it shall not, however, preclude the conducting of additional balloting.

744. Within thirty (30) days after the determination of the ballot as provided in Section 743 1, the director shall call and hold ten (10) joint meetings of producers, producer-handlers, and handlers, who are engaged in business as such in this State, at such places in the State as he shall determine will give a reasonable opportunity to every such producer, producer-handler, and handler to attend one of said meetings, for the purpose of receiving from them nominations of

Meetings of producers, etc

members of the board. Every producer whose major interest in the dairy business is in the production of market milk shall be entitled to nominate a nominee for each membership on the board to be filled by a producer of the same kind. Every producer whose major interest in the dairy business is in the production of manufacturing milk shall be entitled to nominate a nominee for each membership on the board to be filled by a producer of the same kind. Every producer-handler who produces a major portion of the milk used in the dairy products handled by him shall be entitled to nominate a nominee for each producer-handler membership on the board. Each handler shall be entitled to nominate a nominee for each handler membership on the board.

Notice

744.1. Notice of each of said meetings shall be given by the director by publishing notice thereof in a newspaper of general circulation published in the capital of the State, and in such other newspaper or newspapers as the director shall determine to be necessary to give reasonable notice of said meeting to producers, producer-handlers, and handlers of dairy products in the general area in this State wherein said meeting is to be held. Such notice of meeting shall set forth the time, place, and purpose thereof, and shall state that nomination by mail to the director at his office in Sacramento setting forth the names, addresses, citizenships, and types of dairy business of the respective nominees, and bearing the signature and address of the nominator if received by the director not later than five (5) days subsequent to said meetings will be considered. Said meeting shall not be held prior to three (3) days after the last publication of notice thereof. At each meeting the director shall receive from those present and qualified oral nominations for each membership on the board. Promptly, after said ten (10) meetings have been completed, the director shall appoint the board from the nominations so received.

Terms of
appointive
members

744.2. The term of office of the appointed members of the board shall be three (3) years, except that the terms of the members first appointed shall be fixed by the director so that the term of six (6) members shall expire at the end of the first year, six (6) at the end of the second year, and seven (7) at the end of the third year after the first appointments. All future appointments to the board, except interim appointments, shall be made from nominations made in the manner prescribed in Sections 744 and 744.1 hereof. Any vacancy occurring during the unexpired term shall be filled by the director for the unexpired term from the list of eligible nominees from the nominations received by him. The director may remove any member of the board for cause deemed sufficient by him and upon such removal there shall be a vacancy which shall be filled in the manner as hereinbefore provided for the unexpired term.

Organ-
ization of
board

745. A majority of the members of the board shall constitute a quorum for the transaction of all business, including the election of officers. Immediately upon the appointment and qualification of the board, or of a sufficient number to constitute a

quorum, the board shall meet at a time and place designated by the director as temporary chairman and shall organize. The board shall select from its number, to serve at its pleasure, a chairman and vice chairman who, together with three other members selected by the board shall constitute the executive committee of the board. The executive committee shall have and exercise such powers of the board as the board may delegate to it.

The board shall have two (2) regular meetings in each year at times and places fixed by the board. The times for regular meetings shall be fixed so that there shall be an interval of at least four (4) calendar months between such meetings. The board may meet in special meetings at any time and place at the call of the chairman. The executive committee shall have four regular meetings each year at times and places fixed by it, and may meet in special meetings at any time and place at the call of the chairman. Meetings

The appointed members of the board shall receive ten dollars (\$10) per day for each day spent in actual attendance at the meetings or on the business of the board and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their official duties. Expenses

No member of the board, other than a member of the executive committee, shall receive compensation for more than ten (10) days' service per year. No member of the executive committee shall receive compensation for more than three (3) days' service per month.

745.1. The duties of the board shall be advisory, except as to those duties which may be delegated to it by the director, and may include the following: Duties

(a) To recommend to the director administrative rules and regulations relating to the administration and enforcement of this chapter;

(b) To investigate all matters affecting the administration of this act, and to report violations thereof to the director;

(c) To employ and at its pleasure, discharge a manager and such clerical help and other employees as it deems necessary, and to prescribe their duties and powers and fix their compensation when authorized by the director;

(d) When authorized so to do, to contract with, or employ, and, at its pleasure, discharge, such advertising experts, advertising agencies, and advertising agents as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation;

(e) To establish offices, and incur expenses incidental thereto;

(f) To recommend to the director the making of such advertising contracts and other agreements as may be necessary to promote the sale of dairy products on either a local, State, National or international basis;

(g) To cooperate with any other local, State, or National commission, organization, or agency, whether voluntary or created by State or National law, and engaged in work or activities

similar to the work and activities of the board created by this act, and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint campaigns of research, education, and advertising; provided, however, that in matters of research, the board shall cooperate with organizations of recognized professional standing which are adequately equipped with facilities for the research contemplated.

(h) To recommend to the director the institution and promotion of scientific research to develop and/or discover the health, food, therapeutic, dietetic, and industrial uses of milk and its products and derivatives;

The exercise of the foregoing powers of the board shall in all instances be subject to the approval of the director as prescribed in Section 745.4 hereof.

Research,
etc

745.2. It shall be the duty of the director to conduct one or more campaigns of research, advertising, publicity, and education designed to accomplish the following purposes, among others:

To increase the consumption of dairy products; to gather, publicize, and diffuse accurate and scientific information showing the importance of the use and consumption of milk, cream, and other dairy products in relation to the public health, economy, and diet, and proper nutrition of children and adults; to study means and methods employed in producing, processing, manufacturing, marketing, and distributing dairy products in order to comply with the sanitary and other regulations imposed by municipalities, State and Nation; to gather and disseminate information regarding the high standards observed and imposed to insure pure and wholesome dairy products and the harmful effects on the public health resulting from and breakdown or instability of the dairy industry, the factors and conditions peculiar to the dairy industry which tend to cause an unbalanced production, the price of milk, cream, and other dairy products in relation to the cost of other items of food in a balanced diet, and the factors which tend to promote increased consumption of dairy products, stabilize the industry, and foster a better understanding and more efficient cooperation among producers, persons engaged in the handling, processing, and marketing of dairy products, and the consuming public.

In each fiscal year the sum of at least fifty thousand dollars (\$50,000) of the money received under this chapter shall be expended or allocated for research in the discovery and development of uses for milk, milk products, and by-products of milk. The dean of the College of Agriculture of the University of California and the board shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said College of Agriculture, but if the dean of said college and the board determine that the college has no facilities for a particular project or that some other research agency has better facilities

therefor, the project may be carried out by such other research agency.

No advertising or sales promotion program conducted or sponsored by the director shall make false or unwarranted claims, or disparage the quality, value, use, or sale of any commodity authorized by law to be marketed in this State, nor shall any such program be conducted with reference to a brand or trade name. Sales promotions

745.3. The board shall keep accurate books, records, and accounts of all its transactions, dealings, contracts, agreements, funds, and expenditure, which shall at all times be open to inspection and audit by the department. Records

745.4. The board, from time to time, shall formulate and transmit to the director statements of its contemplated or recommended activities during periods which shall be specified in such statements. Such statements shall be based on and made after an investigation by the board of the necessities of the dairy industry, the extent of the public interest, necessity, and convenience to be served by such contemplated activities, the extent and probable cost of research, education, publicity, and advertising hereunder during such periods, the estimated cost of administering this chapter, the probable milkfat production in this State during the months in such periods on which fees hereunder will be based, and the revenues from such fees computed on such production. The statements shall describe the programs of research, education, publicity, and advertising, relative to different dairy products which are contemplated or recommended by the board, shall set forth the amounts deemed necessary and proposed to be allocated by the director to effectuate said programs and to perform his administrative duties hereunder, which shall include reasonable amounts for contingencies, and shall be in such form and detail as the director, in the reasonable exercise of his judgment, shall deem necessary adequately to show whether or not said activities are warranted by the facts disclosed by the aforesaid statements and investigations and are authorized by this chapter. Contemplated or recommended expenditures for political contributions, for lobbying, or for entertainment shall be deemed not warranted by said facts nor authorized by this chapter. Recommendations

If the activities recommended by the board described in said statements shall be warranted by said facts and authorized by this chapter, the director shall approve the same, in writing, within twenty (20) days after each of said statements shall have been submitted to him. If he shall refuse or fail to give such approval within said period, he shall notify the board promptly thereof giving, specifically, his reasons therefor.

745.5. The board shall prepare, annually, and make available to all producers, producer-handlers, and handlers of dairy products who request the same, summarized statements of the activities in which it has been engaged in the previous annual period, and of the activities in which it proposes to engage in the ensuing annual period. Statements of activities

Fees:
 Producer
 and
 producer-
 handler

746. For the fiscal year, or remainder thereof, during which this chapter is enacted, each producer and each producer-handler shall pay a fee of one-half cent (\$.005) per pound milkfat, or fraction thereof, on all milkfat which is produced by him in this State during the first calendar month following the effective date of this chapter and sold by him in unprocessed form to a handler, or possession or control of which is delivered by him to a handler. Each such producer and each such producer-handler shall also pay a fee of one-half cent (\$.005) per pound milkfat, or fraction thereof, on all milkfat which is produced by him in this State during May of said fiscal year and sold by him in unprocessed form to a handler, or possession or control of which is delivered by him to a handler. Such fees shall be collected by the first handler who purchases, or otherwise acquires possession or control of such milkfat by deducting the same from payments due said producer for milk, cream, or milkfat in any other form. Each producer-handler shall, in addition, pay the aforesaid fees on his own production used by him for processing. For the purposes of this section, a handler who sells unprocessed milkfat, of which he has the right to possession or control by contract or otherwise, to another handler, and delivers said milkfat in unprocessed form to such other handler or causes such milkfat to be delivered to such other handler directly from the producer, shall nevertheless be deemed to be the first handler of such milkfat.

Fees:
 Handlers

746.1. For the fiscal year aforementioned, or remainder thereof, each handler in this State, including each producer-handler, shall pay a fee of one-half cent (\$.005) per pound milkfat or fraction thereof, on all unprocessed milkfat which, during the calendar months mentioned in the preceding section, is purchased by such handler or producer-handler from a producer, or possession or control of which such handler or producer-handler acquires from a producer. Each producer-handler shall include in such payment the aforesaid fees computed on his own production and used by him for processing.

Computation

746.2. For each fiscal year following that in which this chapter is enacted, the fees to be paid hereunder shall be computed and paid in the manner prescribed in the two preceding sections hereof on milkfat produced and handled during the months of October and May in each fiscal year.

Payment
 of fees

746.3. The fees prescribed in Sections 746, 746.1, and 746.2 of this chapter shall be paid to the director by handlers or producer-handlers, as the case may be, not later than the thirtieth day after the calendar months mentioned in said sections. All untested milk and cream purchased in bulk and not tested for milkfat content shall be deemed to weigh and test as follows: milk, eight and six-tenths (8.6) pounds per gallon, milkfat content four per cent (4%); cream, eight (8) pounds per gallon, milkfat content thirty-two per cent (32%); and any fractional or greater measurement shall be on the above basis.

Penalty

To the amount of fees unpaid when due, there shall be added a penalty of ten per cent (10%), and the amount due, with

penalty added, shall bear interest at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month.

All moneys heretofore or hereafter received by the director under the provisions of this chapter shall be accounted for and reported monthly to the Controller, and at the same time such moneys shall be deposited in the State Dairy Products Trust Fund in the State treasury, which fund is hereby created. The director shall maintain a record of the receipts and disbursements of all moneys collected and disbursed by him under this chapter, showing the source of moneys received and the purposes for which it was disbursed.

All money in the State Dairy Products Trust Fund is hereby appropriated to the Department of Agriculture to carry out the duties imposed upon the director and the board under the provisions of this chapter. The appropriation herein made shall be exempted from the operation of Section 435 of the Political Code. The moneys in the State Dairy Products Trust Fund shall be disbursed by the director only for the necessary expenses incurred by the board and the director to carry out the purposes of this chapter, including the payment of refunds authorized hereunder. The director may disburse the moneys in said fund in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which said funds are derived.

The director may, with the approval of the Department of Finance and without at the time furnishing vouchers or itemized statements, withdraw from the State Dairy Products Trust Fund such amount as the director may require, to be used as a cash revolving fund to be disbursed by the director to carry out the purposes of this chapter. Such revolving fund shall be deposited in such bank or banks under such conditions as the director determines, with the approval of the Department of Finance. The Controller shall draw his warrants in favor of the director for the amounts so withdrawn, and the Treasurer shall pay such warrants. Any sums withdrawn under the provisions of this section without at the time furnishing vouchers or itemized statements therefor must, at least once a year, be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller. Reimbursement of the revolving fund for disbursements therefrom shall be made upon the presentation to and audit by the Controller of vouchers covering expenditures, in such form as the Controller may require.

All disbursements from the State Dairy Products Trust Fund shall be made in conformity with appropriate rules and regulations prescribed by the director and approved by the Board of Control.

The director, after consultation with the board, shall prepare an annual budget setting forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties imposed upon them by this chapter, and he shall prepare and submit to the board an

annual statement, in reasonable detail, of his expenditures hereunder.

Recovery
of fees

The director, by action prosecuted by him, may recover from handlers and producer-handlers all fees which, as prescribed herein, have been or should have been collected by them on milkfat of producers and on producer-handlers' own production and fees on milkfat which they purchased or possession or control of which was acquired by them, or which they produced and used for processing, and all penalties and interest which may have accrued thereon under the provisions of this chapter.

Records of
handlers

746.4. All handlers, including producer-handlers, shall keep complete and accurate records of all milkfat which they purchase, or possession or control of which they acquire from producers in the form of unprocessed milk, cream, or in any other unprocessed form. Producer-handlers shall include their own production in such records. They shall also keep complete and accurate records of all milkfat utilized by them for processing. Such records shall be in such form and contain such information, relevant to the purposes of this chapter, as the director may, by order or regulation, prescribe, shall be preserved for a period of two (2) years, and shall be open to inspection at any time on the request of the director. The director may, by rule, order, or regulation, require every such handler and producer-handler to file with him returns on forms to be prescribed and furnished by him, giving the information, or any part thereof, of which said first handlers are required to keep records, as aforesaid. In the case of any failure of any handler or producer-handler to make adequate returns, when required, the director shall estimate the amount of delinquency from the records of the department, or from such other source or sources of information as may be available, and in any action by the director to recover fees hereunder, a certificate of the director showing the amount determined by it to be required to be paid by the person required to pay the fees shall be prima facie evidence of the fact of delinquency of the amount due.

Returns

Any ballot filed or record or report made to the director pursuant to the provisions of this chapter shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceedings or hearing before the director.

See also
Stats 1945,
Ch 900
Fidelity
bonds

747. The director may require any employee or agent of the board to give a fidelity bond executed by a surety company authorized to do business in this State in favor of the director, in such sum, and containing such terms and conditions, as the director may prescribe. The cost of all fidelity bonds of employees or agents of the board under the provisions of this act shall be paid from the funds collected hereunder.

Rules and
regulations

747.1. Upon recommendations by the board the director shall have power consistent with this chapter to establish such rules and regulations covering the administration and enforcement of this chapter as may be necessary to carry out the purposes and attain the objectives of this chapter. Upon the issuance

of any rules and regulations affecting this chapter, a copy thereof shall be posted on a bulletin board to be maintained by the director in his office, and a copy of such rules and regulations shall be published in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. No rule or regulation shall become effective until the termination of a period of five days from the date of such posting and publication. It shall be the duty of the director to mail a copy of the notice of said issuance to all persons directly affected by the rules and regulations whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for such notice.

747.2. The director may receive funds in such amounts as he may deem necessary to defray the expenses of making effective this chapter. The director shall reimburse those persons from whom said funds are received in the amounts received from any funds received by the director pursuant to Section 746. Expenses

748. The members of the board duly appointed by the director, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the board, or for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, servant, or employee, except for their own individual acts of dishonesty or crime. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. All salaries, expenses, costs, obligations and liabilities incurred by said board shall be payable only from funds collected under the provisions of this chapter. Liability of
board
members

748.1. On the expiration of this chapter the board shall furnish the director with a complete record of its outstanding financial obligations, accrued and to accrue. The director shall pay from the aforesaid fund said obligations and any obligations incurred by the director and the department, under the terms and provisions hereof. Any balance remaining shall become available for use by the director for the purposes of Division 4 of this code and said moneys shall be transferred to the then current appropriation for support for the Department of Agriculture payable from the General Fund. Expiration
of chapter

749. The violation of any provision of this chapter is a misdemeanor, and is punishable as such. Penalty

750. This chapter shall be liberally construed. If any section, sentence, clause, or part of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this chapter but such unconstitutional or invalid provision shall be deemed separable from the valid parts thereof. Constitutionality

750.1. This chapter shall be known and may be cited as the California Dairy Industry Advisory Board Act. Short title

Duration 750.2. This chapter shall remain in force and effect until the ninety-first (91st) day after the adjournment of the Regular 1949 Session of the Legislature of the State of California

CHAPTER 1218

An act to amend Section 10753.5 of the Revenue and Taxation Code, relating to the vehicle license fee.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 10753.5 of the Revenue and Taxation Code is amended to read:

Market value
of vehicles

10753.5. The following shall determine and establish the market value of vehicles for the calendar years 1945, 1946 and 1947.

(a) For vehicles first sold prior to January 1, 1943, the market values shall be the same as compiled and published by the department on January 1, 1943.

(b) For vehicles first sold after January 1, 1943, the market values shall be determined by the department on the basis of the selling price of such vehicles.

(c) Notwithstanding the provisions of subdivisions (a) and (b), if prior to October 1, 1945, the actual market value of any class of vehicle falls below the 1946 market value established by this section, the department shall determine such lower value and shall assess the 1946 license fee thereon; and if prior to October 1, 1946, the actual market value of any class of vehicles falls below the 1947 market value established by this section, the department shall establish such lower value and shall assess the 1947 fee thereon.

Duration

This section shall remain in effect until December 31, 1947. While this section is in effect, it shall supersede Section 10753 of the Revenue and Taxation Code; but Section 10753 is not repealed by this section and after this section is no longer effective, Section 10753 shall have the same force as though this section had not been enacted.

CHAPTER 1219

An act to amend Section 368 of the Agricultural Code, relating to licensing of cattle buyers.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 368 of the Agricultural Code is amended to read:

Transporta-
tion of cat-
tle License

368. It is unlawful for any person, firm, association or corporation or their agent who buys cattle for resale or slaughter

to receive for transportation or to transport said cattle in his or their own or borrowed conveyance, without having first procured from the director a license to do so; provided that licensed cattle slaughterers shall not be subject to this section.

Nothing in this section shall be deemed to apply to a farmer operating his own truck so as to prevent him from transporting his own livestock or the livestock of his neighbors.

Any applicant for such license shall file with the director a written application stating his name, present address and addresses for the preceding three years and the county or counties in which he proposes to carry on said business. Application

Applicants shall pay to the director an annual fee of twelve dollars (\$12) in advance. Fee

The annual fee shall be reduced one-fourth for each quarter of the current calendar year which has expired prior to the date of filing the application for such license. No license shall be issued for a quarter of a year unless the same is the only remaining unexpired quarter of the current calendar year at the date of the filing the application for such license.

Any person, firm, association or corporation or their agent, except a licensed cattle slaughterer, who buys cattle for transportation, in his or their own or borrowed conveyance, and who thereafter applies for a license must pay twelve dollars (\$12) in addition to the regular fee; provided, however, he has had a previous license and continues to operate after the expiration of his license and does obtain a new license within 30 days thereafter, such operator shall not be required to pay said penalty of twelve dollars (\$12).

CHAPTER 1220

An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 952 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more. Stats 1909,
p 969,
amended

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read: Stats 1939,
p 2667

Sec. 4. Exemptions. (a) This act shall not apply to any person, association, copartnership, trust or corporation doing business under any law of this State or of the United States relating to banks, trust companies, building and loan associations, industrial loan companies, credit unions or licensed pawn-brokers. Exemptions

(b) Nothing contained in this act shall apply to any of the following:

1. Any nonprofit cooperative association organized under Title 23 of Part 4 of Division 1 of the Civil Code as said title

existed at any time prior to the effective date of this amendment or under Chapter 4 of Division 6 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein;

2. Any corporation, association, syndicate, joint stock company or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business; or

3. Any corporation securing money or credit from any Federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended, in loaning or advancing money or credit so secured.

U S Code,
Title 12,
Ch 9

(c) This act shall not apply to bona fide conditional contracts of sale involving the disposition of personal property, when such forms of sales agreements are not used for the purpose of evading this act.

(d) The following provisions of this act shall not apply to any bona fide loan of a principal amount of five thousand dollars (\$5,000) or more, or to a duly licensed personal property broker in connection with any such loan, provided the provisions of this paragraph are not used for the purpose of evading this act: The fourth paragraph of Section 16; the third paragraph of Section 17; Section 18; the fifth and seventh paragraphs of Section 20; the second paragraph of Section 21.

CHAPTER 1221

Stats 1909,
p 969,
amended

An act to amend Section 4 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to exemption of loans of five thousand dollars (\$5,000) or more.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

Stats 1939,
p 2874

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read:

Exemptions

Sec. 4. Exemptions. (a) This act shall not apply to any person, association, copartnership, trust or corporation doing business under any law of this State or of the United States relating to banks, trust companies, building and loan associations, industrial loan companies, credit unions or licensed pawnbrokers.

(b) Nothing contained in this act shall apply to any of the following:

1. Any nonprofit cooperative association organized under Title 23 of Part 4 of Division 1 of the Civil Code as said title

existed at any time prior to the effective date of this amendment or under Chapter 4 of Division 6 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein;

2. Any corporation, association, syndicate, joint stock company or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live-stock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business; or

3. Any corporation securing money or credit from any Federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended, in loaning or advancing money or credit so secured. U S Code,
Title 12,
Ch 9

(c) This act shall not apply to bona fide conditional contracts of sale involving the disposition of personal property, when such forms of sales agreements are not used for the purpose of evading this act.

(d) The following provisions of this act shall not apply to any bona fide loan of a principal amount of five thousand dollars (\$5,000) or more, or to a duly licensed personal property broker in connection with any such loan, provided the provisions of this paragraph are not used for the purpose of evading this act: The fourth paragraph of Section 16; the third paragraph of Section 17; Section 18; the fifth and seventh paragraphs of Section 20; the second paragraph of Section 21.

CHAPTER 1222

An act to amend Section 11 and Section 57 of the Unemployment Insurance Act, relating to unemployment insurance and the waiting period thereunder. Stats 1937,
p 1226,
amended

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

Stats 1945,
Ch 572
See also
Stats 1945,
Ch 348
Eligibility
for benefits

SECTION 1. Section 57 of the Unemployment Insurance Act is amended to read:

Sec. 57. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

(a) A claim for benefits with respect to such week has been made in accordance with such regulations as the commission may prescribe.

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the commission may approve, except that either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs.

(c) He was able to work and available for work for such week.

(d) He has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further that the week immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (d) and Section 53.

(e) He has during his base year been paid wages for employment by employers of not less than three hundred dollars (\$300).

Stats 1945.
Ch. 549

SEC. 2. Section 11 of the Unemployment Insurance Act is amended to read:

"Wages"

Sec. 11. (a) Except as hereinafter in this section provided, the term "wages" means:

(1) All remuneration payable for personal services, whether by private agreement or consent or by force of statute, including commissions and bonuses, and the cash value of all remuneration payable in any medium other than cash.

(2) If tips or gratuities are customarily received and retained by a worker in the course of his employment from persons other than his employing unit, and if (1) such tips or gratuities, or (2) such tips or gratuities plus the excess of the minimum wage required to be paid by law over and above the amount of such tips or gratuities, constitute substantially the only wage payable to the worker, then such tips or gratuities shall for the purposes of this act be treated as wages paid by his employing unit.

(3) If the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to unemployment benefits only shall be determined in such manner as may by authorized regulations be prescribed. Such regulations shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

(4) The reasonable cash value of remuneration paid in any medium other than cash shall be determined and the reasonable

amount of tips or gratuities may be estimated in accordance with authorized regulations.

(b) The term "wages" does not include the actual amount of any required or necessary business expense incurred by an individual in connection with his employment, or, in lieu of the actual amount of such expenses, the reasonably estimated amount allowed therefor in accordance with such authorized regulations as may be prescribed.

(c) If, when, and during such time as the definition of the term "wages," as contained in the Federal Unemployment Tax Act excludes from "wages" any one or more of the following types of payments, then such type or types of payments as are so excluded shall likewise be excluded from the definition of wages as contained in subsection (a) of this section:

(1) That part of the remuneration which, after remuneration equal to three thousand dollars (\$3,000) has been paid to a worker by an employer with respect to employment during any calendar year, is paid to such worker by such employer with respect to employment during such calendar year;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or into a fund, to provide for any such payment), on account of (a) retirement, or (b) sickness or accident disability, or (c) medical and hospitalization expenses in connection with sickness or accident disability (d) or death, provided the employee (i) has not the option to receive, instead of provisions for such death benefits, any part of such payment, or if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by the employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefits, to assign such benefits, or to receive a cash consideration in lieu of such benefits either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

(3) The payment by an employer (without deduction from the remuneration of the employee)

(a) Of the tax imposed upon such employee under Section 1400 of the Federal Internal Revenue Code, or

(b) Of any payment required from such employee under this act.

(4) Dismissal payments which the employer is not legally required to make.

CHAPTER 1223

Stats 1945, p 1226, amended. *An act to amend Sections 23, 24, and 20 of the Unemployment Insurance Act, relating to funds in the State treasury.*

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1945, p 3002. SECTION 1. Section 23 of the Unemployment Insurance Act is amended to read:

Unemploy-
ment Adm-
istration
Fund

Sec. 23. There is hereby created in the State treasury a special fund to be known as the Unemployment Administration Fund. All moneys which are deposited or paid into this fund are hereby continuously appropriated and made available to the commission without regard to fiscal years. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this act, and for no other purpose whatsoever, and all moneys received from the Social Security Board for the fund pursuant to Section 302 of the Social Security Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this act. The fund shall consist of all moneys appropriated by this State for the purpose of administering this act, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board, the Railroad Retirement Board and the United States Employment Service, or from any other source, for such purpose. All moneys in this fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State treasury; except that the commission may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate five hundred thousand dollars (\$500,000), said sum so drawn to be used as a revolving fund where payment of compensation earned, traveling expense advances, or other cash payments are necessary, and at the close of each fiscal year or at any other time, upon the demand of the Department of Finance, the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller. Moneys in this fund shall not be commingled with other State funds, but shall be maintained in a separate account on the books of the depository. Such moneys shall be secured by the depository in which they are held to the same extent and in the same manner as required by the General Depository Law of the State, and collateral pledged shall be maintained in a separate custody account. Any balances in this fund shall not lapse at any time, but shall be continuously available to the commission for expenditure consistent with this act. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the

Unemployment Administration Fund provided for under this act. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on the official bond for losses sustained by the Unemployment Administration Fund shall be deposited in said fund. Moneys received from the Railroad Retirement Board as compensation for services or facilities supplied to said board shall be deposited in this fund. All moneys in the Unemployment Administration Fund, in excess of current requirements, and not otherwise invested, may be deposited by the State Treasurer in banks and otherwise held and invested by him in the same manner as provided by law in the case of other special funds in the State treasury, and under the same rules and regulations that govern the deposit of other public funds.

SEC. 2. Section 24 of the Unemployment Insurance Act is amended to read: Stats 1945,
Ch. 17

Sec. 24. There is hereby created in the State treasury a separate fund to be known as the Department of Employment Contingent Fund into which shall be deposited or transferred all interest on contributions, penalties and fines collected under this act. There shall be transferred to this fund from the clearing account in the Unemployment Fund upon certification of the commission the amount of interest on contributions, penalties and fines deposited each month in the clearing account provided that there shall be withheld from any such transfer the amount certified by the commission to be required under this act to pay refunds of amounts collected after January 29, 1945 and erroneously paid into the Department of Employment Contingent Fund and interest on refunds and judgments. Such amounts of interest, penalties and fines so certified for transfer shall be deemed to have been erroneously deposited in the clearing account and the transfer thereof to the Department of Employment Contingent Fund shall be deemed to be a refund of such erroneous deposits. All amounts in the Department of Employment Contingent Fund are hereby continuously appropriated without regard to fiscal years for refund of amounts collected after January 29, 1945 and erroneously deposited therein, for interest payable under this act on refunds and judgments and for the administration of the Department of Employment, provided, however, that no expenditure for administration shall be made from this fund except under an authorization made by the Director of Finance in the manner prescribed in Section 661 of the Political Code; provided further that no such authorization shall be made as a substitution for a grant of Federal funds, or for any portion thereof, which in the absence of said authorization would be available to the Department of Employment. Department
of Employment
Contingent Fund

Any amount authorized to be expended for administration pursuant to this section may be transferred to the Unemployment Administration Fund; provided, however, that any

amount not needed for the purpose for which authorized shall, upon order of the Director of Finance, be retransferred to the Department of Employment Contingent Fund.

Stats 1941,
Ch 17

SEC. 3. Section 20 of the Unemployment Insurance Act is amended to read:

Adminis-
tration

Sec. 20. The State Treasurer shall be ex officio the treasurer and custodian of the Unemployment Fund, and shall administer such fund in accordance with the directions of the commission.

Accounts

There shall be maintained within the fund three separate accounts:

- (1) A clearing account,
- (2) An Unemployment Trust Fund account, and
- (3) A benefit account.

Disposition
of money,
etc

All contributions and amounts payable to the fund, upon receipt thereof by the commission, shall be forwarded to the treasurer who shall, after proper clearance, immediately deposit them in the clearing account. Refunds or judgments payable pursuant to this act may be paid from the clearing account or from the benefit account with respect to any moneys erroneously deposited therein, upon warrants issued by the Controller under the direction of and in accordance with authorized regulations. Refunds of interest, penalties and fines collected after January 29, 1945 and interest payable on refunds and judgments pursuant to this act may not be paid from the benefit account but may be paid from the clearing account, but only to the extent that interest, penalties and fines collected are currently on deposit in that account. There is hereby continuously appropriated without regard to fiscal years such sums as may be necessary for such refunds. Immediately after clearance thereof, all other moneys in the clearing account excepting interest on contributions, penalties and fines collected shall be deposited in or invested in the obligations of the Unemployment Trust Fund of the United States of America or its authorized agent to the credit of this State, any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The amounts so deposited or invested shall be entered in the Unemployment Trust Fund account.

Benefit
account

The benefit account shall consist of all moneys requisitioned from this State's account in the Unemployment Trust Fund, and any moneys so requisitioned shall be transferred out of the Unemployment Trust Fund account into the benefit account. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which public funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Moneys in the clearing and benefit accounts shall not be commingled with other State funds, but shall be maintained in a separate account on the books of the depository. Such moneys shall be secured by said bank or public depository

to the same extent and in the same manner as required by the General Depositary Law of the State and collateral pledged shall be maintained in a separate custody account. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Unemployment Fund. The Unemployment Fund shall be administered by the commission without liability upon the part of the State beyond the amounts paid into and earned by the fund.

CHAPTER 1224

An act to amend Sections 20012, 20020, 20021, 20125, 20127, 20231, 20303, 20334, 20360, 20361, 20458, 20461, 20522, 20532, 20563, 20654, 20755, 20836, 21001, 21026, 21027, 21028, 21367, and 21453 of, and to add Sections 20009.1, 20463, 20806.1, and 20894.1 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 20009.1 is added to the Government Code, to read:

20009.1. "Public agency" includes the office of county superintendent of schools with respect to its employees whose compensation is not paid from county funds. "Public agency"

SEC. 2. Section 20012 of said code is amended to read:

20012. "Employee" means:

See also
Stats 1945,
Ch 123

(a) Any person in the employ of the State or the university whose compensation, or at least that portion of his compensation which is provided by the State or the university, is paid out of funds directly controlled by the State or the university, excluding all other political subdivisions, municipal, public and quasi public corporations. "Funds directly controlled by the State" includes funds deposited in and disbursed from the State treasury in payment of compensation, regardless of their source. "Employee"

(b) Any person in the employ of any contracting agency.

SEC. 3. Section 20020 of said code is amended to read:

20020. "Local policeman" means any officer or employee of a police department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service even though such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting male employees assigned to identification or communication duties, or persons employed and qualifying as patrolmen or equal or higher rank irrespective of the duties to which they are assigned. See also
Stats 1945,
Ch 123
"Local policeman"

See also
Stats 1941,
Ch 123
"Local
fireman"

SEC. 4. Section 20021 of said code is amended to read:
20021. "Local fireman" means any officer or employee of a fire department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active fire fighting and prevention service even though such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active fire fighting and prevention service, but not excepting persons employed and qualifying as firemen, hosenmen or equal or higher rank, irrespective of the duties to which they are assigned.

See also
Stats 1945,
Ch 123
Beginning of
membership

SEC. 5. Section 20303 of said code is amended to read:
20303. Every other employee becomes a member on the first day of the month next following the completion of six months of State service, uninterrupted by a break of more than one month.

See also
Stats 1945,
Ch 123
Persons
excluded

SEC. 5.5. Section 20360 of said code is amended to read:
20360. A person directly appointed by the Governor, without the nomination of any officer or board, is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

See also
Stats 1945,
Ch 123
Elective
officer

SEC. 6. Section 20361 of said code is amended to read:
20361. An elective officer is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or contracting agency because of his membership, shall be the same as they would have been had he not been excluded and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

See also
Stats 1945,
Ch 123
Part-time
employee

SEC. 7. Section 20334 of said code is amended to read:
20334. An employee serving on a part-time basis is excluded from this system unless:

(a) He became a member prior to the time this part becomes effective and continues to be a member by reason of Section 20301;

(b) His employment is regular and continuous and in the opinion of the board will extend for more than one year, and requires service for at least one-half the time required of employees in the same group or class, serving on a full-time basis; or

(c) Unless he is a member at the time he commences to serve on a part-time basis.

SEC. 8. Section 20806.1 is added to said code, to read :

20806.1. An employee is "serving on a part-time basis" when he engages in his duties for less time than is required of employees serving on a full-time basis, even though he is subject to call at any time.

"Serving on part-time basis"

SEC. 9. Section 20563 of said code is amended to read

20563. Upon the termination of a contract, the board shall refund to the contracting agency such portion of the accumulated contributions then held by this system and credited to or as having been made by it as is in excess of the difference between an amount actuarially equivalent, as determined by the actuary and approved by the board, to all benefits the system is obligated to pay after the effective date of termination to or on account of persons who are or have been employed by, and on account of service rendered by them to, the agency or on account of their injury or death, and the accumulated contributions held by the system as having been made by such persons.

See also Stats 1945, Chs 123 and 1366 Termination of contract

SEC. 9.3. Section 20458 of said code is amended to read :

20458. The governing body shall not include in this system any of the three groups, a majority of whose members voted to disapprove the proposed plan. If there are no members of any group when the election is held, the governing body may include the group in this system, and members subsequently entering the group shall become members of the system under the provisions of this part.

See also Stats 1945, Ch 123 Disapproving groups

SEC. 9 5. Section 20461 of said code is amended to read :

20461. Errors in any contract may be corrected through amendments approved by the adoption of suitable resolutions by the contracting parties. Excluded employees may be included by groups through amendments approved in the manner prescribed for the approval of the contracts, except that if there were no members of an excluded group when the contract was entered into, an election among the employees is not required. Additional benefits for prior service provided in this part but not included in a contract, may be included through amendments so approved except that an election among employees is not required.

See also Stats 1945, Ch 123 Amendments to contracts

SEC. 10. Section 20463 is added to said code, to read :

20463. If the head of a public agency is an individual (rather than a board or other governing body), all actions required or permitted by this part to be taken by ordinance may be taken by order of the individual, but every action required by this part to be taken by a public agency governed

Action by public agency

by a governing body shall be taken by a public agency governed by an individual.

See also
Stats 1945,
Ch 123
Percentage
of local mis-
cellaneous
members

SEC. 10.5. Section 20836 of said code is amended to read:
20836. Such percentages shall not exceed the analogous percentage applicable to members employed by the State, and shall be uniform for all local safety members, according to age at entry into the service of the contracting agency, if the member is entitled to credit for prior service, or age at entry into this system, if the member is not so entitled, and uniform for all local miscellaneous members regardless of age at entry.

Military
service of
local
members

SEC. 11. Section 20894.1 is added to said code, to read:
20894.1. The provisions of this article relative to absence on military service apply to local members, including those local members absent on military service on the effective date of the agency's contract making its employees members of this system, to the same extent and in the same manner that they apply to State members. Any employee of a contracting agency who is or was absent on military service on the effective date of the contract and who would become or would have become a member if he were not so absent becomes or became a member on said effective date, with the same status and rights of membership as if he were not or had not been so absent on said effective date.

See also
Stats 1945,
Ch 123
Actuarial
investiga-
tion, etc

SEC. 12. Section 20127 of said code is amended to read:
20127. The board shall keep in convenient form such data as is necessary for the actuarial valuation of this system. At the ends of periods not to exceed four years after July 1, 1932, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of members and persons receiving benefits and an actuarial valuation of the assets and liabilities of this system. From time to time it shall determine the rate of interest being earned on the Retirement Fund.

See also
Stats 1945,
Ch 123
Financial
statement

SEC. 13. Section 20231 of said code is amended to read:
20231. The board shall cause to be published, as of the date of the investigation and valuation made pursuant to Section 20127, a financial statement showing an actuarial valuation of the assets and liabilities of this system and a statement as to the accumulated cash and securities in the Retirement Fund as certified by the Controller. The board may omit from the statement, which shall be published as of July 1 of every other year, assets and liabilities resulting from prior service, and shall include assets and liabilities on account of current service in amounts equal only to accumulated contributions held on account of such service.

See also
Stats 1945,
Ch 123
Transfer of
assets

SEC. 14. Section 20522 of said code is amended to read:
20522. Any cash and securities to the credit of the local system and held on account of persons who become members of this system shall be transferred to this system, as of the effective date of the contract. The value at which the securities shall be credited to the contracting agency shall be determined by the board. As of that date, the governing body or head of the

local system shall certify the proportion, if any, of its funds that represents the accumulated contributions of the members, and the relative shares of the members.

SEC. 15. Section 20532 of said code is amended to read:

See also
Stats 1945,
Ch 123
Special tax

20532. The governing body of a contracting agency having taxing power shall, if necessary, levy and collect annually a special tax upon the assessable property within the agency in the number of cents per one hundred dollars (\$100) of assessable property as will be sufficient to raise the amount estimated by the governing body to be required to provide sufficient revenue to meet the obligations of the agency for contributions to this system under and after termination of the contract. This rate of taxation may be in addition to the annual rate of taxation allowed by law to be levied in that agency. Any member of, or recipient of a benefit from, this system by reason of such a contract may maintain any appropriate action or proceeding to require performance of the duty herein and by Section 20564 imposed on a governing body.

SEC. 16. Sections 20654 of said code is amended to read:

See also
Stats 1945,
Ch 123
Rdeposit of
contributions

20654. A member may redeposit in the Retirement Fund, in one sum or in not to exceed 12 monthly or 24 semimonthly payments, an amount equal to any accumulated contributions that he has withdrawn subject to minimum payments fixed by the board.

SEC. 17. Section 21001 of said code is amended to read:

See also
Stats 1945,
Chs 47
and 123
Employment
of retired
persons

21001. Until October 1, 1947, or the termination of the war in which the United States was engaged on June 7, 1943, whichever is earlier, any person (other than a person who retired for service while a patrol member) who has been retired for service (as distinguished from disability) may be employed in State service in accordance with the laws governing such service, in the same manner as a person who has not been so retired, upon the determination of the board, based on medical examination, that he is not incapacitated for the duties to be assigned to him.

Any person so employed is reinstated from retirement and his retirement allowance shall be canceled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of reinstatement, not to exceed the amount of his accumulated contributions as it was at the time of his retirement, and his rate of contribution for future years shall be the same as if he had continued in State service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

Any member employed in State service pursuant to the provisions of this section shall be retired for service upon application by the member or the head of the office or department in which such member is employed.

SEC. 18. Section 21026 of said code is amended to read:

See also
Stats 1945,
Ch. 123
Industrial
disability

21026. The Industrial Accident Commission shall determine, in the same manner as for all other State employees,

whether all or any part, and if any part, what part of the incapacity for performance of duty of a patrol or local safety member is the result of an industrial disability.

See also
Stats 1945,
Ch 123
Benefits

SEC. 19. Section 21027 of said code is amended to read:

21027. In the absence of an application to the Industrial Accident Commission, filed by a proper party, the board shall proceed with retirement and with the payment of such benefits as are payable when disability is not industrial. If the Industrial Accident Commission determines on the basis of such an application subsequently filed, that disability is industrial, an amount equal to the benefits paid shall be deducted from the benefits payable under this system because of such determination.

See also
Stats 1945,
Ch 123
Medical
services

SEC. 20. Section 20125 of said code is amended to read:

20125. The board shall secure and pay reasonable compensation for such medical service and advice as is necessary to discharge its duties respecting matters involving disability or death or both.

See also
Stats 1945,
Chs 123
and 1265
Medical
examination

SEC. 21. Section 21028 of said code is amended to read:

21028. The board may require any recipient of a disability retirement allowance under the age of 60 to undergo medical examination. Such examination shall be made by a physician or surgeon, appointed by the board, at the place of residence of the recipient or other place mutually agreed upon. Upon the basis of such examination and other available information the board shall determine whether he is still incapacitated, physically or mentally, for service in the State agency, the university, or contracting agency, where he was employed and in the position held by him when retired for disability, or for duties to be assigned to him.

See also
Stats 1945,
Ch 123
Death
benefits

SEC. 22. Section 21367 of said code is amended to read:

21367. In the absence of an application to the Industrial Accident Commission, filed by a proper party, the board shall proceed with the payment of the basic death benefit. If the Industrial Accident Commission determines on the basis of such an application subsequently filed, that death was industrial, an amount equal to the benefits paid shall be deducted from the special death benefit.

See also
Stats 1945,
Ch 123
Rights of
State Fund

SEC. 23. Section 21453 of said code is amended to read:

21453. Under such contract, the State Fund, in its own name or in the name of the board, may, to recover such amounts, commence and prosecute actions, file liens, or intervene in court proceedings. The State Fund may compromise claims before or after commencement of suit or entry of judgment for such amount as may be approved by a person duly authorized by the board for such purpose. The agreed cost of such service and the expense incidental thereto is a proper charge against the fund out of which the compensation of the injured or deceased person was paid or the contracting agency by which a local member was employed.

SEC. 24. Section 20755 of said code is amended to read: See also
 20755. The State's contributions shall be applied by the Stats 1945,
 board during each fiscal year to meet the State's obligations Ch 123
 under this system as follows: Application
 of State's
 contributions

(a) First, in an amount equal to the liabilities accruing (1) because of State service of State members for which normal contributions have been made, (2) on account of current service pensions and disability retirement pensions, and (3) the portion of death allowance provided from State contributions. Such amount shall be determined by the most recent actuarial valuation as interpreted by the actuary.

(b) Second, in an amount equal to the payments of death benefits made from State contributions during such year for deaths not qualifying for death allowances.

(c) Third, the balance of such contributions, on the liabilities accrued on account of prior service pensions.

CHAPTER 1225

An act authorizing the State Lands Commission to grant, convey and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California in and to a portion of the abandoned channel of Centerville Slough in the County of Humboldt.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Lands Commission is hereby authorized and empowered to sell and dispose of, upon such conditions Authority to sell
 as to price and terms of sale as the commission may deem to be most advantageous to the State, all of the lands under and of a portion of the abandoned channel of Centerville Slough lying within the boundaries of the following described parcel of land situated in the County of Humboldt, State of California, to wit:

Commencing at the point of intersection of the United States meander line of westerly side of Centerville Slough where such meander line crosses the E. and W. section line between Secs. 32 and 29, T 3 N., R 2 W., H. M. Thence northeasterly and easterly along such westerly meander line of Centerville Slough to a point 23.5 chains at right angles east of the north and south section line between Secs. 30 and 29, T. 3 N., R. 2 W., H. M.; thence south 4.3 chains to the United States meander line of the easterly side of Centerville Slough; thence westerly and southerly along the meander line of the easterly side of Centerville Slough; N. 89° W. 5.2 chains; S. 59° W. 11.2 chains; S. 13° W. 15.1 chains; S. 9° E. 18.0 chains; S 20¼° W 11.0 chains; S. 60½° W. 18.2 chains; S. 30° W. 16.0 chains; S. 24° W. 6.5 chains; thence W. 4.27 chains along the southerly termination of Centerville Slough; thence northerly and easterly along the Description of land

United States meander line of the westerly side of Centerville Slough, N. 23° E. 24 chains; N. 54° E. 20 chains; N. 18° E. 8 chains, N. 17° W. 17 chains; N. 20° E. 18 chains; N. 62° E. 11.4 chains to the point of beginning, containing 60 acres, more or less.

Preferred
purchasers

SEC. 2. The owners of land abutting upon said lands of, and under said abandoned channel of Centerville Slough, shall be preferred purchasers for a period of six (6) months following the date upon which the State Lands Commission shall give notice by publication in one or more newspapers of general circulation published in said county that it has determined the price and conditions of sale of said parcels of land, and such publication shall be made for not less than five (5) consecutive days. In the event said parcel of land shall remain unsold at the end of said six months period, the State Lands Commission shall thereupon proceed to offer the same for sale, and to sell the same, after giving notice of such sale, at public auction, to the highest bidder for cash, in the manner prescribed by Section 1274 of the Code of Civil Procedure; provided, that no bid which is less than the sum determined by the State Lands Commission to be the value of the parcels for which it is offered shall be accepted.

Public
auction

Deeds

SEC. 3. All deeds or other conveyances as may be necessary to pass title to the purchasers of such tract, shall be in the name and by the authority of the people of the State of California and shall be signed by the Governor, countersigned by the Secretary of State, sealed with the Great Seal of the State, and delivered to the persons entitled thereto. All such deeds or other conveyances shall reserve to the State all oil, gas and mineral deposits as provided by law.

CHAPTER 1226

Stats 1909,
p 87,
amended

An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

New section

SECTION 1. There is hereby added a new section to the Bank Act, to be numbered 67.3, to read as follows:

Real estate
loans

Sec. 67.3. Notwithstanding the provisions of Section 67 of this act, a savings bank may make loans on the security of farms or agricultural lands, or on the security of a single family residence, for terms up to 20 years, provided if said term exceeds 10 years the loan shall be repayable in equal installments maturing not less often than annually if on the security of a farm or agricultural lands, and not less often than monthly if on the security of a single family residence, and provided that the total

of all such loans with a maturity of more than 10 years shall not exceed in amount 35 per cent of the total amount of deposits of such bank. Except as provided herein, such loans shall be subject to all of the provisions of this act.

CHAPTER 1227

An act to validate certain acts relating to the acquisition and disposition of property securing any defaulted payment of any installment on any assessment or reassessment under the Improvement Bond Act of 1915.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Every act and proceeding heretofore taken pursuant to Political Code Section 3804.5 or Revenue and Taxation Code Section 4986.3 by any county or city, or the officers thereof, in acquiring title to property on default in payment of any installment on any assessment or reassessment for which the property is security under the Improvement Bond Act of 1915, and the cancellation of taxes or assessments thereon, and the sale and conveyance of property thus acquired, are hereby confirmed, validated and declared legally effective.

Validation of improvement proceedings

R & T C. Div 10

SEC. 2. If any portion of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances shall not be affected.

Constitutionality

CHAPTER 1228

An act to amend Sections 737f, 737k, and 737zz of the Political Code, relating to the salaries of judges of the superior court.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 737f of the Political Code is hereby amended to read as follows:

737f. The annual salary of the judge of the Superior Court in and for the County of Colusa is seven thousand dollars (\$7,000).

Superior judges Colusa

SEC. 2. Section 737k of the Political Code is hereby amended to read as follows:

737k. The annual salary of the judge of the Superior Court in and for the County of Glenn is seven thousand dollars (\$7,000).

Same Glenn

SEC. 3. Section 737zz of the Political Code is hereby amended to read as follows:

Same
Tehama

737zz. The annual salary of the judge of the Superior Court in and for the County of Tehama is seven thousand dollars (\$7,000).

CHAPTER 1229

Stats 1925,
p 648,
amended

An act to amend Section 10 of, and to add Sections 10a and 10b to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and one-half class.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1943,
p 2445

SECTION 1. Section 10 of the act cited in the title hereof is amended to read:

Long Beach
Municipal
Court

Sec. 10. The municipal court in a city or city and county of the second and one-half class shall be constituted, and the judges, officers and attaches thereof shall be as herein and in Sections 10a and 10b enumerated and shall receive compensation as provided in this section and Sections 10a and 10b.

Personnel

There shall be five judges, each of whom shall receive ten thousand dollars (\$10,000) per annum, payable in equal monthly installments; one clerk to be appointed by the judges of the court, who shall receive four hundred fifty dollars (\$450) per month; one marshal to be appointed by the judges of the court who shall receive four hundred fifty dollars (\$450) per month.

New section

SEC. 2. Section 10a is added to the act cited in the title hereof, to read:

Deputy
clerks

Sec. 10a. The clerk shall appoint the following:

One chief deputy clerk, who shall receive three hundred fifty dollars (\$350) per month;

One deputy clerk (chief clerk of the civil department), who shall receive three hundred dollars (\$300) per month;

One deputy clerk (chief clerk of the criminal department), who shall receive three hundred dollars (\$300) per month;

One deputy clerk (chief clerk of the traffic department), who shall receive three hundred dollars (\$300) per month;

One deputy clerk (cashier-bookkeeper), who shall receive three hundred dollars (\$300) per month;

Five deputy clerks, who shall each receive two hundred seventy-five dollars (\$275) per month;

Six deputy clerks, who shall each receive two hundred fifty dollars (\$250) per month;

Two deputy clerks, who shall each receive two hundred twenty-five dollars (\$225) per month;

Two deputy clerks, who shall each receive one hundred eighty-five dollars (\$185) per month;

Three deputy clerks, who shall each receive one hundred seventy-five dollars (\$175) per month;

Two deputy clerks, who shall each receive one hundred fifty dollars (\$150) per month.

All persons appointed by the clerk and holding positions by virtue of such appointment on the effective date of this section shall continue to hold the same or the substantially equivalent positions, respectively, without further examination or appointment, but they shall receive the compensation provided in this section.

SEC. 3. Section 10b is added to the act cited in the title ^{New section} hereof, to read:

Sec. 10b. The marshal shall appoint the following:

One deputy marshal (chief marshal of the civil department), ^{Deputy marshals} who shall receive three hundred dollars (\$300) per month;

One deputy marshal (chief marshal of the criminal department), who shall receive three hundred dollars (\$300) per month;

Two deputy marshals, who shall each receive two hundred seventy-five dollars (\$275) per month;

Three deputy marshals, who shall each receive two hundred fifty dollars (\$250) per month;

Five deputy marshals, who shall each receive two hundred twenty-five dollars (\$225) per month;

Two deputy marshals, who shall each receive two hundred dollars (\$200) per month;

Two deputy marshals, who shall each receive one hundred seventy-five dollars (\$175) per month;

Two deputy marshals, who shall each receive one hundred fifty dollars (\$150) per month;

Twenty-five deputy marshals, who shall act as custodians, who shall each receive five dollars (\$5) per day.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under the legal process, and shall be paid out of the funds deposited by the parties to the action in which services are rendered. All marshals, assistants and deputies, excepting those designated herein as custodians, shall be allowed in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses to be allowed at the rate per mile fixed by the county board of supervisors for the operation of automobiles actually used in performance of their business on public duty or to pay for such other mode of transportation as they may adopt.

All persons appointed by the marshal and holding positions by virtue of such appointment on the effective date of this section shall continue to hold the same or substantially equivalent positions, respectively, without further examination or appointment, but they shall receive the compensation provided in this section

CHAPTER 1230

Stats 1937, p 1898, amended. *An act to amend Section 42.4 of the County Employees Retirement Act of 1937, relating to county retirement associations, and providing for the inclusion of superior court phonographic reporters therein.*

In effect September 15, 1945 [Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1939, p 2725. SECTION 1. Section 42.4 of the County Employees Retirement Act is amended to read:

County retirement associations Members

Sec. 42.4. Except as otherwise provided all officers and attaches of the superior court established within the county other than judges and other than participants in any other pension system shall become members of the association on the first day of the month after the board of supervisors has adopted by four-fifths' vote a resolution providing for the inclusion of such officers or attaches in the retirement association and thereafter each person entering such employ becomes a member on the first day of the month after his entrance into the service of such court.

Deductions from salary

The board of supervisors and all other officers shall have the power to make the appropriations and perform the duties herein specified with reference to such officers and attaches in the same manner as herein specified for county or district officers or employees. The deductions herein provided for may be made from the salaries of such officers or attaches in the same manner as for officers or employees of the county or districts.

"Employee"

As used in this act the term "employee" shall be deemed to include officers or attaches of any such superior court when such court has been brought within the operation of this act as herein specified.

"Officer or attache of the superior court"

As used herein the term "officer or attache of the superior court" shall mean all commissioners, phonographic reporters who are paid salaries or per diems by the county and whose contributions shall be based upon such salaries or per diems, secretaries, stenographers, investigators, messengers, or other employees thereof.

CHAPTER 1231

An act to amend Sections 5514, 5518, 5550, 5551, 5554, 5560, 5561, 5573, 5580, 5600, and 5604 of, to add Sections 5502, 5557 and 5561.5 to, and to repeal Sections 5513, 5519, 5552, 5553, 5556, and 5572 of, the Business and Professions Code, relating to architecture.

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5502 is added to the Business and Professions Code, to read:

5502. As used in this chapter, board refers to the California Board State Board of Architectural Examiners.

SEC. 2. Section 5514 of said code is amended to read:

5514. The membership of the State board shall be composed Membership of five persons selected from architects in good standing, licensed to practice in this State, of whom at least two shall be resident and practice in southern California, and two in northern or central California.

SEC. 3. Section 5518 of said code is amended to read:

5518. The board shall elect from its members a president and a secretary to hold office for one year, or until their successors are duly elected and qualified. Officers

SEC. 4. Section 5550 of said code is amended to read:

5550. Subject to the rules and regulations governing examinations, any person who has had six years of training and educational experience in actual practice of architectural work shall be entitled to an examination for a certificate to practice architecture. A degree from a school of architecture approved by the board shall be deemed equivalent to four years of training and educational experience in the actual practice of architectural work. Before taking the examination he shall file his application therefor with the secretary and pay the application fee fixed by this chapter. The fee shall be retained by the board. Examinations

SEC. 5. Section 5551 of said code is amended to read:

5551. If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the provisions of this chapter have been filed with the board, upon the payment of the certificate fee fixed by this chapter, the secretary shall issue a certificate to the applicant, signed by the president and the secretary, sealed with the seal of the board, and shall show that the person named therein passed the examination and is entitled to practice architecture in this State, in accordance with the provisions of this chapter. Issuance of certificate

SEC. 6. Section 5554 of said code is amended to read:

5554. The certificate shall contain the name of the person to whom issued, and his birthplace and age. Proper index and record of each certificate shall be kept by the board. Contents

SEC. 7. Section 5557 is added to said code, to read:

Lost, etc
certificate

5557. A duplicate certificate to practice architecture, replacing one which has been lost, destroyed or mutilated, may be issued subject to the rules and regulations of the board. The duplicate certificate fee fixed by this chapter shall be charged for such issuance.

See also
Stats 1945,
Ch 889

Suspension
or revocation

SEC. 8. Section 5560 of said code is amended to read:

5560. The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any architect and may temporarily suspend for a period not exceeding one year or permanently revoke the certificate of any such architect who is guilty of or commits any one or more of the acts or omissions constituting grounds for disciplinary action under this chapter.

See also
Stats 1945,
Ch 889
Citation

SEC. 9. Section 5561 of said code is amended to read:

5561. Upon the filing of a verified complaint with the board charging the holder of a certificate issued under this chapter with the commission, within two years prior to the date of filing of the complaint, of any act constituting a cause for disciplinary action, the secretary of the board shall forthwith issue a citation.

The citation shall direct the holder of the certificate, within 30 days after service of the citation upon him, to appear by filing with the secretary of the board his verified answer to the complaint, showing cause if any he has, why his certificate should not be suspended or revoked.

Answer

The appearance of the holder of the certificate by the filing of an answer may be waived by the complainant with the approval of the board, in which case the board shall proceed to a hearing.

Service

Service upon the holder of the certificate shall be fully effected by mailing a copy of the citation together with a copy of the complaint.

Procedure

SEC. 9.5. Section 5561.5 is added to said code, to read:

5561.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of licenses under this code shall be conducted in accordance with the provisions of said Chapter 5, and the board shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provision shall prevail.

Renewal
or new
certificate

SEC. 10. Section 5573 of said code is amended to read:

5573. (a) After suspension of a certificate upon any of the grounds set forth in this chapter, the board may renew the certificate upon proof of compliance by the architect with all provisions of the decision as to renewal or, in the absence of such decision or any provisions therein as to renewal, in the sound discretion of the board.

(b) After revocation of a certificate upon any of the grounds set forth in this chapter, it may not be renewed or reissued.

An applicant may file a new application for an examination with the board, and must show that all loss caused by the act or omission for which the certificate was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with.

(c) The board may, at its discretion, then issue a new certificate after it is satisfied that all provisions of this chapter have been complied with.

SEC. 11. Section 5580 of said code is amended to read :

5580. The fact that the holder of a certificate is impersonating an architect or former architect of the same or similar name, or is practicing under an assumed, fictitious or corporate name, constitutes a ground for disciplinary action. Impersonation, etc

SEC. 12. Section 5600 of said code is amended to read :

5600. (a) Every architect shall pay an annual license fee to the department. The fee shall be due and payable on or before the thirty-first day of January of each year and shall become delinquent thereafter. License fee

(b) If the annual license fee is not paid before it becomes delinquent, a penalty of three dollars (\$3) shall be added to the amount thereof. If the annual license fee is not paid, together with any penalty due thereon, on or before the thirtieth day of June in the year in which it becomes due, the architect's certificate shall be automatically suspended from and after the expiration of 30 days from the date of mailing by registered mail, return receipt requested, postage thereon prepaid and addressed to the architect at his address as the same appears in the files of the department, of a notice of the delinquency of any such architect and stating that upon the expiration of time herein allowed his certificate will be automatically suspended unless within said time, said fee is remitted. The architect's certificate shall be reinstated upon the payment of the license fees and penalties provided for by this section.

(c) The department shall issue a receipt to each architect promptly upon payment of the annual license fee.

SEC. 13. Section 5604 of said code is amended to read :

5604. The amount of fees prescribed by this chapter is that fixed by the following schedule: Schedule of fees

(a) The application fee for examination is fifteen dollars (\$15).

(b) The fee for an original certificate is ten dollars (\$10)

(c) The fee for a temporary certificate is twenty-five dollars (\$25).

(d) The fee for a duplicate certificate is ten dollars (\$10).

(e) The annual license fee is ten dollars (\$10), but the State board may reduce the fee to not less than five dollars (\$5)

(f) The penalty is three dollars (\$3).

SEC. 14. Sections 5513, 5519, 5552, 5553, 5556 and 5572 of said code are repealed. Repeals

CHAPTER 1232

An act to add Section 19622.5 to the Business and Professions Code, and Section 73.5 to the Agricultural Code, relating to junior agricultural fairs, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 19622.5 is added to the Business and Professions Code, to read:

Junior
agricultural
fairs Approp-
riation

19622.5. There is hereby appropriated annually out of the fund fifteen thousand dollars (\$15,000) to the State Agricultural Society, for the support of an annual junior agricultural fair.

SEC. 2. Section 73.5 is added to the Agricultural Code, to read:

Management

73.5. The board of directors of the State Agricultural Society, subject to the approval of the Department of Finance, shall provide for and manage an annual junior agricultural fair at any place within the State for the exhibition of livestock, poultry, crops, and other agricultural products, domestic arts, and agricultural mechanics raised or made, by persons under 21 years of age.

CHAPTER 1233

An act to amend Section 987 of the Military and Veterans Code, relating to veterans' farm and home loans.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

See also
Stats. 1945,
Chs. 105
and 255
Initial
payments

SECTION 1. Section 987 of the Military and Veterans Code is amended to read:

987. The purchaser shall make an initial payment of at least 10 per cent of the selling price of the property, in case of a farm, and 5 per cent in the case of a home. The board may waive the initial payment in any case where the purchaser is refinancing through the board property owned by him and in which he owns an equity, prior to purchase by the board, of at least 10 per cent of the purchase price to the board. In such case the value of the property as determined by appraisal shall equal the amount to be paid by the board plus at least 10 per cent. The balance of the selling price may be amortized over a period fixed by the board, not exceeding 40 years, together with interest thereon at the rate of 4 per cent per annum compounded at periods fixed by the board or at such rate as may

hereafter be fixed by the Legislature of the State of California, not exceeding 5 per cent per annum, providing said rate or 4 per cent or such rate as may hereafter be established shall apply uniformly to, and is hereby fixed for, any and all amounts remaining unpaid on contracts with veterans whether said contracts shall have been entered into before the effective date of this act or shall hereafter be executed. Contracts executed prior to July 1, 1945, shall bear interest up until said date at the rate now fixed by law; from and after said date they shall bear interest as herein provided. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the board may for good cause postpone from time to time, upon terms as the board deems proper, the payment of the whole or any part of any installment of the selling price or interest thereon.

CHAPTER 1234

An act to amend Section 702 of the Welfare and Institutions Code, relating to the protection of minors, redefining the jurisdiction of the juvenile court and the crime of contributing to the delinquency of a minor, and specifying the powers of the juvenile court in respect thereto.

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 702 of said code is amended to read:

702. Any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 21 years to come within the provisions of any of the subdivisions of Section 700 or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, commands, or persuasion, induces or endeavors to induce any person or ward of the juvenile court under the age of 21 years to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person within the provisions of any of the subdivisions of Section 700, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than two years, or by both such fine and imprisonment, or may be released on probation for a period not exceeding five years.

Contributing
to delin-
quency of
minor

The juvenile court shall have original jurisdiction over all misdemeanors defined in this section, and in all prosecutions hereunder, shall cause the defendant to be duly arraigned, and plead to the charge made against him in the manner provided

Jurisdiction
of court

in the Penal Code upon an indictment or information. In all cases where the defendant prosecuted under this section enters a plea of guilty, the juvenile court shall have jurisdiction to impose sentence or in its discretion to grant probation upon such terms as it deems proper. The court may, as a condition of such probation, require a bond in such sum as the court may designate to be approved by the judge requiring it, to secure the performance by such person of the condition imposed by the court on such probation. The bond shall by its terms be made payable to the State of California, and any moneys received for the breach thereof shall be paid into the county treasury.

CHAPTER 1235

An act to add Chapter 4 to Division 2 of the Agricultural Code, relating to the prevention of livestock diseases through the control of garbage and food stores from vessels and aircraft.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4, consisting of Sections 286 to 286.5 inclusive, is hereby added to Division 2 of the Agricultural Code, to read:

CHAPTER 4. VESSEL AND AIRCRAFT GARBAGE

286 As used in this chapter

Vessel and
aircraft
garbage.
Definitions

(a) "Garbage" means waste material, such as food scraps, table refuse, galley refuse, and refuse from stores of vessels and aircraft, including such waste material in passengers' and crews' quarters, derived, in whole or in part, from fruits, vegetables, or animal products.

(b) "Vessel" means every description of craft or other contrivance used, or capable of being used, as means of transportation in or on coastal, intercoastal, or foreign waters

(c) "Aircraft" means every description of craft or other contrivance used, or capable of being used, as means of transportation through the air from origins in other States or Territories or in foreign countries.

(d) "Food stores" mean fruits, vegetables, or animal products carried as stores of vessels and aircraft and includes those carried in passengers' and crews' quarters.

(e) "Territorial waters of California" mean all navigable waters of California including all portions of the sea within its jurisdiction used by vessels or aircraft.

Disposal of
garbage

286.1. It is unlawful to throw, discharge, deposit, remove, or carry garbage, or cause, suffer, or procure garbage to be thrown, discharged, deposited, removed, or carried from any

vessel, aircraft, or any other vehicle into any territorial waters, or onto land within the State, except for immediate burning in incinerators or approved treatment or approved disposal under the supervision and in accordance with the regulations of the director or for delivery to a garbage collector who, for the purpose of accepting garbage as defined in this chapter, is licensed by the director or by the Federal Government; provided, however, such regulation shall not conflict with United States Bureau of Animal Industry orders or regulations pertaining to garbage derived from meats or meat products originating in countries listed as having infections of the diseases known as rinderpest or as foot-and-mouth disease.

286.2. It is unlawful to retain or maintain garbage on vessels, aircraft, or other vehicles within the State, except in tightly closed containers or receptacles and under such treatment as may be prescribed by the director. Garbage containers

286.3. Where means of incineration of, or other approved processing for, garbage are not available aboard vessels or aircraft in the State, the master or other person in charge of such vessel or aircraft shall provide containers or receptacles with tight-fitting covers in which the garbage shall be retained while within the territorial waters of or on the land in California pending incineration or approved treatment under the supervision and in accordance with the regulations of the director. Incineration, etc

286.4. It is unlawful to remove food stores from any vessel, aircraft, or other vehicle except under permit issued by the director. Removal of food

286.5. Any person who shall violate, or who shall aid, abet, authorize, or instigate a violation of, this act shall be guilty of a misdemeanor. Penalty

SEC. 2. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. Duration

CHAPTER 1236

An act to amend Sections 8404 and 8503 of the Education Code; to repeal Section 8501 of said code; and to add Section 8505 to said code, all relating to admission to the public schools.

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 8404 of the Education Code is amended to read:

8404. A child shall be admitted to a kindergarten in any term during the first school month of the term, if he is of the Admission to kindergarten

age prescribed. For good cause the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

If there is but one term during the school year, the child shall be four and one-half years of age on or before September 1st, of the current school year. If there are two terms maintained during the school year the child shall be four years and six months of age on or before September 1st, of the current school year, before he may be admitted in the first term of the school year, or four years and six months of age on or before February 1st, of the current school year, before he may be admitted in the second term in any school year.

SEC. 2. Section 8503 of said code is amended to read:

Admission to
first grade

8503. A child shall be admitted to the first grade of an elementary school during the first month of any school term if he is of the age prescribed in this section. For good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

If there is but one term during the school year, the child shall be five and one-half years of age on or before September 1st, of the current school year. If there are two terms maintained during the school year, the child shall be five years and six months of age on or before September 1st, of the current school year, before he may be admitted in the first term of the school year, or five years and six months of age on or before February 1st, of the current school year, before he may be admitted in the second term of any school year.

Repeal

SEC. 3. Section 8501 of said code is repealed.

SEC. 4. Section 8505 is added to said code, to read:

Admission to
first grade
after kinder-
garten

8505. A child who has been lawfully admitted to the public school kindergarten in California and who has completed one year therein shall be admitted to the first grade of an elementary school regardless of age.

CHAPTER 1237

Stats 1921,
p. 1191,
amended

An act to amend Sections 2, 3, 4, 6, 7, and 9 of "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provision thereof," approved June 3, 1921, relating to the sale and return of bakery products.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1921,
p. 1191

SECTION 1. Section 2 of the act cited in the title is amended to read:

Enforcement
of bakery
regulations

Sec. 2. The California State Department of Public Health shall make all necessary rules for carrying into effect the fore-

going section and for the enforcement of the provisions thereof. If after inspection, it is found that any bakery is being operated in violation of the provisions hereof, notice in writing shall be given to the proprietor wherein shall be stated the particulars in which such bakery is not being properly conducted, and fixing a reasonable time in which such conditions shall be remedied. If the requirements of such notice shall not be complied with, said department shall order such bakery closed and it is hereby empowered to take all necessary steps to enforce such order; provided, that if any person, firm or corporation shall feel aggrieved by any order of said department, it shall have the right to appeal to the superior court of the county in which is located said bakery; provided, further, that on the taking of said appeal the owner or operator of said bakery shall furnish bond to the approval of the department; and, provided further, that said appeal shall be taken within a period of thirty (30) days from the order of said department.

SEC. 2 Section 3 of the act cited in the title is amended to read: Stats 1921,
p 1191

Sec. 3. No employee or other person shall sit or lie upon any of the tables, benches, troughs, shelves et cetera, which are intended for the dough or bakery products. No animals or fowls shall be kept or allowed in any bakery or other place where bread or other bakery products are produced or stored. Before beginning the work of preparing, mixing and handling the ingredients used in baking, every person engaged in the preparation or handling of bakery products shall wash the hands and arms thoroughly and rinse in clean water; and for this purpose sufficient wash basins and soap and clean towels shall be provided. Every person engaged in such work shall wash the hands and arms after using toilet rooms or water closets. Employees or other persons affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, asiatic cholera, leprosy, typhoid fever, epidemic dysentery, measles, mumps, whooping cough, chicken pox, or any other cutaneous or infectious disease, shall not work or be permitted to work in any such bakeries or be permitted to handle any of the products therein or delivered therefrom. Any person engaged in any of the work above mentioned, who knowingly is infected with any of the diseases specified in this section, or any employer who knowingly employs such person shall be deemed guilty of violating the provisions of this act and shall be subject to the penalties provided for violation thereof. The State Department of Public Health shall make all necessary rules for carrying into effect the foregoing section. Particular requirements

SEC. 3. Section 4 of the act cited in the title is amended to read: Stats 1921,
p 1191

Sec. 4. All water for mixing the dough or used in the mixing of any other bakery products shall be pure and wholesome. In case the water supply is taken from a well, the baker shall have a certificate of the purity of said water supply from the Water

State Department of Public Health, or from any city or county health department within the State of California. Bakers shall not use the water from wells, the water of which is not so certified to be pure and wholesome.

Stats 192,
p 1191

SEC. 4. Section 6 of the act cited in the title is amended to read:

Materials

Sec. 6. All materials used in the production or preparation of bakery products shall be stored, handled and kept in a way to protect them from spoiling and contamination, and no material shall be used which is spoiled or contaminated, or which may render the bread or other bakery products unwholesome or unfit for food. The ingredients used in the production of bread and other bakery products and the sale or offering for sale of bread and bakery products shall comply with the provisions of the California laws against adulteration and misbranding. No ingredients shall be used which may render the bread or other bakery products injurious to health. No ingredients shall be used which may deceive the consumer or which lessens the nutritive value of the bakery product without being plainly labeled, branded or tagged or having a sign making such facts plain to the purchaser or consumer under rules to be prescribed by the State Department of Public Health; provided, however, that in case of bread to be sold by the load such labeling shall be, in the case of unwrapped bread, placed upon the same sticker as hereinafter provided to show the name of the manufacturer.

Stats 1931,
p. 249

SEC. 5. Section 7 of the act cited in the title is amended to read:

Distribution
of products

Sec. 7. All handling or sale of bread or other bakery products and all practices connected therewith shall be conducted at all times so as to prevent the distribution of contamination or disease among consumers, so as to prevent the distribution of the infection in bread, commonly known as "rope" or other bakery infections. No bakery products other than hearth-baked bread and rolls, except as hereinafter provided shall be returned from any consumer or other purchaser to the dealer or baker nor from any dealer to the baker, and no baker or dealer shall directly or indirectly accept any returns or make any exchange of bakery products other than hearth-baked bread and rolls from any dealer, restaurant or hotel-keeper, consumer or any other person and all bread and all other bakery products shall be kept moving to the consumer in as direct a line as may be practicable and without unreasonable delay and without any exchange, return or practice whatsoever which may disseminate contamination, disease or fraud among consumers or infection among bakeshops. The State Department of Public Health shall make such reasonable rules as may be necessary for carrying into effect the foregoing provisions of this section; provided, that this section shall not be construed to apply to such bakery products where the product is so packed or sealed in a wrapper or container at the place of production as to fully protect the freshness and wholesomeness of the product and to protect it from contamination, adulteration, deterioration and fraud in the chan-

nels of trade and which remains in the original unbroken package in which such bakery product has been packed; provided, further, that the State Department of Public Health may by rules establish such exemptions as may be necessary to facilitate the sale of any accumulated or unsold stocks of wholesome bread or other bakery products, but any such exemptions or sales shall not be in violation of the expressed purposes of this section.

SEC. 6. Section 9 of the act cited in the title is amended Stats 1931,
p 249 to read:

Sec. 9. Any person, firm or corporation who shall violate Penalty any of the provisions of this act is guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100).

CHAPTER 1238

An act to amend Section 18102 of the Education Code and to repeal Section 18104 of said code, relating to the Public School System.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 18102 of the Education Code is amended to read:

18102. The Department of Education shall:

(a) Advise with the governing board of each school district on the acquisition of new school sites, and after a review of available plots give the governing board of the district in writing a list of the approved locations in the order of their merit considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction. Duties of
Department,
School sites,
etc

(b) Establish standards for school buildings. Standards

(c) Review all plans and specifications for buildings in every district required to submit plans and specifications therefor to it for approval. The department may, upon the request of the governing board of any other district, review plans and specifications for buildings in such district. Plans and
specifications

A schedule of charges for such services shall be formulated by the department.

(d) Approve plans and specifications submitted by governing boards of school districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

(e) Make all necessary provisions by which governing boards of school districts, or architects engaged by them, may procure by purchase or otherwise, copies of standard specifications, plans, and building codes prepared by the department.

Survey of
building
needs

(f) Make, upon the request of the governing board of any school district, except a city board of education, a survey of the building needs of the district, advise the governing board concerning the building needs, suggest plans for financing a building program to meet the needs, and collect the cost of the survey, exclusive of the salaries of the State employees participating therein, from the district.

Assistants

(g) Employ experts, and clerical, and stenographic assistants as may be required for expediting the checking and approving of plans and specifications.

Repeal

SEC. 2 Section 18104 of said code is hereby repealed.

CHAPTER 1239

An act to amend Sections 19153 and 19154, relating to elementary school district library funds.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 19153 of the Education Code is amended to read:

Apportion-
ment to
districts

19153. In no case shall the sum apportioned to any district be less than fifty dollars (\$50) for each teacher allowed under Article 2 of Chapter 13 of Division 3, of this code.

SEC. 2. Section 19154 of said code is amended to read:

Failure to
file request

19154. If the school trustees fail to file the request in writing, the county superintendent shall apportion to the library fund of the district an amount not to exceed seventy-five dollars (\$75) for each teacher allowed.

CHAPTER 1240

An act to add Article 4.5 to Chapter 7 of Division 9 to the Education Code, relating to the performance of services for school districts by county superintendents of schools.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 is added to Chapter 7 of Division 9 of the Education Code, to read:

Article 4.5. Performance of Services by County Superintendents of Schools

Existing
contracts for
library
service

19141. The county superintendent of schools may agree with the county librarian, with the approval of the board of

supervisors, to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Article 4 of this chapter. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library.

19142. After the above agreement has been entered into, ^{New contracts} the governing board of any school district, which had not yet joined the county library, may enter into an agreement with the county superintendent of schools for the performance of supplementary book service for the school library.

19143. Whenever the county superintendent of schools per- ^{Law applicable} forms supplementary book service for the school library of any district the provisions of Article 4 of this chapter so far as applicable shall control. The county superintendent shall employ a ^{Librarian} librarian holding a special credential in librarianship issued by the State Board of Education and such assistants as may be necessary to carry on this service.

CHAPTER 1241

An act to amend Section 1 of "An act providing that revenues, rents and proceeds from lands within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund, and making an appropriation," approved June 8, 1943, relating to disbursement of revenues, rents, and proceeds received by the Reclamation Board. ^{Stats 1943, p 3010, amended}

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read:

Sec. 1. Notwithstanding any other law to the contrary, revenues, rents, and proceeds from sale of crops from lands under control of the Reclamation Board of the State of California, whether earned or accrued prior to or after the effective date of this act, shall be paid into the State treasury as follows: To the current appropriation for the support of the State Reclamation Board as an abatement of the cost of producing or disposing of crops in such amounts as may be approved by the Department of Finance, and the balance thereof to the credit of the General Fund. ^{Revenues, etc. received by Reclamation Board}

CHAPTER 1242

An act to add Sections 1239.2 and 1239.4 to the Code of Civil Procedure, relating to eminent domain for airport purposes.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 1239.2 is added to the Code of Civil Procedure, to read:

Air easement

1239.2. Airspace above the surface of property or an air easement in such airspace may be acquired under this title by a county, city or airport district if such taking is necessary to protect the approaches of any airport from the encroachment of structures or vegetable life of such height or character as to interfere with or be hazardous to the use of such airport.

SEC. 2. Section 1239.4 is added to said code, to read:

Rights of
property
owner

1239.4. Where necessary to protect the approaches of any airport from the encroachment of structures or vegetable life of such a height or character as to interfere with or be hazardous to the use of such airport, land adjacent to, or in the vicinity of, such airport may be acquired under this title by a county, city or airport district reserving to the former owner thereof an irrevocable free license to use and occupy such land for all purposes except the erection or maintenance of structures or the growth or maintenance of vegetable life above a certain prescribed height.

CHAPTER 1243

An act to repeal Section 5151.1 of the Education Code, to amend Section 6983 of said code, and to add Sections 5151.1, 5301.1, 6956, 6957.1, 6977.1, 7107.1 and 7139.1 to said code, relating to the cost of educating physically handicapped children.

In effect
July 1, 1916

[Approved by Governor July 10, 1945. Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5151.1 of the Education Code is repealed.

SEC. 2. Section 5151.1 is added to said code, to read:

Physically
handicapped
children
State School
Fund

5151.1. In addition to the amounts hereinbefore prescribed, the State Controller shall during each school year transfer from the State General Fund to the State School Fund, such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the county unapportioned elementary school fund of each county for one-half the excess cost to the county superintendent of schools of such county of educating physically handicapped pupils. The amount shall not exceed one hundred dollars (\$100) for each unit of average daily attend-

ance during the next preceding school year of the physically handicapped pupils provided instruction by the county superintendent of schools.

SEC. 3. Section 5301.1 is added to said code, to read :

5301.1. In addition to the amounts hereinbefore prescribed, the State Controller shall, during each school year, transfer from the General Fund of the State to the State High School Fund such sums as the Superintendent of Public Instruction shall certify as necessary to reimburse the county unapportioned high school fund of each county for one-half the excess of cost to the county superintendent of schools of educating physically handicapped high school pupils. The amount shall not exceed one hundred dollars (\$100) for each unit of average daily attendance during the next preceding school year of the physically handicapped pupils provided instruction by the county superintendent of schools.

SEC. 4. Section 6957.1 is hereby added to the Education Code, to read :

6957.1. The Superintendent of Public Instruction shall apportion from the State School Fund to the unapportioned county elementary school fund of each county an additional amount equal to one-half the excess cost to the county superintendent of schools of educating physically handicapped pupils during the preceding school year as reported by the county superintendent of schools. The apportionment shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in the district during the school year.

SEC. 5. Section 6977.1 is hereby added to the Education Code, to read :

6977.1. He shall allow to the unapportioned county elementary school fund of each county an additional amount equal to one-half the excess cost to the county superintendent of schools of educating physically handicapped pupils during the preceding school year as reported by the county superintendent of schools. The apportionment shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in the district during the school year.

SEC. 6. Section 6956 is added to said code, to read :

6956. The Superintendent of Public Instruction shall, in addition, compute for the unapportioned county elementary school fund of each county an amount equal to the excess cost to the county superintendent of schools of educating physically handicapped children but not in excess of two hundred dollars (\$200) for each unit of average daily attendance of physically handicapped children educated by the county superintendent of schools during the preceding school year.

SEC. 7. Section 6983 of said code is amended to read :

6983. The Superintendent of Public Instruction shall also fix the amount required to be apportioned to each unapportioned county elementary school fund as the amount computed for

such fund under Articles 2 and 4.5 of this chapter, and the amount required to be apportioned to each county elementary school supervision fund as the amount computed for such fund under Article 2 of this chapter.

SEC. 8. Section 7107.1 is added to said code, to read:

Same Unap-
portioned
county high
school fund

7107.1. He shall apportion to the unapportioned county high school fund of each county an additional amount equal to one-half the excess cost to the county superintendent of schools of educating physically handicapped pupils during the preceding school year as reported by the county superintendent of schools. The apportionment shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in the district during the school year.

SEC. 9. Section 7139.1 is added to said code, to read:

Same

7139.1. He shall apportion to the unapportioned county high school fund of each county an additional amount equal to one-half the excess cost to the county superintendent of schools of educating physically handicapped pupils during the preceding school year as reported by the county superintendent of schools. The apportionment shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in the district during the school year.

Effective
date

SEC. 10. This act shall take effect July 1, 1946.

Effect
Stats 1945,
Ch 878

SEC. 11. Sections 7 and 8 of this act shall take effect only if Chapter 13.5 of Division 3 of the Education Code is enacted by the Legislature at its Fifty-sixth Session and, in such case, at the time said Chapter 13.5 takes effect, Education Code Sections 6957.1 and 6977.1 added by this act are hereby repealed.

CHAPTER 1244

An act to amend Section 404 of the Vehicle Code, relating to service of process on nonresident.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 404 of the Vehicle Code is amended to read:

Service of
process on
nonresident

404. Service of Process on Nonresident. (a) The acceptance by a nonresident of the rights and privileges conferred upon him by this code or any use of the highways of this State as evidenced by the operation by himself or agent of a motor vehicle upon the highways of this State or in the event such nonresident is the owner of a motor vehicle then by the operation of such vehicle upon the highways of this State by any person with his express or implied permission, is equivalent to an appointment by such nonresident of the director or his successor in office to be his true and lawful attorney upon whom

may be served all lawful processes in any action or proceeding against said nonresident operator or nonresident owner growing out of any accident or collision resulting from the operation of any motor vehicle upon the highways of this State by himself or agent.

(b) The acceptance of such rights and privileges or use of said highways shall be a signification of the agreement of said nonresident that any such process against him which is served in the manner herein provided shall be of the same legal force and validity as if served on said nonresident personally in this State.

(c) Service of such process shall be made by leaving a copy of the summons and complaint with a fee of two dollars (\$2) for each nonresident to be so served in the hands of the director or in his office at Sacramento and such service shall be a sufficient service on said nonresident subject to compliance with subdivision (d) hereof.

(d) A notice of such service and a copy of the summons and complaint shall be forthwith sent by registered mail by the plaintiff or his attorney to said defendant. Personal service of such notice and a copy of the summons and complaint upon said defendant wherever found outside this State shall be the equivalent of said mailing.

(e) Proof of compliance with subsection (d) hereof shall be made in the event of service by mail by affidavit of the plaintiff or his attorney showing said mailing, together with the return receipt of the United States post office bearing the signature of said defendant. Such affidavit and receipt shall be appended to the original summons which shall be filed with the court from out of which such summons issued within such time as the court may allow for the return of such summons. In the event of personal service outside this State such compliance may be proved by the return of any duly constituted public officer, qualified to serve like process of and in the State or jurisdiction where the defendant is found, showing such service to have been made. Such return shall be appended to the original summons which shall be filed as aforesaid.

(f) The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

(g) The director shall keep a record of all process so served upon him which record shall show the day and hour of service.

(h) As used in this section "nonresident" means a person who is not a resident of this State at the time the accident or collision occurs.

CHAPTER 1245

Stats 1927, p. 51, amended. *An act to amend Section 15.5 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to license fees of credit unions.*

In effect September 15, 1945. [Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1939, p. 2713. SECTION 1. Section 15.5 of the act cited in the title hereof is amended to read:

Credit unions Application fee. Sec. 15.5. At the time of filing an application to operate as a credit union, the applicant shall pay to the Commissioner of Corporations a filing fee of five dollars (\$5).

CHAPTER 1246

An act to add Section 204f to the Code of Civil Procedure, relating to secretaries of the superior court and fixing salaries.

In effect September 15, 1945. [Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 204f is added to the Code of Civil Procedure, to read:

Secretary to superior judges. 204f. In counties or cities and counties having a population of over 289,000 and not over 500,000 as determined by Section 4005c of the Political Code, the judges of the superior court in such counties or cities and counties, may appoint a secretary, who shall receive a salary of three hundred dollars (\$300) per month and two assistant secretaries each of whom shall receive a salary of two hundred fifty dollars (\$250) per month. The salaries in this paragraph provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county, or city and county, are paid.

CHAPTER 1247

An act to amend Section 19626 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 4041i of the Political Code, relating to the allocation and disposition of moneys in the Fair and Exposition Fund.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 19626 of the Business and Professions Code is amended to read:

See also
Stats 1945,
Ch 1036
Apportion-
ment of sec-
ond balance

19626. The second balance of the fund is hereby allocated for expenditure without regard to fiscal years, as follows: Twenty-five per cent (25%) for permanent improvements at, or support of, the California Polytechnic School; thirty-three per cent (33%) for permanent improvements at, or support of, the University of California; the remainder for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as may be allocated by executive order of the Director of Finance.

SEC. 2. Section 88 of the Agricultural Code is amended to read:

88. The proceeds of the sale of any interest in real property owned by any association shall be paid into the Fair and Exposition Fund in the State treasury. The amount paid into said fund under the provisions of this section shall be available for expenditure by the association, with the approval of the State Department of Finance, for permanent improvements for fair purposes on the property of the association or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal, or other incidental costs, to be used as sites for such permanent improvements. Said funds or any portion thereof which are not expended within three years after being so paid into the State treasury as provided in this section shall be added to and become a part of the amount available under Section 19626 of the Business and Professions Code for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as may be allocated by executive order of the State Director of Finance.

Proceeds of
sales of
association
property

SEC. 3. Section 4041i of the Political Code is amended to read:

Proceeds of
sales of
county
property

4041i. In the event of the sale by any county or city and county of any real property acquired or used for fair purposes which was purchased or improved, in whole or in part, from funds apportioned or allocated to such county or city and county for fair purposes by the State, there shall be paid into the Fair and Exposition Fund in the State treasury from the proceeds of the sale, an amount equal to that proportion of the cost of the real property and improvements which was paid for out of funds apportioned or allocated by the State for fair purposes, less a reasonable allowance for depreciation in value in an amount approved by the State Department of Finance. The amount paid into said fund under the provisions of this section shall be available for expenditure by the county, with the approval of the State Department of Finance, for permanent improvements for fair purposes on the property of the county, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements. Said funds or any portion thereof which are not expended within three years after being so paid into the State treasury as provided in this section shall be added to and become a part of the amount available under Section 19626 of the Business and Professions Code for permanent improvements upon the property of the State, citrus county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as may be allocated by executive order of the State Director of Finance.

Validation of
expenditures

SEC. 4. All expenditures from money allocated pursuant to Section 19626 of the Business and Professions Code for the purchase of real property and for expenses incidental thereto, or for the purchase of equipment, by the State, citrus fruit fairs, counties or district agricultural associations for fair purposes are hereby ratified, validated and confirmed.

CHAPTER 1248

An act making an appropriation for the encouragement of agricultural fairs.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. The unexpended and unencumbered balance at the close of business June 30, 1945, of the money in the Fair and Exposition Fund heretofore appropriated by the provi-

sions of subdivision (b) of Section 19624 of the Business and Professions Code for the encouragement of fairs is hereby appropriated and shall be considered a part of and available for the same purposes as funds heretofore appropriated during the Ninety-sixth Fiscal Year under said subdivision of said section.

CHAPTER 1249

An act to amend Sections 2736 and 2811 of the Business and Professions Code, relating to the practice of professional nursing.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2736 of the Business and Professions Code is amended to read:

2736. An applicant shall comply with each of the following:

Qualifica-
tions for
registered
nurse

(a) Be a citizen of the United States or have declared his intention to become a citizen of the United States.

(b) Have successfully completed at least an approved high school course of study or the equivalent thereof as determined by the board, and such other preliminary requirements as the board may prescribe.

(c) Have successfully completed the prescribed course of study in an accredited school of nursing or have graduated from a school which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements of the board for an accredited school in this State.

(d) Have committed no act, which, if committed by a licensee, would be a ground for disciplinary action.

SEC. 2. Section 2811 of the Business and Professions Code is amended to read:

2811. Prior to January 1st of each year, each licensed nurse shall apply for a renewal of his license and shall pay the renewal fee required by this chapter, whereupon the board shall renew his license.

Renewal of
license

Every license not renewed will expire on the first day of March of each year, but may thereafter be renewed upon the payment of the renewal fee and such proof of the applicant's qualification to be licensed as may be required by the board.

CHAPTER 1250

An act to amend Sections 377 and 378 of, and to add Section 383.1 to, the Vehicle Code, relating to fees and procedure for refunds.

In effect September 15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 377 of the Vehicle Code is amended to read:

Fees for transfer of registration

377. Fees for Transfer of Registration. (a) Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered hereunder, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required hereunder to obtain the issuance to him of a new certificate of ownership and registration card, there shall be paid the following fees:

- (1) For a transfer by the owner----- \$1.00
- (2) For a transfer by the legal owner----- \$1.00
- (3) When application is presented showing a transfer by both the owner and legal owner---- Total fee \$1.00

SEC. 2. Section 378 of the Vehicle Code is amended to read:

When fees delinquent

378. When Fees Delinquent. Penalties. (a) (1) Whenever any vehicle is operated upon any highway of this State without the registration fee having first been paid as required by this code, such fee is delinquent.

(2) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in said certificate and card and the transfer fee has not been paid as required by this code within 10 days, such fee is delinquent.

(3) Whenever any person becomes an automobile wrecker without first having paid the license or certificate and special plate fees as required by this code, such fees are delinquent.

Penalties

(b) A penalty shall be added upon any application for annual renewal of registration made on or after February 5th except as provided in Section 164.5 of this code.

(c) A penalty shall be added upon any application for renewal of any special plate or plates made on or after February 5th.

(d) Except as otherwise provided in subdivisions (b) and (c), if any fee is not paid within 30 days after the same becomes delinquent a penalty shall be added thereto.

(e) In every event the penalty shall be equal to the fee and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be one dollar (\$1), and shall apply only to the last transfer.

Procedure for refund of fees

SEC. 3. Section 383.1 is added to the Vehicle Code, to read:

383.1. Procedure for Refund of Fees. (a) Whenever application is made by any person for the registration or transfer

of registration of a vehicle or for any other privilege specified in this code and such application is accompanied by any fee which is excessive or not legally due, or whenever the department in consequence of any error either of fact or of law as to the proper amount of any fee or any penalty thereon or as to the necessity of obtaining a registration, transfer of registration or other privilege under this code collects any fee or penalty which is excessive, erroneous or not legally due, the person who has paid any such erroneous or excessive fee or penalty, or his agent on his behalf, may apply for and receive a refund of the amount thereof as provided in this section.

(b) The applicant may within not more than one year from the date of payment of such erroneous or excessive fee or penalty present an application in writing to the department identifying the payment made and stating the grounds upon which it is claimed that such payment was excessive or erroneous.

(c) Whenever any fee or penalty subject to refund under the provisions of this section has not been paid into the State treasury, the department shall refund the fee or penalty.

(d) Whenever any fee or penalty subject to refund under this section has been paid into the State treasury to the credit, in whole or in part, of the Motor Vehicle Support Fund or of the Motor Vehicle Fund, the department shall prepare a claim setting forth the facts pertaining to the fee or penalty sought to be refunded and, upon approval of the claim by the Director of Finance, the Controller shall draw his warrant upon the fund or funds to which the fee or penalty was credited.

(e) This section shall be effective as a legislative appropriation of any and all amounts necessary to refund and repay any excessive or erroneous fees and penalties collected under this code and the procedure herein prescribed shall be deemed a compliance with the requirements of the Political Code of this State in reference to the refund of excessive or erroneous fees or penalties paid to the Department of Motor Vehicles.

(f) The provisions of this section shall also apply in the event application has been made and fees have been paid for the registration of a vehicle which is not in fact operated upon the highways of this State, but in such event application for refund shall be made within 60 days after the date such fees are paid to the department.

CHAPTER 1251

An act to amend Sections 451, 454, 476 and 715 of the Vehicle Code, relating to traffic regulations and signs.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 451 of the Vehicle Code is amended to read :

Obedience to
traffic and
police officers

451. Obedience to Traffic and Police Officers. It is unlawful to wilfully fail or refuse to comply with any lawful order, signal or direction of any member of the California Highway Patrol or any police officer when on duty to enforce the provisions of this code.

SEC. 2. Section 454 of the Vehicle Code is amended to read :

Exemptions
to authorized
emergency
vehicles

454. Exemptions to Authorized Emergency Vehicles. The driver of an authorized emergency vehicle shall be exempt from those provisions of this code herein set forth under the following conditions:

(a) Said exemptions shall apply whenever any said vehicle is being driven in response to an emergency call or when used in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm.

(b) Said exemptions shall apply only when the driver of said vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to others. Under the circumstances hereinabove stated, any said driver shall not be required to observe those regulations contained in Chapter 3 or in Chapters 6 to and including Chapter 13 of Division 9 of this code, but said exemptions shall not relieve the driver of any said vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall the provisions of this section protect any such driver from the consequences of an arbitrary exercise of the privileges declared in this section.

SEC. 3. Section 476 of the Vehicle Code is amended to read :

Official traffic
signals

476. Official Traffic Signals. Whenever traffic is controlled by official traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively, one at a time, or with arrows, the following colors only shall be used, and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green alone or "Go."

1. Vehicular traffic facing the signal shall proceed straight through or may turn right or left or make a semi-circular or U turn unless a sign at such place prohibits any such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians law-

fully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow or "Caution" when shown following the green or "Go" signals.

1. Vehicular traffic facing the signal is thereby warned that the red or stop signal will be exhibited immediately thereafter and vehicular traffic shall not enter the intersection when the red or stop signal is exhibited.

2. No pedestrian shall enter the roadway or cross any part of a roadway or from or to a safety zone against a yellow or "Caution" signal.

(c) Red alone or "Stop."

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone, except as provided in the next succeeding paragraph.

2. Local authorities may designate any intersection by erecting appropriate signs thereat where the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or "Stop" signal, may make a right turn but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at said intersection.

3. No pedestrian shall enter the roadway or cross any part of the roadway or from or to a safety zone against a red or "Stop" signal.

(d) Red with green arrow. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(e) The motorman of any street car shall obey all official traffic signals as applicable to vehicles except that the motorman of a street car shall not make a right or left turn when facing a red alone or stop signal.

(f) No person shall disobey the directions of this section Disobedience except when it is necessary for the purpose of avoiding a collision or in case of other emergency or when otherwise directed by a police or traffic officer, or as permitted under Section 454.

SEC. 4. Section 715 of the Vehicle Code is amended to read:

715. Unlawful to Exceed Weight Capacity of Bridge or Weight on bridges etc Other Structure (a) No person shall drive a vehicle over any bridge, causeway, viaduct, trestle or dam constituting a part of a highway when the weight of such vehicle and load thereon is greater than the maximum weight which such bridge or other structure with safety to itself will sustain.

(b) Whenever in the judgment of the State Department of Public Works any such bridge or other structure over which it

has jurisdiction will not sustain with safety to itself the maximum weights permitted under this code or upon request of any board of supervisors or other body having jurisdiction over any such bridge or other structure, said department shall determine after a public hearing the maximum weight which such bridge or other structure with safety to itself will sustain.

Said department shall cause an engineering investigation to be made and shall hear all evidence presented and declare in writing the maximum weight which such bridge or other structure with safety to itself will sustain. Thereupon, the authority having jurisdiction over such bridge or structure shall erect and maintain suitable signs specifying the weight so declared at a distance of not less than 50 feet or more than 500 feet from each end of such bridge or other structure or any approach thereto.

Any such sign may contain the words "Load Limit ----- Tons Per Vehicle" with the maximum gross weight inserted in figures preceding the word "tons," the words "load limit" and the figures and the word "tons" set forth in letters not less than three inches in height, and the words "per vehicle" in letters not less than one and one-half inches in height. Any such sign may also contain additional provisions stating maximum gross weight in tons for a tractor and semitrailer and any other combination or combinations of vehicles in figures and words not less than one and one-half inches in height. The stroke for letters and figures three inches or more in height shall be not less than one-half inch and for letters and figures one and one-half inches and not more than three inches in height shall be not less than one-fourth inch. It shall only be necessary to state the words "load limit" once upon any such sign.

Any sign meeting the above requirements shall be deemed a suitable sign.

Prima facie
evidence

(c) Upon the trial of any person charged with violating this section, proof of said determination of the maximum weight by said department and the existence of said signs shall constitute prima facie evidence of the maximum weight which such bridge or other structure with safety to itself will sustain.

CHAPTER 1252

An act to amend Sections 731, 737, and 739.1 of the Vehicle Code, relating to procedure upon arrest.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 731 of the Vehicle Code is amended to read:

Offenses by
persons
owning or
controlling
vehicles

731. Offenses by Persons Owning or Controlling Vehicles.
(a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require

the operation of such vehicle upon a highway in any manner contrary to law.

(b) Before any warrant of arrest shall issue following the filing of a complaint charging the owner or other person referred to in this section with an offense under this section when such person was not driving a vehicle a notice of any offense hereunder shall be given to such person, and such notice shall inform such person that unless he appears in the court to be designated in such notice within 10 days after service of such notice and answers said charge a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

SEC. 2. Section 737 of the Vehicle Code is amended to read:

737. When Officer Has Option to Take Arrested Person Immediately Before a Magistrate. Whenever any person is arrested for any of the following offenses and the arresting officer is not required as hereinbefore provided to take such person immediately before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a five days' notice to appear as herein provided or be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made.

When officer has option to take arrested person before magistrate

(a) Section 504, relating generally to injuring or tampering with a vehicle.

(b) Section 505, relating to reckless driving, when such offense causes injury to any person.

(c) Section 662, relating to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lamps upon such vehicle under Section 663 hereof, which is punishable as a misdemeanor.

(d) Section 670e, relating to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Section 709c, relating to refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 481, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 483, relating to failure to stop after collision with an unattended vehicle.

SEC. 3. Section 739.1 of the Vehicle Code is amended to read:

Waiver of
filing of
written
complaint

739.1. Waiver of Filing of Written Complaint. Whenever written notice to appear has been prepared, delivered and filed with the court, as provided in Section 739 hereof, or whenever notice of illegal parking has been given pursuant to the provisions of Section 591 hereof, an exact and legible duplicate copy of said notice when filed with the magistrate specified herein, in lieu of a verified complaint, shall notwithstanding the provisions of Section 1426 of the Penal Code, constitute a complaint to which the defendant may plead "Guilty."

If, however, the defendant shall violate his promise to appear in court or shall not deposit lawful bail, or shall plead other than "Guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of said Section 1426, Penal Code, and which shall be deemed to be an original complaint, and thereafter proceeding shall be had as provided by law; provided, that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon the written notice mentioned in Section 739 hereof.

CHAPTER 1253

An act to amend Section 5101 of the Labor Code, relating to workmen's compensation.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5101 of the Labor Code is amended to read:

Determina-
tion of lump
sum

5101. The amount of the lump sum shall be determined as follows:

(a) If the injury causes temporary disability, the commission shall estimate the probable duration thereof and the probable amount of the temporary disability payments therefor, in accordance with Chapter 2 of Part 2 of this division, and shall fix the lump sum at the amount so determined.

(b) If the injury causes permanent disability or death, the commission shall fix the total amount of the permanent disability payment or death benefit payable therefor in accordance with Chapter 2 of Part 2 of this division, and shall estimate the present value thereof, assuming interest at the rate of 3 per cent per annum and disregarding the probability of the beneficiary's death in all cases except where the percentage of permanent disability is such as to entitle the beneficiary to a

life pension, and then taking into consideration the probability of the beneficiary's death only in estimating the present value of such life pension.

CHAPTER 1254

An act to add Section 726.5 to the Political Code, relating to committees of the Judicial Council.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 726.5 is added to the Political Code, to read:

726.5. The Chairman of the Judicial Council may appoint committees composed of justices or judges of the several courts to advise with the Judicial Council in studying the condition of business in the several courts and the means for simplifying and improving the administration of justice and in the performance of any other duties of the council authorized or imposed by law. The committees may assemble information and make recommendations to the Judicial Council, but they shall not exercise any of the powers vested in the Judicial Council.

Appointment
of advisory
committees

Members of such committees shall receive no compensation from the State for their services; but when called into session by the Chairman of the Judicial Council, their actual and necessary expenses for travel, board and lodging shall be paid from the funds appropriated to the use of the council, when approved in such manner as the council shall direct, and audited by the Controller in accordance with the rules of the Board of Control.

Compensation

CHAPTER 1255

An act to repeal Section 6136, to add Section 6136, and to repeal Section 6137 and amend Section 6138 of the Education Code, relating to the cancellation of warrants.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 6136 of the Education Code is repealed.

Repeal

SEC. 2. Section 6136 is added to the Education Code, to read:

6136. Any school warrant not presented to the county treasurer within two years after it was issued is void and any order

Failure to
present
warrants

issued by the governing board of a school district, but not approved by the county superintendent of schools for want of funds, is void if not presented to the county superintendent of schools within two years after notice has been given that the order will be approved on presentation. The county auditor shall each month inform the county superintendent of schools of warrants which have become void during the preceding month and the county superintendent of schools shall transmit such information to the governing board of the school district together with information as to orders which have become void.

Repeal

SEC. 3. Section 6137 of the Education Code is repealed.

SEC. 4. Section 6138 of the Education Code is amended to read:

Record of
void war-
rants, etc.

6138. The county superintendent of schools shall keep a record of all orders, or warrants which have become void.

CHAPTER 1256

An act to add Section 2220.5 to the Welfare and Institutions Code, relating to aid to the aged.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 2220.5 is added to the Welfare and Institutions Code, to read:

Notice of
cancellation
of aid

2220.5. If the board of supervisors, in accordance with Section 2220, cancels, suspends, or revokes aid, the recipient shall be immediately notified of the county's action and of the reason therefor and the recipient's right to appeal therefrom.

CHAPTER 1257

An act to amend Sections 265, 268, and 272 of the Vehicle Code, relating to the issuance of chauffeurs' licenses.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 265 of the Vehicle Code is amended to read:

Application
for oper-
ators' and
chauffeurs'
licenses

265. Applications for Operators' and Chauffeurs' Licenses. Every application for an operator's or chauffeur's license shall be made upon the appropriate form furnished by the department and shall contain the following information:

(a) The applicant's name, age, sex, race and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) The kind of license applied for.

(d) Whether the applicant has ever previously been licensed as an operator or chauffeur and if so when and in what State or country and whether or not any such license has been suspended or revoked and if so the date of and reason for such suspension or revocation.

(e) Whether the applicant has ever previously been refused an operator's or chauffeur's license in this State, and if so, the date of and the reason for such refusal.

(f) Whether the applicant has previously operated a motor vehicle and if so for what length of time.

(g) Whether the applicant has the normal use of both hands and feet.

(h) Whether the applicant has ever been afflicted with epilepsy, paralysis, insanity or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(i) Whether the applicant understands traffic signs and signals.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

An applicant for a chauffeur's license may state the type of vehicle or combination of vehicles he desires to operate.

SEC. 2. Section 268 of the Vehicle Code is amended to read:

268. Scope of Examination. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer. Said examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. Every applicant for a chauffeur's license shall be required to submit to an examination appropriate to the type of vehicle or combination of vehicles he desires a license to drive.

Scope of
examination

SEC. 3. Section 272 of the Vehicle Code is amended to read:

272. Issuance and Contents of License. (a) When the department determines that the applicant is lawfully entitled to a license it shall issue to such person an operator's or chauffeur's license as applied for. Every such license shall state whether it is an operator's or chauffeur's license and shall bear thereon the distinguishing number assigned to the applicant,

Issuance and
contents of
license

the date of expiration, the name, age and residence address of the licensee, a brief description of such licensee for the purpose of identification and space for the signature of the licensee.

Each license shall also contain a space for the indorsement thereon of a record of each suspension or revocation thereof.

Chauffeurs' licenses

The department may issue: (1) A general chauffeur's license; (2) A restricted chauffeur's license.

(b) The department upon issuing a restricted chauffeur's license shall indicate thereon the type of vehicle or combination of vehicles the licensee is licensed to operate.

CHAPTER 1258

An act to suspend the operation of Section 673.5 of the Vehicle Code, relating to operation of vehicles.

In effect September 15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Exhaust products Suspension Duration

SECTION 1. The operation of Section 673.5 of the Vehicle Code is suspended during the effective period of this act.

This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

CHAPTER 1259

An act to add Section 19399 to the Government Code, relating to employees returning from military service.

In effect September 15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Abolishment of State agency, or position: Layoff

SECTION 1. Section 19399 is added to the Government Code, to read:

19399. If during the period of the absence of an employee who entered the military service, the State agency in which he was employed or those functions of such agency which such employee by virtue of his civil service status might legally perform was abolished by legislative act, such employee if otherwise entitled to reinstatement under Sections 19390 and 19391 shall be deemed laid off as of the date of his application for reinstatement and his name shall be placed on reemployment lists as upon layoff, taking into consideration his seniority as of that time computed in accordance with Section 19397; provided, however, if by the act of abolishment those functions of such agency which such employee by virtue of his civil service status

Transfer to another agency

might legally perform and the employees performing the same are transferred to another State agency, then such employee shall not be deemed laid off but shall be reinstated to State service in such other agency and the provisions of Sections 19390 and 19391 shall apply to him as though such employee had entered the military service from such other agency.

CHAPTER 1260

An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 86 of the Agricultural Code is amended to read:

See also
Stats 1945,
Ch 334

86. Each district agricultural association is a State institution. Each association by its name has perpetual succession, may have a seal, be sued and, with the approval of the Department of Finance, may:

Powers of
associations

(a) Contract, and sue.
(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property.

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof for any agricultural, horticultural, viticultural or livestock fairs or exhibitions, rodeos, riding club activities, floral displays, exhibitions of industries and industrial products, or Federal or State armories; to school organizations or associations thereof for the purpose of conducting athletic events participated in by such schools or associations; or to civic, patriotic, benevolent, or fraternal corporations or associations, for the purpose of holding conventions, assemblies, or public meetings on subjects of public or community interest; or for the sale of tangible personal property, or for concessions and services incidental to any of such purposes; or to nonprofit athletic organizations for athletic activities or to municipal corporations for use or reletting for any or all of the foregoing purposes.

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock, or for other purposes beneficial to the agricultural industry.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(h) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

CHAPTER 1261

An act to amend Section 4174 of the Business and Professions Code, relating to pharmacy.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4174 of the Business and Professions Code is amended to read:

Temporary
certificates
to practice
pharmacy

4174. (a) Any member of the board may examine applicants orally or in writing, and issue a temporary certificate to practice pharmacy, which authorizes such practice for a period not to exceed six months from its date, if the applicant possesses the qualifications prescribed in this chapter.

(b) Only two temporary certificates shall ever be issued consecutively to the same applicant, and no temporary certificate shall be granted to any person whose application has been denied by the board.

Duration

(c) This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede Sections 4170 and 4172, but Sections 4170 and 4172 are not repealed by this section and after this section is no longer effective, Sections 4170 and 4172 shall have the same force as though this section had not been enacted.

CHAPTER 1262

Stats 1927,
p 51,
amended

An act to amend Sections 1 and 19 of, and to add Sections 25 and 19.5 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision" approved March 31, 1927, relating to the regulation of credit unions.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1935,
p 886

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Credit union

Section 1. A credit union is a cooperative corporation, organized for the twofold purpose of promoting thrift among

its members and creating a source of credit for them at legal rates of interest for provident purposes.

Corporations may be incorporated under and by virtue of this act in the same manner as corporations under and by virtue of Title 1 of Part 4, Division 1 of the Civil Code of the State of California, including any amendment or revision thereof, or any sections hereafter enacted in lieu thereof, except as otherwise herein provided. The articles of incorporation shall set forth the following:

1. The name of the corporation, which shall include the words "credit union."

2. If the corporation be formed without authorized shares of stock, the authorized number of members or memberships or that the number thereof is unlimited.

SEC. 2. Section 2.5 is added to said act, to read:

New section

Sec. 2.5. In corporations hereafter formed, irrespective of the number of shares held by him, no member shall have more than one vote.

Votes

SEC. 3. Section 19 of said act is amended to read:

Stats 1937,
p 2403

Sec. 19. The supervisory committee shall have power:

Powers of
supervisory
committee

1. To suspend at any time by unanimous vote, at a meeting called for that purpose, the credit committee, or any member thereof, or any member of the board of directors or any officer.

2. By a majority vote to call a meeting of the shareholders to consider any violation of this article or the by-laws, or any practices of the credit union which, in the opinion of the committee, are unsafe or unauthorized.

3. To inspect the securities, cash and accounts of the credit union and supervise the acts of its board of directors, officers and credit committee.

4. Within seven days after suspension of the credit committee or any member thereof or any member of the board of directors or any other officer, to cause notice of a special meeting to be given to the shareholders to take such action regarding the suspension as may be deemed necessary.

5. To fill vacancies in the supervisory committee until the next annual meeting of the shareholders.

In no case shall a member of the supervisory committee receive any compensation for his services as a member of such committee, or serve as a member of the credit committee.

SEC. 4. Section 19.5 is added to said act, to read:

New section

Sec. 19.5. The supervisory committee shall at least once each year make an audit of the books and records and an examination of the business and affairs of the credit union, and make a full report of its assets and liabilities, receipts and disbursements to the board of directors and cause such reports to be read at the annual meeting of shareholders and filed with the records of such credit union.

Audit and
examination

CHAPTER 1263

Stats 1939, p 1857, amended. *An act to add Section 3.5 to the California Airport District Act, relating to the organization of airport districts.*

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

New section

SECTION 1. Section 3.5 is added to the California Airport District Act, to read:

Law
applicable
Stats 1933,
p 2141

Sec. 3.5. The provisions of subdivision (f) of Section 6 and subdivision (b) of Section 11 of the District Investigation Act shall not apply to districts organized or proposed to be organized under this act if the board of supervisors, prior to the hearing on the petition for the organization of the district, shall find by resolution adopted by a four-fifths vote of its members that in its opinion the contemplated district is one in which the probable assessments will not exceed the limitations set up in said act, that the properties to be assessed will be able to carry the burden of the prospective assessments, and that the limitation of the amount of assessments provided in said act may be dispensed with. The majority protest provisions of said District Investigation Act of 1933 shall apply to districts proposed to be organized under this act. The findings and determinations provided for in this section shall be final and conclusive on all persons in the absence of actual fraud.

CHAPTER 1264

An act to add Section 3044.1 to the Welfare and Institutions Code, relating to aid to the needy blind, and providing for payments to counties by the State in respect to recipients and former recipients confined in county hospitals.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3044.1 is added to the Welfare and Institutions Code, to read:

Recipients
confined in
county
hospitals

3044.1. Notwithstanding any provision of Section 3044, for each person, who is receiving assistance under this chapter on the date he enters a county institution for medical, hospital, or infirmary care at county expense, the State, during the period following the first two calendar months of such confinement, shall pay to the county the State's share of the assistance such person was receiving under this chapter at the time of his entrance. Nothing in this section shall prohibit a person from receiving his assistance during the first two calendar months of his confinement, or after his release from the county institution.

CHAPTER 1265

An act to amend Sections 20601, 20605, 20610, 20951, 20953, 21028, 21031, 21253, 21254, 21255, 21258, 21290, 21291, 21296, 21298 and 21300 of, to repeal Section 21297 of, and to add Section 21367.5 to, the Government Code, relating to the State Employees' Retirement System, revising basis of rates of contribution thereto and benefits payable therefrom, reducing the ages for normal and optional retirement, and providing for payment of benefits upon death of retired persons.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect October 1, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 20601 of the Government Code is amended to read:

See also Stats 1945, Ch 123

20601. For each State miscellaneous member, the normal rate of contribution, effective on July 1, 1945, or on the later date of his entrance into this system, shall be such as will provide on the average an annuity at age 60 equal to one one hundred-twentieth of his final compensation for each year of current service, according to the tables adopted by the board. No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to such adoption.

Normal contribution rate: State miscellaneous member

SEC. 2. Section 20605 of the Government Code is amended to read:

See also Stats 1945, Ch 123

20605. For each local miscellaneous member, the normal rate of contribution shall be such as on the average will provide an annuity at age 65 equal to one one hundred-fortieth of his final compensation, for each year of current service according to the tables adopted by the board. However, if any contracting agency elects, by amendment to its contract with the board made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive, then the rate of contribution of each local miscellaneous member employed by that contracting agency shall be the same as if he were a State miscellaneous member.

Local miscellaneous member

SEC. 3. Section 20610 of the Government Code is amended to read:

See also Stats 1945, Ch 123

20610. (a) The normal rate of contribution established for age 59 is the rate for any State member who has attained a greater age before entrance into this system, and that established for age 16 is the rate for any State member who enters this system at a lesser age.

Rates, etc

(b) The normal rate of contribution established for age 64 is the rate for any local member who has attained a greater age

before entrance into this system, and that established for age 16 is the rate for any local member who enters this system at a lesser age, unless the employing contracting agency, by amendment to its contract with the board made as provided in Section 20461.5, elects to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive, in which case the normal rate of contribution established for age 59 is the rate for any local member employed by that contracting agency who has attained a greater age before entrance into this system.

See also
Stats 1915,
Ch 123

Retirement
of State miscellaneous
member

SEC. 4. Section 20951 of the Government Code is amended to read:

20951. A State miscellaneous member shall be retired for service upon his written application to the board if:

(a) He has attained age 55 and is entitled to be credited with 20 years of continuous State service; or

(b) The following conditions exist:

(1) He is separated from State service because of a curtailment of or a change in the manner of performing such service, and not because of resignation or dismissal under charges.

(2) He has attained age 50 and is entitled to be credited with 15 or more years of State service.

(3) The board determines that his separation is of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or on a seasonal or intermittent basis.

See also
Stats 1915,
Ch 123

Retirement
of local miscellaneous
member

SLC. 5. Section 20953 of the Government Code is amended to read:

20953. A local miscellaneous member shall be retired for service upon his written application to the board if he has attained age 60 and is entitled to be credited with 20 years of continuous State service.

However, if any contracting agency elects, by amendment to its contract with the board made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive, then each local miscellaneous member employed by that contracting agency shall be retired for service upon his written application to the board if he has attained age 55 and is entitled to be credited with 20 years of continuous State service.

See also
Stats 1915,
chs 123
and 1224

Disability
retirement
Medical
examination

SEC. 6. Section 21028 of the Government Code is amended to read:

21028. The board may require any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his class to undergo medical examination. Such examination shall be made by a physician or surgeon, appointed by the board, at the place of residence of the recipient or other place mutually agreed upon. Upon the basis of such examination the board

shall determine whether he is still incapacitated, physically or mentally, for service in the State agency, the university, or contracting agency, where he was employed and in the position held by him when retired for disability, or for duties proposed to be assigned to him.

SEC. 7. Section 21031 of the Government Code is amended to read:

See also
Stats 1945,
Ch. 123
Same
Refusal

21031. If any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his class refuses to submit to medical examination the pension portions of his allowance may be discontinued until his withdrawal of such refusal. If such refusal continues for one year his disability retirement allowance may be canceled.

SEC. 8. Section 21253 of the Government Code is amended to read:

See also
Stats 1945,
Ch 123
Prior Service
pension

21253. The prior service pension for a state miscellaneous member retiring at or over age 60 is an annual pension equal to the sum of the following:

(a) One-sixtieth of the average annual compensation earnable by him during the three years ending December 31, 1931, in other than Highway Patrol service, multiplied by the number of years of prior service, other than Highway Patrol service, credited to him.

(b) In respect to prior service consisting of Highway Patrol service, the pension computed pursuant to subdivision (b) of Section 21256.

SEC. 9. Section 21254 of the Government Code is amended to read:

See also
Stats 1945,
Ch 123
Employment
by university

21254. If a State miscellaneous member was employed by the university at the time of becoming a member, and did not render State service before January 1, 1932, his prior service pension shall be based upon one-sixtieth of the average annual compensation earnable by him during the first year of State service or such portion thereof as he may have served before August 27, 1937, multiplied by the number of years of prior service credited to him.

SEC. 10. Section 21255 of the Government Code is amended to read:

See also
Stats 1945,
Ch. 123
Retirement
before age 60

21255. If a State miscellaneous member retires for service before attaining age 60, his prior service pension shall be reduced to that amount which the value of the pension as deferred to age 60 will purchase at the actual age of retirement.

SEC. 11. Section 21258 of the Government Code is amended to read:

See also
Stats 1945,
Ch 123
Retirement
allowance

21258. (a) The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions.

(b) If a member enters this system with credit for prior service, and retires after attaining age 70, or if a member is entitled to be credited with 20 years of continuous State service and retires after attaining age 65, and his retirement allowance is less than one-half of his final compensation and less than seven hundred twenty dollars (\$720) per year, his prior service pension shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one-half of such final compensation or seven hundred twenty dollars (\$720) per year, whichever is less.

(c) Subdivision (b) of this section applies to local members if the contract between the board and the employing contracting agency so provides, and if the employing contracting agency elects to subject itself and its employees to the provisions of subdivision (b) by amendment to its contract with the board, made as provided in Section 20461.5.

If the contract between the board and the employing contracting agency provides therefor, and if the employing contracting agency does not elect to subject itself and its employees to the provisions of subdivision (b), when a local member enters this system with credit for prior service and retires after attaining age 70, and his retirement allowance is less than one-half of his final compensation and less than four hundred eighty dollars (\$480) per year, his prior service pension shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one-half of such final compensation or four hundred eighty dollars (\$480) per year, whichever is less.

If a local member is employed by more than one contracting agency, his aggregate retirement allowances shall be taken into account and this subdivision shall apply as if he were employed by one or more State agencies.

SEC. 12. Section 21290 of the Government Code is amended to read:

21290. Upon retirement for disability a State miscellaneous member who has attained age 55 shall receive his service retirement allowance.

SEC. 13. Section 21291 of the Government Code is amended to read:

21291. Upon retirement for disability, a local miscellaneous member who has attained age 60 shall receive his service retirement allowance.

However, if any contracting agency elects, by amendment to its contract with the board, made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive, then upon retirement for disability, each local miscellaneous member employed by that contracting agency who has attained age 55 shall receive his service retirement allowance.

See also
Stats 1943,
Ch 123

Disability
allowance
of State mis-
cellaneous
member

See also
Stats 1945,
Ch 123

Disability
allowance of
local mis-
cellaneous
member

SEC. 14. Section 21296 of the Government Code is amended to read:

21296. The disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety per cent of one-sixtieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 per cent of one-sixtieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 60, but in such case the retirement allowance shall not exceed one-fourth of such final compensation.

This subdivision is not applicable to members who have become members of the retiring annuities system of the university.

SEC. 15. Section 21297 of the Government Code is repealed.

SEC. 16. Section 21298 of the Government Code is amended to read:

21298. The disability retirement allowance of a local member retired for disability and the requirements for obtaining it are the same as those for State members so retired if the employing contracting agency elects, by amendment to its contract made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive.

If, however, the employing contracting agency does not so elect, then as to the local members employed by that agency retired for disability, the requirements for obtaining the disability retirement allowance are the same as those for State members so retired, but the disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety per cent of one-seventieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 per cent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-fourth of such final compensation; but in no event shall the disability retirement pension be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receiv-

See also
Stats 1945,
Ch 123
Disability
retirement
pension

Repeal
See also
Stats 1945,
Ch 123
Disability
retirement
allowance of
local member

able by the member should he retire at the lowest age at which he would be eligible for service retirement.

The disability retirement pension shall be derived from the contributions of the employer.

See also
Stats 1945,
Ch. 123
Engaging in
gainful
occupation

SEC. 17. Section 2130C of the Government Code is amended to read:

21300. If, prior to attaining the minimum age for voluntary retirement for service applicable to members of his class, a recipient of a disability retirement allowance engages in a gainful occupation not in the State service or reenters State service in a capacity in which he is ineligible for membership in this system, the board shall reduce his monthly disability retirement pension to an amount which, when added to the compensation earned monthly by him, shall not exceed the amount of his monthly compensation at the time of his retirement.

If his earnings are further altered, the board may further alter his disability retirement pension to the lower of the following amounts:

(a) The amount of the disability retirement pension upon which he was originally retired.

(b) An amount which, when added to the compensation earned by him, shall equal the amount of his compensation at the time of his retirement.

When he reaches the minimum age for voluntary retirement for service applicable to members of his class his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause.

SEC. 18. Section 21367.5 is added to the Government Code, to read:

Death
benefits

21367.5. Upon the death of any person, after retirement and while receiving a retirement allowance from this system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of three hundred dollars (\$300), to be provided from contributions by the State or contracting agency, as the case may be.

This section shall not apply to the retired employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5.

Effective
date

SEC. 19. This amendatory act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the Fifty-sixth Regular Session of the Legislature.

CHAPTER 1266

An act to add Section 4050 to the Public Resources Code, relating to fire protection, and prescribing the powers and duties of the State and of county boards of supervisors in connection therewith.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4050 is added to the Public Resources Code, to read:

4050. (a) The board of supervisors of any county shall have power to provide by ordinance that such county elects to assume responsibility for the prevention and suppression of all fires on all land in such county, exclusive of lands owned or controlled by the Federal Government or any agency thereof and exclusive of lands within the exterior boundaries of incorporated cities and inclusive of those areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State. After the effective date of the contract hereinafter referred to, such county shall have and exercise all the duty, power, authority and responsibility for the prevention and suppression of all fires on all land in such county, exclusive of lands owned or controlled by the Federal Government or any agency thereof and exclusive of lands within the exterior boundaries of incorporated cities, and inclusive of those areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State, which is vested in the Department of Natural Resources, the Division of Forestry or the State Board of Forestry, and such power, duty, authority and responsibility shall be assumed by the county for the duration of the contract.

Responsibility of counties for fire protection

(b) The State Board of Forestry shall classify all lands within the area of the State in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the State into types of land based on cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks and hazards, and shall determine the intensity of protection to be given to each such type of land. A plan for adequate state-wide fire protection of such areas shall be prepared by the State Board of Forestry in which all land in each type shall be assigned the same intensity of protection; and the estimated cost thereof shall be determined. In the preparation of budgets for fire protection the total funds available or estimated to be available shall be allocated to the areas to be protected in conformance to such fire protection plan, and if the funds so available are less than the estimated adequate cost of such plan the Board of Forestry shall determine whether the intensities of fire protection shall be reduced or withdrawn, maintaining uniform consideration for all lands in each type. In those counties assuming responsibility under subdivision (a) of this section for fire protection and suppression of the lands

Classification of lands

thus classified within the respective counties, there shall be budgeted sums to be allocated to those counties at least equal to the direct cost of fire protection thus determined to include the salaries and wages of suppression crews and lookouts and maintenance of fire fighting facilities.

Payments
to county

(c) The State Forester shall, with the approval of the Department of Finance, annually enter into a contract with any county which enacts an ordinance as provided in subdivision (a) of this section, and any such contract shall provide for payment to such county, as compensation for the assumption of the duty, power, authority and responsibility for fire protection and suppression as provided in this section of such sum as may be specifically allocated in the appropriation made by the Legislature for that purpose or if no specific appropriation is made therefor then the sum allocated for expenditure in such county under the provisions of subdivision (b) of this section.

Nothing herein contained shall be construed to deprive the Department of Natural Resources of the power and duty to require that the money paid by said department under said contract to such county shall be expended by said county for fire prevention and suppression in that area the protection of which is assumed by said county under subdivision (a) hereof.

Allocation of
Federal
funds

(d) Said county shall also be entitled to any allocation of moneys received by the State of California under the provisions of the Clarke-McNary Act, being a public law of the United States of America passed June 7, 1924 (Ch. 348, 43 Stat. 653), which reimbursement may be provided for by any statute of this State.

CHAPTER 1267

An act to amend Section 4006 of the Public Resources Code, relating to agreements of the State Forester with counties, municipalities or districts for fire protection.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4006 of the Public Resources Code is amended to read:

Agreements
with coun-
ties, etc.,
for fire
protection

4006. Whenever any county, municipality or district makes an appropriation for the prevention and suppression of forest fires or any other fires on any lands within the county, municipality or district, or for the protection and forest management of any lands over which the county, municipality or district has jurisdiction, or for reforestation or afforestation on lands within the county, municipality or district the State Forester may, with the approval of the Department of Finance, enter into cooperative agreements with such county, municipality or district for such purposes, on such terms and under such considerations as he deems wise.

CHAPTER 1268

An act to amend Section 1 of an act entitled "An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services," approved May 18, 1929, relating to fire protection.

Stats 1929,
p. 639,
amended

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Stats 1929,
p. 639

Section 1. The board of supervisors of any county wherein a county fire-warden has been appointed shall have power to contract with any incorporated city, town, chartered city, fire district or fire protection district, within such county and such incorporated city, town, chartered city, fire district or fire protection district therein, through its board of trustees, council, or other legislative or governing body, shall have power to contract with such county for the performance by the county fire-warden of any or all functions for the prevention and suppression of fires. Whenever such contract has been duly entered into the county fire-warden and his deputies and assistants may thereupon exercise the same powers and duties within such city, town, chartered city, fire district or fire protection district as are conferred upon officers charged with the duty of preventing and suppressing fires by State law and local ordinance within such city, county or district. In any such contract the city, town, chartered city, fire district or fire protection district shall have power and authority to provide for the payment by such incorporated city, town, chartered city, fire district or fire protection district to the county of such consideration as may be agreed upon, the same to be paid to the county treasurer of the county.

Contracts
between
counties and
cities, etc.,
for fire
protection

The board of supervisors of any county wherein a county fire-warden has been appointed shall have the power to contract with the State of California, through the Division of Forestry, for the performance by the State Forester, his deputies and assistants of any or all functions for the prevention and suppression of fires within the county, and the Division of Forestry shall have power to contract with such county for the performance by the county fire-warden, his deputies and assistants, of any or all functions for the prevention or suppression of fires within the county. Whenever any such contract has been duly entered into, the State Forester or the county fire-warden may thereupon exercise the same powers and duties within such county for the prevention and suppression of fires which by State law or local ordinance is conferred upon such officers. Such contracts may provide for the duties, directions and salaries of such personnel upon terms as shall be agreed upon.

Contracts
between
State and
counties

CHAPTER 1269

An act to repeal Section 469 and to amend Section 362 of the Streets and Highways Code, relating to highways.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 469 of the Streets and Highways Code is repealed.

Highway:
Route 62

SEC. 2. Section 362 of said code is amended to read:

362 Route 62 is from:

(a) Route 171 near Buena Park to Route 9 near Azusa.

(b) Route 9 at Azusa to Route 61 via Pine Flats in San Gabriel Canyon.

CHAPTER 1270

An act to amend Section 651 of the Elections Code, relating to members of precinct boards.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

Precinct
boards

SECTION 1. Section 651 of the Elections Code is amended to read:

651. Except as otherwise provided in this section, in precincts in which voting machines are not used the precinct board consists of one inspector, two judges and three clerks:

(a) At every state-wide election in which the precinct registration exceeds 100.

(b) At each municipal election except in cities:

(1) Of the fifth and sixth class.

(2) Where other provision is made by city charter.

(3) Where the election is held under the provisions of a city charter and a majority of the election board of the city determines one inspector, one judge and two clerks sufficient.

(c) At every other regular election for which other provision is not made by law or charter.

In lieu of the one inspector, two judges, and three clerks provided for in this section, the board of supervisors may, not less than 30 days prior to any election, find that a lesser number of election officers will be sufficient for the election and in such case may provide that the precinct board shall consist of either one inspector, one judge, and two clerks or one inspector, one judge, and three clerks.

CHAPTER 1271

An act to amend Section 45 of the Elections Code, relating to petitions.

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 45 of the Elections Code is amended to read:

45. Wherever, by the Constitution or laws of this State any initiative, referendum, recall or nominating petition or paper, or any other petition or paper, is required to be signed by voters, only a voter who is a registered qualified voter at the time he signs the petition or paper, is entitled to sign it. Each signer shall at the time of signing the petition or paper himself affix thereto his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained; provided, however, that each signer of any initiative, referendum, recall or any nominating petition or paper shall in addition to the other requirements of this section, at the time of signing the petition or paper affix thereto the date of his signing. Where successive signers reside in the same city or town, each signer need not repeat the name of said city or town, but may use marks to indicate that the city or town in which he resides is the same as the one which the prior signer has indicated as his residence. If successive signers sign on the same date, marks may be used to indicate that the dates are the same.

Signing of
petitions,
etc

CHAPTER 1272

An act to add Section 2.5 to the California Airport District Act, relating to the formation of districts, declaring the urgency thereof, to take effect immediately.

Stats. 1929,
p. 1857,
amended

[Approved by Governor July 10, 1945. Filed with Secretary of State
July 10, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Section 2.5 is added to the California Airport District Act, to read:

Sec. 2.5. Two or more counties may unite to form an airport district pursuant to this act. In such event, all proceedings shall be had in each of the counties participating in the formation of the district and before the boards of supervisors of each of the participating counties. The favorable action of the boards of supervisors of each county shall be necessary to form the district. The petition for the formation of the district shall

New section

Districts in
more than
one county

be addressed to the boards of supervisors of the respective counties and shall be signed by registered voters of each such county, equal in number, in each respectively, to 10 per cent of the votes cast thereir for Governor at the last general election.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The increase in aviation during the past few years renders imperative increased facilities for the handling of this traffic. In order to enable two or more counties to cooperate in the formations of districts for this purpose to the end that facilities for handling the increased volume of air traffic may be completed at the earliest possible moment, it is necessary that this act take effect immediately.

CHAPTER 1273

An act to add Chapter 16 to Division 2 of the Education Code, relating to the reorganization of school districts, including formation, government, support, control, functions, maintenance and administration of unified school districts, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 16 is added to Division 2 of the Education Code, to read:

CHAPTER 16. OPTIONAL REORGANIZATION OF SCHOOL DISTRICTS BY ELECTORS

Article 1. General Provisions

"Unified
school
district"

4871. "Unified school district" means a unified school district formed under this chapter.

"Component
district"

4872. "Component district" means any district included in whole or in part in a unified school district formed under this chapter.

"Reorgani-
zation"

4873. "Reorganization" means the formation, annexation, uniting, un'onization, merger, division or change of boundaries of school districts authorized by this code.

Article 2. State Commission on School Districts

State Com-
mission on
School
Districts

4881. There is hereby created a State Commission on School Districts, consisting of the State Superintendent of Public Instruction, or a qualified member of the State Department of Education designated by him, and eight lay members appointed by the Governor. The Governor shall appoint one of the members as chairman of the State Commission.

4882. From and after October 1, 1949, the State Commission shall cease to exist and thereafter the State Board of Education shall succeed to and be vested with all the duties, powers, purposes, responsibilities and jurisdiction conferred upon the commission by this chapter. Transfer of duties, etc., to State Board of Education

4883. The term of office of members of the State Commission shall be four years commencing October 1, 1945. Any vacancy in the appointive members of the State Commission shall be filled for the balance of the unexpired term. Term of office

4884. The members of the State Commission shall serve without pay, but they shall receive their actual and necessary travel expenses incurred in the performance of their duties. Compensation

4885. The State Commission shall: Powers

(a) Determine policies for, direct, and govern a state-wide survey of all local school districts for purposes of effecting feasible unification or other reorganization of school districts.

(b) Coordinate the work of the several Regional Commissions on School Districts.

(c) Furnish to the several Regional Commissions on School Districts, and to the Local Survey Committees hereinafter authorized such necessary technical assistance; statistical data; rules, regulations, policies, and directions; and such printed forms, report blanks, and other supplies as may be necessary to carry out the provisions of this chapter.

(d) Approve plans for the unification of school districts which have been formulated by the Local Survey Committees hereinafter provided for prior to the submission of such plans to the people of the areas affected for approval.

(e) Establish standards which shall be applied in approving plans for the unification or other reorganization of school districts.

(f) Employ such technical, expert, and professional assistance as shall be necessary to carry out the provisions of this chapter.

(g) Utilize the resources, records, and personnel of the State Department of Education, whenever advantageous in carrying out the provisions of this act. It shall be the duty of the State Department of Education to furnish to the commission such necessary and appropriate statistics, data, records as the State Commission may request, and to advise with the State Commission on any matter pertaining to the work of the commission.

(h) Employ necessary clerical assistance.

(i) Deposit all records, findings, documents, reports, and papers of whatever nature with the State Board of Education at the expiration of the term of the State Commission.

(j) Inform the people of the work of the State Commission and regional commissions in such manner as in their judgment may be desirable.

State Survey Director 4886. The State Commission shall appoint a State Survey Director professionally trained in educational surveys for a term which shall not extend beyond the life of the State Commission and shall fix his salary.

A State Survey Director appointed by the State Board of Education upon its succession to the duties, powers, purposes and responsibilities and jurisdiction of the State Commission on School Districts shall serve at the pleasure of the board.

Same Duties 4887. It shall be the duty of the State Survey Director to:

(a) Serve as executive officer and secretary for the State Commission.

(b) Supervise the work of technical, expert, and professional assistance employed by the State Commission.

(c) Direct, guide and coordinate the work of the Regional Commissions in accord with the policies of the State Commission.

(d) Nominate for appointment by the State Commission, all technical, expert, and professional assistance.

Article 3. Regional Commissions on School Districts

Regions 4891. The State Commission shall establish not more than 10 regions, which together, shall include the entire area of the State.

Regional Commission 4892. The Regional Commission of each region shall consist of five lay members who shall be legal residents of the region and who shall be appointed by the State Commission. The State Commission shall designate one of the members of the Regional Commission as chairman thereof.

Compensation 4893. The members of each Regional Commission shall serve without pay, but shall receive their actual and necessary travel expense incurred in the performance of their duties.

Powers 4894. Each Regional Commission shall have power, and it shall be its duty to:

(a) Plan surveys of school districts in its designated region, in accord with rules, directions, standards, and policies formulated by the State Commission.

(b) Designate areas for local surveys.

(c) Appoint members of local survey committees.

(d) Approve recommendations of local survey committees before sending such recommendations to the State Commission.

(e) Transmit recommendations of local survey committees to the State Commission for final approval.

(f) Employ necessary clerical assistance.

(g) Transmit all records, findings, documents, maps, and papers of whatever nature to the State Commission upon completion of the work of the Regional Commission.

(h) Carry on any program of public relations, under authority of the State Commission, that may be necessary to inform the people of the work of the State and Regional Commissions.

Regional Survey Director 4895. The State Survey Director shall nominate and the State Commission shall appoint for each region a Regional

Survey Director, who shall be professionally trained in educational surveys, for a term designated by the State Commission, but not beyond the life of the State Commission and fix his compensation.

4896. It shall be the duty of each Regional Survey Director, ^{Same Duties} for the region of which he is survey director, to :

(a) Act as secretary and executive officer of the Regional Commission.

Article 4. Local Survey Committees

4901. The State Commission, on nomination of a Regional Survey Director, shall appoint local survey committees for such areas in the region as may be designated by the Regional Commission. The county superintendent of schools of any county in which all or any part of any such area is located shall be ex officio a member of the local survey committee for such area. The term of office of members of local survey committees shall be four years. The appointive members of the local survey committee for any area shall be electors of the area. ^{Local survey committees}

4902. Each local survey committee shall study the area assigned to it by the Regional Commission, and shall, under the direction of the Regional Survey Director, formulate plans and recommendations for the unification or other reorganization of the school districts within such area into one or more unified school districts and transmit the same to the Regional Commission. ^{Plans and recommendations}

4903. It shall be the duty of each county superintendent of schools, every other county officer, and officers or employees of any presently organized school district in any area to furnish to the local survey committee any records, reports, documents, maps or other data pertaining to the survey of the area by the local survey committee to advise with the local survey committee concerning the problems of such area, when requested to do so by the local survey committee. ^{Assistance, etc}

4904. Members of local survey committees shall serve without pay, but they shall receive their actual and necessary travel expense incurred in the performance of their duties. ^{Compensation}

Article 5. Election for Approval of Recommendations

4911. After the State Commission has approved the plans and recommendations for the unification or other reorganization of the school districts in any area, the State Commission shall notify the county superintendent of schools of each county in which any part of such local area is located, of such approval. ^{Notification of approval of plans, etc}

4912. The county superintendent of schools of the county in which the greater part of such area is located shall call a special election in the elementary school district or unified school district, or districts, affected for the purpose of adopting or rejecting the plans and recommendations of the local survey committee. Such election shall be held between July 1st and December 31st of the year in which the county superintendent ^{Election}

of schools was given notice by the State Commission under Section 4911 except that if such notice is not received on or before November 1st, the election shall be held between July 1st and December 31st of the following year.

Qualified
electors

4913. Every qualified elector residing within the boundaries of the elementary school district or unified school district, or districts, affected shall be eligible to vote at such election.

Notice of
election

4914. The election shall be called by posting notices thereof on the door of each schoolhouse in each such district at least 20 days before the election. If there is a newspaper of general circulation published in any county in which any part of the district is situated, the notice must be published therein at least once in each calendar week for three successive calendar weeks prior to the election.

Copies of
recommendations

4915. The county superintendent of schools authorizing such election shall cause to be prepared and distributed to each elector in each such district at least 10 days prior to such election copies of the recommendations of the local survey committee.

Costs

4915.1. The cost of preparation and distribution of the recommendations of local survey committees and of any election held hereunder shall be a charge against the general funds of the county or counties in which the elementary school district or unified school district, or districts, lie. If such district or, districts, lie in more than one county, the cost shall be pro rated against each county in the same proportion as the area of the district, or districts, lying in such county bears to the total area of such district, or districts.

Contents of
notice

4916. The said notice must contain :

- (a) The time and place or places of holding the election ;
- (b) The hours during the day in which the polls will be open ;
- (c) The purpose for which the election is to be held.

4917. The election shall be conducted as elections for members of governing boards of elementary school districts are conducted, except as may be otherwise provided in this chapter. The polls shall be opened at 6 o'clock a.m. and closed at 7 o'clock p.m.

Ballot

4918. The words to appear upon the ballots shall be "Reorganization of School Districts—Yes," and "Reorganization of School Districts—No," or words of similar import. Each elector voting at the election shall mark a cross with a pencil, ink, or rubber stamp after the answer he desires to give.

Canvass
of votes

4919. The officers of the election in each district or portion of a district in which the election is held shall canvass the votes immediately after the closing of the polls. The canvass may be continued from day to day until completed. Upon the completion of the canvass the election officers shall notify the county superintendent of schools of the votes cast for and against the proposed unification or other reorganization of school districts. The county superintendent of schools, after receiving the returns from all election officers, shall tabulate them and notify the board of supervisors of the number of

votes cast for, and the number of votes cast against, the unification or other reorganization of school districts in each elementary school district or unified school district and also the total number of votes cast for, and the total number of votes cast against, the unification or other reorganization of school districts.

If a majority of all the votes cast at the election were cast in favor of unification or other reorganization, or, if any one elementary school district or unified school district in which the election was held has a majority of the total number of qualified electors residing in all the districts in which the election was held, if a majority of the votes cast within such district and a majority of all votes cast in the other districts were cast in favor of the unification, or other reorganization, the board of supervisors in which area, or the greater part thereof, is situated, shall cause an entry of that fact to be entered in its minutes and the unification or other reorganization shall be deemed to be accomplished, subject to the provisions of Article 6 of this chapter. If a majority of the votes cast in any elementary school district or unified school district is against the unification, or other reorganization, and such unification or other reorganization is nevertheless accomplished, such elementary school district or unified school district shall not be included in the unification or other reorganization.

4920. If the plans and recommendations of the local survey committee were rejected by the electors, the regional commission shall provide for a resurvey of the territory involved, in the manner hereinbefore provided, by a local survey committee and new plans and recommendations shall be transmitted through the regional commission to the State commission by the local survey committee. If the State commission approves the new plans and recommendations, an election, called, held, and conducted as hereinbefore provided, shall be held not earlier than one year following the previous election.

Rejection of
recommen-
dations

Article 6. Effective Date of Reorganization

4931. The unification or other reorganization of school districts under this chapter on or before December 31st of any school year shall become effective on the next succeeding first day of July, except as herein otherwise provided.

Effective
date of re-
organization

4932. For the following purposes, such unification or other reorganization of school districts shall be effective as of the date the county superintendent of schools notifies the board of supervisors thereof:

Same

(a) The determination of the assessed valuation of the district and any other districts affected.

(b) The election of members of the governing board of the district or districts affected.

(c) The preparation and submission of school district budgets.

(d) The election or appointment of employees for the school year in which the unification or reorganization becomes effective for all purposes.

(e) The calling and conducting of elections for and the issuance and sale of school district bonds.

(f) The exercise by the governing board of the school districts affected of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

Article 7. Governing Boards

Governing board of unified school district 4941. A unified school district shall have a governing board of five members, elected at large to serve for four years except that in a unified school district which includes a chartered city or city and county, the governing board of the district shall be the board of education of such city or city and county. All qualified electors residing within the unified school district are eligible to vote at all elections held for the election of members of the city board of education and any elector in the district is eligible to serve as a member of said board.

Qualification of member 4942. No member of the governing board of any component district of a unified school district shall be a member of the governing board of the unified school district unless elected thereto, except as provided in Section 4941.

Election 4943. Upon the formation of a unified school district, the county superintendent of schools having jurisdiction shall call an election for the purpose of electing the governing board of the district not later than the fourth Friday of January next succeeding the formation of the district. The election shall be called, held and conducted as are elections for members of governing boards of elementary school districts.

First board 4944. The first members of the governing board of a unified school district shall take office on the first day of the second month following their election.

Term of office 4945. The term of office of the members of the governing board of a unified school district elected subsequent to the election of the first members of the board shall begin on the first day of July next following their election.

Organization of board 4946. At the first meeting of the governing board of a unified school district it shall elect one of its members as chairman, and shall designate a temporary secretary.

The governing board shall determine by lot the term of office of each member. The term of one member shall expire on June 30th of the year following his election; the term of one member shall expire on June 30th of the second year following his election; and the term of one member shall expire on June 30th of the third year following his election, and the terms of two members shall expire on June 30th of the fourth year following their election.

Vacancies 4947. Any vacancy on the governing board of a unified school district shall be filled by appointments by the remaining members of the board for the remainder of the unexpired term.

If the remaining members of the board fail to agree, the county superintendent of schools shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Article 8. Powers and duties of Governing Board of Unified School Districts

4951. The members of the governing board of each unified school district shall elect a superintendent of schools, for a term of four years, who shall be executive officer and secretary of said governing board. Superintendent of schools

4952. The governing board of any school district unified under this act shall choose an official name for said district, in which name the said district may sue and be sued, and hold and convey property. The name shall be in the following style: “(Using the name of the district) Unified School District.” Name of district

Article 9. Property Funds and Obligations

4961. The bonded indebtedness of any district included as a whole in a unified school district outstanding at the time of unification shall remain an obligation of the territory so included. Existing bonded indebtedness

4962. All property, funds, and obligations of a component district, included in whole in a unified school district, other than the bonded indebtedness thereof except as provided in Section 4961, shall become the property, funds, and obligations of the unified school district. Assets

4963. When the territory of any component district is divided between two or more unified school districts, all real property of the component district shall become the real property of the unified school district in which the property is located, and the unified school district shall become liable for such portion of the outstanding bonded indebtedness of the component district as was incurred for on account of such real property. Real property

4964. When the territory of any component district is divided between two or more unified school districts, all property, other than real property, funds and obligations of the component district shall be divided among the unified school districts in the same proportion as the ratio of the assessed valuation of the territory included in a unified school district bears to the total assessed valuation of the component district. Other property

4965. The total amount of bonds issued by a unified school district for elementary school purposes, high school purposes, and junior college purposes, respectively, shall not exceed 5 per cent of the assessed valuation of the district as shown by the last equalized assessment roll. Bond limitation

4966. At any time following the formation of a unified school district any portion of the unified school district may be transferred to a contiguous unified school district, as herein provided. A petition of 25 per cent of the electors of the unified school district in which the territory proposed to be transferred is located shall be filed with the State Board of Education, Transfer of part of district

giving a description of the territory and the reasons for its transfer to another unified school district. If the Superintendent of Public Instruction recommends, and the State Board of Education approves, the proposed transfer, the State Superintendent of Public Instruction shall so notify the county superintendent of schools in the county having jurisdiction over the unified school district from which it is proposed to transfer the territory.

The county superintendent of schools within 30 days after receiving such notice shall call an election in the unified school district from which the territory is to be transferred. The election shall be called, held and conducted as are elections for the election of members of governing boards of elementary school districts except that the ballots shall contain the words "For Transfer—Yes," and "For Transfer—No." The voters shall mark a cross with pencil, ink or rubber stamp after the answer they desire to give.

Article 10. Apportionments of State Funds

Apportionment of State funds

4971. Apportionments of State funds to unified school districts for the support of elementary schools, high schools, and district junior colleges shall be computed and made in the same manner and from the same funds, except as in this chapter provided, as apportionments to elementary school districts, high school districts, and junior college districts for the maintenance of elementary schools, high schools, and district junior colleges respectively.

Computation of teacher units

4972. In each unified school district, each elementary school district or portion of a district constituting a part of the unified school district shall be considered a separate school district for the purpose of computing teacher units for State apportionments to the unified school district in the same manner as provided in this code for union elementary school districts.

Same

4973. One additional teacher unit shall be allowed to each unified school district for each 300 units of average daily attendance in the aggregate in the elementary schools of the district during the next preceding school year.

Article 11. Employees

Law applicable

4981. The formation of a unified school district shall be deemed a unification of school districts within the meaning of Education Code Sections 13093 and 13094 of this code.

Continuance of employment

4982. Any principal, supervisor, or district superintendent, in any elementary, high school, or junior college district, which district shall have been included in a unified school district shall continue as an employee of the unified school district under the terms of his then current contract, providing that the term of such employment shall not be less than two years, and provided also that the governing board of the unified school district may make any reasonable reassignment of his duties.

4983. Persons employed in component districts in positions ^{Same} not requiring certification qualifications shall continue as employees of the unified school district for not less than one year, providing that the governing board of the unified school district may make any reasonable reassignment of their duties.

4984. If a component district, or districts, representing the majority of registered voters within a district as reorganized under this chapter, has, or have, previously adopted the merit system, all noncertificated employees of said school district shall be employed in accordance with Article 5 of Chapter 13 of Division 7, and the merit system together with personnel of the component district having the greatest number of registered voters at the time of the election for unification or other reorganization shall become the merit system and the personnel for the reorganized district together with the personnel of the other component districts who have been employed under the provisions of Article 5 of Chapter 13 of Division 7, except that where there are more than a sufficient number of employees who have been employed for a given classification under provisions of Article 5 of Chapter 13 of Division 7, the personnel of the district other than the one having the greatest number of registered voters as above set forth shall be placed upon appropriate reemployment lists for three years and may accept positions of lower rank in their line of promotion in accordance with rules drawn in compliance with the provisions of Article 5 of Chapter 13 of Division 7.

In the event a component district, or districts, representing less than a majority of the registered voters within a reorganized school district has, or have, previously adopted the merit system for noncertificated employees, the governing board of the reorganized school district shall either adopt the merit system for the reorganized school district, or it shall cause to be placed on the ballot at the first school election following the reorganization of the district, a measure to adopt the merit system for the reorganized district. A majority of the votes cast shall be required to adopt the merit system. Until such election, is held, the merit system shall continue in force for the affected employees, and the cost thereof shall be borne by the reorganized district.

Article 12. Applicable Provisions of Law

4991. All provisions of Chapter 14 of this division not in conflict with, or inconsistent with provisions of this chapter are hereby made a part of this chapter with the same force and effect as though set forth in this chapter as a part hereof. ^{Law applicable}

SEC. 2. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of one hundred thousand dollars (\$100,000) to be expended by the State Commission on School Districts during the Ninety-seventh and Ninety-eighth Fiscal Years in carrying out the provisions of this act. ^{Appropriation}

CHAPTER 1274

An act to add Section 538d to the Penal Code, relating to badges or insignia of peace officers.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 538d is added to the Penal Code, to read :

Use of un-
authorized
badge, etc

538d. Any person other than one who by law is given the authority of a peace officer, who wilfully wears, exhibits, or uses the authorized badge, insigne, emblem, device, label, certificate, card, or writing, of a peace officer, with the intent of fraudulently personating a peace officer, or of fraudulently inducing the belief that he is a peace officer, is guilty of a misdemeanor.

Penalty

Any person who wilfully wears, exhibits, or uses, or who wilfully makes, sells, loans, gives, or transfers to another, any badge, insigne, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insigne, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor.

CHAPTER 1275

An act to amend Section 18192 of the Education Code, relating to the plans, supervision, and construction of school buildings and the definition of school building.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 18192 of the Education Code is hereby amended to read as follows :

"School
building"

18192. "School building" as used in this article means and includes any building used, or designed to be used, for elementary or secondary schools or junior college purposes and constructed, reconstructed, altered, or added to, by the State or by any city or county, or by any political subdivision, or by any school district of any kind within the State, or by the United States Government, or any agency thereof.

CHAPTER 1276

An act to amend Sections 106, 154 and 155 of, to add Section 23.6 to, and to repeal Sections 103, 104, 105 and 156 of, the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 23.6 is added to the Business and Professions Code, to read:

23.6. "Appointing power," unless otherwise defined, refers to the Director of Professional and Vocational Standards. "Appointing power"

SEC. 2. Sections 103, 104 and 105 of said code are repealed. Repeals

SEC. 3. Section 106 of said code is amended to read:

106. The Governor has power to remove from office at any time, any member of any board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the Governor, conferred on him by any other provision of law, to remove any member of any board. Removal of board members

SEC. 4. Section 154 of said code is amended to read:

154. Any and all matters relating to employment, tenure or discipline of employees of any board, agency or commission, shall be initiated by said board, agency or commission, but all such actions shall, before reference to the State Personnel Board, receive the approval of the appointing power. Personnel matters

To effect the purposes of Division 1 of this code and each agency of the department, employment of all personnel shall be in accord with Article XXIV of the Constitution, the law and rules and regulations of the State Personnel Board. Each board, agency or commission, shall select its employees from a list of eligibles obtained by the appointing power from the State Personnel Board. The person selected by the board, agency or commission to fill any position or vacancy shall thereafter be reported by the board, agency or commission, to the appointing power.

SEC. 5. Section 155 of said code is amended to read:

155. The director may employ such investigators, inspectors, and deputies as are necessary properly to investigate and prosecute all violations of any law, the enforcement of which is charged to the department or to any board, agency or commission in the department. Investi-gators, etc

SEC. 6. Section 156 of said code is repealed.

Repeal

CHAPTER 1277

An act to amend Sections 3659, 3659.5, 3659.3, and 3902 of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property and the distribution of the proceeds therefrom.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3659 of the Revenue and Taxation Code is amended to read:

“Tax Deeded
Land Rental
Trust Fund”

3659. All moneys received by the Controller under this chapter and Section 3441 after the effective date of this amendment shall be placed by the Controller in the “Tax-Deeded Land Rental Trust Fund” in the State treasury, which fund is hereby created and appropriated to carry out the provisions of this section, and shall be remitted to the treasurer of the county in which the moneys were received between the fifteenth and thirtieth days of January and June of each year, which said remittance shall include all moneys in said fund to the credit of said county on the first day of the month preceding such remittance less any sums refunded or held for refund as provided by law. The Controller shall send concurrently with each remittance a statement to the auditor showing in detail the source of the revenue remitted. The treasurer shall upon receipt of such money, report its receipt to the county auditor. The auditor shall mail a copy of the Controller’s statement or applicable portion thereof to the secretary or the clerk of the governing board of each taxing agency, levying and collecting taxes or assessments, other than the State and county. The auditor shall also include a notice for claim specifying that claim on the amount received from the Controller shall be made within 60 days after mailing of notice for claim, and if the claim is not received by the auditor on or before the last day of the 60-day period all rights of the taxing agency failing to file a claim to any of the proceeds to be distributed shall be forfeited.

SEC. 2. Section 3659.3 of said code is amended to read:

Share claim

3659.3. On receipt of the notice for claim the governing board of each taxing agency levying and collecting taxes or assessments on the property shall forward a share claim to the county auditor which share claim shall include the taxes or assessments of any revenue district for which it collects and shall be the amount of the taxes or assessments on the property for the first year of delinquency exclusive of penalties, interest or costs; provided, however, that where any such agency has bonds outstanding and assessment calls are being made thereon to service such bonds, then the proportion for that agency shall be computed based upon the total tax and assessment liens for the first year of delinquency in the payment of assessments during

which assessments were called for the payment of both principal and interest maturing on such bonds. If the taxing agency levies taxes or assessments in one year covering payment for more than one year the amount attributable to the first year shall constitute the share claim to be filed by said taxing agency.

SEC. 3. Section 3659.5 of the said code is amended to read:

3659.5. If the share claims are correct, the board of supervisors shall order the money received from the State Controller to be distributed pro rata among the county and the taxing agencies having filed share claims. By "pro rata" is meant the division of the amount to be distributed in the proportion that the total tax and assessment liens for the first year of delinquency, exclusive of penalties, interest and costs, of each agency, including the taxes or assessments of revenue districts which each agency collects, bears to the total tax and assessment liens exclusive of interest, penalties and costs for the first year of delinquency of all such agencies. The county and the taxing agencies shall place their pro rata share in the general fund or comparable fund of each agency.

Distribution
of money

Where the county collects taxes for a city the city shall receive a pro rata share which shall be distributed to that city and placed in its general fund. The city's pro rata share shall be the division of the amount distributed to the county in the proportion that the total taxes and assessments levied by the city for the first year of delinquency, exclusive of interest, penalties and costs, bears to the total of the taxes and assessments levied for such first year, exclusive of interest, penalties and costs by all such agencies. No revenue district other than a city shall share in the distribution of the money under this chapter.

SEC. 4. Section 3902 of the said code is amended to read as follows:

3902. In all cases where any lands or real property within the State is located within one or more taxing agencies, including but not confined to a county, city and county, city, irrigation district, reclamation district, or other taxing agency, having power to assess, levy and collect taxes or assessments, and one or more of such taxing agencies has heretofore or may hereafter assess and levy taxes or assessments upon such real property within its boundaries, and such taxes or assessments have become delinquent, or may hereafter become delinquent and in accordance with the law relating to such taxing agency or agencies, tax or assessment deed to such property has been or may hereafter be made to the taxing agency, or to the State vesting title to said property in the taxing agency or the State, the following steps and proceedings may be taken by any one or more or all of such taxing agencies within the boundaries of which the affected land or real property is located:

Land located
in more than
one taxing
agency

(a) The first taxing agency, excluding the State, acquiring title to such real property through tax or assessment proceedings vesting title to said real property in such taxing agency or in the State, but including any county or city and county

Election to
be exclusive
rental and
sales agency

within the boundaries of which real property has been deeded to the State by tax deed, may elect to be the exclusive rental and sales agency for said tax-deeded property by the passage of a resolution and by filing with the office of the State Controller and with the governing board of each taxing agency within the boundaries of which the real property is located of a certified copy thereof, accompanied by a list showing the descriptions of the properties on forms prescribed by the State Controller, by the governing body of such taxing agency or such county or city and county indicating such election, and when such resolution so passed is filed with the State Controller, the exclusive right to rent or sell said land shall thereby be vested in such taxing agency or such county or city and county in accordance with the provisions hereinafter contained and notwithstanding any other provisions of this code, and the power of the tax collector of any county or city and county to sell or offer for sale at public auction or private sale any real property that has theretofore been deeded to the State for nonpayment of delinquent taxes shall be suspended during the time the provisions of this chapter are effective as to any parcel of tax-deeded property.

Election by
agency sub-
sequently
acquiring
tax title

(b) If the taxing agency first to acquire title to real property within its boundaries has not elected to become the exclusive rental or sales agency for the property, or if any rental or sales agency is terminated, any other taxing agency, excluding the State, subsequently acquiring tax title to said property or any county or city and county within the boundaries of which real property has been deeded to the State by tax deed shall likewise be entitled to elect by the same proceedings as set forth under subparagraph (a) hereof to become the exclusive rental and sales agency of said property.

Contract
with other
taxing
agencies

(c) Any taxing agency, including a county or city and county authorized by this chapter to become the exclusive rental or sales agency of real property within its boundaries is also hereby authorized and empowered, by and through its governing body, to contract with any other taxing agency within the boundaries of which the affected land is located, to act as the exclusive rental or sales agency of said property, and any and all taxing agencies within the boundaries of which the affected property is located, whether they have or have not acquired final assessment or tax deed to said property, may contract with any other taxing agency which has acquired title to said property, to act for or with the taxing agency having title to said property in the matter of the renting or sale of said tax-deeded property.

Contract as
to rental,
etc., apper-
tinent

(d) Any taxing agency electing to be the exclusive rental or sales agency shall endeavor to contract with the governing bodies of the other interested taxing agencies, including a county or city and county within the boundaries of which real property has been deeded to the State by tax deed, as to the rental or sale of tax-deeded property located within the boundaries of the respective taxing agencies, and the contract

may provide a minimum rental and a minimum sale price for the rental or sale of the affected property, and may provide for the method and amount and portion of the receipts from rentals and/or sales to be paid to each such taxing agency. In cases in which the agreement does not otherwise provide, the share of rentals received by a taxing agency pursuant to the agreement shall not be distributed to a revenue district other than a city and shall be paid into the general or comparable fund of the taxing agency, including cities. If no agreement for pro-^{Lease or sale} portioning of revenues from rental or sales is agreed upon, the affected property shall only be leased or sold by the taxing agency electing to become the sole rental or sales agency after offering said property for lease or sale after public notice,^{Notice} stating the time and place when and where bids will be received for the sale or lease of the property, of not less than 10 days subsequent to the first publication of such notice in a newspaper of general circulation published in the county or city and county within which said property is situated. Such notice may be published one or more times in the discretion of the taxing agency. No inferior bid shall be accepted if a better or^{Bids} more favorable offer of sale, lease, or method of operation is available.

Unless all interested taxing agencies having delinquent^{Apportion-} taxes or assessments against the affected property do agree^{ment of} upon the proportions of rental or sales receipts to be received^{proceeds} by each taxing agency: (1) The proceeds realized from any sales of the affected property shall be apportioned and divided between all interested taxing agencies in the proportion that the total tax and assessment liens for the first year of delinquency, exclusive of penalties, interest, and costs, of each agency, including the interest of revenue districts, bears to the total tax and assessment liens for the first year of delinquency, exclusive of interest, penalties and costs of all such agencies; provided, however, that where any such agency has bonds outstanding and assessment calls are being made thereon to service such bonds, then the proportion for that agency shall be computed based upon the total tax and assessment liens for the first year of delinquency in the payment of assessments during which assessments were called for the payment of both principal and interest maturing on such bonds. If the taxing agency levied taxes or assessments in one year covering payment for more than one year, the amount attributable to the first year shall constitute the share of such taxing agency. Taxing agencies other than counties shall prorate on the same basis the money they so receive to themselves and to the revenue districts for which they collect taxes or assessments. Counties shall distribute the money they so receive in the manner provided in Part 8 of this division. Whenever one taxing agency holds a tax deed and another taxing agency otherwise entitled to levy taxes or assessments on the property is unable by reason of such public ownership to levy taxes thereon, and has no delinquent taxes thereon, the last assessment of the taxing agency

shall, for the purpose of the apportionment of sales and rentals, be deemed to be its first year of delinquency. (2) The proceeds realized from any rentals of the affected property shall be apportioned and divided and placed in funds as provided in Sections 3659.3 and 3659.5 as to money received from the State Controller but without any requirement for filing share claims.

Apportionment where title in one agency

(e) Where there has been deeded to the State by tax deed any real property within the boundaries of any said taxing agency, including any county or city and county, and title has heretofore been acquired or may hereafter be acquired by any of said taxing agencies or the State by tax title through delinquent tax proceedings, or purchase of tax title and/or in or by any of the methods provided for in this code, so that any one taxing agency acquires the interest of the State and of all other interested taxing agencies, the rental hereafter received relating to the affected property shall be apportioned between or among said taxing agencies in such proportions and amounts as the said respective taxing agencies through their respective governing bodies shall by agreement determine, and in the event that all of the interested governing bodies can not agree upon a method of apportioning, then the rentals received from such property shall be apportioned and divided and placed in funds as provided in Sections 3659.3 and 3659.5 as to money received from the State Controller but without any requirement for filing share claims.

CHAPTER 1278

Stats 1901,
p 576,
amended

An act to amend Section 6 of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, as amended, relating to police courts in cities of the second class.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

The people of the State of California do enact as follows:

Stats 1941
p 1255

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Clerks of
Oakland
police court

Sec. 6. Said police court shall have one clerk, to be appointed by the judges of the court, who shall receive a salary of four thousand eight hundred dollars (\$4,800) a year, and three deputy clerks, to be appointed by the judges, each of whom shall receive a salary of four thousand dollars (\$4,000) a year. Said clerk and deputy clerks shall hold office during the pleasure of the judges. Said salaries shall be paid in equal monthly installments out of the treasury of said city and shall be in full compensation for all services rendered by them. Each of said

Bond

clerks shall give a surety bond in the sum of five thousand dollars (\$5,000) conditioned for the faithful discharge of the duties of the office of clerk of said police court and of the duties of his office as clerk of the justice's court of said city which bond shall be approved and filed in the same manner as are bonds of city officers. No such clerk, deputy clerk or assistant clerk of the police or justice's court in a city of the second class shall practice law in or out of court during his continuance in office.

Each of the said clerks shall keep a record of the proceedings ^{Duties} of, and issue all processes ordered by, the said justices, or either of them, or by said police court, and receive all fines imposed, forfeitures, penalties, moneys deposited as bail and other moneys paid into court; provided, however, the legislative body of such city may by ordinance provide that any or all fines, forfeitures, penalties or moneys deposited as bail may be paid to the bailiff of such court or any other municipal officer or employee of said city, which, together with all fines, forfeitures, penalties, moneys deposited as bail, received in said police court, or other moneys paid into said court shall be paid into the city treasury unless otherwise provided by law. The clerk shall render each month to the city council an exact and detailed account, under oath, of all fines imposed and collected, and of all fines imposed and uncollected since the last report. The clerks shall prepare bonds, justify bail when the amount has been fixed by either of said justices, or by said police court in cases not exceeding one hundred dollars (\$100) and may administer and certify oaths. Said clerks shall remain at the courtrooms of said court during the business hours and during such reasonable time thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary the clerk shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor.

Each judge shall have the power, and if there be more than ^{Assistants} one judge then all of the judges shall have the power, to appoint an assistant clerk and such additional assistant clerks as the legislative body of such city shall provide. The assistant clerk or assistant clerks shall receive such salary as may be fixed by the legislative body of such city and shall hold office during the pleasure of the judge or judges making such appointment.

All the provisions hereinbefore set forth in this section apply- ^{Duties} ing to a deputy clerk shall apply with full force and effect to an assistant clerk, and each such assistant clerk shall have all the powers and duties and authority herein conferred upon a deputy clerk.

CHAPTER 1279

An act to amend Section 18850 of the Government Code, relating to compensation.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945]

The people of the State of California do enact as follows:

See also
Stats. 1945,
Ch. 123
Establish-
ment, etc.
of salary
ranges

SECTION 1. Section 18850 of the Government Code is amended to read as follows:

18850. The board shall establish and adjust salary ranges for each class of position in the State civil service. The salary ranges shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities. In establishing or changing such ranges consideration shall be given to the prevailing rates for comparable service in other public employment and in private business, improvement of living standards, the current costs of living, and the State's financial condition. The board may make a change in salary range retroactive to the date of application for such change.

CHAPTER 1280

An act to amend Section 1009 of the Welfare and Institutions Code, relating to transportation of nonresident persons committed to the Youth Authority or confined in institutions subject to its jurisdiction to the States of their residence, providing for the disposition of moneys received for such transportation, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 10, 1945. Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1009 of the Welfare and Institutions Code is amended to read:

Return of
nonresidents

1009. The Youth Authority may return all nonresident persons committed to it or confined in institutions or facilities subject to its jurisdiction to the States in which they have legal residence. Whenever any public officer (other than an officer or employee of the Youth Authority) receives from any private source any moneys to defray the cost of such transportation, he shall immediately transmit such moneys to the Youth Authority. All such moneys, together with any moneys received directly by the Authority from private sources for transportation of nonresidents, shall be deposited by the Youth Authority in the State treasury, in augmentation of the current appropriation for the support of the Youth Authority.

CHAPTER 1281

An act to amend Section 4087b of the Political Code, relating to money remaining unclaimed in the treasury of any city, county, or city and county.

[Approved by Governor July 10, 1945. Filed with Secretary of State July 10, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4087b of the Political Code is hereby amended to read:

4087b. Except as otherwise specifically provided by law, any money not the property of a city, county, or city and county, which remains unclaimed in the treasury of such city, county, or city and county, or in the official custody of any public officer thereof, as the case may be, for a period of 10 years shall, after the giving of notice as hereinafter provided, be the property of the city, county, or city and county, if no verified complaint is filed and served as hereinafter specified, and if such money is in a special fund, the city council or the board of supervisors of such city, county, or city and county, as the case may be, is hereby authorized to transfer such money to the general fund of the city, county, or city and county. At any time after the expiration of said period of 10 years the treasurer of said city, county, or city and county, may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in such city, county, or city and county. Said notice shall contain in substance a statement of the amount of said money, the name of the fund in which it is held, and a statement that it is proposed that said money shall be the property of the city, county, or city and county, as the case may be, at a designated date, which date shall not be less than 45 days nor more than 60 days after the first publication of the notice. Unless some person or persons shall file in a court of competent jurisdiction within the county, or city and county, in which said notice is published, a verified complaint seeking to recover said money or a designated portion thereof, and serve a copy of said complaint, together with the summons issued thereon upon said treasurer before said designated date, said money shall upon the date designated in the notice be the property of the city, county, or city and county.

Unclaimed
money in
city or coun-
ty treasury

Nothing herein contained shall be construed as extending any statute of limitations or as giving to any claimant any right to or interest in any such money which such claimant would not have had if this section had not been enacted.

CHAPTER 1282

An act to amend Sections 18622, 18626, 18632, 18633, 18634, 18672, 18676, 18680, 18710, 18712, 18738.5, 18739, 18742, 18746, 18747, 18748, 18761 and 18762 of, and to add Section 18783 to, the Business and Professions Code, relating to boxing and wrestling.

In effect
September
15, 1945

[Approved by Governor July 10, 1945 Filed with Secretary of State
July 10, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 18622 of the Business and Professions Code is amended to read:

State
Athletic
Commission
Quorum, etc

18622. Three members of the commission and the secretary constitute a quorum for the transaction of business. The concurrence of at least three commissioners is necessary to render a decision.

SEC. 1.5 Section 18626 of said code is amended to read:

Secretary

18626 The commission shall appoint a secretary, who shall also be an administrative assistant, who shall attend all meetings of the commission, keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission, coordinate and supervise the activities and duties of whatever other offices the commission may establish, make such decisions and perform such other duties as the commission may prescribe and otherwise act for and in behalf of the commission in a manner not inconsistent with the terms and intent of this chapter.

SEC. 2. Section 18632 of said code is amended to read:

Receipts

18632. All money receipts of the commission shall be paid over to the State Treasurer on or before the tenth day of the month next succeeding the receipt of such money.

SEC. 2.4. Section 18633 of said code is amended to read:

Appropriation Administration

18633. All moneys received by the commission are hereby appropriated to be used to defray the expenses of the commission to pay the salaries of the officers and employees provided in this code.

SEC. 2.5 Section 18634 of said code is amended to read:

Excess
funds
Homes for
veterans

18634. All moneys remaining in the State treasury from the money receipts paid under this chapter after providing for the expenses provided in Section 18633 of this code are hereby appropriated for the purpose of maintaining homes established by the laws of this State for the care of veterans of any war of the United States.

SEC. 3. Section 18672 of said code is amended to read:

Licenses for
participants

18672. The commission has the sole direction, management, and control of and jurisdiction over all licenses issued to any person who participates in boxing contests or sparring or wrestling matches.

SEC. 4. Section 18676 of said code is amended to read:

18676. The commission shall not issue any license to conduct, hold, or give boxing contests or sparring or wrestling matches or exhibitions, where an admission fee is received, to any club unless the club holds a lease for a term of at least six months of the premises in which the contest, match, or exhibition is to be held, except where such matches, contests or exhibitions are to be conducted, held, or given in an armory or publicly owned auditorium or hall and the club presents a statement in writing from the duly authorized body or official in control of the building that the club has permission to use the building. Lease
required

SEC. 5. Section 18680 of said code is amended to read:

18680. Each person who is an applicant for an annual license or for a renewal thereof shall, before such license or renewal thereof is issued, pay to the commission, a license fee as follows: Physician, five dollars (\$5); referees, twenty-five dollars (\$25); timekeepers, five dollars (\$5); professional boxers, five dollars (\$5); professional wrestlers, five dollars (\$5); managers, twenty-five dollars (\$25); trainers, five dollars (\$5); seconds, five dollars (\$5); matchmakers, twenty-five dollars (\$25); wrestling booking agents, fifty dollars (\$50); announcers, five dollars (\$5). The charge for a duplicate of a license shall be one dollar (\$1). No license fee shall be required of ticket sellers, doormen, ushers, or boxoffice employees. Individual
fees

SEC. 6. Section 18710 of said code is amended to read:

18710. All tickets of admission to any boxing contest, sparring or wrestling match or exhibition shall have printed clearly upon the face thereof the purchase price of the ticket and no such tickets shall be sold for more than that price. Such tickets shall also have the number of the ticket printed clearly on both ends of the ticket. Tickets

SEC. 7. Section 18712 of said code is amended to read:

18712. An inspector or the secretary shall be present at all contests and matches and see that the rules are strictly observed, and also be present at the counting of the gross receipts of all such contests or matches. The inspector and secretary are authorized to assist in the counting of tickets and in the computation of the tax due thereon, and to take any other action necessary for the administration and enforcement of this chapter. The inspector or secretary shall immediately mail to the commission the official statement of gross receipts received by him from the officers of the club. Inspectors

SEC. 8. Section 18738.5 of said code is amended to read:

18738.5. No contestant in any amateur boxing contest or sparring match shall use any bandage on his hand or arm except soft surgical bandages not over two inches wide and 10 yards in length for each hand and one winding of surgeon's adhesive tape not over one and one-half inches wide placed directly on the hand to protect that part of the hand near the wrist and this may cross the back of the hand twice, but not extend within one inch of the knuckles. Bandages

SEC. 9. Section 18739 of said code is amended to read:

Rounds

18739. Except as provided in Article IV, Section 25 $\frac{1}{2}$ of the State Constitution, no boxing contest or sparring match shall be more than 12 rounds of not more than three minutes each in length. There shall be one minute rest between consecutive rounds. Except as above provided, no boxer shall be allowed to participate in more than 12 rounds within 12 consecutive hours.

SEC. 10. Section 18742 of said code is amended to read:

Physician

18742. Every club holding a license to conduct boxing contests, or sparring or wrestling matches shall have at its own expense in attendance at every boxing contest, or sparring or wrestling match, a licensed physician who shall observe the physical condition of the boxers and wrestlers, and advise the referee with regard thereto.

One hour before the contestants enter the ring such physician shall certify in writing over his signature, as to the contestants' physical condition to engage in such contest or match. A report of the medical examinations shall be filed with commission not later than 24 hours after the termination of a contest or match.

SEC. 11. Section 18746 of said code is amended to read:

Decision

18746. The referee shall, at the termination of all boxing contests or sparring matches or exhibitions which are of 15 rounds or less render his decision. The commission may require that judges be used in conjunction with the referee at any boxing contest or sparring match or exhibition.

SEC. 12. Section 18747 of said code is amended to read:

Forfeiture

18747. The referee and/or the commission may declare forfeited any prize, remuneration or purse, or any part thereof, belonging to the contestants or one of them, or any part of the gate receipts for which the contestants are competing, if in his judgment the contestant or contestants are not honestly competing.

SEC. 13. Section 18748 of said code is amended to read:

Payment

18748. No contestant shall be paid for service before a contest, except that a club may, with the permission of the commission, pay to a contestant before services are rendered necessary transportation and living expenses. However, such payment must not be more than ten per cent (10%) of such contestant's purse and in no case can such payment exceed the sum of five hundred dollars (\$500).

SEC. 14. Section 18761 of said code is amended to read:

Forfeiture
of license

18761. Any club which holds or participates in, any sham or fake boxing contest or sparring or wrestling match shall thereby forfeit its license under this chapter, which shall thereupon be canceled and declared void by the commission. Such club may not thereafter receive any license under this chapter. No license shall be issued to any club which has among its members any member who belonged to or who was an official of a club which had its license revoked.

SEC. 15. Section 18762 of said code is amended to read:

18762. Every officer of any club, and any physician, referee, timekeeper, boxer, wrestler, manager, trainer, second or person, who conducts, gives or participates in any sham or collusive boxing contest, or sparring or wrestling match, shall be deprived of his license by the commission and shall be disqualified from receiving a new license or a renewal of a license. Revocation
of license

SEC. 16. Section 18783 is added to said code, to read:

18783. Any club or person connected therewith who destroys any ticket or ticket stub sold or unsold to a boxing contest or sparring or wrestling match within six months after the contest or match without previous authorization by the commission is guilty of a misdemeanor. Ticket stubs

CHAPTER 1283

An act to amend Section 20344 and to repeal Section 20461 of the Education Code and to add Article 6.5 to Chapter 2 of Division 10 of said code, all relating to State college summer sessions and abolishing the State Colleges Summer Session Fund, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1945 Filed with Secretary of State July 11, 1945] In effect
immediately

The people of the State of California do enact as follows.

SECTION 1. Education Code Section 20461 is repealed. Repeal

SEC. 2. Article 6.5 is added to Chapter 2 of Division 10 of said code, to read:

Article 6.5. Summer Sessions

20471. A State college may, with the approval of the Director of Education, annually conduct and maintain a summer session. Summer
sessions

20472. Tuition fees adequate, in the long run, to meet the cost of maintaining summer sessions in the State colleges, shall be required of, and collected from, students enrolled in each such summer session under and pursuant to rules and regulations prescribed by the Director of Education. Tuition

20473. Special fees to cover cost of materials for specific services and other fees to cover the cost of accommodation services and other services provided students, may be collected, if authorized by the Director of Education, from students enrolled in each summer session. Special fees

SEC. 3. Section 20344 of the Education Code is amended to read:

20344. All fees collected from students in any State college are appropriated for the support of the State college in addition to such other funds as may be appropriated therefor by the Appropriation
Support

Legislature. Such fees shall augment the support appropriation current at the time of their receipt by the State Treasurer.

Fund abolished

SEC. 4. The State Colleges Summer Session Fund is hereby abolished and the unencumbered balance thereof on the effective date of this act shall be transferred to the General Fund.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The present method of providing for the support of State college summer sessions by requiring each such summer session to be entirely self-supporting has resulted in the imposition of gross inequities upon the State colleges and the students thereof enrolled in the summer sessions of the State colleges. The State colleges enrolling large numbers of students in summer sessions have been required to contribute to the support of the summer sessions of other State colleges. In order that this situation may not obtain with respect to the 1945 State college summer session, it is necessary that this act take effect immediately.

CHAPTER 1284

An act to add Section 19400 to the Government Code, relating to public officers and employees and to their reinstatement after military service, declaring the urgency hereof, to take effect immediately.

In effect immediately

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 19400 is added to the Government Code, to read as follows:

Reinstatement after military service
Determination of ability

19400. When an employee has been reinstated after military service in accordance with Section 19390, and any question arises relative to his ability or inability for any reason arising out of such military service to perform the duties of the position to which he has been reinstated, the board shall, upon the request of the appointing power or of the employee, hear the matter and may on its own motion or at the request of either party take any and all necessary testimony of every nature necessary to a decision on the question; if the board finds that the employee is not able for any reason arising out of such military service to carry out the usual duties of the position he then holds, it shall order the employee placed in a position in which the board finds he is capable of performing the duties in the same class or a comparable class in the same or any other State department, bureau, board, commission or office, under this part and the rules of the board covering transfer of an

Transfer

employee from a position under the jurisdiction of one appointing power to a position under the jurisdiction of another appointing power, except that the consent of such appointing powers shall not be necessary for such transfer, where a vacancy may be made available to him under the provisions of this part and the rules of the board, but in no event shall the transfer constitute a promotion within the meaning of this part and the rules of the board. If a layoff is made necessary to place an employee in a position in the same class or a comparable class in accordance with the provisions of this section, such layoff shall be made under the provisions of Section 19533, provided that no employee who was employed prior to September 16, 1940, shall be laid off as a result of the placing of an employee in the same class or a comparable class under this section.

The Personnel Board may order such employee restored to a position in the class in the same State department, bureau, board, commission or office from which he was transferred upon the request of the State department, bureau, board, commission or office in which reinstatement was made or to which transfer was made, or upon the request of the employee, if, after a hearing as provided in this section, the board finds that such employee is at the time of the hearing able to perform the duties of the position he shall be reinstated thereto.

SEC. 2. Whenever, heretofore or hereafter, by any law of this State a public officer or employee is entitled to return to, or to be reinstated in, his office or employment within a specified period after his separation from the military service of the United States, including any uniformed auxiliary of such service, and in connection with his separation he is required to furnish, and does furnish, evidence that he will engage in civilian work of a specified category and subsequent to his discharge he does engage in such work, such officer or employee shall be deemed to be separated from such military service for purposes of such return or reinstatement and all rights and privileges connected therewith as of the date upon which he terminated such civilian work.

SEC. 3. In no event shall any person be deemed to be separated from military service pursuant to Section 2 later than 60 days after the cessation of hostilities in all wars in which the United States is now engaged.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

A doubt has been expressed as to the time of separation in certain cases from the military service of the United States for the purposes of return or reinstatement in public offices and employments, including those of the State, counties, cities, municipal corporations, political subdivisions, public districts,

and other public agencies of the State. The Legislature hereby declares that Section 2 of this act is intended not as a change in, but as a statement and declaration of the law as the Legislature intended it to be prior to the enactment of this act. To resolve any doubt and to avoid any delay in the reinstatement and reemployment of public officers and employees who have served in the military service, it is necessary that this act take effect immediately, but no inference is to be drawn herefrom that the law prior to the enactment of Section 2 of this act differed in any manner from the provisions of that section.

CHAPTER 1285

An act to add Section 583.5 to the Code of Civil Procedure, relating to dismissal of actions, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 583.5 is added to the Code of Civil Procedure, to read:

Failure to
bring action
to trial due
to war

583.5. Where it appears to the satisfaction of the court, upon application by the plaintiff upon notice to the defendant, made prior to the termination of hostilities between the United States and the nations with which the United States is now at war as determined by Act of Congress or Proclamation of the President and filed within five years after plaintiff shall have filed his action, that such action has not been brought to trial because the presence of a material witness can not be obtained by reason of the existence of said hostilities, the court, in its discretion, may from time to time extend for terms of not more than one year each the time for bringing the action to trial but in no event shall the aggregate of such extensions extend beyond one year after the termination of hostilities as herein provided.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Many persons who are material witnesses in cases pending are now absent in the military service or otherwise absent by reason of hostilities and in some cases have been absent for a long period. In order that parties may not be deprived of the opportunity to present their cases in court, it is necessary that provision be made whereby the dismissal of these actions may be avoided until the return of these witnesses. Since many of these actions have been pending for several years, and will have to be dismissed under existing law if not brought to trial, it is necessary that this act take effect immediately.

CHAPTER 1286

An act to amend Section 41.5 of the Unemployment Insurance Act, relating to a system of unemployment reserves. Stats 1935, p 1226, amended

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 41.5 of the Unemployment Insurance Act is amended to read: Stats 1939, p 1966

Sec. 41.5. (a) Any employing unit which acquires the organization, trade, or business, or substantially all of the assets thereof, of any employer, excepting, in any such case, any assets retained by such employer incident to the liquidation of his obligations (whether or not such acquiring employing unit was an "employing unit" within the meaning of Section 8.5 of this act prior to such acquisition), and who intends to continue such organization, trade or business, immediately shall notify the commission thereof within 60 days from such acquisition, and shall assume, for the purpose of determining the rate of contribution of such employing unit after such acquisition, the position of such employer with respect to such employer's separate account, actual contribution and benefit experience and pay rolls, as if no change with respect to such separate account, actual experience and pay rolls had occurred and with the same effect for such purpose as if the operations of such employer had at all times been carried on by such employing unit. The commission may for good cause waive the requirement of notification within 60 days of said acquisition. Such separate account shall be transferred by the commission to such employing unit and, as of the date of such acquisition, shall become the separate account or part of the separate account, as the case may be, of such employing unit, and the benefits thereafter chargeable to such employer on account of employment prior to the date of such acquisition shall be charged to such separate account. Acquisition of business Notice and assumption of accounts

The provisions of this section shall apply to those employing units in which not less than 50 per cent of the control of the management of such employing unit is held immediately after such acquisition by the same person or the son, daughter, parent, spouse or the estate of such person or persons who immediately prior to such acquisition held not less than 50 per cent of the control of the management of such employer, Application of section

(1) In the case of a corporation the shareholders entitled to vote for the election of its directors shall be deemed to be the persons having control of the management.

(2) In the case of an affiliated group of corporations, in which each corporation (other than the parent corporation) is connected directly or indirectly through voting stock ownership with such parent corporation, each corporation in which such parent corporation has the power directly, or in whole or

in part indirectly through any other member corporation or corporations of such group, to elect a majority of the directors shall be deemed to be a member corporation of such group, and the control of the management of each such member corporation shall be deemed to be held, for the purposes of this section, by the shareholders entitled to vote for the election of the directors of such parent corporation.

(3) In the case of a partnership the control of management, for the purposes of this section, shall be deemed to be vested in the partner or partners owning in the aggregate a greater than 50 per cent interest in the partnership, except that if the partnership agreement provides that any partner or partners shall have no control over or vote with respect to the carrying on of the business of the partnership in the usual way, the control of the management of that partnership shall be deemed to be vested in such of the other partners as own in the aggregate a greater than 50 per cent interest in the partnership computed after deducting from the whole ownership of the partnership the interest owned by the partner or partners having no control or vote.

Denial of
application,
appeal

In event of a denial of application for transfer of reserve account, any interested party shall have the right to petition for hearing before the Appeals Board and the decision of the Appeals Board, after affording the parties reasonable opportunity for fair hearing, shall be final unless within 60 days after the mailing of the notice of determination of the Appeals Board any interested party may bring an action against the commission with respect to such determination to require the transfer of the reserve account as required by law. The commission, in writing, at any time prior to the expiration of said 60-day period may extend the time during which such action may be instituted for a period not exceeding two years of the date of mailing of the determination of the Appeals Board.

Joint
accounts

(b) The commission may prescribe regulations for the establishment, maintenance and dissolution of joint accounts by two or more employers, and shall in accordance with such regulations, upon application by two or more employers to establish such account or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

CHAPTER 1287

An act to amend Section 14075 of, and to add Section 14114 to, the Health and Safety Code, relating to fire protection districts in unincorporated areas.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 14075 of the Health and Safety Code is amended to read:

14075. The district board shall purchase and maintain all necessary and convenient engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department, may purchase and maintain ambulances, and shall appoint fire company officers and employees sufficient to maintain and operate equipment purchased for such district. Purchase and maintenance of equipment

The board is authorized, but not required, by resolution thereof, to provide for payment to each officer and employee of such fire department the sum of not more than one dollar (\$1) for each fire attended by such officer or employee. Payment to employees

SEC. 2. Section 14114 is added to said code, to read:

14114. The holder of any elective office of any fire protection district organized or existing under this chapter may be removed or recalled at any time by the electors; provided he has held office for at least six months. The provisions of this section are intended to apply to officials now in office, as well as to those hereafter elected. Removal of elective officers

The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the district board, which petition shall be signed by registered electors of such district equal in number to at least 25 per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by an elector of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and Procedure

saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district.

Within 10 days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination.

If by the said certificate the petition is shown to be insufficient, it may be supplemented within 10 days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within 10 days after such supplementing papers are filed, make like examination of such supplementing petitions, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition, including all supplemental papers, shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect.

If the petition, including any supplemental paper, shall be found to be sufficient, the secretary shall submit the same to the district board without delay, whereupon the board shall forthwith cause a special election to be held within not less than 35 nor more than 40 days after the date of the order calling such election, to determine whether the voters will recall such officer; provided, that if a general election is to occur within 60 days from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than 35 days after such order. If a vacancy occur in said office after a recall petition is filed, the recall election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials.

Vacancy

Nomination
procedure

Nominations for any office under such recall election shall be made in the manner prescribed as follows: Not less than 15 days before such recall election any 10 or more qualified electors in the district may file with the district board a nomination petition requesting that the names of certain electors of the district, specified in such nomination petition be placed on the ballot as candidates for the offices named therein. Such nomination petitions shall not specify more than one name for each office to be voted upon at such recall election. The name of the incumbent officer sought to be recalled shall not be named in any nomination petition. The names proposed by the various

nomination petitions so filed, and no others, shall be printed on the ballots, but there shall be sufficient blank spaces left in which electors may write other names if they so desire. The nomination petitions shall be preserved in the office of the secretary of the district.

There shall be printed on the recall ballot, as to every officer ^{Ballot} whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which questions shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office nor shall the name thereof be written in any blank space provided for said office.

If a majority of those voting on said question of the recall of any incumbent from office shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made, and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within 10 days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such recall election.

CHAPTER 1288

An act to add Section 10177.5 to the Business and Professions Code, relating to suspension or revocation of licenses of real estate licensees.

In effect
September
15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 10177.5 is added to the Business and Professions Code, to read:

Suspension
or revocation
of real estate
license

10177.5. Whenever a final judgment is obtained in a civil action against any real estate licensee upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required under this division, the commission may, after hearing in accordance with the provisions of this part relating to hearings, suspend or revoke the license of such real estate licensee at any time within three years subsequent to said judgment.

CHAPTER 1289

An act amending Sections 8766 and 8768 of, and adding Section 8766.5 to, the Business and Professions Code, relating to records of surveys.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 8766 of the Business and Professions Code is hereby amended to read as follows:

Examination
of record of
survey

8766. Within 20 days after receiving the record of survey, or within such additional time as may be reasonably necessary, the county surveyor shall examine it with respect to:

(a) Its accuracy of survey and mathematical data.

(b) Its conformity to other records or satisfactory evidence of the error of such other records.

(c) Its compliance with the provisions of this chapter.

(d) Whether or not it appears to be the record of a survey of a subdivision as defined in Section 11535.

SEC. 2. Section 8766.5 is hereby added to the Business and Professions Code, to read as follows:

Subdivision

8766.5. If the record of survey contains more than four lots or parcels the surveyor or person or one of the persons for whom the record of survey is made shall place upon the map thereof a statement of the facts which will clearly show that such record of survey is not of a subdivision as defined in Section 11535, or all requirements of Chapter 2, Part 2, Division 4 of this code shall be complied with.

SEC. 3. Section 8768 of the Business and Professions Code is hereby amended to read as follows:

8768. The record of survey shall not be filed unless the surveyor has complied with Section 8766.5. Otherwise if the matters appearing on the record of survey can not be agreed upon by the licensed land surveyor or the registered civil engineer and the county surveyor, an explanation of the matters involved in such disagreement shall be indorsed on the map and it shall be presented to the county recorder for filing.

CHAPTER 1290

An act to amend the heading of Article 12 of Chapter 7 of Division 4 of the Education Code; to amend the heading of Article 13 of Chapter 11 of Division 2 of said code; to amend the heading of Article 3 of Chapter 13 of Division 2 of said code; to amend Sections 5151, 6771, 9176, 11382, 16005, and 16482 of said code, to renumber Section 20941 of said code; to add Sections 6997 and 20655 to said code; to repeal Section 5341 of said code and to add Article 1.5 to Chapter 13 of Division 3 of said code, all relating to the Public School System.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 12 of Chapter 7 of Division 4 of the Education Code is amended to read:

Article 12. Administration of Federal Programs of Education Article heading

SEC. 2. The heading of Article 13 of Chapter 11 of Division 2 of said code is amended to read:

Article 13. Annexation of a District Comprising a Part of a Union or Joint Union Elementary School District Same

SEC. 3. The heading of Article 3 of Chapter 13 of Division 2 of said code is amended to read:

Article 3. Annexation of High School Districts Upon Petition of Electors Same

SEC. 4. Section 6771 of said code is amended to read:

6771. Where a school in a district maintaining more than one school is closed for a part of a term by order of a city or county board of health or of the State Board of Health, on account of contagious disease, or where such school has been closed on account of fire, flood, or other public disaster, or by order of any military officer of the United States or of the State of California to meet an emergency created by war, or of any Public emergency Average daily attendance

civil officer of the United States, the State of California, or any county, city and county, or city thereof duly authorized to order such school closed to meet an emergency created by war, the average daily attendance of the school shall be estimated separately, as provided in Section 1787, and added to the average daily attendance of the other schools of the district.

SEC. 5. Section 9176 of said code is amended to read:

Authority to
administer
Federal
program

9176. Whenever by the provisions of any act of Congress providing for education, the program is to be administered in the State by the Superintendent of Public Instruction, Director of Education, Department of Education, State Board of Education, State Board for Vocational Education, State Board for Vocational Rehabilitation, or any one or more of such officers, or agencies, the officers and agencies designated in the act of the Congress are authorized to administer the program in the State. Such officers and agencies are vested with all necessary power and authority to cooperate with the Government of the United States, or any agency or agencies thereof in the administration of the act of Congress and rules and regulations lawfully adopted thereunder.

SEC. 6. Section 11382 of said code is amended to read:

Sale of old
books

11382. Whenever in the judgment of the State Board of Education it is practicable to sell old textbooks for use in the manufacture of paper pulp or similar substances, the highest price obtainable shall be secured, and the money obtained deposited in the State General Fund.

SEC. 7. Section 16005 of said code is amended to read:

Tuition and
transporta-
tion cost

16005. The governing board of the district may, as a condition precedent to the admission of any person, under Section 16004, require the parent or guardian of such person to pay to the district an amount not more than sufficient to reimburse the district for the total cost, exclusive of capital outlays, of educating the person and providing him with transportation to and from school. The cost of transportation shall not exceed ten dollars (\$10) per month. Tuition payments shall be made in advance for each month or semester during the period of attendance. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of State funds.

SEC. 8. Section 16482 is amended to read:

Testing sight
and hearing

16482. The governing board of any school district may, subject to Section 16483, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district, or by contract with a duly authorized agency. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be

purchased or rented by governing boards of school districts. The State, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

SEC. 8.5. Section 6997 is added to the Education Code, to read:

6997. The average daily attendance of pupils attending high school courses maintained by an elementary school district shall be, for the purposes of this division, considered as though average daily attendance in high school classes maintained by a high school district and apportionments on account of such average daily attendance shall be made to the elementary school district accordingly.

Average daily attendance

SEC. 9. Section 20655 is added to said code, to read:

20655. The California Polytechnic School shall be governed by the laws governing and regulating the State colleges insofar as such laws are applicable to the school.

California Polytechnic School

SEC. 10. Section 20941 of said code is renumbered to read:

20491. The board shall set up an examination or shall evaluate the qualifications of vocational teachers desirous of qualifying for the baccalaureate degree. The evaluation shall be based upon the education, completion of approved vocational teacher training, occupational experience, supervisory experience, and managerial experience of the candidate. The board is authorized to recommend to State colleges the number of units to be allowed towards a baccalaureate degree, but shall not recommend that a candidate be granted more than 40 units for occupational experience, supervisory experience and managerial experience. The evaluation shall be at the discretion of the board.

Vocational teachers

SEC. 11. Section 5151 of said code is amended to read:

5151. The State Controller shall during each school year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for distribution during the school year a total amount to be computed as follows:

Computation of apportionment from State School Fund

(a) There shall first be provided an amount not less than thirty dollars (\$30) per pupil in average daily attendance in the day and evening elementary schools in the Public School System during the next preceding school year, as certified by the Superintendent of Public Instruction.

(b) In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the elementary school districts for one-half ($\frac{1}{2}$) the excess cost of educating physically handicapped pupils. The amount shall not exceed one hundred dollars (\$100) for each unit of average daily attendance during the next preceding school year of the physically handicapped pupils.

(c) In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary

to reimburse the elementary school districts for one-half the excess cost of educating pupils in 24-hour elementary schools. The amount shall not exceed one hundred dollars (\$100) for each unit of average daily attendance during the next preceding school year of such pupils.

SEC. 12. Article 1.5 is added to Chapter 13 of Division 3 of said code to read :

Article 1.5. Conditions of Apportionments

Limitation on apportionment to 24-hour elementary schools

6915. No money shall be apportioned to a district for the excess cost of educating pupils in a 24-hour elementary school of the district unless such school meets the requirements of the Superintendent of Public Instruction based upon educational standards and standards established by State agencies authorized by law to inspect or supervise child-caring institutions.

Repeal

SEC. 13. Section 5341 of said code is repealed.

CHAPTER 1291

An act to add Article 8 to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to the form of bonds.

In effect September 15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 8 is added to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, to read :

Article 8. Bonds of Licensees and Permittees

Form of bonds of licensees, etc

11110. The form of all bonds of licensees, permittees, and all persons other than public officers and employees, furnishing bonds to a State department, office, board, commission or bureau in pursuance of State law shall be on a form which form has been approved as to conformity with applicable law by the Attorney General.

Approval, etc

11111. The Attorney General may from time to time modify or revoke approvals so given.

Same

11112. The approval, modification, or revocation of the Attorney General shall be by regulation filed with the Secretary of State pursuant to Section 11381.

Same

11113. The Attorney General may consult with private persons, groups, and associations as to bond forms to be approved, modified, or revoked.

CHAPTER 1292

An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Upon the failure of any co-owner of a mine or mining claim to contribute his proportionate share of the taxes which have been levied and assessed upon the mine or claim for the period of five years, the co-owner or co-owners who have paid such share may at the expiration of the five years serve upon the delinquent co-owner notice thereof.

Notice of tax
payment by
co-owner of
mine

SEC. 2. The notice may be served either personally or by publication in a newspaper of general circulation published in the county in which the mine or claim is situated, at least once a week for 90 days, or if there is no such newspaper, in such a newspaper in an adjoining county.

Service

SEC. 3. If prior to the expiration of 90 days from the service the delinquent fails or refuses to contribute his proportionate share of the taxes, the co-owner contributing such share may file in the superior court of the county in which the mine or claim is situated a verified petition setting forth the facts and particularly describing the mine or claim.

Petition

SEC. 4. If the mine or claim is situated in more than one county, the petition may be filed in the superior court of either county.

Jurisdiction
of court

SEC. 5. The clerk shall set the petition for hearing by the court and give notice thereof by causing a notice of the time and place of the hearing to be posted at the county courthouse at least 10 days before the hearing. The court may order such further notice as to it seems proper.

Hearing

SEC. 6. The court shall hear evidence for or against the petitioner and may order judgment thereon vesting the interest of the delinquent in the mine or claim in the petitioner.

Judgment

SEC. 7. A certified copy of the decree may be recorded in the office of the recorder of each county in which any part of the mine or claim is situated.

Recording
of decree

CHAPTER 1293

Stats 1887, p 24, amended. *An act to add Section 2.5 to an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, relating to the classification of municipal corporations.*

In effect September 15, 1945. [Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

New section. SECTION 1. Section 2.5 is added to the act cited in the title, to read:

Classification of cities based on 1920 census. Sec. 2.5. The Legislature hereby declares that it was, now is, and ever has been its intent that the classification made in Section 1 of this act shall be based solely upon the population of each municipal corporation as shown by the Federal census taken in the year A.D. one thousand nine hundred and twenty and not upon any Federal census taken subsequent thereto.

Incorporation after 1920. Any city which is incorporated subsequent to the Federal census taken in the year 1920 and which does not adopt a charter as provided by the Constitution is a city of the sixth class.

CHAPTER 1294

"San Luis Obispo County Flood Control and Water Conservation District Act". *An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.*

In effect September 15, 1945. [Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

Short title. SECTION 1. This act shall be known and may be cited as the San Luis Obispo County Flood Control and Water Conservation District Act.

SEC. 2. A flood control district is hereby created to be called "District" the San Luis Obispo Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of San Luis Obispo lying within the exterior boundaries of said county except such islands of said county as lie in the Pacific Ocean. As used in this act "district" means the San Luis Obispo County Flood Control and Water Conservation District.

SEC. 3. The board of supervisors of the district created by Zones this act, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 2 of this act.

SEC. 4. The objects and purposes of this act are to provide Purposes for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use within the district.

SEC. 5. The district is hereby declared to be a body cor- Powers of porate and politic and as such shall have, in addition to the district other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove,

repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Luis Obispo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or prop-

erty therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any State, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Luis Obispo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry

water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the San Luis Obispo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

Eminent
domain

SEC. 6. The district shall have and may exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to

which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement, or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi public use is required by the district for flood or storm water control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

SEC. 7. The board of supervisors of San Luis Obispo County shall be and is hereby designated as, and empowered to act as, ex officio the board of supervisors of the San Luis Obispo County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the board of supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of San Luis Obispo.

SEC. 8. The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of San Luis Obispo, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said San Luis Obispo County, their

assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said San Luis Obispo County Flood Control and Water Conservation District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said San Luis Obispo County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of San Luis Obispo County.

Powers of
board

SEC. 9. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all needful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

In addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation, which said officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

Civil
engineers

SEC. 10. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans to control the flood and storm waters of the district, and the zones thereof, and the flood and storm waters of streams that have their sources outside of said district but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without the district, or to save or conserve in any manner, any or all of such waters, and to protect the public highways, life and property within the district, and the watercourses and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act; and such resolution may direct such engineer or engineers to make and file reports from time to time with the board, which shall show:

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement.

2. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Such engineer or engineers, employed by the board, shall have power and authority, subject to the control and direction of said board, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report. Employees

The board may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

SEC. 11. The board shall determine which projects or works of improvement shall be carried out and shall determine as to each project or work of improvement, that it is either: Projects

1. For the common benefit of the district as a whole; or
2. For the common benefit of two or more zones hereinafter referred to as participating zones; or
3. For the benefit of a single zone.

SEC. 12. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, Zone
projects

Hearing
notice

in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

Objections

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the registered voters residing within such zone or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

Taxation

SEC. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. To levy taxes or assessments upon all property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body. ■

sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of San Luis Obispo County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election. Bonds
Resolution

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act. Election

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite Ordinance

therein the objects and purposes for which the indebtedness is proposed to be incurred; provided that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth ($1/40$) of the whole amount of the principal and interest of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five per cent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Maps

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Notice of election

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating

zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semi-annually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 16. The board may issue and sell the bonds of such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of San Luis Obispo to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone, or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of San Luis Obispo.

SEC. 17. Any bonds issued under the provisions of this act shall be a lien upon all property of the zone or zones of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax

or assessment upon all property within said zone or participating zones and all property in said zone or participating zones shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

Deposit and
registration

Said bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of said treasurer to receive and register said bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor; that said receipts shall be personal to the respective holders and not transferable. That such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor.

Taxes for
payment

SEC. 18. The board shall levy a tax or assessment each year upon all property in the zone or zones of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said San Luis Obispo County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said San Luis Obispo County in the manner provided by law for the payment of principal and interest on bonds of said county.

Law
applicable

SEC. 19. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof.

Assessment
and taxation

SEC. 20. Notwithstanding Section 3720 of the Political Code, the San Luis Obispo County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the San Luis Obispo County Flood Control and Water Conservation

District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1944-1945 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 3720 of the Political Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the San Luis Obispo County Flood Control and Water Conservation District.

For the Fiscal Year 1945-1946, but for no other fiscal year, notwithstanding Section 19 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Year 1944-1945 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1944-1945 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1945, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1945-1946, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

In equalizing the assessments made by the county assessor, the Board of Supervisors of San Luis Obispo County, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1945-1946. Except as provided in this section, Section 19 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1945-1946.

Bonds as
legal
investments

SEC. 21. The bonds of the district issued for any zone or zones thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds, and wherever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 22. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 13 of Article XIII and Section 13 of Article XI of the Constitution of this State.

Letting of
contracts

SEC. 23. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars (\$5,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it

Bids

may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

Bonds

Rejection of bids

SEC. 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Improvements in conformity with plans, etc

SEC. 25. Whenever bonds have been authorized by any zone or participating zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of said zone or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Additional bonds

SEC. 26. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone or

Limitation on bond elections

participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

SEC. 27. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

Rights
of way

SEC. 28. There is hereby granted to San Luis Obispo County Flood Control and Water Conservation District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dykes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

Relocation of
highways,
etc.

SEC. 29. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 6 of this act that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.

(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Railroad Commission of the State; and jurisdiction of such controversies is hereby vested in said Railroad Commission.

(c) Proceedings under this section relating to the jurisdiction of said Railroad Commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.

SEC. 30. Claims against the district whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by general law relating to the making and filing of claims against counties. Such claims may be amended within said six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless such claim relating thereto has been filed as hereinabove prescribed and action thereon commenced within one year after the cause of action arose.

SEC. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties.

SEC. 32. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of San Luis Obispo, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation and development district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident

in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

Official bonds SEC. 33. Employees appointed by the board under this act when required by resolution therefor of the board of supervisors of the district, shall execute bonds conditioned, executed, approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments.

Construction of act SEC. 34. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Constitutionality SEC. 35. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 1295

An act to add Section 21026.1 to the Government Code, relating to rehearings of findings of fact by the Industrial Accident Commission made pursuant to the State Employees' Retirement Law.

In effect
September
15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 21026.1 is added to the Government Code, to read:

Petition for
rehearing

21026.1. At any time within 20 days after the service of any findings of fact by the Industrial Accident Commission under this part, any person aggrieved thereby may petition for a rehearing upon one or more of the following grounds, and no other:

(a) That the commission acted without or in excess of its powers.

(b) That the findings of fact were procured by fraud.

(c) That the evidence does not justify the findings of fact.

(d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.

CHAPTER 1296

An act to add Section 1733 to the Code of Civil Procedure, relating to children's courts of conciliation.

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1733 is added to the Code of Civil Procedure, to read:

1733. The provisions of this chapter shall be applicable only in counties in which the superior court determines that the social conditions in the county and the number of domestic relations cases in the courts render the procedures herein provided necessary to the full and proper consideration of such cases and the effectuation of the purposes of this chapter. Such determination shall be made annually in the month of January by the judge of the superior court in counties having only one such judge, and by a majority of the judges of the superior court in counties having more than one such judge.

Courts of
conciliation

CHAPTER 1297

An act to amend Section 18901 of the Government Code, relating to eligible lists.

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 18901 of the Government Code is amended to read:

18901. (a) The board may remove all names from open and promotional eligible lists after they have remained thereon for more than one year from the date of the adoption of the lists that created their eligibility, and shall remove all names from lists of eligibles not later than four years after the adoption of the lists that created their eligibility.

See also
Stats 1945,
Ch 123

Removal of
names from
eligible lists

(b) When a list of eligibles becomes exhausted for temporary or permanent employment before the legal expiration of the list, and a new list of eligibles for the same class is created by examination to supply the demands of the service, such new list shall become a part of the list of eligibles to be certified to the positions covered by the list. Those holding places on the prior list shall be given preference for appointment until such time as the prior list may automatically expire or all names are removed therefrom by action of the board. When the prior list has expired by reason of limitation of time, or the names have been removed therefrom by order of the board, then certification shall be made solely from the latter list.

New lists

Notice by
board

(c) The board shall include in the announcement of any examination, that the list of eligibles secured thereby will expire not less than one but less than four years after the adoption of such list.

Correcting
errors

(d) The board may make changes in its records to correct clerical errors both before and after the announcement of an eligible list, provided that any changes of rank, or addition or subtraction of names, made on lists of eligibles because of clerical errors or re-ratings, shall not change the date of the adoption of such lists, nor give to any persons the right to claim beginning date of eligibility other than the date of the adoption of the original eligible list that created their eligibility.

CHAPTER 1298

An act to amend Section 118 and to repeal Section 118.1 of the Welfare and Institutions Code, relating to public assistance, providing for the custody and use of information, records, and other papers concerning applicants and recipients and for the adoption of rules governing the disclosure of such information and papers.

In effect
September
15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 118 of the Welfare and Institutions Code is amended to read:

Records,
etc., con-
fidential

118. Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public assistance for which grants in aid are received by this State from the United States Government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such provision of this code.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving any such public assistance. Except for purposes directly connected with the administration of such public assistance, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. Any violation of this section is a misdemeanor.

The State Department of Social Welfare may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the public assistance laws. The rules and regulations shall be binding on all departments, officials and employees of the State, or of any political subdivision of the

State and may provide for giving information to or exchanging information with public agencies or private social welfare or health agencies for their use in relation to cases in which such agencies, as a part of their usual duties, are making social investigations for the purpose of rendering social services, and for making case records available for research purposes provided that such research will not result in the disclosure of the identity of applicants for public assistance.

SEC. 2. Section 118.1 of said code is repealed.

Repeal

CHAPTER 1299

An act to amend Sections 44, 44.1, 44.3 of, and to add Sections 44.7 and 44.9 to, the Vehicle Code, relating to authorized emergency vehicles.

[Approved by Governor July 11, 1945 Filed with Secretary of State July 11, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 44 of the Vehicle Code is amended to read:

44. Authorized Emergency Vehicle. An "authorized emergency vehicle" is a vehicle of any of the following types: Authorized emergency vehicle

(a) A vehicle publicly owned and operated in the performance of his duty, by a member of any police or fire department, any sheriff, constable, or deputy sheriff, or traffic law enforcement officer who is regularly employed by the State, or any city, or any city and county, or any county in responding to emergency calls or in a traffic patrol duty.

(b) A motorcycle, either publicly or privately owned, operated by a police or traffic law enforcement officer in enforcing the provisions of this code.

(c) A motor vehicle, either publicly or privately owned, operated by a State or county forest ranger, or a fire warden on salary and directly in charge of fire protection work upon behalf of the State or in any county, or the chief or assistant chief of an organized fire department, in responding to emergency fire calls. A permit must be obtained from the Chief of the California Highway Patrol in respect to any privately owned vehicle referred to in this paragraph and when any such privately owned vehicle is not at the time engaged in responding to an emergency fire call any siren thereon must be disconnected and any red front lights must be covered.

(d) Any fire fighting equipment designed and operated exclusively as such by an oil company and used in responding to emergency fire calls and in combating fires.

(e) When used in responding to emergency calls, any privately owned ambulance, specially constructed and maintained exclusively for ambulance purposes, authorized by permit

issued by the Chief of the California Highway Patrol, and any publicly owned ambulance.

(f) An emergency repair vehicle of a utility or public utility, whether privately, municipally or publicly owned, used in responding to emergency calls when authorized by the Chief of the California Highway Patrol.

(g) Any fire fighting equipment, emergency wrecking equipment or emergency repair equipment, owned and operated by a bridge and highway district for the purpose of extinguishing fires, removing wrecked motor vehicles, caring for injured persons, or repairing damaged lighting, or electrical equipment, of such bridge and highway district, when such vehicles are responding to emergency calls.

(h) A motor vehicle, owned by the State, and operated by a regularly employed special agent, investigator, or inspector of the Department of Justice in the performance of his duties.

(i) A vehicle, privately owned, operated by the chiefs or other authorized members of organized fire departments in responding to emergency calls in connection with life-saving or other public purposes, not connected with fire calls.

SEC. 2. Section 44.1 of the Vehicle Code is amended to read :

44.1. Authorized Emergency Vehicle, Privately Owned. In addition to the vehicles defined as "authorized emergency vehicle" by Section 44, the provisions of this code relating to authorized emergency vehicles shall apply to vehicles publicly maintained in whole or in part by the State, or city, or city and county, or county, and privately owned and operated by a member of, and who receives salary from, and is regularly employed by, an organized municipal police department, or by any sheriff, constable, or deputy sheriff, or by a marshal or deputy marshal of a municipal court, and such vehicles shall be "authorized emergency vehicles," but only under each and all of the following conditions:

1. When such vehicle has a permit from the Chief of the California Highway Patrol.

2. When said vehicle has affixed to the license plates thereon distinguishing signs of a type approved by the Chief of the California Highway Patrol and when said signs are so located as to be plainly visible at a distance of not less than 50 feet from the front and rear of said vehicle.

3. Where said person operates such vehicle so owned by him in responding to emergency calls or fire alarms or in street or highway patrol duty, or operates such vehicle in the pursuit of actual or suspected violators of the law.

4. When the State, city, or any city and county, or any county does not furnish to such sheriff, constable, deputy sheriff, marshal or deputy marshal of a municipal court, or any member of a police department, a publicly owned vehicle for the purpose above stated.

5. Whenever such vehicle is being used for purposes other than those specifically authorized herein, the siren must be

Authorized
emergency
vehicle,
privately
owned

disconnected and the red lights covered. Any violation of this provision shall constitute a misdemeanor and the permit granted hereunder shall be revoked.

SEC. 3. Section 44.3 of the Vehicle Code is amended to read :

44.3. Authorized Emergency Vehicles: Vehicles Owned or Operated by the American National Red Cross. (a) In addition to the vehicles defined as "authorized emergency vehicles" by other provisions of this code any motor vehicle owned or operated as an ambulance by the American National Red Cross when responding to emergency calls shall be deemed to be an authorized emergency vehicle, whether or not specially constructed and exclusively maintained as such, when operating under a permit issued by the Chief of the California Highway Patrol. When the vehicle is not used as an ambulance the red light must be covered and the siren disconnected.

Authorized
emergency
vehicles
Owned or
operated by
American
Red Cross

(b) Motor vehicles owned or operated by the American National Red Cross for the purpose of transporting medical supplies, clothing, food, or other necessaries during times of major disasters, are authorized emergency vehicles under the following conditions:

(1) When the vehicle has a permit from the Chief of the California Highway Patrol.

(2) When the vehicle is equipped with a lamp that shall display a translucent red cross as prescribed by the director.

(3) When such vehicle displays a pennant as prescribed by the director, or displays the red cross insignia plainly visible to the front, side and rear.

An authorized emergency vehicle as defined in this subsection shall not be equipped with a siren or other red light showing to the front.

Notwithstanding the provisions of Sections 454 and 554, the sounding of the horn and the prescribed red cross lamp lighted shall be deemed in compliance with those sections.

Whenever such a vehicle is being operated for purposes other than those specifically authorized herein, the pennant shall be removed or furled, and the red cross lamp covered. The Chief of the California Highway Patrol may revoke a permit for the violation of any of the provisions of this section.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs

Duration

SEC. 4. Section 44.7 is added to the Vehicle Code, to read :

44.7. "Authorized Emergency Vehicle: Fire Fighting Equipment." Any fire fighting equipment designed and operated exclusively as such when equipped with a siren and red light or lights and used in responding to emergency fire calls and in combating fires and when operated under a permit issued by the Chief of the California Highway Patrol is an authorized emergency vehicle.

Authorized
emergency
vehicles Fire
fighting
equipment

Suspension
or revocation
of authorized
emergency
vehicle
permit

SEC. 5. Section 44.9 is added to the Vehicle Code, to read:
44.9. Suspension or Revocation of Authorized Emergency
Vehicle Permit. The Chief of the California Highway Patrol
is hereby authorized to suspend or revoke any permit issued by
him or by the department to any authorized emergency vehicle
under the following conditions:

(1) In the event the Chief of the California Highway Patrol
determines that any person operating any such vehicle pursuant
to such permit has operated the vehicle in a reckless or illegal
manner or in violation of any of the provisions of this code.
No such order of suspension or revocation shall be effective
unless notice of the alleged offense is first given to the person
so charged and he is afforded an opportunity to make answer
thereto.

(2) In the event any person operating such authorized
emergency vehicle pursuant to such permit is convicted of
operating the vehicle in violation of any of the provisions of
this code.

CHAPTER 1300

Stats 1926,
p. 19,
amended

*An act to amend Section 4a of the Bank and Corporation
Franchise Tax Act, relating to bank and corporation taxes.*

In effect
September
15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

Stats 1943,
p. 1403
See also
Stats. 1945,
Ch. 1515
Rate of tax
on banks,
etc

SECTION 1. Section 4a of the Bank and Corporation Fran-
chise Tax Act is hereby amended to read as follows:

Sec. 4a. The rate of tax on National banking associations
and other banks and financial corporations mentioned in Sec-
tions 1, 2 and 4 of this act shall be a percentage equal to the
percentage of the total amount of net income, allocable to this
State, of every corporation taxable under subdivision (3) of
Section 4 of this act, for the next preceding calendar year or
fiscal years ended during such calendar year, required to be
paid to this State as franchise taxes according to or measured
by such net income, and required to be paid to this State or its
political subdivisions as personal property taxes during the
preceding calendar year or fiscal years ended in such calendar
year; provided, however, that said rate of tax shall not exceed
8 per centum. The percentage of the net income of every cor-
poration taxable under subdivision (3) of Section 4 of this act,
required to be paid to this State or its political subdivisions in
personal property taxes shall be determined by ascertaining the
ratio which the total amount of such personal property taxes,
less 3.4 per centum thereof, bears to the total amount of net
income of such corporations, allocable to California, increased
by the amount of such personal property taxes; provided, how-
ever, that if any such corporation sustains a net loss allocable
to California the personal property taxes required to be paid

by such corporation to this State or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

The commissioner, after public hearing and opportunity given to examine the data on which his determination is based, shall determine not later than the thirty-first day of December of each year the average percentage of net income above specified, and, within 30 days after his determination, shall mail notice of his determination and the amount of tax payable on the basis of such determination to all banks and financial corporations affected thereby, which are then classified on his records as banks or financial corporations, but such determination shall not be considered a deficiency assessment within the meaning of Section 25 hereof. The data gathered by the commissioner in determining the rate, referred to herein, shall be made available to the taxpayers affected by such determination at the time and in the manner prescribed by regulations adopted by the commissioner.

Determination by commissioner

If it be judicially determined that the rate of tax on any bank or corporation is higher than is authorized by law such bank or corporation shall be relieved of liability for any tax imposed by this act only to the extent of the excess beyond that legally authorized.

Judicial determination

CHAPTER 1301

An act to amend Sections 364, 365, and 402 of the Civil Code, relating to shareholders liability for unauthorized dividends and distributions in liquidation.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 364 of the Civil Code is amended to read:

364. Improper Dividends. Any shareholder or owner of shares who receives any dividend, except a distribution covered by Section 402, Civil Code, not authorized by this title with knowledge of facts indicating the impropriety thereof shall be liable to the corporation or to its receiver, liquidator, or trustee in bankruptcy for the amount so received by him with interest thereon at 7 per cent per annum until paid. Any number of shareholders may be sued in the same action.

Improper dividends

SEC. 2. Section 365 of the Civil Code is amended to read:

365. Unauthorized Sale of Shares. When a corporation, in violation of any provision of this title, purchases shares issued by it, or by any corporation by which it is controlled, directly or indirectly, any shareholder or owner of shares who sells such shares knowing that the corporation is the purchaser with knowledge of facts indicating the impropriety of such purchase shall be liable to the corporation or its receiver, liquidator

Unauthorized sale of shares

or trustee in bankruptcy to the extent of the payments received therefor with interest thereon at 7 per cent per annum until paid and for the unpaid balance of the subscription price due thereon, if any.

SEC. 3. Section 402 of the Civil Code is amended to read:

Liability of
shareholders
for improper
distributions

402. Liability of Shareholders for Improper Distributions. Whenever in the process of winding up a corporation any distribution of assets has been made, otherwise than under an order of court, without prior payment or adequate provision for payment of any of the debts and liabilities of the corporation, any amount so improperly distributed to any shareholder or owner of shares may be recovered by the corporation or by its receiver, liquidator or trustee in bankruptcy. Any of such shareholders or owners may be joined as defendants in the same action or brought in on the motion of any other defendant.

Ratable
contribution

Shareholders or owners of shares who satisfy any liability under this section shall have the right of ratable contribution from other distributees similarly liable. Any shareholder or owner of shares who has been compelled to return to the corporation more than his ratable share of the amount needed to pay the debts and liabilities of the corporation may require that the corporation recover from any or all of the other distributees such proportion of the amounts received by them upon such improper distribution as to give contribution to those held liable under this section and make the distribution of the assets fair and ratable, according to the respective rights and preferences of the shares, after the payment or adequate provision for payment of all the debts and liabilities of the corporation.

"Process of
winding up"

The phrase "process of winding up" as used in this section shall include proceedings under the provisions of this chapter and also any other distribution of assets to shareholders made in contemplation of termination or abandonment of the corporate business.

CHAPTER 1302

An act to add Section 682.1 to the Code of Civil Procedure, relating to the form of execution on money judgment.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 682.1 is added to the Code of Civil Procedure, to read:

Form of
execution
on money
judgment

682.1. A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of Court)

(Number and abbreviated title of action)

THE PEOPLE OF THE STATE OF CALIFORNIA:

To the Sheriff, Constable or Marshal of
the _____ County of _____ Greeting:

WHEREAS on _____ a judgment was rendered by the
above entitled court in the above entitled action in

* favor of _____ as judgment creditor and
 * against _____ as judgment debtor
 and said judgment was duly entered in (referring to where
 entered) for

** \$ principal,
 * \$ attorney fees,
 * \$ interest, and
 * \$----costs, making a total amount of
 * \$ the judgment as entered, and

WHEREAS, according to a cost bill after judgment
 filed herein, it appears that further sums have accrued
 since the entry of judgment, to wit:

* \$ accrued interest, and
 * \$----accrued costs, making a total of
 * \$ due on said judgment before
 deductions,

on which total amount credit must be given for payments
 and partial satisfactions in the amount of

* \$----leaving a net balance of
 * \$ actually due on said judgment
 on the date of the issuance of this execution, to which must be
 added the costs and commissions of the officer executing this
 writ.

THESE PRESENTS ARE THEREFORE TO COM-
 MAND YOU to satisfy the said judgment with interest and
 costs as provided by law and your costs and disbursements
 out of the personal property of said debtor, and if sufficient
 personal property can not be found, then out of his real prop-
 erty; or if the judgment be a lien upon real property, then
 out of the real property belonging to him on the day when
 the abstract of judgment was filed as provided in Section
 674 of this code, or at any time thereafter, and make return
 of this writ within not less than 10 days nor more than 60 days
 after your receipt thereof, with what you have done endorsed
 hereon.

Given under my hand (and the seal of _____) on _____
 19____.

Note to printer: where the asterisk (*) appears in the fore-
 going form, it is intended that the printed form shall have the
 same arrangement and number of words in the line.

Where the double asterisk (**) appears in the foregoing form,
 it is intended that the dollar sign characters (\$) shall appear
 under one another in vertical column.

CHAPTER 1303

An act to amend Section 1305 of the Penal Code, relating to bail.

In effect
September
17, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1305 of the Penal Code is amended to read:

Forfeiture of
bail or
deposit of
money

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited. But if at any time within 90 days after such entry in the minutes, the defendant and his bail appear, or if the defendant is dead and his bail appears, and satisfactorily excuse the defendant's neglect and show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

Discharge of
forfeiture

CHAPTER 1304

An act to amend Section 18102 of the Government Code, relating to sick leave and workmen's compensation insurance benefits of State officers and employees.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 18102 of the Government Code is amended to read:

See also
Stats 1945,
Ch 123

18102. A State officer or employee who is entitled to compensation under Division 4 or Division 4.5 of the Labor Code may elect to take as much of his accumulated sick leave as when added to his disability indemnity will result in a payment to him of his full salary or wage.

Election
when injury
compensable

He is nevertheless entitled to medical, surgical, and hospital treatment as provided in the Labor Code. When his accumulated sick leave is exhausted, he is still eligible to receive disability indemnity.

CHAPTER 1305

An act to add Section 352.5 to the Political Code, relating to traveling expenses.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 352.5 is added to the Political Code, to read:

352.5. Whenever an officer, agent or employee is required by the appointing power to change his place of residence necessitating the moving of his household effects, such officer, agent or employee shall receive his actual moving expenses not to exceed two hundred forty dollars (\$240), and the Board of Control may adopt general rules and regulations covering the payment of such expenses.

Moving
expenses

CHAPTER 1306

An act to amend Section 19390 of, and to add Section 19401 to the Government Code, relating to persons in military service.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 19390 of the Government Code is amended to read:

19390. Whenever the United States is engaged in war or during the existence of an emergency in preparing for the National defense found and proclaimed by the Governor, any permanent or probationary State civil service employee in good standing who enters the military service of the United States, whether voluntarily or otherwise, has an absolute right to be restored to his former position and civil service status or a position in his former class, such reinstatement to be made to the same office, board, commission, agency, or institution, and in the same locality with the same civil service status formerly had by him, upon application by him to the board within six months after the termination of such military service or any rehabilitation afforded by the United States Government following such military service. If no position exists in the same locality, the employee may request reinstatement to a position in the same class in the same office, board, commission, agency, or institution, in some other locality.

See also
Stats 1945,
Chs 123,
164 and 454
Restoration
to former
position

SEC. 2. Section 19401 is added to said code, to read:

19401. Whenever a State employee is certified for appointment to a higher position by a department before entering military service, but was unable to complete any requirement for

Certification
for higher
position

such appointment by reason of entry into military service in time of war or during the period September 16, 1940, to December 7, 1941, he shall be afforded an opportunity to complete the necessary requirement for such appointment immediately upon return to State service and if completed satisfactorily shall be considered as having been appointed as of the earliest date of appointment as it appears on the certificate of eligibles and shall be considered as being on military leave from said position.

Partial
completion of
examination

When any person completes successfully part of an open or promotional examination but was unable to complete all portions thereof because of entry into military service in time of war or during the period September 16, 1940, to December 7, 1941, the Personnel Board shall arrange for him to take such uncompleted portion of the examination, providing application is made not later than six months after his return from military leave, or within six months after the effective date of this section, whichever is the later date.

CHAPTER 1307

An act amending Section 4300a of the Political Code, relating to fees of county clerk.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4300a of the Political Code is amended to read:

County
clerk's fees

4300a. In addition to the charges otherwise provided for by law, the county clerk shall charge and collect the following fees:

For the filing of the first paper in a civil action or in a special proceeding, except a probate proceeding or an adoption proceeding, six dollars (\$6); provided, that in every special proceeding in which more than seven applicants or petitioners join, one dollar (\$1) shall be collected for each additional applicant or petitioner above seven.

For filing the papers transmitted from another court, on the transfer of a civil action or a special proceeding, except a probate proceeding or an adoption proceeding, six dollars (\$6).

When the venue in a case in a superior court is changed, for making up and transmission of transcript and papers, one dollar (\$1), and a further sum equal to the fee for filing in the court to which the case is transferred. The clerk shall transmit such filing fee, with the papers in the case, to the clerk or justice of the court to which the case is transferred.

For filing the papers transmitted on appeal from a justice's court in a civil action or a special proceeding, six dollars (\$6).

For filing the papers transmitted on appeal from a municipal court in a civil action or a special proceeding, six dollars (\$6).

On the appearance of any defendant, intervenor, respondent, correspondent or adverse party, whether separately or jointly, except for the purpose of making disclaimer, to be paid upon filing the first paper in the action on his behalf, one dollar (\$1).

For filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary or a petition for letters of guardianship, six dollars (\$6); for filing a second or any subsequent petition for letters of administration, special letters of administration, letters testamentary, or letters of guardianship, in the same proceeding, or a petition to contest any will or codicil, three dollars (\$3); provided, that when such subsequent petition is filed to amend a previously filed petition, but where the petitioner is the same person named in the original petition, no fee shall be charged; also, provided, that when the public administrator or the Secretary of the State Commission in Lunacy, in his official capacity is the petitioner, he shall be required to pay said fee only out of the assets of the estate coming into his possession.

For issuing a writ of execution, a writ of restitution, a writ of possession, a writ of prohibition, or any writ for the enforcement of any order or judgment, one dollar (\$1).

For issuing an order of sale, one dollar (\$1).

For filing any notice of intention to move for a new trial of any civil action or special proceeding, two dollars (\$2).

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents (\$0.12).

For preparing a carbon copy of any record, proceeding, or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents (\$0.05).

For certifying to a copy of any paper, record or proceeding on file in his office, fifty cents (\$0.50).

For preparing an abstract of a judgment, twenty-five cents (\$0.25).

For issuing an abstract of a judgment, fifty cents (\$0.50).

For every certificate the fee for which is not otherwise provided for, fifty cents (\$0.50).

For comparing with the original on file in his office, the copy of any paper, record or proceeding prepared by another and presented for his certificate, two cents (\$0.02) per folio.

For certificate required by courts of appeal or Supreme Court on the dismissal of an appeal, one dollar (\$1).

For exemplification of record or other paper on file besides the charges allowed for copying or comparing, one dollar (\$1).

The foregoing fees shall be in full for all services rendered by the county clerk in any civil action or special proceeding.

No fee shall be charged by the clerk for service rendered in any criminal action or adoption proceeding, nor for any service to the State of California. No fee shall be charged by the clerk for service rendered to any municipality or county in said State, or to the National Government, nor for any service

relating thereto, except for making or certifying to a copy of a filed paper, record or proceeding, when not otherwise provided by law.

For issuing a marriage license, one-half to be paid to the county recorder, two dollars (\$2), to be collected at the time the notice of intention to marry is filed; provided, that in counties where the salary of the county recorder is the sole compensation allowed by law this fee shall be paid to the county treasurer, who shall credit one-half to the county recorder. Said fee shall be in full for all services of the clerk and recorder in connection with the issuance of a marriage license and the recording of a marriage certificate.

For filing and indexing articles of incorporation, amended articles of incorporation or a certified copy of articles of incorporation, one dollar (\$1).

For filing a certificate of increase of the capital stock of a corporation, one dollar (\$1).

For filing a certificate of decrease of the capital stock of a corporation, one dollar (\$1).

For filing a certificate of increase of the number of directors of a corporation, one dollar (\$1).

For filing a certificate of decrease of the number of directors of a corporation, one dollar (\$1).

For filing a certificate of notice of removal of the principal place of business of a corporation, one dollar (\$1).

For filing a certificate of creation of bonded indebtedness of a corporation, one dollar (\$1).

For filing a certificate of increase of bonded indebtedness of a corporation, one dollar (\$1).

For filing any charter, by-laws, or any other certificate, etc., of any corporation, granting powers to do business in this State, one dollar (\$1).

For filing and indexing a certificate of fictitious name, including affidavit of publication, one dollar (\$1).

For filing and indexing an auctioneer's bond, one dollar (\$1).

For filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment, one dollar (\$1).

For either recording or registering any license or certificate or issuing any certificate, or both, in connection with a license, required by law, for which a charge is not otherwise prescribed, one dollar (\$1).

For making a record of a certificate of revivor, one dollar (\$1).

For each certificate to the official capacity of any public official, twenty-five cents (\$0.25).

For taking an affidavit, except in criminal cases, or adoption proceedings, fifty cents (\$0.50).

For searching records or files, for each year, fifty cents (\$0.50).

For taking acknowledgment of any deed or other instrument, including the certificate, for each signature, fifty cents (\$0.50).

CHAPTER 1308

An act to amend Section 1550 of the Probate Code, relating to inventory and appraisement by guardians.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1550 of the Probate Code is amended to read:

1550. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the guardian must file with the clerk of the court an inventory and appraisement of the estate of his ward, together with a copy of the same which copy shall be delivered by the clerk to the county assessor. The guardian must make oath to the inventory, and the property therein described must be appraised, by an appraiser or appraisers appointed by the court or judge, in the manner provided for the inventory and appraisement of estates of decedents. Whenever any ward is or has been during the guardianship confined in a State hospital in this State the guardian must deliver or mail a copy of the inventory to the Director of Institutions. Whenever any property of the ward is discovered which was not included in the inventory, and whenever any other property has been inherited or acquired by the ward, other than by purchase by the guardian, like proceedings must be had for the inventory and appraisement thereof and the delivery or mailing of a copy thereof as are herein provided in relation to the first inventory.

Inventory
and ap-
praisement

CHAPTER 1309

An act to amend Section 958 of the Code of Civil Procedure, relating to the court records in the superior court.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 958 of the Code of Civil Procedure is amended to read:

958. When judgment is rendered upon the appeal, it must be certified by the clerk of the appellate court to the clerk with whom the judgment roll is filed, or the order appealed from is entered. In cases of appeal from the judgment, the clerk with whom the roll is filed must attach the certificate to the judgment roll, and enter a minute of the judgment of the appellate court in the register of actions. In cases of appeal from an order, the clerk must enter at length in the records of the court the certificate received, and minute against the entry of the order appealed from, a reference to the certificate, with a brief statement that such order has been affirmed, reversed, or modified, by the appellate court on appeal.

Certification
of judgments
on appeal

CHAPTER 1310

An act to amend Section 583 of the Code of Civil Procedure, relating to dismissal of actions.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 583 of the Code of Civil Procedure is amended to read:

Dismissal
of actions

583. The court may in its discretion dismiss any action for want of prosecution on motion of the defendant and after due notice to the plaintiff, whenever plaintiff has failed for two years after action is filed to bring such action to trial, except where it be shown that defendant has been absent from the State or concealed therein and his whereabouts unknown to plaintiff and not discoverable to said plaintiff upon due diligence, in which event said period of absence or concealment shall not be part of said two-year period. When, however, such defendant has, or has had, an attorney of record for a sufficient time to enable the action to have been tried if the plaintiff had acted with due diligence, such period of absence or concealment shall be a part of said two-year period. Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon its own motion, unless such action is brought to trial within five years after the plaintiff has filed his action, except where the parties have stipulated in writing that the time may be extended, and except where it be shown that the defendant has been absent from the State or concealed therein and his whereabouts unknown to plaintiff and not discoverable to said plaintiff upon due diligence, in which event said period of absence or concealment shall not be a part of said five-year period. When, however, such defendant has, or has had, an attorney of record for a sufficient time to enable the action to have been tried if the plaintiff had acted with due diligence, such period of absence or concealment shall be a part of said five-year period. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have stipulated in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial (or when an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court.

CHAPTER 1311

An act to amend Sections 689a and 689b of the Code of Civil Procedure, relating to third party claims.

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 689a of the Code of Civil Procedure is hereby amended to read as follows:

689a. Personal property in possession of the buyer under an executory agreement of sale and property levied upon on which there is a chattel mortgage may be taken under attachment or execution issued at the suit of a creditor of the buyer, notwithstanding any provision in the agreement for forfeiture in case of levy or change of possession.

Levied upon
personal
property under
contract
for purchase,
or chattel
mortgage

SEC. 2. Section 689b of the Code of Civil Procedure is hereby amended to read as follows:

689b. Within five days after the property is so taken, the officer must pay or tender to the mortgagee or seller the amount of the debt and interest, or must deposit the amount thereof with the county clerk or treasurer, payable to the order of the mortgagee or seller or release the property; provided, that if the mortgagee or seller refuses to accept the pay or tender of the amount of the debt and interest or if the mortgagee or seller refuses to disclose the amount of the debt and interest, then the officer must attach the personal property as if the same were free of all liens or claims of the seller or mortgagee, and the officer shall take the property, and in the case of an execution, sell it in the manner provided by law; and provided, however, that when an attachment or execution creditor presents to the officer a verified statement that the mortgage or the claim under the conditional sale is void or invalid for reasons therein specified and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or in a sum equal to double the value of the personal property, the officer shall take the property, and, in the case of an execution, sell it in the manner provided by law.

Tender of
sums due,
etc

Undertaking

The undertaking shall be made to both the officer and the mortgagee or the officer and the seller, and shall indemnify them and each of them for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

CHAPTER 1312

An act to add Section 273d to the Penal Code, relating to wilful corporal injury to wife or child.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

Inflicting
corporal
injury on
wife or child,
etc.

Felony

SECTION 1. Section 273d is added to the Penal Code, to read:
273d. Any husband who wilfully inflicts upon his wife corporal injury resulting in a traumatic condition, but not constituting a felonious assault or attempted murder, and any person who wilfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition, but not constituting a felonious assault or attempted murder, is nevertheless guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison for not more than two years or in the county jail for not more than one year.

CHAPTER 1313

An act to add Section 6029 to the Penal Code, relating to plans and specifications for jails, prisons, and other places of detention.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

Plans and
specifications
for jails, etc.

SECTION 1. Section 6029 is added to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:
6029. The plans and specifications of every jail, prison, or other place of detention of persons charged with or convicted of crime or of persons detained pursuant to the Juvenile Court Law or the Youth Authority Act, if such plans and specifications involve construction, reconstruction, remodeling, or repairs of an aggregate cost in excess of one thousand five hundred dollars (\$1,500), shall be submitted to the board for its recommendations.

CHAPTER 1314

An act to add Section 545.5 to the Agricultural Code, relating to cheese.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

Ingredients
permitted for
duration

SECTION 1. Section 545.5 is added to the Agricultural Code, to read:
545.5. Notwithstanding the provisions of Sections 541 and 545, until the ninety-first day after final adjournment of the

Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, it shall be lawful to use evaporated or condensed skim milk, nonfat dry milk solids, or defatted milk solids in the manufacture of cheese.

CHAPTER 1315

An act to authorize the Youth Authority to sell and convey certain real property in the County of Los Angeles, known as the citrus grove at Fred C. Nelles School, Whittier, California, and appropriating the proceeds for the purchase of a new site for said school.

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The Youth Authority with the approval of the Department of Finance, is hereby authorized to sell, upon such terms and conditions as in its opinion may be for the best interests of the State, all or any part of that certain real property commonly known as the citrus grove at Fred C. Nelles School, Whittier, located in the County of Los Angeles, State of California.

Sale of
citrus grove
at Fred C.
Nelles School

SEC. 2. The Youth Authority is hereby authorized to order and to have made all necessary deeds of conveyance and papers and searches, abstracts, and certificates of title and surveys of said real property, and to take all necessary and proper proceedings and bring the necessary suits to cure any defects in said title, the cost and expenses of all of which, together with any other expenses of the sale, shall be paid out of the proceeds of said sale upon the warrant of the State Controller, and the State Treasurer is directed to pay the same.

Powers of
Youth
Authority

SEC. 3. The proper officers are hereby authorized and directed to execute to the purchaser for and on behalf of and in the name of the State of California, a deed of conveyance of said real property in the usual form of grant, bargain and sale, and deliver the same upon the payment of the full amount of the purchase price; and said deed shall be effectual to pass and convey to the said purchaser all of the right, title, interest and estate of the State of California in and to said real property.

Deed

SEC. 4. The moneys received from the sale of said real property is hereby appropriated to the Youth Authority, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years pursuant to the Property Acquisition Act for the acquisition of a new site for said Fred C. Nelles School.

Appropriation

SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, together with the right to prospect for, extract and remove such deposits of minerals, including oil and gas, therefrom.

Reservation
of mineral,
etc., rights

CHAPTER 1316

An act to amend Sections 225 and 227 of the Civil Code, relating to adoption proceedings.

In effect
September
15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 1317

Petition for
adoption

Consent

Effect of
consent

Duty of
Department
of Social
Welfare

When
consent
unnecessary

Report to
court

SECTION 1. Section 226 of the Civil Code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural parent retains his or her custody and control of the child, unless a society licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the consent of the natural parent or parents for the adoption must be signed in the presence of an agent of the State Department of Social Welfare on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

In all cases of adoption in which no agency licensed to place children for adoption is a party, except in the case of an adoption by a stepparent where one natural parent retains his or her custody and control of the said child, it shall be the duty of the Department of Social Welfare to accept the consent of the natural parents to the adoption of the child by petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing the report with the court.

In all cases in which the consent of the natural parent or parents is not necessary and a society licensed to place children for adoption is not a party to the petition, the State Department of Social Welfare shall, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Social Welfare unless the child's welfare will be promoted by the adoption.

Except in the case of the adoption of a child by a stepparent where one natural parent retains his or her custody

and control of the child, it shall be the duty of the Department of Social Welfare to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition within 180 days after the filing of the petition; provided, however, that the court may allow such additional time for the filing of said report as in its discretion it may see fit. The report required of the Department of Social Welfare may be waived by the department in all cases in which a society, licensed by the Department of Social Welfare to place children in homes for adoption, is a party or joins in the petition for adoption. Such waiver may be issued by the department at any time, either before or after the filing of the petition for adoption.

Whenever any report or findings are submitted to the court by the Department of Social Welfare under any provision of this section, a copy of such report or findings, whether favorable or unfavorable, shall be given to the attorney for the petitioner in the proceedings, if the petitioner has an attorney of record, or to the petitioner.

In case of an adoption of a child by a stepparent where one natural parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk or probation officer of any county of this State on a form prescribed by the State Department of Social Welfare and the county clerk or probation officer before whom such consent is signed shall immediately file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Social Welfare. Adoption by stepparent

If the father or mother of a child to be adopted resides outside the State of California, his or her consent may be signed before a notary and in such case the consent of the Department of Social Welfare will also be necessary. Consent of nonresident parent

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation upon such parent reaching his or her majority. Minor parents

If for a period of 180 days from the date of filing the petition, or upon the expiration of any extension of said period granted by the court, the Department of Social Welfare fails or refuses to accept the consent of the natural parent or parents to the adoption, or if said department fails or refuses to file or to give its consent to an adoption in those cases where its consent is required by this chapter, either the natural parent or parents or the petitioner may appeal from such failure or refusal to the superior court of the county in which the petition is filed, in which event the clerk shall immediately notify the Department of Social Welfare of such appeal and the department shall within 10 days file a report of its findings and the reasons for its failure or refusal to consent to the adoption or to accept the consent of the natural parent. After Appeal

the filing of said findings, the court may, if it deems that the welfare of the child will be promoted by said adoption, allow the signing of the consent by the natural parent or parents in open court; or if the appeal be from the refusal of said department to consent thereto, grant the petition without such consent.

SEC. 2. Section 227 of said code, is amended to read:

Appearance
at hearing

227. The person or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court; provided, that if said adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise, for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court must examine all persons appearing before it pursuant to this section, each separately, and if satisfied that the interest of the child will be promoted by the adoption, the party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties, and the court shall thereupon make an order awarding the custody of the child to the adopting parent or parents. In a case where the adopting parent is permitted to appear by counsel, the agreement may be executed and acknowledged by such counsel for such absent party, or may be executed by such absent party before a notary public, or any other person authorized to take acknowledgments including the persons authorized by Sections 1183 and 1183.5 of this code; provided, that in any case where said adoptive parent is permitted to appear by counsel hereunder, or otherwise, the court may, in its discretion, cause such examination of said adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary, said deposition to be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof to be borne by the petitioner. The petition, relinquishment, agreement, order, and any power of attorney and deposition must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the State Department of Social Welfare except upon the written authority of the judge of the superior court.

Agreement

Order award-
ing custody

Agreement
by counsel,
etc

Filing of
papers

CHAPTER 1317

An act to amend Sections 224, 226, 227a, and 227aa of the Civil Code, and to add Sections 224p, 224q, and 227aaa thereto, relating to the adoption of children, modifying the procedures therefor, authorizing the disclosure of information relating thereto in certain cases, and penalizing placement of children for adoption by unlicensed persons and advertising such placement by unlicensed persons.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
13, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 224 of the Civil Code is amended to read:

224. A legitimate child can not be adopted without the consent of its parents if living; provided, however, that after the custody of any child has by any judicial decree, been given to the mother, and the father for a period of one year shall wilfully fail to pay for the care, support and education of such child when able to do so, then the mother alone may consent to such adoption, but only after the father has been personally served with a copy of a citation requiring him to appear at the time and place set for the appearance in court under Section 227 of this code; if the father can not be located for personal service, the same may be made by publication as provided for the publication of summons in Section 413 of the Code of Civil Procedure; nor an illegitimate child without the consent of its mother if living; except that the consent of a father or mother is not necessary in the following cases:

Consent to
adoption

When
consent
unnecessary

1. When such father or mother has been judicially deprived of the custody and control of such child by order of the juvenile court, declaring such child to be free from the custody and control of either or both of his parents as provided in the Welfare and Institutions Code, adopted May 25, 1937, or any act or acts superseding or amending the same.

2. Where such father or mother of any child has deserted the child without provision for its identification.

3. Where such father or mother of any child has relinquished said child for adoption as provided in Section 224m of this code.

4. Where such father or mother, whose consent is otherwise required, has been declared by a court of competent jurisdiction of this or any other State to be feeble-minded or insane, if the State Director of Institutions or the superintendent of the State hospital of which, if any, such father or mother, is an inmate or patient, certify that such father or mother will not be capable of supporting or controlling the child in a proper manner.

SEC. 2. Section 224p is added to said code, to read:

Advertising
placement
for adopt on

224p. Any person or organization that, without holding a valid and unrevoked license or permit to place children for adoption issued by the State Department of Social Welfare, advertises in any periodical or newspaper, by radio, or other public medium, that he or it will place children for adoption is guilty of a misdemeanor.

SEC. 2.5. Section 224q is added to said code, to read:

Placement
for adopt on

224q. Any person other than a parent or any organization, association, or corporation that, without holding a valid and unrevoked license or permit to place children for adoption issued by the State Department of Social Welfare, places any child for adoption is guilty of a misdemeanor.

See also
Stats 1945,
Ch 1316
Petition for
adoption

SEC. 3. Section 226 of said code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless a society licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the consent of the natural parent or parents to the adoption by the petitioners must be signed in the presence of an agent of the State Department of Social Welfare on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

Consent

Effect of
consent

Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

Duty of
Department
of Social
Welfare

In all cases of adoption in which no agency licensed to place children for adoption is a party, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the said child, it shall be the duty of the Department of Social Welfare to accept the consent of the natural parents to the adoption of the child by petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing report with the court.

When
consent
unnecessary

In all cases in which the consent of the natural parent or parents is not necessary and a society licensed to place children for adoption is not a party to the petition, the State Department of Social Welfare shall, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Social

Welfare unless the child's welfare will be promoted by the adoption.

Except in the case of the adoption of a child by a stepparent ^{Report to court} where one natural or adoptive parent retains his or her custody and control of the child, it shall be the duty of the Department of Social Welfare to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition within 180 days after the filing of the petition; provided, however, that the court may allow such additional time for the filing of said report as in its discretion it may see fit. The report required of the Department of Social Welfare may be waived by the department in all cases in which a society, licensed by the Department of Social Welfare to place children in homes for adoption, is a party or joins in the petition for adoption. Such waiver may be issued by the department at any time, either before or after the filing of the petition for adoption.

Whenever any report or findings are submitted to the court by the Department of Social Welfare under any provision of this section, a copy of such report or findings, whether favorable or unfavorable, shall be given to the attorney for the petitioner in the proceedings, if the petitioner has an attorney of record, or to the petitioner.

In case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk or probation officer of any county of this State on a form prescribed by the State Department of Social Welfare and the county clerk or probation officer before whom such consent is signed shall immediately file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Social Welfare. ^{Adoption by stepparent}

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts, and in such case the consent of the Department of Social Welfare will also be necessary, but such consent shall not be necessary where the adoption is by a stepparent and one natural parent retains custody and control of the child. ^{Consent of parents outside State}

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation upon such parent reaching 18 or her majority. ^{Minor parents}

If for a period of 180 days from the date of filing the petition, or upon the expiration of any extension of said period granted by the court, the Department of Social Welfare fails or refuses to accept the consent of the natural parent or parents to the adoption, or if said department fails or refuses to file or to give its consent to an adoption in those cases where ^{Appeal}

its consent is required by this chapter, either the natural parent or parents or the petitioner may appeal from such failure or refusal to the superior court of the county in which the petition is filed, in which event the clerk shall immediately notify the Department of Social Welfare of such appeal and the department shall within 10 days file a report of its findings and the reasons for its failure or refusal to consent to the adoption or to accept the consent of the natural parent. After the filing of said findings, the court may, if it deems that the welfare of the child will be promoted by said adoption, allow the signing of the consent by the natural parent or parents in open court, or if the appeal be from the refusal of said department to consent thereto, grant the petition without such consent.

SEC. 4. Section 227a of said code is amended to read:

Investigation 227a. The probation officer in the county in which the action for adoption is pending shall make an investigation of each case of adoption by a stepparent where one natural parent retains custody and control of the child. No order of adoption shall be made by the court until after such probation officer shall have filed his report and recommendation and the same shall have been considered by the court.

SEC. 5 Section 227aa of said code is amended to read:

Adoption by stepparent in military service
 Appearance at hearing
 Agreement
 Order awarding adoption
 Duration 227aa. In the case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the stepparent may appear by attorney if he or she is in the military, naval or marine service of the United States. The natural or adoptive parent retaining custody of the child and the child proposed to be adopted must appear before the court; provided, that if said natural or adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court must examine all persons appearing before it pursuant to this section, each separately, and if satisfied that the interests of the child will be promoted by the adoption shall order that the stepparent shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party. The agreement shall be executed or acknowledged before a notary public or other person authorized under Civil Code Sections 1182, 1183 and 1183.5 to acknowledge instruments or a commissioned officer in command of the stepparent executing or acknowledging the agreement. If the court approves the agreement, it shall thereupon make an order awarding the adoption. This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular

Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 6. Section 227aaa is added to said code, to read:

227aaa. Notwithstanding any other provision of law, the State Department of Social Welfare, and any holder of a license or permit to place children for adoption issued by the State Department of Social Welfare may furnish information relating to any adoption petition to the juvenile court, to any county welfare department, to any public welfare agency, or to any private welfare agency licensed by the State Department of Social Welfare whenever it is believed the welfare of a child will be promoted thereby.

Disclosure of
information

CHAPTER 1318

An act to amend Section 23 of, and to add Section 23.1 to, an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to credit unions, and revising the fees and penalties payable by credit unions.

Stats 1927,
p 51,
amended

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 23 of the act cited in the title hereof is amended to read:

Stats 1943,
p 2966

Sec. 23. The powers of supervision and examination of all credit unions organized under the provisions of this act shall be vested in the Commissioner of Corporations of the State of California. It shall be the duty of the commissioner in person, or by one of his employees at least once in each year, to visit and examine into the affairs of every credit union, and on such occasions he shall have free access to all the books, records, securities and papers of every such credit union and shall examine the books, property, transactions and affairs, and ascertain the financial condition and solvency of every such credit union.

Supervision
and exami-
nation of
credit unions

The commissioner upon the written request of any credit union may make the examination of said credit union as herein provided in any regularly established office of the said commissioner.

If the commissioner upon any examination, or from any report made to him, shall find any credit union to be violating the provisions of this act, or to be insolvent, or to be conducting its business in an unsafe or unauthorized manner, he may

Notice to
cease
practices

notify such credit union to, and such credit union shall forthwith cease such practices in the conduct of its business as the Commissioner of Corporations shall find to be unsafe or shall find is being conducted in an unauthorized manner. The commissioner may notify such credit union to, and such credit union shall forthwith, temporarily suspend or entirely cease the transaction of any new business or such portion thereof as shall be ordered by the commissioner.

Schedule of charges, etc

To defray the costs of administration of this act, including examinations and supervision, the Commissioner of Corporations shall require every credit union licensed by him or coming under his supervision to pay in advance to him for the ensuing year charges and assessments in accordance with the following schedule:

Total Assets of Credit Union	Amount of Assessment
Not more than \$10,000	\$8.00
Over \$10,000 but not more than \$15,000	13.00
“ 15,000 “ “ “ “ 22,500	18.00
“ 22,500 “ “ “ “ 30,000	25.00
“ 30,000 “ “ “ “ 37,500	32.50
“ 37,500 “ “ “ “ 47,500	40.00
“ 47,500 “ “ “ “ 60,000	50.00
“ 60,000 “ “ “ “ 72,500	60.00
“ 72,500 “ “ “ “ 85,000	70.00
“ 85,000 “ “ “ “ 100,000	82.50
“ 100,000 “ “ “ “ 125,000	100.00
“ 125,000 “ “ “ “ 150,000	125.00
“ 150,000 “ “ “ “ 175,000	150.00
“ 175,000 “ “ “ “ 200,000	175.00
“ 200,000 “ “ “ “ 250,000	200.00
“ 250,000 “ “ “ “ 300,000	250.00
“ 300,000 “ “ “ “ 350,000	300.00
“ 350,000 “ “ “ “ 400,000	350.00
“ 400,000 “ “ “ “ 450,000	400.00
“ 450,000 “ “ “ “ 500,000	450.00
	450.00 plus \$0.25 for each \$1,000, or por- tion of the last even thousand thereof, of as- sets in excess of \$500,000

Penalty for nonpayment

On or before the thirtieth day of November of each year the commissioner shall notify each such credit union by mail of the amount assessed and levied against it and the same must be paid on or before the thirty-first day of December of said year; and should payment not be made to him at that time, the certificate then in effect authorizing such credit union to act as a credit union shall be suspended as of said thirty-first day of

December, and should said payment not be made on or before the thirty-first day of January of the following year, said certificate shall expire on said thirty-first day of January and said credit union shall thenceforth have no right or authority to act as a credit union as set forth in this act.

If the Commissioner of Corporations determines that the charges and assessments set forth in this section for any year are in excess of the amount necessary, or are insufficient, to meet the expenses of administration of this act, including examinations and supervision, for that year, the assessment and charges for the following year shall be adjusted on a pro rata basis in accordance with the percentage of such excess or insufficiency in order to recover the actual costs of administration.

All fees charged and collected under this act shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the State to the credit of the General Fund.

SEC. 2. Section 23.1 is added to said act, to read:

Sec. 23.1. In addition to the examination required by Section 23, whenever in the judgment of the commissioner the condition of any credit union renders it necessary or expedient to devote any extraordinary attention to its affairs, the commissioner shall have authority to make any extra examination or investigation and perform any necessary services in connection with its affairs. If such credit union considers such extra examination, investigation or services to be without cause, it may by written notice to the commissioner require a hearing to determine whether cause exists. After receipt of such notice the commissioner shall not proceed with such examination, investigation or performance of services without first holding a hearing and determining that cause for such action exists.

If an extra examination or investigation is made or services performed, or whenever the commissioner performs any of the duties set forth in Sections 23.2, 23.3, 23.4 or 23.5 of this act, the credit union examined or investigated or to which services are rendered shall pay to the commissioner the actual cost thereof, including the actual amount of salary or other compensation paid to the person or persons making such examination or investigation or rendering special services and overhead costs in connection therewith as fixed by the commissioner. In the event recovery of such costs can not be made from said credit union, such costs may be added to the assessment provided in Section 23.

CHAPTER 1319

An act to add Section 104.6 to, and to amend Section 2224 of, the Welfare and Institutions Code, relating to public assistance, requiring prompt county compliance with the awards of the State Social Welfare Board, and modifying the procedures in connection with relatives' responsibility to contribute to the support of recipients of aid to the aged.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 104.6 is added to the Welfare and Institutions Code, to read:

Compliance
with awards

104.6 The board of supervisors of each county shall comply with and execute every award of the State Social Welfare Board in favor of an applicant for or recipient of aid to the aged, aid to the blind, or aid to needy children, which is directed to the board of supervisors. Each board of supervisors is presumed to have knowledge of every such award directed to it.

SEC. 2 Section 2224 of said code is amended to read:

Liability of
relatives

2224. The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid. A brief form shall be sent to the relative inquiring whether the relative is in fact contributing and will continue to contribute to the support of the applicant pursuant to the provisions of Section 2181. This form shall be completed by the relative as a sworn statement.

Upon the request of the board of supervisors, the spouse or adult child shall file such sworn statement within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such sworn statement by such spouse or adult child.

Suits

If the person receiving aid has within the State, a spouse or adult child found by the board of supervisors pecuniarily able to support said person, the board of supervisors shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. If the district attorney or other civil legal officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall

be made to the board of supervisors of the county. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare.

The granting of or continued receipt of aid shall not be contingent upon such recovery.

CHAPTER 1320

An act to amend Section 4712 of the Education Code, relating to the Public School System.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4712 of the Education Code is amended to read:

4712. In each unified school district, each elementary school district or portion of a district constituting a part of the unified school district shall be considered a separate school district for the purpose of computing teacher units for State apportionments to the unified school district in the same manner as provided in this code for union elementary school districts.

Computation
of teacher
units in
unified school
districts

The governing board of a unified school district may at any time notify the Superintendent of Public Instruction in writing that it does not desire to have this section apply in the case of such unified school district. Upon the receipt of such notice by the Superintendent of Public Instruction this section shall as of the next succeeding first day of July cease to have any application in the case of the unified school district.

When
method not
applicable

CHAPTER 1321

An act to add Section 1034½ to the Code of Civil Procedure, relating to additional costs in unlawful detainer proceedings.

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1034½ is added to the Code of Civil Procedure, to read:

1034½. In unlawful detainer proceedings, the plaintiff who recovers judgment for the restitution of premises and who advances or pays to the sheriff or marshal the costs required by him for the eviction of any person or persons in possession or occupancy of said premises and the personal property of such

Supplemental
cost bill
covering
eviction

person or persons, shall, within 10 days after being advised by the sheriff or marshal of the exact amount of such funds necessarily used and expended to effect such eviction, file a supplemental cost bill in the court in which the judgment was rendered claiming such additional costs and specify the items so paid and the amount thereof, the defendant may move to retax such costs within five days after service upon him of said cost bill; when fixed by the court, or upon failure of the defendant to file notice of motion to retax the same within five days after said service, judgment for such costs shall be immediately entered by the clerk and plaintiff may have execution therefor.

Judgment

CHAPTER 1322

An act to amend Sections 728 and 736 and to repeal Section 738.5 of the Fish and Game Code, relating to fish.

In effect
September
15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 728 of the Fish and Game Code is amended to read:

Croakers

728. Yellow-fin croaker, spot-fin croaker, and golden croaker may be taken at any time by angling, but may not be purchased or sold.

SEC. 2. Section 736 of the Fish and Game Code is amended to read:

Tuna

736. No yellow-fin tuna or blue-fin tuna weighing less than seven and one-half pounds may be sold. On and after June 30, 1947, no yellow-fin tuna or blue-fin tuna weighing less than seven and one-half pounds or more than 150 pounds may be sold.

Repeal

SEC. 3. Section 738.5 of the Fish and Game Code is repealed.

CHAPTER 1323

An act to repeal Article 2, Chapter 2, Part 3, Division 4, of the Fish and Game Code, and to reenact said Article 2, relating to game birds.

In effect
September
15, 1945

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Article 2, Chapter 2, Part 3, Division 4, of the Fish and Game Code is repealed.

SEC. 2. Article 2, Chapter 2, Part 3, Division 4 of said code is reenacted to read:

Article 2. Seasons and Limits

Article heading

1200. Quail (valley, mountain, desert) may be taken between November 20th and December 15th during the hours between 10 a.m. and one-half hour after sunset.

Quail

The bag limit of quail in the aggregate of all species is 10 per day, 20 per week. Not more than one daily bag limit of quail in the aggregate of all species may be possessed by any person during one day.

1201. Male pheasants may be taken between November 20th and November 27th and between sunrise and one-half hour after sunset on each of such days, except that no pheasant may be taken on the opening day of the season before 10 o'clock a.m. The bag limit is two male pheasants per day and not more than 10 such pheasants per season. Not more than two such pheasants may be possessed by any one person during the opening day and not more than four such pheasants may be possessed by any one person during any one of the remaining days of the open season.

Pheasants

1202. Migratory game birds may be taken in conformity with the Federal laws and regulations and the regulations of the commission as provided in Section 39 of this code.

Migratory game birds. Regulations

In the event no regulations are prescribed by the proper Federal agency, the commission may determine and fix the area or areas, the seasons and hours, the species, the bag and possession limits, and the total number that may be taken during any open season for the taking of migratory game birds, under such rules and regulations as the commission may prescribe. Such rules and regulations as the commission may prescribe shall have the same effect as if enacted by the Legislature. The commission shall file a certified copy of such determinations and rules and regulations with the Secretary of State, and the filing thereof shall be deemed sufficient legal notification. The commission shall cause such determinations and rules and regulations to be publicized.

1203. In Districts 8 and 9, it is unlawful to take ducks or geese from a scull boat except on Wednesdays and Sundays during the prescribed open season

Districts 8 and 9 Ducks and geese

CHAPTER 1324

An act to add Section 1184 to the Fish and Game Code, relating to the training of hunting dogs and holding of field trials.

[Approved by Governor July 11, 1945 Filed with Secretary of State July 11, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1184 is added to the Fish and Game Code, to read:

1184. Nothing in this code shall be construed to make it unlawful to break, train or practice hunting bird dogs, or to

Training hunting dogs Domesticated game birds

hold field trials therefor between July 1st and March 31st, provided native game birds are not killed, captured or injured. Whenever legally acquired domesticated game birds are used for the training of hunting dogs or in the holding of field trials, such domesticated game birds may be lawfully taken, providing the person so taking such birds shall have a valid hunting license.

All domesticated game birds used in a field trial shall be inspected and leg-banded by a representative of the commission before such birds be released. The releasing of any domesticated game birds shall be under the supervision of a representative of the commission.

CHAPTER 1325

An act to add Section 1171.1 to the Fish and Game Code, relating to the training of hunting dogs on native game birds.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1171.1 is added to the Fish and Game Code, to read:

Training
hunting
dogs Native
game birds

1171.1. It shall be unlawful for any person to break, train, or practice any dog upon any native game birds during their respective closed season; except that it shall be lawful, between the hours of sunrise and sunset to train or practice dogs on native game birds between July 1st and March 31st. The term "native game birds" includes all game birds for which a State hunting license is required.

CHAPTER 1326

"Community
Redevelop-
ment Act"

An act relating to land use and development, including particularly the rehabilitation and redevelopment of blighted areas in urban and suburban communities in this State, and providing ways and means therefor, and for assisting public and private enterprise in the attainment of the objectives and carrying out the purposes of this act.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

Article 1. Short Title

Short title

SECTION 1. This act shall be known and may be cited as the "Community Redevelopment Act."

Article 2. Legislative Finding, Policy of State and Purpose of Act

Legislative
declaration

SEC. 2. It is hereby found and declared that there exist in many communities in this State blighted areas which constitute

either social or economic liabilities, or both, requiring redevelopment in the interest of the health, safety and general welfare of the people of the communities in which they exist and of the people of this State generally. These blighted areas are characterized by one or more of the following conditions:

(a) The existence of buildings and structures, either used or intended to be used for living, commercial, industrial or other purposes, or any combination of such uses, which by reason of defective design and character of physical construction, faulty interior arrangement and exterior spacing, high density of population and overcrowding, inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities, age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses to which they are put, or any combination of such factors and characteristics, are unfit or unsafe to occupy for residential, commercial, industrial or other purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime.

(b) An economic dislocation, deterioration or disuse, as a result of faulty planning, the subdividing and the sale of lots of irregular form and shape and inadequate size for proper usefulness and development, the laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions, or the existence of inadequate streets, open spaces and utilities, or of lots or other areas which are subject to being submerged by water.

(c) A prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that there exists a reduced capacity to pay taxes and consequent inadequacy of tax receipts in relation to the cost of public services rendered.

(d) A growing and in some instances a total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare; and in other areas a loss of population and reduction of useful utilization of the area, resulting in the further deterioration thereof and in added costs to the taxpayer supporting governmental entities for the creation of new public facilities and services elsewhere.

It is further found and declared that the existence of blighted areas characterized by any or all of such conditions, separately or collectively, constitutes a serious and growing menace which is hereby condemned as injurious and inimical to the public health, safety and welfare of the people of the communities in which they exist and of the people of the State generally; that such areas present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power; that they contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution and punishment, the treatment of juvenile

Further
declarations

delinquency, the preservation of the public health and safety and the maintaining of adequate police, fire and accident protection and other public services and facilities; that this menace is becoming increasingly direct and substantial in its significance and effect; that the benefits which will result from the remedying of these conditions and the redevelopment of these areas of blight will accrue to all the inhabitants and property owners of the communities in which they exist.

It is further found and declared that such conditions of blight tend to further obsolescence, deterioration and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize or rehabilitate his own particular property while the condition of the neighboring properties remains unchanged; that as a consequence the process of deterioration of a blighted area frequently can not be halted or corrected except by redeveloping the entire area, or substantial portions thereof; that such conditions of blight are chiefly found in areas which have been subdivided into small parcels, that in most instances the lands are held in divided and widely scattered ownerships, frequently under defective titles, that in many such instances the private assembly of the lands in blighted areas for purposes of redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for individual owners independently or collectively to undertake to remedy such conditions because of lack of the legal power necessary for, and the excessive costs involved in, the private acquisition of the real property of the area; that the remedying of such conditions may require the public acquisition at fair prices of adequate areas, the clearance of the areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use and construction policies.

Policy of
State

For these reasons it is hereby declared to be the policy of this State to protect and promote the sound development and redevelopment of blighted areas within this State and the general welfare of the inhabitants of the communities in which they exist by remedying such injurious conditions through the employment of all means appropriate for that purpose; that whenever the redevelopment of blighted areas can not be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes and to provide a means whereby the blighted areas within this State may be redeveloped or rehabilitated; that the redevelopment of such blighted areas and the provision for appropriate continuing land use and construction policies therein, constitute public uses and purposes for which public money may be advanced or

expended and private property acquired, and are governmental functions of State concern in the interest of the health, safety and welfare of the people of the State generally and particularly of the people of the communities of the State in which such areas exist; that it is in the public interest that work on such projects be commenced as soon as possible in order to create postwar employment; and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared to be a matter of legislative determination.

Article 3. General Provisions and Definitions

SEC. 3. The following definitions and general provisions govern the construction of this act. Definitions

SEC. 4. "Agency" means a redevelopment agency created by this act. "Agency"

SEC. 5. "Redevelopment area" means an area of a community which the legislative body thereof finds is a blighted area whose redevelopment is necessary to effectuate the public purposes declared in this act. A redevelopment area need not be restricted to, or consist entirely of, buildings, improvements, or lands which of themselves are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may therefore include lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part. "Redevelopment area"

SEC. 6. "Bonds of the agency" means any bonds, notes, interim certificates, debentures or other obligations issued by an agency pursuant to Article 13 of this act. "Bonds of the agency"

SEC. 7. "Community" means a city, county, or city and county. "Community"

SEC. 8. "Federal Government" means the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America. "Federal Government"

SEC. 9. "Legislative body" means the city council, board of supervisors or other legislative body of a community. "Legislative body"

SEC. 10. "Obligee of the agency" or "obligee" shall include any bondholder, trustee or trustees for any bondholder, or lessor demising to the agency property used in connection with a project area, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is party to any contract with the agency. "Obligee of the agency" or "obligee"

SEC. 11. "Planning commission" means a planning commission established under any State law or created by or pursuant to the charter of the community. "Planning commission"

SEC. 12. "Project area" means all or a portion of a redevelopment area comprising either (1) at least one block bounded on all sides by public highways as shown on the official map of the community, or (2) where no official map "Project area"

exists, an area of not less than 90,000 square feet, including any highways, streets, or alleys.

"Real property"

SEC. 13. "Real property" means lands, including lands under water and waterfront property, buildings, structures, fixtures, and improvements thereon, any and all property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, privilege, easement, franchise and right, legal or equitable, therein, including rights of way, terms for years and liens, charges or incumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

"Redevelopment"

SEC. 14. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of a redevelopment area or part thereof, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant thereto. The term does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area. The term includes provision for open space types of use, such as streets and other public grounds and space around buildings, as well as buildings, structures and improvements, public or private, and improvements of recreation areas, public or private, and other public grounds. The term also includes the replanning or redesign or original development of undeveloped areas which by reason of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes are stagnant or not properly utilized or which, because of widely scattered ownership, or tax delinquency, or other reasons, require replanning and land assembly for reclamation or development in the interest of the general welfare.

"Redevelopment project"

SEC. 15. "Redevelopment project" means any work or undertaking of an agency pursuant to this act.

"State Government"

SEC. 16. "State Government" means the State of California, or any agency or instrumentality, corporate or otherwise, thereof.

"State public body"

SEC. 17. "State public body" means the State, or any city, city and county, county, district, authority, or any other subdivision or public body of the State.

Article 4. Prerequisites

Mandatory requirements

SEC. 18. A community must comply with the requirements of this article before proceeding further under this act.

Planning commission

SEC. 19. The community must have a planning commission.

Master community plan

SEC. 20. The community must have a master or general community plan adopted by the planning commission or the

legislative body, and in either case the plan must include at least the following:

(a) The general location and extent of existing and proposed future major thoroughfares, transportation routes, terminals, and other major public utilities and facilities.

(b) A land-use plan which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(c) A statement of the standards of population density and building intensity recommended in and for the various districts and other territorial units, together with estimates of future population growth, in the territory covered by the plan, all correlated with the land-use plan.

(d) Maps, plans, charts or other descriptive matter showing the area or areas in which conditions are found indicating the existence of blighted areas.

SEC. 21. The legislative body of the community must, by ordinance, adopted by a two-thirds vote, have designated one or more areas within the community as a redevelopment area or areas. Each such ordinance shall include a legal description of the boundaries of the area or areas designated as a redevelopment area. Before passing such an ordinance the legislative body shall give notice of the time and place of a public hearing or hearings with reference thereto. Such notice shall be published not less than once a week for four successive weeks prior to the hearing in a newspaper of general circulation, printed and published in the community, or if no such newspaper is printed and published in the community, then in a newspaper selected by the legislative body. Copies of such notice shall be mailed to the last known assessee of each parcel of land in such area, at the last known address of such assessee as shown by the records of the assessor of or for the community. At the time set for a hearing the legislative body shall provide an opportunity for all persons or agencies interested to be heard and shall receive and consider communications in writing, with reference thereto. The legislative body may hold the hearing required by this section jointly with the hearing upon a tentative plan for a project area as provided in Section 25.

Any person, group, association or corporation may in writing petition the legislative body to designate one or more areas within the community as redevelopment areas, and may submit with their petition plans showing the proposed redevelopment of such areas or any part or parts thereof.

Article 5. Tentative Plans in Project Areas

SEC. 22. The planning commission may of its own motion or at the request of the agency, or shall at the direction of the legislative body, or upon the written petition of the owners in fee of a majority in area of any redevelopment area, excluding

that portion thereof in public ownership or dedicated to a public use, select one or more project areas comprising all or a portion of such redevelopment area, and formulate a tentative plan for the redevelopment of each such project area. If the members of the agency have been appointed, the agency shall cooperate with the planning commission in the selection of the project areas and in the formulation of the tentative plan.

Contents

SEC. 23. A tentative redevelopment plan need not be detailed, but shall be sufficient if it

- (a) Describes the boundaries of the project area,
- (b) Contains a general statement of the land uses, layout of principal streets, population densities, and building intensities and standards proposed as the basis for the redevelopment of the project area,
- (c) Shows how the purposes of this act would be attained by such redevelopment, and
- (d) Shows that the proposed redevelopment conforms to the master or general community plan.

Presentation to legislative body with report

SEC. 24. The tentative plan shall be presented by the commission to the legislative body of the community and shall be accompanied by a report

- (a) Setting forth the reasons for its selection as a project area,
- (b) Describing the conditions existing in the area, physical, social and economic, and
- (c) Including a preliminary financial analysis of the proposed redevelopment together with proposed rent ranges on properties for residential use, for the purpose of indicating the general character of the proposed residential development.

Article 6. Establishment of Project Area and Adoption of Tentative Plan

Action on tentative plan

SEC. 25. Upon presentation to it of a tentative plan for a project area, the legislative body may reject the tentative plan, may refer it back to the planning commission for further study or revision, or may hold a public hearing upon the adoption thereof.

Notice of hearing

SEC. 26. Notice of such hearing shall be given by publication in a newspaper in the same manner and to the same extent as provided for publication of notice in Section 21. Notice of such hearing may be consolidated with the notice required by Section 21 when the legislative body orders a joint hearing as provided therein.

Hearing

SEC. 27. At the hearing the legislative body shall consider the report of the planning commission and any recommendations the agency may make, and shall take such other evidence and testimony as may be presented concerning the matters under consideration.

Subsequent action

SEC. 28. The legislative body thereafter shall:
(a) Determine whether or not the redevelopment of the project area pursuant to this act is in the public interest and would tend to effectuate the purposes and policy of this act;

(b) Approve or reject the tentative plan, or modify the plan and approve or reject it as modified. No such approval shall be effective unless two-thirds of the membership of the legislative body concur therein.

SEC. 29. If the legislative body approves a tentative plan for a project area, it shall adopt the plan by ordinance adopted by a two-thirds vote, whereupon such area shall be established and given a name and number and thereafter referred to as an approved redevelopment project area, and all records, or certified copies thereof, in relation to said area shall be consolidated into one file, designated by such name and number, and shall be preserved by the clerk of the legislative body as public records. Such ordinance shall include the following:

- (a) A legal description of the boundaries of the project area;
- (b) A statement of findings, based upon surveys, investigations and reports of public agencies, and any other information showing the extent and character of blight, obsolescence and substandard conditions in the area and the injurious and detrimental effects thereof upon the public health, safety and general welfare;

(c) The tentative plan for the redevelopment of the project area, showing the principal features of the master plan or general community plan as they apply to the project area.

SEC. 30. The legislative body shall transmit to the redevelopment agency and to the building department of the community a copy of any ordinance adopted pursuant to Section 29.

SEC. 31. The legislative body shall file with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of said project area have been instituted under this act.

SEC. 32. Upon adoption of a tentative plan for a project area, all subsequent applications for building permits in such area shall be subject to review by the legislative body, and permits for the construction of buildings or for other improvements which may interfere with, retard, or materially increase the cost of the redevelopment of such project area may be withheld by the legislative body.

Article 7. Redevelopment Agencies

SEC. 33. There is hereby created in each community a redevelopment agency to be known as the redevelopment agency of the community.

SEC. 34. The agency of any community shall not transact any business or exercise any powers under this act unless and until the legislative body of the community shall by resolution adopted by a two-thirds vote declare at any time hereafter that there is need for a redevelopment agency to function in such community.

SEC. 35. If any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract by or on

behalf of an agency, the agency shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the legislative body declaring the need for the redevelopment agency to function.

Members of
agency

SEC. 36. When the legislative body of a community first adopts a resolution as provided for in Section 34 of this act, the mayor of a city or of a county or the chairman of the board of supervisors of a county, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency. No member of the agency may be an elective officer or an employee of the community, but he may be a member, commissioner or employee of any other agency or authority of, or created for, the community notwithstanding any other provision of law. The powers of each agency shall be vested in the members thereof then in office. Members shall receive their actual and necessary expenses, including traveling expenses and may receive such other compensation as the legislative body may prescribe.

Terms of
office

SEC. 37. Three of the members who are first appointed shall be designated to serve for terms of one, two, and three years respectively, from the date of their appointments, and two shall be designated to serve for terms of four years from the date of their appointments. Thereafter, members shall be appointed as aforesaid for a term of office of four years, except that all vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified.

Chairman

The appointing officer shall designate which of the members of the agency appointed shall be the first chairman, but when the office of the chairman of the agency becomes vacant thereafter, the agency shall elect a chairman from among its members. The term of office as chairman of the agency, unless otherwise prescribed by the legislative body of the community, shall be for the calendar year, or for that portion thereof remaining after each such chairman is designated or elected.

Removal of
member

SEC. 38. For inefficiency or neglect of duty or misconduct in office, a member of an agency may be removed by the legislative body of the community, but the member may be removed only after he shall have been given a copy of the charges at least 10 days prior to a public hearing thereon and has had an opportunity to be heard in person or by counsel.

Interest in
property by
officer or em-
ployee, etc

SEC. 39. No officer or employee of the community or of the agency who in the course of his duties is required to participate in the formulation of plans or policies for the redevelopment of a project area, or to approve such plans or policies, shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any financial interest, direct or indirect, in any property included within such a project area he shall immediately disclose, in writing, such interest to the legislative body of the community and such disclosure shall be entered in the minutes

of the agency and of the legislative body. Failure to so disclose such interest shall constitute misconduct in office. No agency shall acquire from any of its members or officers any property, or interest therein, except through eminent domain proceedings.

SEC. 40. When the agency created for any community becomes authorized to transact business and exercise its powers, the legislative body of the community may at that time, and from time to time thereafter, make an estimate of the amount of money required for the administrative purposes of the agency and may, by a two-thirds vote, appropriate such amounts to the agency as it deems necessary. Administrative expenses of agency

SEC. 41. Each agency transacting any business and exercising any powers shall annually submit to the legislative body of the community a proposed budget of its administrative expenses. Such budget shall be subject to such changes as the legislative body may prescribe, and its preparation and adoption, and the adoption of any changes therein, shall be subject to the same rules which are applicable to other agencies and departments of the community which are subject to budgetary control. No such adoption is effective unless it is concurred in by two-thirds of the membership of the legislative body. Budget of expenses

SEC. 42. Each such agency shall file with the legislative body a detailed report of all its transactions, including a statement of all revenues and expenditures, at monthly, quarter y, or annual intervals as the legislative body may prescribe. Reports

SEC. 43. At any time after two years after adopting a resolution declaring that there is need for an agency to function in a community, the legislative body thereof, if such agency shall not theretofore have redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into any contracts for redevelopment, may by resolution declare that there is no further need for such agency in the community. Thereupon the offices of the members of the agency shall be vacated and the capacity of the agency to transact business or exercise any powers shall be suspended and shall remain suspended until the legislative body thereafter adopts a resolution declaring the need for the agency to function. Dissolution of agency
Suspension of powers

Article 8. Powers of Redevelopment Agency

SEC. 44. Each redevelopment agency shall constitute a public body, corporate and politic, exercising public and essential governmental functions, and, subject to the limitations imposed by this act, shall have the following powers in addition to the others herein granted: Powers of redevelopment agency

(a) To sue and be sued; to have a seal; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(b) To make, and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this act to carry into effect the powers and purposes hereof.

(c) To select and appoint such officers, agents, counsel and employees, permanent and temporary, as it may require, and

determine their qualifications, duties and compensation, subject, nevertheless, to the provisions of Section 41.

(d) Within the redevelopment area or for purposes of redevelopment: to purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property, or any interest therein, together with any improvements thereon; to acquire by the exercise of the power of eminent domain any real property; to clear any and all buildings, structures or other improvements from any real property so acquired; to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber (by mortgage, deed of trust or otherwise), or otherwise dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the agency against risks or hazards; and to rent, maintain, manage, operate, repair, and clear, such real property. Any such lease or sale may be made without public bidding but only after a public hearing by the agency upon the proposed lease or sale and the provisions thereof.

(e) To develop as a building site or sites any real property owned or acquired by it, and in this connection to cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks and curbs, and public utilities of every kind to be constructed and installed.

(f) To prepare from time to time plans for the improvement and rehabilitation of blighted areas.

(g) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(h) To obligate lessees or purchasers of land acquired in a redevelopment project: (1) to use such land for the purpose designated in the redevelopment plans; (2) to begin the building of specified improvements within a period of time which the agency fixes as reasonable; and (3) to comply with such other conditions as in the opinion of the redevelopment agency are necessary to carry out the purposes of this act. The agency, by provision in the contract, may make any of the purchaser's obligations covenants or conditions running with the land, whose breach shall cause the fee to revert to the agency.

(i) To exercise all or any part or combination of the powers herein granted.

Restrictio 1

(j) Nothing herein contained shall authorize such redevelopment agency to construct any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan, or to acquire, without the consent of the owner, any real property on which buildings are located, where such buildings are to be continued in their present form and use under the redevelopment plan.

Article 9. Cooperation in Undertaking Community Redevelopment Projects

SEC. 45. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of redevelopment projects located within the area in which it is authorized to act, any State public body may upon such terms, with or without consideration, as it may determine:

Cooperation
by State
public body

(a) Dedicate, sell, convey or lease any of its property to a redevelopment agency;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such area; make any lawfully authorized exceptions from building regulations and ordinances;

(e) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the Federal Government respecting action to be taken by such State public body pursuant to any of the powers granted by this act;

(f) Purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of such bonds; and

Article 9.5. Redevelopment Revolving Fund

SEC. 45.5. The legislative body of any community, at any time after it has adopted a resolution declaring that there is need for an agency to function in the community, may establish a redevelopment revolving fund. For the purpose of raising moneys to be deposited in such fund, the community may issue and sell its general obligation bonds. Any general obligation bonds to be issued by any community pursuant to the provisions of this section shall be authorized and issued in the manner and within the limitations, except as herein otherwise provided, prescribed by the laws of this State or the charter of the community for the issuance and authorization of such bonds thereof for public purposes generally. Irrespective of any limitation, by general or special law, as to the amount of such bonds which may be issued, a community may issue such bonds, for the purposes defined by this section, in excess of such limitation, in such amount as may be authorized by an ordinance submitted to and approved by the voters of such community at any general or special election.

Redevelop-
ment Revolv-
ing Fund

Sale of
general obli-
gation bonds

SEC. 45.6. Any money in the redevelopment revolving fund may be expended from time to time, upon resolution of the legislative body, adopted by a two-thirds vote, for the acquisition of real property in any project area or for the clearance and preparation of any project area for redevelopment.

Expenditure
of money

Sale, etc.
of property

SEC. 45.7. No property acquired in whole or in part with moneys from the redevelopment revolving fund shall be sold at a price or encumbered (whether by mortgage, deed of trust or otherwise) for an amount which will return to the redevelopment revolving fund less than ninety per cent (90%) of that part of the cost of such property paid from such fund, except by permission of the voters of the community, as indicated by a majority of the votes cast on the proposition at any general or special election. All moneys received by the agency from the sale, lease or encumbering of property acquired with moneys from the redevelopment revolving fund shall be redeposited in the fund. All other provisions of this act that relate to financing shall be subject to the provisions of this section.

Abolishing
of fund

SEC. 45.8. The legislative body of any community may abolish the redevelopment revolving fund whenever it shall find that the purposes for which such fund was established have been accomplished. At the time of abolishing such fund, the legislative body shall transfer all moneys therein to the general obligation bond redemption fund and shall provide that all moneys thereafter to be deposited or redeposited in the redevelopment revolving fund shall be deposited in such general obligation bond redemption fund. Any surplus existing in such general obligation bond redemption fund after payment of principal and interest shall be transferred to the general fund of the community.

Article 10. Redevelopment Plans

Redevelop-
ment plans
by agency

SEC. 46. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan or plans for each project area referred to it pursuant to this act and for that purpose may hold hearings and conduct examinations, investigations, and other preliminary negotiations.

Participation
by property
owners

SEC. 47. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of any or all of such property if the owners shall agree to participate in such redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area. This provision does not prohibit such owners from submitting an alternative plan as provided in this act.

Alternative
provisions

SEC. 48. Every redevelopment plan which contemplates participation in the proposed redevelopment by an owner or owners of property in the area, shall contain alternative provisions for redevelopment of such property if the owner or owners shall fail to participate in such redevelopment as agreed.

Conformity
with master
plan

SEC. 49. A redevelopment plan for a project area shall be based upon the approved tentative plan and shall conform to the master or general community plan insofar as the latter applies to the project area. The agency shall consult with the planning commission of the community in formulating redevelopment plans and whenever a redevelopment plan is submitted to a legislative body the planning commission shall report to

the legislative body within 30 days on the redevelopment plan and its conformity to the master or general plan of the community.

SEC. 50. Every redevelopment plan shall describe the proposed method of financing the redevelopment of the project area in sufficient detail that the legislative body may determine the economic feasibility of the plan. Method of financing

SEC. 51. Every redevelopment plan shall contain provisions showing the amount of open space to be provided, street layout, limitations on type, size, height, number and proposed use of buildings, number of dwelling units, the property to be devoted to public purposes, and the nature of such purposes, and such other covenants, conditions and restrictions as the legislative body may prescribe. Required provisions

SEC. 52. A redevelopment plan may provide for the acquisition by gift, purchase, lease, or condemnation of all or any portion of the real property in the project area by the agency. Permissive provisions

SEC. 53. A redevelopment plan shall provide for the lease or sale by the agency of all real property acquired by it in any project area, except such property as may be conveyed by such agency to the community. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan. Lease or sale of property

SEC. 54. A redevelopment plan may provide for the issuance of bonds by the agency and the expenditure of the proceeds from the sale thereof in carrying out the redevelopment plan. Issuance of bonds and expenditure of proceeds

SEC. 55. Upon the formulation or adoption of a redevelopment plan the agency shall submit it to the legislative body. Submission to legislative body

Article 11. Adoption of Redevelopment Plan

SEC. 56. Upon submission to it of a redevelopment plan or plans the legislative body shall set a time and fix a place for a public hearing on the adoption of such a plan. The time of hearing shall be not more than 30 days after receiving the plan from the agency. Notice of said hearing shall be given by publication in at least one issue of a newspaper of general circulation, printed and published in the community, or if no such newspaper is printed and published in the community, then in a newspaper selected by the legislative body, which notice shall be published not less than 10 days prior to the hearing. Hearing
Notice

SEC. 57. At any time prior to the time set for hearing on the adoption of a redevelopment plan by the legislative body, any person, firm, association or corporation or any public or private agency qualified so to do may present to the legislative body an alternative redevelopment plan for the project area. Presentation of alternative redevelopment plan

SEC. 58. Any alternative redevelopment plan shall be referred to the planning commission of the community which shall report within 30 days on such plan and its conformity to the master or general plan of the community. The Reference to planning commission

hearing on a redevelopment plan submitted by the agency may be postponed or continued from time to time in order to allow time for the planning commission to report on any alternative plan presented to the legislative body, but no such postponement or continuation shall aggregate more than 30 days.

Consideration of plan

SEC. 59. At the hearing the legislative body shall consider the redevelopment plan or plans submitted by the agency and any alternative plan submitted in accordance with this act and all evidence and testimony for or against the adoption of said plan or plans.

Factors for consideration

SEC. 60. On the question of the adoption of any redevelopment plan the legislative body shall determine whether or not the plan if carried out would redevelop the area in conformity with this act and in the interests of the public peace, health, safety, and welfare.

Economic soundness and feasibility

SEC. 61. The legislative body shall also consider whether or not the adoption and carrying out of the redevelopment plan is economically sound and feasible.

Preference where alternative plan submitted

SEC. 62. If alternative plans are submitted, the legislative body shall give preference to that plan which it deems will best redevelop the project area in conformity with the purposes and policy of this act and the master or general plan for the community and which requires the least interference with the continued enjoyment of existing property rights consistent with the purposes of this act.

Adoption of plan

SEC. 63. If the legislative body determines that the redevelopment plan conforms to the master or general plan of the community, that such plan is economically sound and feasible, and that the carrying out of the plan would promote the public peace, health, safety and welfare of the community and would effectuate the purposes and policy of this act, the legislative body may adopt by ordinance adopted by a two-thirds vote the plan as the official redevelopment plan for the project area.

Duties of legislative body Provide for expenditure

SEC. 64. If the plan provides for the expenditure of any money by the community the legislative body shall by a two-thirds vote provide for such expenditure at the time of or in connection with the approval of the plan.

Opening, closing, etc. of streets

SEC. 65. If the plan provides for the opening, closing, widening, or changing the grade of any streets or alleys or any other modification of the street layout in the project area, the legislative body shall declare its intention to institute proceedings therefor at the time of or in connection with the adoption of the plan.

Condemnation of real property

SEC. 66. If the plan provides for the condemnation of any real property, the legislative body shall not adopt the plan unless it contains adequate provisions for payment for property so acquired as provided by law.

Issuance of bonds

SEC. 67. If the plan provides for the issuance of bonds or other obligations of the agency, the legislative body shall not approve the plan unless it contains adequate provision for the payment of the principal and interest on such bonds as the same may become due and payable.

SEC. 68. If the plan provides for the displacement, whether temporary or permanent, of any occupants of housing facilities in the project area, the legislative body shall not approve the plan, except upon the finding that adequate permanent housing facilities are or will be made available in the community for such displaced occupants at rents comparable to those obtaining at the time of their displacement.

Provision for
displaced
inhabitants

The legislative body shall further be satisfied that such permanent housing facilities shall, in any event, be made available within three years from the time such occupants will be displaced; and that pending the development of such permanent housing facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those obtaining at the time of their displacement.

If persons of low income (as defined in the Housing Authorities Law) are to be displaced, the legislative body shall, prior to its approval of the redevelopment plan, obtain and consider the recommendations of the Housing Authority, if any, authorized to transact business in the community, with respect to the availability and provision of adequate housing for such persons of low income.

Stats Ex
Sess 1938,
p 9

SEC. 69. No plan shall be approved unless it contains adequate safeguards that the work of redevelopment will be carried out in accordance with the plan and provides for the retention of controls and the establishment of any restrictions or covenants for such periods of time and under such conditions as in the judgment of the legislative body are necessary to effectuate the purposes of this act, which shall run with land sold or leased for private use. The establishment of such controls is hereby declared to constitute a public purpose under the provisions of this act.

Controls to
effectuate
purposes
of act

SEC. 70. The adoption of a redevelopment plan by a legislative body shall be by ordinance adopted by a two-thirds vote. Such ordinance shall:

Ordinance
of adoption

- (a) Contain a legal description of the boundaries of the project area covered by the redevelopment plan,
- (b) Set forth the purposes and intent of the legislative body with respect to the project area,
- (c) Refer specifically to the determinations required in other sections of this article,
- (d) Contain by reference to maps, reports, and other information the full details of the approved plan, and
- (e) Designate the approved plan as the official redevelopment plan of the project area.

Upon the filing of such ordinance with the clerk or other appropriate officer of the legislative body the responsibility for the carrying out of the plan shall be vested in the agency.

SEC. 71. The legislative body may, in its discretion, require that the agency, before entering into any contracts for the execution of the redevelopment plan or any portion thereof, shall have such contracts approved by the legislative body.

Approval of
contracts

Failure of
owners to
participate

SEC. 72. If the redevelopment plan adopted provides for participation in the redevelopment of property in the area by an owner or owners of such property, and if for a period of 30 days after the adoption of such plan, such owner or owners fail or refuse to enter into a binding agreement to carry out such participation in the redevelopment in accordance with such plan, the applicable alternative provisions of the redevelopment plan provided for in Section 48 of this act shall become effective as the official redevelopment plan of the project area. The legislative body may, at its discretion, extend said 30-day period by not more than 60 days.

Contest of
validity

SEC. 73. After the adoption of the redevelopment plan and after the expiration of the period provided for in Section 72 of this act, further proceeding with reference to redevelopment of the project area shall be stayed for a period of 30 days. The time for the commencement of actions to contest the validity of the proceedings prescribed by the foregoing provisions of this act shall be barred upon the expiration of said period of 30 days, and no action thereafter commenced shall raise any question concerning the validity of the proceedings provided for in the foregoing provisions of this act, and in all actions commenced after the expiration of said period of 30 days, except as to matters affecting jurisdiction, the validity of the proceedings prescribed by the foregoing provisions of this act shall be conclusively presumed.

Upon the expiration of said 30-day stay, the agency shall have the authority to execute such plan.

Article 12. Eminent Domain Proceedings

Eminent
domain

SEC. 74. The agency shall have the right to acquire all or any part of the real property within the project area by the exercise of the power of eminent domain in accordance with the provisions of the Code of Civil Procedure and other applicable provisions of law.

Property
already
devoted to
public use

SEC. 75. Property already devoted to a public use may be acquired by the agency by the exercise of the power of eminent domain, except that no property of a State public body may be acquired without its consent.

Article 13. Bonds of the Agency

Issuance
of bonds

SEC. 78. An agency shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An agency shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the redevelopment projects financed with the proceeds of such bonds, or with such proceeds together with financial assistance from the State or Federal governments in aid of such projects; (b) exclusively from the income and revenues of certain designated

redevelopment projects whether or not they were financed in whole or in part with the proceeds of such bonds; (c) from its revenues generally; (d) from any contributions or other financial assistance from the State or Federal governments; or (e) by any combination of these methods. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance (whether by mortgage, deed of trust or otherwise) of any redevelopment project, projects or other property of the agency.

Pledge of revenues, etc

Neither the members of an agency nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of any agency (and such bonds and obligations shall so state on their face) shall not be a debt of the community, the State or any political subdivision thereof and neither the community, nor the State or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said agency. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

Nonliability of members of agency

Nonliability of community or State

SEC. 78.5. For the purposes of this act, no agency shall sell, offer for sale, negotiate for the sale of, or take subscriptions for any bonds of its own issue, to, with or from the public, until it has first applied for and secured from the Commissioner of Corporations a permit authorizing it so to do.

Permit authorizing issuance of bonds

The application shall be made and the permit issued in accordance with reasonable regulations therefor which the commissioner is hereby authorized to adopt and amend from time to time. The commissioner shall issue the permit if he finds that the project is financially sound and that the sale of the bonds would not be unfair, unjust or inequitable to the purchasers thereof. The provisions of the Corporate Securities Act, to the extent not inconsistent herewith, are incorporated herein, insofar as they relate to applications for permits and the issuance of permits as required by the provisions of this section.

Stats 1917, p 673

SEC. 79. Bonds of an agency shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding four and one-half per cent ($4\frac{1}{2}\%$) per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

Bonds

The bonds may be sold at not less than par, at public sale held after notice published once at least five days prior to such sale in a newspaper of general circulation published in the community, or, if no such newspaper be published in the community, then in a newspaper of general circulation published in the

Sale

county; provided, however, that such bonds may be sold at not less than par to the Federal Government at private sale without any advertisement.

Signatures

In case any of the members or officers of the agency whose signatures appear on any bonds or coupons shall cease to be such members or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

Negotiability

Presumption of validity

In any suit, action or proceedings involving the validity or enforceability of any bonds of an agency or the security thereof, any such bond reciting in substance that it has been issued by the agency to aid in financing a redevelopment project shall be conclusively deemed to have been issued for a redevelopment project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this act.

Additional powers of agency

Sec. 80. In connection with the issuance of bonds, an agency, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(b) To encumber (by mortgage, deed of trust or otherwise) all or any part of its real or personal property, then owned or thereafter acquired.

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any redevelopment project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(e) To covenant as to the consideration or rents and fees to be charged in the sale or lease of a redevelopment project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for redevelopment or other costs, debt service, reserves, or other purposes, and to

covenant as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said agency, to take possession of any redevelopment project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the agency with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the discretion of said agency, except as otherwise provided in this act as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated herein.

SEC. 81. An obligee of an agency shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

Rights of
obligee

(a) By mandamus, suit, action or proceeding at law or in equity to compel said agency and the members, officers, agents or employees thereof to perform each and every term, provision, and covenant contained in any contract of said agency with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said agency and the fulfillment of all duties imposed upon said agency by this act.

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said agency.

Power to
confer
rights upon
obligee

SEC. 82. An agency shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event or default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(a) To cause possession of any redevelopment project or any part thereof to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of any redevelopment project of said agency or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such redevelopment project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in separate account or accounts and apply the same in accordance with the obligations of said agency as the court shall direct.

(c) To require said agency and the members and employees thereof to account as if it and they were the trustees of an express trust.

Tax
exemption

SEC. 83. The bonds of an agency are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom shall be exempt from all taxes.

Legal
investment

SEC. 84. Notwithstanding any restrictions on investments contained in any laws of this State, the State and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by an agency, as herein defined, and such bonds and other obligations shall be authorized security for all public deposits; it being one of the purposes of this act to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this act shall be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

SEC. 84.5. All of the provisions of this article shall be subject to the limitations of Article 9.5 of this act. Limitations

Article 14. Exemption from Execution

SEC. 85. All real property of an agency shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an agency be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust or other encumbrance of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an agency on its rents, fees, or revenues. Exemption from execution or judgment lien

Article 15. Aid from Federal or State Government

SEC. 86. In addition to the powers conferred upon an agency by other provisions of this act, an agency is empowered to borrow money or accept financial or other assistance from the Federal or State Governments for or in aid of any redevelopment project within its area of operation, and to such ends comply with any conditions attached thereto. Aid from Federal or State Government

Article 16. Contracts for Work

SEC. 87. Any work of grading, clearing, demolition or construction, of a value of more than one thousand five hundred dollars (\$1,500) undertaken by the agency shall be done by contract, subject to the same provisions of law relating thereto and to the letting thereof, which are applicable to similar contracts of the community. Before awarding any contract for such work to be done in a project, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed to execute the contract or work, and shall specify in the call for bids for the contract and in the contract itself the general prevailing rate of per diem wages and the general prevailing rate for regular holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract. The contractor shall as a penalty to the agency who awarded the contract forfeit ten dollars (\$10) for each calendar day or portion thereof for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him and the agency awarding the contract shall cause to be inserted in the contract a stipulation to this effect. Each contractor and subcontractor shall keep an accurate record showing the name, occupation and the actual per diem wages paid to each workman employed by him in connection with the Contracts for work
Prevailing rate of wages
Penalty for noncompliance
Records

work. The record shall be kept open at all reasonable hours to the inspection of the agency awarding the contract.

Indemnity
bonds

The said agency shall require the successful bidder or bidders to file with the agency good and sufficient bonds, to be approved by the agency, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter.

Article 17. Cooperation Between Communities

Territorial
jurisdiction
of agency

SEC. 88. The territorial jurisdiction of the agency of a county is the unincorporated territory in the county, and that of a city or city and county is the territory within its limits.

Cooperation
between
communities

SEC. 89. Two or more communities may jointly exercise the powers granted under this act and in such case the planning commissions, legislative bodies, and agencies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency of all of the communities interested. In this event the agency designated shall cooperate with the planning commission of each community in formulating redevelopment plans, and whenever a redevelopment plan is submitted to the legislative body each planning commission shall report to the legislative body of its community within 30 days on the redevelopment plan and its conformity to the master or general plan of the community.

The legislative body of any community may by resolution consent to the inclusion of a part of the area under its jurisdiction in a contiguous project area to be developed by another community.

Article 18. Severability of Provisions

Constitutionality

SEC. 90. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 1327

An act to amend Section 3341 of the Civil Code, relating to animals.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3341 of the Civil Code is amended to read:

Liability
of owner
of animal
injuring
animals or
poultry

3341. The owner, possessor, or harbinger of any dog or other animal, that shall, on the premises of any person other than the owner, possessor, or harbinger of such dog or other animal, kill,

worry, or wound any bovine animal, swine, horse, mule, burro, sheep, angora goat, or cashmere goat, or poultry, shall be liable to the owner of the same for the damages and costs of suit, to be recovered in any court of competent jurisdiction:

1. In the prosecution of actions under the provisions of this chapter, it shall not be necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal, had knowledge of the fact that such dog or other animal would kill, wound or worry bovine animals, swine, horses, mules, burros, sheep, goats, or poultry. Knowledge of owner unnecessary

2. Any person on finding any dog or dogs, or other animal, not on the premises of the owner or possessor of such dog or dogs, or other animal, worrying, wounding, or killing any bovine animals, swine, horses, mules, burros, sheep, angora or cashmere goats, may, at the time of finding such dog or dogs, or other animal, kill the same, and the owner or owners thereof shall sustain no action for damages against any person so killing such dog or dogs, or other animal. Killing of animal found committing injury

Nothing in this section shall render an owner, possessor, or harbinger of a dog liable for the accidental or unavoidable killing or injury of any bovine animal, swine, horse, mule, burro, sheep, angora goat, cashmere goat, or poultry which occurs in connection with or as an incident to the driving or herding the same from the premises of the owner, possessor, or harbinger of the dog, whether such killing or injury occurs upon such premises or off of such premises. Accidental killing by dog

CHAPTER 1328

An act to amend Sections 19008 and 19153 of, and to add Section 19061.5 to, the Business and Professions Code, and to repeal Sections 19062, 19063, 19064, 19065 of said code, relating to upholstered furniture and bedding licenses.

[Approved by Governor July 11, 1945 Filed with Secretary of State July 11, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 19008 of the Business and Professions Code is amended to read:

19008. "Secondhand" means any material or article of which prior use has been made, and includes shoddy made of either new or used defabricated material, thread, yarn, and sweepings not otherwise classed as new in this chapter. "Second-hand"

Any article of upholstered furniture or bedding is secondhand if it contains any secondhand material in whole or in part

Any article of upholstered furniture or bedding on sales floors in a private residence or room, which is not separated from living quarters, is secondhand furniture or bedding.

SEC. 2. Section 19153 of said code is amended to read:

"Batt" or
"batting"

19153. Whenever the words "batt" or "batting" are used in any statement required by this chapter the materials designated thereby shall be in layers as processed by garnetting or carding machines, and the statement shall indicate whether the batt is a "staple cotton batt" or a "cotton linters batt" or, if any other material is in batt form, its name shall be indicated. Batting mixtures shall state the percentages of each kind of material used in the batt.

SEC. 3. Section 19061.5 is added to said code, to read:

Procedure
re serial
numbers,
licenses,
etc

19061.5. The chief shall prescribe the procedure relative to:
(a) Assignment or reassignment of serial numbers.
(b) Transfer of licenses between persons, where such transfer is effected through rent, lease or sale of the business.
(c) Change in name, ownership, address, or of license classification.

Repeals

SEC. 4. Sections 19062, 19063, 19034, 19065 of the Business and Professions Code are hereby repealed.

CHAPTER 1329

An act to amend Section 410 of the Code of Civil Procedure, relating to sufficiency of proof of service of lost summons.

In effect
September
15, 1945

[Approved by Governor July 11, 1945. Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 410 of the Code of Civil Procedure is amended to read:

Service of
summons

410. The summons may be served by the sheriff, a constable, or marshal, of the county where the defendant is found, or any other person over the age of 18, not a party to the action. A copy of the complaint must be served, with the summons, upon each of the defendants. When the summons is served by the sheriff, a constable, or marshal, it must be returned, with his certificate of its service, and of the service of a copy of the complaint, to the office of the clerk or justice from which it issued. When it is served by any other person, it must be returned to the same place, with the affidavit of such person of its service, and of the service of a copy of the complaint.

Proof of
service
of lost
summons

If the summons is lost subsequent to service and before it is returned, an affidavit of the official or other person making service, showing the facts of service of the summons, may be returned in lieu of the summons and with the same effect as if the summons were itself returned.

CHAPTER 1330

An act to amend Sections 103g and 103h of, and to add Section 103l to the Code of Civil Procedure, relating to justices of the peace in cities of the second class.

[Approved by Governor July 11, 1945 Filed with Secretary of State
July 11, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 103g of the Code of Civil Procedure is hereby amended to read as follows:

103g. In every city of the second class there shall be three justices of the peace, to be elected by the electors of the city in the same manner as are justices of the peace specified in subdivision (f) of Section 103. No person is eligible to the office of justice of the peace in any city of the second class unless he has been admitted to practice before the Supreme Court of the State of California for a period of five years immediately preceding his election or appointment to such office and he has been a resident of the city for five years immediately preceding his election or appointment. No justice of the peace in every city of the second class shall practice law in or out of court during his continuance in office.

Oakland
justices of
the peace

SEC. 2. Section 103h of the Code of Civil Procedure is hereby amended to read as follows:

103h. Every city justice of the peace in any city of the second class shall receive as salary the same annual salary as that now or hereafter prescribed by law for a municipal judge in a city of the first class. The compensation of the justice shall be paid by warrants drawn each month upon the salary fund, or if there is no salary fund, then upon the general fund of the city, or in counties where the salary of the city justice of the peace is paid by the county, of the county. The warrants shall be audited and paid as are the salaries of any other city or county officials. The salary shall be the sole compensation of the city justice.

Salaries

SEC. 3. Section 103l is hereby added to the Code of Civil Procedure, to read as follows:

103l. The justices of the peace in any city of the second class shall select one of their number to act as presiding judge of said court and to serve at the pleasure of the justices. The presiding judge shall have power to assign any justice to preside over any session of said court and shall expedite the judicial business and equalize the work of the justices of said court.

Selection of
presiding
judge

SEC. 4. The board of supervisors of the county in which a city of the second class is situated shall, within 10 days after the effective date of this act, make appointments in the manner provided by law to fill the vacancies created by this act.

Appoint-
ments to
vacancies

CHAPTER 1331

Stats 1929, p. 1805, amended. *An act to add Section 4.7 to The Planning Act and Section 18.5 to the State Conservation and Planning Act, relating to regional, county, and city planning commissions and the governing bodies of school districts.*

In effect September 15, 1945 [Approved by Governor July 11, 1945 Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

New section SECTION 1. Section 4.7 is added to The Planning Act, to read:

Notice to governing boards of school districts Sec. 4.7. The county and city planning commissions shall, during the formulation of plans for community design and public buildings, notify the governing boards of school districts having jurisdiction of the areas considered, of the preparation of such plans to the end that adequate and properly located school sites may be provided for.

CHAPTER 1332

An act to add Article 3 to Chapter 9 of Division 4 of the Education Code, relating to the education of minors in tuberculosis wards, hospitals or sanatoriums.

In effect September 13, 1945 [Approved by Governor July 11, 1945 Filed with Secretary of State July 11, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 is added to Chapter 9 of Division 4 of the Education Code, to read:

Article 3

Attendance by minor at school in tuberculosis ward, etc 9651. Whenever a high school district maintains a school or classes at a tuberculosis ward, hospital or sanatorium established and maintained by a group of counties, any minor who has been admitted to such ward, hospital or sanatorium is, if otherwise qualified, eligible to attend such school or classes but shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to such tuberculosis ward, hospital or sanatorium.

Cost of educating minor 9652. The school district of which any such minor is a resident shall at the close of each school year pay to the district maintaining a school or class in which such minor is enrolled the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenditures of the high school district during such school year for the maintenance of such school or classes, less all apportionments from the State or allocations from the Federal Government on account of such school or classes, by the total number of units of

average daily attendance in such school or classes during such school year.

9653. The district maintaining such school or classes shall forward its claim to the district of residence and the governing board of such district shall upon the receipt thereof pay such claim. Claim
for cost

CHAPTER 1333

An act to amend Sections 737c, 737e, and 737i of the Political Code, relating to judges' salaries.

[Approved by Governor July 12, 1945. Filed with Secretary of State July 12, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 737c of the Political Code is amended to read:

737c. The annual salary of the judge of the Superior Court in and for the County of Amador is seven thousand dollars (\$7,000). Superior
judges
—Amador

SEC. 2. Section 737e of said code is amended to read:

737e. The annual salary of the judge of the Superior Court in and for the County of Calaveras is seven thousand dollars (\$7,000). —Calaveras

SEC. 3. Section 737i of said code is amended to read:

737i. The annual salary of the judge of the Superior Court in and for the County of El Dorado is seven thousand dollars (\$7,000). —El
Dorado

CHAPTER 1334

An act to amend Section 11381 of the Government Code, relating to the filing of regulations of State agencies.

[Approved by Governor July 12, 1945. Filed with Secretary of State July 12, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 11381 of the Government Code is amended to read: See also
Stats 1945,
Ch 111

11381. Every State agency shall file with the Secretary of State an original and two duplicate copies of every regulation made by it. Each such regulation shall include a citation of the authority pursuant to which it, or any part thereof, was adopted. The regulation shall become effective on the thirtieth day after the date of filing unless it is designated by the State agency to be an emergency regulation, in which event it becomes effective immediately upon filing. Filing
regulations
of State
agencies

Effective
date of
regulations

CHAPTER 1335

An act to amend Section 4661 of the Labor Code of the State of California, relating to workmen's compensation.

In effect
September
15, 1945

[Approved by Governor July 12, 1945 Filed with Secretary of State
July 12, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 4661 of the Labor Code is amended to read:

Disability
both
temporary
and
permanent

4661. Where an injury causes both temporary and permanent disability, the injured employee is not entitled to both a temporary and permanent disability payment, but only to the greater of the two, except that where the temporary disability payment exceeds 25 per cent of the permanent disability payment the injured employee shall be paid 75 per cent of such permanent disability payment in addition to the temporary disability payment.

CHAPTER 1336

An act to amend Section 96 of the Labor Code, relating to assignment of claims.

In effect
September
15, 1945

[Approved by Governor July 12, 1945 Filed with Secretary of State
July 12, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 96 of the Labor Code is amended to read:

Assignment
of claims
to Labor
Commis-
sioner

96. The Labor Commissioner and his deputies and representatives authorized by him in writing may take assignments of:

(a) Wage claims and incidental expense accounts and advances.

(b) Mechanics' and other liens of employees.

(c) Claims based on "stop orders" for wages and on bonds for labor.

(d) Claims for damages for misrepresentation of conditions of employment.

(e) Claims against employment agencies or their bondsmen.

(f) Claims for unreturned bond money of employees.

(g) Claims for penalties for nonpayment of wages.

(h) Claims for the return of workmen's tools in the illegal possession of another person.

(i) Claims for vacation pay and severance pay.

CHAPTER 1337

An act to amend Sections 5460, 5463, 6462 and 6486 and to repeal Sections 5461 and 5464 of the Health and Safety Code, and relating to sanitation.

[Approved by Governor July 12, 1945 Filed with Secretary of State July 12, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5460 of the Health and Safety Code is amended to read:

See also
Stats 1945,
Ch 979
Penalty

5460. Every person who violates any provision of this chapter, or who fails to obey, observe, or comply with any direction, order, requirement, or demand of the State department, forfeits to the State of California the penal sum of not more than one thousand dollars (\$1,000) to be fixed by the court for each and every offense.

SEC. 2. Section 5461 of said code is hereby repealed.

Repeal

SEC. 3. Section 5463 of said code is amended to read:

See also
Stats 1945,
Ch 979
Penalty

5463. Violation of this chapter is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or by both.

SEC. 4. Section 5464 of said code is hereby repealed.

Repeal

SEC. 5. Section 6486 of said code is amended to read:

6486. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and shall appoint a secretary who may be a member of the board.

Sanitary
Districts
President
and
secretary
of board

SEC. 6. Section 6462 of said code is amended to read:

6462. At least 15 days prior to the election, the board of supervisors shall select one, and may select two or more, polling places in the proposed district, and shall make suitable arrangements for the election.

Polling
places

CHAPTER 1338

An act to amend Section 4.5 of an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Stats 1939,
p 1505,
amended

[Approved by Governor July 12, 1945 Filed with Secretary of State July 12, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4.5 of the act cited in the title hereof is hereby amended to read:

Stats 1943,
p 2775

Sec. 4.5. Authority to Pay Part of Premiums out of Public Funds: Right to Dividends. The governing bodies subject to

Group life,
accident,
health, etc.
insurance
premiums

this act may authorize payment from funds under their jurisdiction of not more than one-half of the premium, for group life insurance and for group accident and/or health insurance and medical and/or hospital service authorized by this act on officers and employees subject to their jurisdiction, as they deem advisable. Expenditure for this purpose shall be a proper charge against such funds. Where the employer pays any portion of such life insurance premiums any dividends arising out of such insurance shall be the property of the employer.

CHAPTER 1339

An act to add Chapter 27 to Part 3 of Division 7 of the Streets and Highways Code, relating to the construction of sidewalks and curbs, establishing a procedure therefor, and providing for the assessment and collection of the costs of the construction of such sidewalks and curbs.

In effect
September
15, 1945

[Approved by Governor July 12, 1945. Filed with Secretary of State July 12, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 27 is hereby added to Part 3 of Division 7 of the Streets and Highways Code, to read:

CHAPTER 27. CONSTRUCTION OF SIDEWALKS AND CURBS

Article 1. General Provisions

“Block” 5870. As used in this chapter, “block” means property facing one side of any street between the next intersecting streets.

Application 5871. This chapter shall apply only to the construction of sidewalks and curbs in front of properties in any block where a sidewalk or curb or both have been constructed theretofore in front of properties in said block constituting more than fifty per cent (50%) of the front footage of said block.

Separate and alternative procedure
Div 4, St & H C
5872. This chapter constitutes a separate and alternative procedure for performing the work specified herein, and no other provision of this division shall apply to proceedings instituted hereunder. The “Special Assessment Investigation, Limitation and Majority Protest Act of 1931” shall not apply to any proceedings taken under this chapter.

Article 2. Performing the Work

Duty to construct sidewalk or curb
5875. The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs or both for a total frontage of more than fifty per cent (50%) on one side of such street or place in any block, shall have the duty of constructing or causing the construction of a sidewalk or curb or both in

front of his property upon notice so to do by the superintendent of streets.

5876. When the superintendent of streets finds that sidewalks or curbs or both have been constructed in front of properties constituting more than fifty per cent (50%) of the frontage in any block, said superintendent of streets may, and upon the instructions of the legislative body of the city shall, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no curb or sidewalk has been constructed theretofore, to construct or cause to be constructed a curb or sidewalk or both in front of his property.

Notice to construct

5877. Notice to construct may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk or curb to be constructed or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

Service of notice

5878. The postal card shall contain a notice to construct the sidewalk or curb or both as the case may be, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof, printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property.

Contents

5878.1. The notice also shall specify the day, hour and place when the legislative body will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested persons. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon such objections or protests. The decision of the legislative body on all protests and objections which may be made, shall be final and conclusive. The hearing required by this section shall be in addition to the hearing required by Section 5881 of this chapter.

Time and place of hearing

Hearing

5879. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the construction and shall further specify that if the construction is not commenced within 60 days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall cause the construction to be done, and the cost of the same shall be a lien on the property.

Specification of work, etc

5880. If the construction is not commenced and prosecuted to completion with due diligence, as required by the notice or by the legislative body after the hearing required by Section 5878.1 of this chapter, the superintendent of streets shall forthwith construct the sidewalk.

Construction by superintendent

5881. Upon the completion of the construction, the superintendent of streets shall cause notice of the cost of the construction to be given in the manner specified in this article for the giving of notice to construct, which notice shall specify the day,

Notice of cost

Notice of hearing

hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the construction, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons.

Report 5882. Upon the completion of the construction, the superintendent of streets shall prepare and file with the legislative body a report specifying the work which has been done, the cost of construction, a description of the real property in front of which the work has been done and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include work done in front of any number of parcels of property, whether contiguous to each other or not.

Hearing 5883. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for such construction and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

Decisions final

Article 3. Collection of Cost of Construction

Assessment of cost

5890. The cost of the construction may be assessed by the legislative body against the parcel of property fronting upon the sidewalk or curb so constructed, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof from the time of recordation of the notice of lien, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

Lien

Recording lien

5891. The superintendent of streets may file in the office of the county recorder of the county in which the parcel of property is located, a certificate substantially in the following form, to wit:

Notice of Lien

Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the _____ day of _____, 19___, cause the sidewalk or curb to be constructed, and the legislative body of said city (county, or city and county) did, on the _____ day of _____, 19___, by Resolution No. _____ assess the cost of such construction upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said city (county, or city and county), does hereby claim a lien

on said real property in the sum of-----dollars (\$-----), and the same shall be a lien upon said real property until the said sum, with interest at the rate of 6 per cent per annum, from the said-----day of-----, 19--- (insert date of confirmation of assessment), has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the (name of city, or city and county) the county of -----, State of-----, and particularly described as follows, to wit:

(Description of Property)

Dated this-----day of-----, 19-----

Superintendent of Streets

5892. From and after the date of the recording of the notice of lien, all persons shall be deemed to have had notice of the contents thereof. The notice of lien may include claims against one or more separate parcels of property, whether contiguous or not, together with the amount due, respectively, from each such parcel. The statute of limitation shall not run against the right of the city to enforce the payment of the lien. If any such lien is not paid the city may file and maintain an action to foreclose such lien in the same manner and under the same procedure, so far as applicable, as that under which delinquent bonds are foreclosed under this division. Foreclosure of lien, etc

5893. As an alternative method of collection of the amount of the lien, the legislative body, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the accounting officer and the tax collector of the city, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land. If city taxes are collected by the county officials, the notice of lien shall be delivered to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization. Alternative method of collection

5894. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes. Collection of lien
Applicable laws

CHAPTER 1340

An act to amend Section 4264 of the Political Code, relating to compensation for public service in counties of the thirty-fifth class.

In effect September 15, 1945

[Approved by Governor July 12, 1945. Filed with Secretary of State July 12, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4264 of the Political Code is amended to read:

Yolo Salaries

4264. In counties of the thirty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

Auditor

1. The auditor, four thousand dollars (\$4,000) per annum.

District attorney

2. The district attorney, three thousand dollars (\$3,000) per annum.

Supervisors

3. Each supervisor, one thousand five hundred dollars (\$1,500) per annum, for all services performed by him as supervisor or member of the board of equalization and, in addition thereto, the sum of six hundred dollars (\$600) per annum for his duties as road commissioner and the use of county automobiles in connection with the performance of official duties in whatever capacity.

Jurors

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, three dollars (\$3); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents (\$0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents (\$0.15).

Incumbent officers

The compensation provided by this section shall be paid to incumbent officers.

CHAPTER 1341

An act to amend Sections 80 and 92 of the Agricultural Code, relating to agricultural districts and the basis of allocation to county, district or combined county and district fairs.

In effect September 15, 1945

[Approved by Governor July 12, 1945. Filed with Secretary of State July 12, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 80 of the Agricultural Code is hereby amended to read as follows:

Agricultural districts

80. The several counties of this State constitute agricultural districts numbered as follows:

District 1. The County of Alameda.

District 1.a. The City and County of San Francisco and the County of San Mateo.

- District 2. The County of San Joaquin.
- District 3. The County of Butte.
- District 4. The Counties of Sonoma and Marin.
- District 5. The County of Santa Clara.
- District 6. All that portion of Los Angeles County not included in Agricultural District Number 48, Agricultural District Number 50 and Agricultural District 51.
- District 7. The County of Monterey.
- District 8. The County of El Dorado.
- District 9. The County of Humboldt.
- District 10. The County of Siskiyou.
- District 11. The Counties of Plumas and Sierra. A fair shall be held in each county of this district alternately.
- District 12. The County of Mendocino.
- District 13. The Counties of Sutter and Yuba.
- District 14. The County of Santa Cruz.
- District 15. The County of Kern.
- District 16. The County of San Luis Obispo.
- District 17. The County of Nevada.
- District 18. The Counties of Mono, Inyo, and Alpine.
- District 19. All that portion of Santa Barbara County lying east of Gaviota and south of the Santa Ynez Mountain s.
- District 20. The County of Placer.
- District 21. The County of Fresno.
- District 21a. The County of Madera.
- District 22. The County of San Diego.
- District 23. The County of Contra Costa.
- District 24. The Counties of Tulare and Kings.
- District 25. The County of Napa.
- District 26. The County of Amador.
- District 27. The County of Shasta.
- District 28. The County of San Bernardino.
- District 29. The County of Tuolumne.
- District 30. The County of Tehama
- District 31. The County of Ventura.
- District 32. The County of Orange.
- District 33. The County of San Benito.
- District 34. The County of Modoc.
- District 35. The County of Merced.
- District 35a. The County of Mariposa.
- District 36. The County of Solano.
- District 37. All that portion of Santa Barbara County not included in Agricultural District Number 19.
- District 38. The County of Stanislaus.
- District 39. The County of Calaveras
- District 40. The County of Yolo.
- District 41. The County of Del Norte.
- District 42. The County of Glenn.
- District 43. The County of Lassen.
- District 44. The County of Colusa.
- District 45. The County of Imperial.
- District 46. The County of Riverside.

District 47. The County of Trinity.

District 48. All that portion of Los Angeles County described as follows:

Beginning at the intersection of a southerly extension of the east line of Avalon Boulevard with the Pacific Ocean, proceed north to the east line of Avalon Boulevard; thence north along the east line of Avalon Boulevard to its intersection with the south line of Slauson Avenue; thence west along the south line of Slauson Avenue to La Brea Boulevard; thence north along west line of La Brea Boulevard to north line of Exposition Boulevard; thence east along north line of Exposition Boulevard to west line of Crenshaw Boulevard; thence south along the west line of Crenshaw Boulevard to south line of Vernon Avenue; thence east along south line of Vernon Avenue to Main Street; thence north along the west line of Main Street to the north line of Valley Boulevard; thence east along the north line of Valley Boulevard to the east line of San Gabriel Boulevard; thence south along the east line of San Gabriel Boulevard to the north line of Whittier Boulevard; thence east along the north line of Whittier Boulevard to the Orange County line; thence south along the Orange County line to its intersection with the Pacific Ocean; thence west along the Pacific Coast to point of beginning.

District 49. The County of Lake.

District 50. All that portion of Los Angeles County lying north of the south line of Township 5 North, San Bernardino Base.

District 51. All that portion of Los Angeles County described as Assembly District 41 in subdivision 41 of Section 490 of the Government Code as enacted by Chapter 134 of the Statutes of California, Fifty-fifth Regular Session, excepting therefrom any portion of the area so described lying in Agricultural District 50.

SEC. 2. Section 92 of said code is amended to read:

Allocation
of State
premium
money

92. The Department of Finance shall apportion any money appropriated by the State for the encouragement of county, district or combined county and district fairs to the various agricultural fairs on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural, mineral and live stock exhibits, and exhibits of domestic arts and agricultural mechanics made or manufactured for other than commercial purposes in each year. The money so apportioned shall be paid to the several counties and district agricultural associations as soon as such apportionment is determined.

Advances

The Department of Finance, out of any money on hand to be apportioned, may advance to any county or district agricultural association, for the purpose of paying premiums, at any time during the year, any portion of the money to which, in the opinion of the Director of Finance, the county or district agricultural association will become entitled for that year.

Deposit

The county or district agricultural association shall deposit such money in a separate bank account approved by the Director of Finance in accordance with the provisions of Section 10

of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended. Such money may be expended for premiums, capital outlay, including purchase of land, construction, improvements, equipment, or other purposes for the encouragement of county or district agricultural association fairs pursuant to a budget submitted to, and approved by, the Department of Finance subject to the provisions of Section 677.5 of the Political Code.

Stats 1923, p 21

All sums expended from such moneys for construction and improvements by counties shall be subject to the provisions of Section 4041.18 of the Political Code. The county auditor or secretary of any such fair desiring to share in any such appropriation shall file with the Department of Finance on or before December 31st, of each year, a sworn statement setting forth the actual amount paid for premiums by such fair held in that year.

Statement of premiums paid

Six thousand dollars (\$6,000) shall be the maximum base of allocation paid any fair for its first year of operation, and thereafter in each subsequent year in which a fair is held the maximum base of allocation shall increase by 10 per cent over the maximum base for the year in which a fair was last held.

Allocation base

In the event the premiums paid during any year in which a fair is held are less than the maximum base of allocation for that year, the base of allocation for that year shall be the premiums so paid during such year. For any fair operated prior to 1933 which received, or was qualified to receive, money from appropriations for the support of agricultural fairs, the basis may be increased 10 per cent for each year in which a fair was held from the time the fair was first held, except that if no fair was held by the county or district for a period of five or more years the percentage of increase shall apply only from the first fair held after said period. Any fair may pay premiums in an amount greater than that used as the base of apportionment to it.

The Department of Finance shall prescribe rules and regulations for the judging of exhibits, and the maximum amount of premiums which may be offered and paid for all classes, sections, and types of exhibits. No fair shall receive any apportionment of funds under this section unless it complies with such rules and regulations.

Rules and regulations

No allotment from the apportionment herein provided shall be made for more than one fair in any one year in any county or district. The fact that a county or district contracts one with the other or with a county fair association, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated, except that no county or district may hold a joint or combined fair and receive an allotment of money under the provisions of this section. No fair for which a separate appropriation is made by the State

Restrictions on allotments

Exceptions

shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs. On or after January 1, 1943, allotments from the appropriation herein provided shall be made only to district agricultural associations or counties which received allotments under this section on the basis of the premiums paid at fairs held during the calendar year 1941 except that: (1) A district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941 may receive an allotment as provided in this section unless a county whose area lies in whole or in part within the boundaries of the agricultural district received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941; (2) Solano County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Solano County received an allotment during the calendar year 1941; (3) Marin County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district of which Marin County is a part received an allotment during the calendar year 1941; (4) Santa Cruz County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Santa Cruz County received an allotment during the calendar year 1941; (5) Merced and Madera counties may each receive an allotment although those counties held no fairs in the calendar year 1941 and the agricultural associations of the agricultural districts comprising Merced and Madera counties each received an allotment during the calendar year 1941; (6) A district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, may receive an allotment as provided in this section; provided, the board of supervisors of each county, whose area lies in whole or in part within the boundaries of the agricultural district and which received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, shall by resolution announce its intention to permanently discontinue the holding of fairs for which the county would be eligible to participate in the allocation from the appropriation herein provided. A certified copy of said resolution shall be filed with the Department of Finance. Upon adoption of said resolution by the board of supervisors, and the filing thereof as herein provided, the county referred to shall no longer be eligible to receive allotments under this section and the district agricultural association which becomes eligible to receive an allotment due to the adoption of said resolution shall, for the purpose of determining the maximum base of allocation for said association, be entitled to receive credit for the fairs previously held by said county and said fairs shall be considered as fairs

held by the association in calculating the maximum base for said association as provided herein. Within one year from and after the date said resolution is adopted, the county shall pay to said district agricultural association the unexpended balance of any moneys previously apportioned to said county under this section.

The Department of Finance, in its discretion, may at any time examine the books and records of any fair to determine the correctness of any statement or report filed with the Department of Finance.

Examination
of books
and records

CHAPTER 1342

An act to amend Section 1 and to repeal Section 1.5 of the "Highway Carriers' Act," relating to highway carriers. Stats 1935,
p 878

[Approved by Governor July 12, 1945. Filed with Secretary of State July 12, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the Highway Carriers' Act is amended to read: Stats 1937,
p 2006

Section 1. (a) The term "corporation" when used in this act includes a corporation, a company, an association and a joint stock association. Definitions

(b) The term "person" when used in this act includes an individual, a firm or a copartnership.

(c) The term "public highway" when used in this act includes every public street, road or highway in this State.

(d) The term "Railroad Commission" when used in this act means the Railroad Commission of the State of California.

(e) The term "motor vehicle" when used in this act means every motor truck, tractor, or other self-propelled vehicle used for transportation of property over the public highways, otherwise than upon fixed rails or tracks, and any trailer, semitrailer, dolly or other vehicle drawn thereby.

(f) The term "highway carrier" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever engaged in transportation of property for compensation or hire as a business over any public highway in this State by means of a motor vehicle or motor vehicles. However, it does not include the following:

(1) Carriers operating exclusively within the limits of a single incorporated city or city and county;

(2) Any farmer resident of this State who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation. "Occasionally" as used in this section shall be construed to mean occasionally or for a total annual compensation from all

sources for providing such transportation for hire of not more than six hundred dollars (\$600), and provided that such transportation shall constitute the sole transportation of persons or property for hire or compensation. Any such farmer shall keep available an account of each time he has transported such farm products and the compensation received therefor. The account of transportation performed and compensation received therefor, as herein provided, may be any simple method of record keeping and in cases where record keeping practices are such that reports upon truck operations are reported at the end of the operating season, such end-of-the-season reports shall be deemed adequate for the purposes of this section.

(3) Persons or corporations hauling their own property;

(4) Any farmer operating a motor vehicle or vehicles used exclusively in the transportation of his livestock and agricultural commodities or in the transportation of supplies to his farm;

(5) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division 6 of the Agricultural Code to the extent only that it may be engaged in transporting its own property or the property of its members.

(g) The term "highway common carrier" when used in this act means every highway carrier operating as a common carrier subject to regulation as such by the Railroad Commission under the Public Utilities Act of the State of California as amended.

(h) The term "radial highway common carrier" when used in this act means every highway carrier operating as a common carrier not heretofore subject to regulation as such by the Railroad Commission under the Public Utilities Act of the State of California, as amended.

(i) The term "highway contract carrier" when used in this act means every highway carrier other than a highway common carrier as defined in subsection (g) and every radial highway common carrier as defined in subsection (h).

Repeal

SEC. 2. Section 1.5 of the act cited in the title hereof is repealed.

CHAPTER 1343

An act relating to real property of a city, county, or city and county, situate without the territorial boundaries of the owner, prescribing regulations concerning the handling and disposition of such property, whether by sale, lease, license or otherwise, and providing for the administration and enforcement of the provisions of this act.

In effect
September
15, 1945

[Approved by Governor July 12, 1945 Filed with Secretary of State
July 12, 1945]

The people of the State of California do enact as follows:

"Local
agency"

SECTION 1. (a) "Local agency" as used herein means a city, a county or a city and county, whether governed under general laws or under a charter framed for its own government.

(b) "Real property" as used herein is coextensive with lands, tenements and hereditaments and includes land or any interest or estate in land and any servitude upon land. "Real property"

(c) This act shall apply only to the real property belonging to a local agency which is situate within another local agency, and then only if the owner agency owns in excess of fifty per cent (50%) of all of the land situate in such other local agency, excluding from the computation all land owned by the United States or by the State of California. Application of act

SEC. 2. No local agency shall make, demand or receive any charge in excess of a reasonable charge for the sale or other disposition or for the leasing, licensing or other use of any of its real property. Charge for selling, etc

The economic utility of the property to the user of it for the purpose or purposes to which it is suited is the prime factor in determining the reasonableness of any such charge. For example, in the case of a lease for the grazing of livestock, the value of the forage to the livestock producer, taking into consideration the number of livestock the property reasonably will support when used in a manner that will conserve it as a grazing resource and the monetary return to the livestock producer by such use of the property, is the prime factor in determining the reasonableness of the rental charge.

SEC. 3. In making a sale or lease of any of its real property, a local agency must first give preference to the person or persons, if any, who have occupied or used that property or any portion of it for not less than two years within the next preceding three years, and an opportunity, within a reasonable period of time from and after written notice to him or them, to buy or lease it at a reasonable price or rental. Preference

SEC. 4. With the approval of the legislative body of a local agency, the board or officer having charge or control of real property belonging to that local agency, upon a finding that the public interest would be furthered thereby, may sell or lease said property without advertising and without inviting or calling for bids therefor. Sale without advertising or bids

SEC. 5. If a local agency receives in excess of a reasonable charge for the sale or other disposition or for the leasing, licensing or other use of any of its real property, it shall repay the amount of such excess, with interest from the date of collection, to the person or persons from whom received. Excessive charge

SEC. 6. It is against public policy to permit a person to waive, and no person may waive the benefit of any of the provisions of this act, nor may he waive any right of action accruing to him hereunder, nor any right he may have as to the place of commencement or trial of any such action. Waiver

SEC. 7. The Legislature finds and declares that there are communities in this State in which a considerable portion of the agricultural lands and of the improved commercial and business sites thereof are properties as herein defined owned by local governmental agencies situate in distant parts of the Legislative declaration

State. These circumstances give rise to relationships, interrelationships and interests between the inhabitants of such communities and the local governmental agencies thereof and the owners of such properties which call forth and require the exercise of the police power inherent in the State as sovereign, for the reconciliation of the respective rights, duties, powers and privileges of the inhabitants of these communities and of the various local governmental agencies thus involved. These conditions are accentuated by the recent and current inflationary tendencies in respect to real property sales prices and rental rates, particularly in those areas in which a distant local agency owns and controls the greater part of the lands that are not owned by the State or the United States.

Constitutionality

SEC. 8. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 1344

An act to add Sections 106.5 and 1203 to the Water Code, relating to water and the use thereof, declaring a State policy in relation to water and water rights owned by municipalities, and providing for the application of water in excess of the needs of municipalities to beneficial uses by others.

In effect
September
15, 1945

[Approved by Governor July 12, 1945 Filed with Secretary of State
July 12, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 106.5 is added to the Water Code, to read:

State
policy re
municipal
water
rights

106.5. It is hereby declared to be the established policy of this State that the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, but that no municipality shall acquire or hold any right to waste water, or to use water for other than municipal purposes, or to prevent the appropriation and application of water in excess of its reasonable and existing needs to useful purposes by others subject to the rights of the municipality to apply such water to municipal uses as and when necessity therefor exists.

SEC. 2. Section 1203 is added to said code, to read:

Appropriation of
water in
excess of
needs

1203. Any water the right to the use of which is held by any municipality which is in excess of the existing municipal needs therefor may be appropriated by any person entitled to the possession of land upon which such excess water may be put to beneficial use but the right of such person to use such water shall continue only for such period as the water is not needed

by the municipality. This section supplements but does not otherwise affect Sections 1460 to 1464, inclusive.

SEC. 3. The purpose of this act is to effectuate the policy declared in Section 2 of this act and this act shall be liberally construed by the judicial and executive branches of the State Government to carry out its purpose. Construction of act

CHAPTER 1345

An act to amend Sections 20602, 20603, 20750, 21252, 21256, and 21257 of the Government Code, and to add Sections 20602.1 and 21252.1 thereto, relating to the State Employees' Retirement System, and changing the rates of contribution thereto and the benefits payable therefrom in respect to members of the California Highway Patrol and making an appropriation.

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

In effect
October 1,
1945

The people of the State of California do enact as follows:

SECTION 1. Section 20602 of the Government Code is amended to read: See also
Stats. 1945,
Ch. 123

20602. The normal rates of contribution of each patrol member shall be based on his age at entrance into this system, and, if he is entitled to credit for prior service, his age when he entered highway patrol service, both ages being taken to the preceding completed quarter year. The age at entrance into the highway patrol service prior to July 1, 1945 shall be determined by deducting the total of such service credited to the member at July 1, 1945, from his age at that date. Patrol
members.
Rates of
contribution

The age at entrance into the retirement system prior to July 1, 1945, shall be his age at the date of such actual entrance if on or before December 31, 1945, the member elects to contribute a sum sufficient to make the amount of his accumulated contributions standing to his credit on July 1, 1945, the same that they would have been had he been contributing, from and after his entrance into this system, at the rate or rates which would have applied to him, assuming age 55 as the minimum age for voluntary retirement for service, throughout his membership. Otherwise, his age at entrance into this system shall be taken as his age at July 1, 1945. Age at
entrance

SEC. 2. Section 20602.1 is added to the Government Code, to read:

20602.1. The rates of contribution provided for in Sections 20603 and 20604 for patrol members shall apply on and after July 1, 1945. Each patrol member has the option, to be exercised on or before December 31, 1945, of contributing a sum sufficient to make the amount of his accumulated contributions standing to his credit on July 1, 1945, the same that they would have been had he been contributing, from and after his entrance into this system, at the rate or rates which would have applied Effective
date of
rates
Option

to him, assuming age 55 as the minimum age for voluntary retirement for service, throughout his membership.

The sums payable may be computed by applying to the member's accumulated contributions at June 30, 1945, a percentage representing approximately the ratio between the member's rate or rates of contribution from time to time during his membership, and the rate or rates, respectively, which would have applied to him assuming age 55 as the minimum age for voluntary retirement for service throughout his membership. The board may adopt one or more such percentages.

See also
Stats 19-5,
Ch 123
Entry at
or below
age 45

SEC. 3. Section 20603 of the Government Code is amended to read:

20603. For each patrol member who became a member of this system, or, if entitled to credit for prior service, who entered highway patrol service, at or below age 45, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 55, or upon completion of 20 years of highway patrol service at an age higher than 55 years, equal to one-fourth of his final compensation less one-half of his prior service pension.

See also
Stats 1915,
Chs 123,
1201, and
1421
State's
contribution

SEC. 4. Section 20750 of the Government Code is amended to read:

20750. The State's contribution to the retirement fund is a sum equal to:

(a) 7.2 per cent of the compensation paid State miscellaneous members.

(b) 16.53 per cent of the compensation paid State patrol members.

"Compensation paid"

As used in subdivisions (a) and (b) "compensation paid" includes the compensation a member absent on military service would have received were it not for his absence in such service, if he makes the normal contributions for the period of absence.

The rate of his compensation shall be his compensation at the commencement of his absence.

See also
Stats 1945,
Ch 123
Current
service
pension
for other
than patrol
members

SEC. 5. Section 21252 of the Government Code is amended to read:

21252. The current service pension for members other than patrol members who have exercised the option provided in Section 20602.1 is a pension derived from the contributions of the State, or the contracting agency, equal to the portion of the service retirement annuity that is derived from the accumulated normal contributions of the member.

SEC. 6. Section 21252.1 is added to the Government Code. to read:

Current
service
pension
for patrol
members

21252.1. The current service pension for patrol members who have exercised the option provided in Section 20602.1 is a pension derived from the contributions of the employer which, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal the same percentage of his final compensation, regardless of his age at retirement, for each year of patrol service, as the contributions of the member and the employer are calculated to

provide upon retirement for service at age 55, or upon completion of 20 years of service at an age higher than 55, or upon retirement with less than 20 years service at age 65, for each year of patrol service after January 1, 1932.

SEC. 7. Section 21256 of the Government Code is amended to read:

21256. The prior service pension for a patrol member is a pension equal to the sum of the following:

(a) In respect to prior service other than patrol service, a prior service pension computed pursuant to subdivision (a) of Section 21253.

(b) In respect to prior service consisting of patrol service, the same percentage of his final compensation, regardless of his age at retirement, for each year of such service as the contributions of the member and the State are calculated to provide upon retirement for service at age 55 or upon completion of 20 years of service at an age higher than 55 years or upon retirement with less than 20 years of service at age 65, for each year of patrol service after January 1, 1932, or after July 1, 1945, with respect to patrol members, who have not made the contributions required to entitle them to have their ages at entrance taken as their ages at a prior date.

SEC. 8. Section 21257 of the Government Code is amended to read:

21257. If a patrol member retires for service before attaining age 55, his prior service pension shall be reduced to that amount which the value of the pension as deferred to age 55 will purchase at the actual age of retirement.

SEC. 9. In addition to any other provision of law the State Controller, upon written authorization of the Director of Finance, shall transfer from time to time as a loan from the State Highway Fund's share of the Motor Vehicle Fund to the Motor Vehicle Support Fund such amounts during each fiscal year of the 1945-1947 biennium, not exceeding ninety-seven thousand three hundred forty-one dollars (\$97,341) in the Ninety-seventh Fiscal Year and one hundred seven thousand seven hundred seventy-four dollars (\$107,774) in the Ninety-eighth Fiscal Year, as are necessary to provide sufficient funds in the Motor Vehicle Support Fund to meet an additional expenditure required by this act. Said loan is to be repaid by transfer to be made by the State Controller upon executive order of the Director of Finance as soon as resources of the Motor Vehicle Support Fund exceed the amount necessary to meet obligations against said fund for the remainder of the registration year. In the event provision is made by law enacted at the Fifty-sixth Regular Session of the Legislature for payment of appropriations for support of the Department of Motor Vehicles out of the Motor Vehicle Fund and abolishing the Motor Vehicle Support Fund, the additional expenditure required by the amendments made by this act, not exceeding the said sums above set forth for the Ninety-seventh and Ninety-eighth Fiscal Years, respectively, shall be paid out of

See also
Stats 1945,
Ch 123
Prior
service
pension
for patrol
member

See also
Stats 1945,
Ch 123
Retirement
before
age 55

Transfer
of funds
to Motor
Vehicle
Support
Fund

Repayment
of loan

Effect
Stats 1945,
Ch 1020

the Motor Vehicle Fund and the provisions of this section relative to the loan or loans shall be of no effect.

Effective date Sec. 10. This amendatory act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the Fifty-sixth Regular Session of the Legislature.

CHAPTER 1343

An act to amend Sections 3025 and 3084 of the Welfare and Institutions Code, relating to aid to the needy blind.

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1 Section 3025 of the Welfare and Institutions Code is amended to read:

Appropriation to counties

3025. There is hereby appropriated out of any money in the State treasury not otherwise appropriated to every county in the State, maintaining, supporting, or caring for, as herein-after provided in this chapter, any needy blind person, resident of such county, and not an inmate of any institution supported in whole or in part by the State or any of its political subdivisions, aid not in excess of three hundred sixty dollars (\$360) per annum for each such needy blind person so maintained, supported and cared for, or aid not in excess of seven hundred twenty dollars (\$720) per annum in the event such needy blind person has no county residence as provided in this chapter.

SEC. 2. Section 3084 of the Welfare and Institutions Code is amended to read:

Order granting aid

3084. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor.

Amount

The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, sixty dollars (\$60) per month. If, however, in any case it is found the actual need of an applicant exceeds sixty dollars (\$60) per month such applicant shall be entitled to receive aid in an amount, not to exceed sixty dollars (\$60) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

Payment

The aid granted under this chapter shall be paid monthly, in advance, out of such funds as may be designated by the board of supervisors on warrant of the county auditor of the county. Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in any event the beginning of aid shall not antedate the date of application.

CHAPTER 1347

An act to amend Section 1272, and to repeal Sections 1273 and 1274 of the Fish and Game Code, relating to deer.

[Approved by Governor July 13, 1945 Filed with Secretary of State July 13, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1272 of the Fish and Game Code is amended to read:

1272. In Districts 1 3/4, 4 1/2, and in those portions of Plumas, Sierra, Nevada, and Placer Counties lying easterly of the following boundaries: from the common boundary of the Counties of Lassen and Plumas in S. 12, T. 28 N., R. 11 E., M. D. B. & M., and the intersection of Diamond Mountain Motor Way, southerly on said Motor Way to its intersection with the Lights Creek-Boulder Creek Road in S. 2, T. 27 N., R. 11 E.; thence southerly on said Lights Creek-Boulder Creek Road to its intersection with the Indian Creek Road in S. 22, T. 27 N., R. 12 E.; thence southerly on said Indian Creek Road to the Town of Geresee; thence southerly on the Walker Mine Road to its junction with State Highway No. 24 in S. 28, T. 23 N., R. 14 E.; thence easterly on said State Highway No. 24 to its intersection with the Beckwourth-Calpine Road; thence southerly along said Beckwourth-Calpine Road to its intersection with State Highway No. 89 in the Town of Sattley; thence southerly on said State Highway No. 89 through Sierraville, Hobart Mills, Truckee, to Tahoe City one deer only may be taken during the open season. Any person who is a resident of District 1 3/4, 4 1/2, or in the above-described area may possess, during the open season, one deer taken in either of said districts and one deer legally taken in any other district.

In districts other than Districts 1 3/4, 4 1/2, and the above described area not more than two deer may be taken during the open season.

SEC. 2. Section 1273 of said code is repealed.

Repeal

SEC. 3. Section 1274 of said code is repealed.

Repeal

CHAPTER 1348

An act to add Section 749.5 to the Code of Civil Procedure, relating to determination of adverse claims to real property.

[Approved by Governor July 13, 1945 Filed with Secretary of State July 13, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 749.5 is added to the Code of Civil Procedure, to read:

749.5. All persons claiming any right, title or interest upon real property by reason of any street improvement bond or assessment lien, who having failed to foreclose such bond or assessment lien or failed to proceed to have said real property

Barred street improvement bond or assessment liens

Quiet
title
action

sold to satisfy such bond or assessment lien by the proper governmental authority qualified to make such sale of said real property against which such improvement bond was issued or such assessment lien was levied within the time provided by the Code of Civil Procedure, Streets and Highways Code, or any other statute of limitation to bring an action to foreclose such bond or assessment lien, may be included in the complaint to determine the adverse claims to and clouds upon title to real property mentioned in the preceding section; provided that the limitation of time within which to bring such action to foreclose such liens issued prior to the effective date of the addition of this section to the Code of Civil Procedure expired more than three years prior to the filing of said complaint.

CHAPTER 1349

An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer proceedings.

In effect
September
15, 1945

[Approved by Governor July 13, 1945 Filed with Secretary of State
July 13, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 1161 of the Code of Civil Procedure is amended to read:

Unlawful
detainer.

1161. A tenant of real property, for a term less than life, or the executor or administrator of his estate heretofore qualified and now acting or hereafter to be qualified and act, is guilty of unlawful detainer:

Possession
after
expiration
of term

1. When he continues in possessor, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; including the case where the person to be removed became the occupant of the premises as a servant, employee, agent, or licensee and the relation of master and servant or employer and employee or principal and agent or licensor and licensee has been lawfully terminated or the time fixed for such occupancy by the agreement between the parties has expired; but nothing in this subdivision contained shall be construed as preventing the removal of such occupant in any other lawful manner; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

Possession
after
default
in rent

2. When he continues in possession, in person or by subtenant, without the permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him and

Notice

if there is a subtenant in actual occupation of the premises, also upon such subtenant.

Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than 60 days after the expiration of the term without any demand of possession or notice to quit by the landlord or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord or successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year.

3. When he continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also, upon such subtenant. Within three days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; provided, if the conditions and covenants of the lease, violated by the lessee, can not afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant, demanding the performance of the violated conditions or covenants of the lease.

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant or held by a servant, employee, agent, or licensee, in case of his unlawful detention of the premises underlet to him or held by him.

4. Any tenant, subtenant, or executor or administrator of his estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises or using such premises for an unlawful purpose, thereby terminates the lease, and the landlord, or his successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provision of this chapter.

CHAPTER 1350

An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount thereof, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 13, 1945 Filed with Secretary of State
July 13, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3420 of the Welfare and Institutions Code is amended to read:

Appropriation
Blind
aid

3420. There is hereby appropriated out of any money in the State treasury not otherwise appropriated to every county in the State, maintaining, supporting, or caring for, as hereinafter provided in this chapter, any blind person, resident of such county, and not an inmate of any institution supported in whole or in part by the State or any of its political subdivisions, aid not in excess of three hundred sixty dollars (\$360) per annum for each such blind person so maintained, supported and cared for, or aid not in excess of seven hundred twenty dollars (\$720) per annum in the event such blind person has no county residence as provided in this chapter.

See also
Stats 1945,
Ch 483
Order for
payment

SEC. 2. Section 3472 of said code is amended to read:

Amount

3472. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor. The amount of aid to which any applicant shall be entitled shall be, when added to the net income of the applicant from all other sources, sixty dollars (\$60) per month.

Income
exempt

Net income from any of the following sources of a combined total value not exceeding eight hundred dollars (\$800) per annum shall not be considered for any purpose:

- (a) Income from applicant's labor or services;
- (b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;
- (c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;
- (d) The value of gifts;
- (e) The value of the use and occupancy of premises owned and occupied by the applicant;
- (f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income.

CHAPTER 1351

An act to add Section 4704 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4704 is added to the Health and Safety Code, to read:

4704. Districts formed or proposed to be formed under this chapter are not subject to the "District Investigation Act of 1933." This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature and thereafter shall be of no force or effect.

Law
inapplicable
Stats 1933,
p 2141
Duration

CHAPTER 1352

An act to amend Section 3713 of the Labor Code, relating to security for the payment of workmen's compensation.

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 3713 of the Labor Code is amended to read:

3713. Every employer subject to the compensation provisions of this code shall post and keep posted in a conspicuous location at his headquarters or at one of his places of employment, as defined in Division 5 of this code, a notice which shall state the name of the current compensation insurance carrier of such employer, or when such is the fact, that the employer is self-insured. Failure to keep the notice so conspicuously posted shall constitute a misdemeanor, and shall be prima facie evidence of noninsurance.

Notice of
insurance
carrier

CHAPTER 1353

An act to repeal Chapter 1, comprising Sections 5000 to 5041 inclusive, of Division 3 of, and to add a new Chapter 1, comprising Sections 5000 to 5132, inclusive, to Division 3 of, the Business and Professions Code, relating to the creation of a State Board of Accountancy, and prescribing its duties and powers; regulating the practice of public accountancy and requiring persons engaged in the practice thereof to obtain annual permits to practice; providing for the examination of and issuance of the certificate of certified public

accountant to qualified applicants and for the continuance of certified public accountant certificates issued under prior acts; and providing penalties for violations of the provisions of this act.

In effect
September
15, 1945

[Approved by Governor July 13, 1945. Filed with Secretary of State
July 13, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 1, comprising Sections 5000 to 5044, inclusive, of Division 3 of the Business and Professions Code, is repealed.

SEC. 2. Chapter 1, comprising Sections 5000 to 5132, inclusive, is added to Division 3 of said code, to read:

Chapter
heading

CHAPTER 1. ACCOUNTANTS

Article 1. Administration

State
Board of
Accountancy

5000. There is in the Department of Professional and Vocational Standards a State Board of Accountancy, which consists of seven members appointed by the Governor. The board has the powers and duties conferred by this chapter.

Members

5000.5. On the effective date of this section the term of each member of the State Board of Accountancy shall terminate, but each member whose term is so terminated shall continue to hold office until the appointment and qualification of his successor pursuant to this article.

Appoint-
ment

5001. All appointments of members of the board shall be made from persons who are citizens of the United States, who are residents of the State, who hold certificates of certified public accountant and who are in active practice as certified public accountants. Within 30 days after their appointment, the members of the board shall take and subscribe to the oath of office as prescribed by the Political Code and shall file the same with the Secretary of State.

Terms

5002. Members shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors, except the members of the board first to be appointed shall hold office, one for one year, two for two years, two for three years, and two for four years, as designated by the Governor.

Vacancies

Vacancies occurring shall be filled by appointment for the unexpired term. No person shall serve more than two terms consecutively. The Governor shall remove from the board any member whose permit to practice has become void, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

Officers

5003. The officers of the board are a president, vice president, and a secretary-treasurer.

Terms of
officers

5004. The president and vice president shall be elected by the board for a term of one year from among its members at the time of the annual meeting. The newly elected president and

vice president shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected.

5005. The secretary-treasurer shall be selected annually by the board and need not be a member of the board. Secretary-treasurer

5006. The officers of the board shall continue in office until their successors are elected and qualify. Successors

5007. The president shall preside at all meetings of the board, and in the event of his absence or inability to act, the vice president shall preside. Other duties of the president, vice president, and the duties of the secretary-treasurer, shall be such as the board may prescribe. Duties of president

5008. At least once during each calendar year, the board shall prepare and distribute to all holders of certified public accountant certificates and to all persons registered for the practice of public accounting, a report of the activities of the board for the preceding calendar year, and may likewise distribute reports of other matters of interest to the public and to practitioners. Reports

Article 2. Powers and Duties of Board

5015. The board may adopt, repeal, and amend from time to time regulations necessary or expedient for the orderly conduct of its affairs and for the administration of this chapter. Powers and duties of board

5016. The board shall designate the location of its principal office and may establish branch offices in other locations.

5017. The board shall have a seal which shall be judicially noticed.

5018. The board shall keep records of all proceedings and actions by and before the board and before its committees. In any proceeding in court, civil or criminal, copies of said records certified as correct by the secretary of the board under seal of the board shall be admissible in evidence and shall be prima facie evidence of the correctness of the contents thereof.

5019. The board may employ clerks, examiners and assistants in the performance of its duties, and pay salaries and necessary expenses. Employees

5020. A majority of the board shall constitute a quorum for the transaction of any business at any meeting of the board for which a notice of at least seven days is given by the president or secretary. Notice of meetings may be waived in writing either before or after the meeting by unanimous consent of all members. The board shall meet at the call of the president and secretary, but not less than twice each year. Any two members of the board may request the secretary to call a special meeting, and the secretary, upon receiving such notice, shall call a meeting pursuant to the procedure prescribed herein. Quorum

5021. The board may prescribe, and amend from time to time, rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession. Provided, however, that before they are officially adopted and printed, as provided for in Section 5022, Professional standards

a copy of the same shall be mailed to every holder of a permit issued under the provisions of this act at least 30 days prior to a date named, at which date an open hearing shall be held by the board for the purpose of receiving and considering objections to any of the proposed provisions. Every person who holds a permit to practice public accountancy in this State shall be governed and controlled by the rules and standards adopted by the board.

Same

5022. If and when the board shall have prescribed a standard of professional conduct, or shall have formulated rules defining unethical practice for public accountants, they shall be printed as part of the application blanks for both certificates and registration and every applicant for either a certificate or registration shall subscribe thereto when making application.

Article 3. Committees of the Board

Administrative committees.

5030. The board shall appoint administrative committees of not less than three nor more than five members who shall be public accountants, to perform any of the following duties, and such committees shall be vested with the full powers of the board for such purposes:

(a) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving the conduct of public accountants.

(b) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving any violation or alleged violation of any of the provisions of this chapter by public accountants.

(c) To pass upon the qualifications of any applicant for registration as a public accountant.

The board shall prescribe the units or sections of such committees and designate the areas or localities in which they may act.

Term of office

5031. The members of administrative committees shall hold office for one year.

Recommendations and report

5032. Each administrative committee shall make recommendations and forward its report to the board for action on any matter on which it is authorized to act, except that the findings of the committee with respect to the qualifications of any applicant for registration as a public accountant shall be final.

Examining committee

5033. The board may establish an examining committee having the power:

(a) To examine all applicants for the certificate of certified public accountant.

(b) To recommend to the board applicants for the certificate of certified public accountant who fulfill the requirements of this chapter.

The examining committee shall follow the rules and regulations adopted by the board for the purpose of making effective the qualifications prescribed in Articles 6 and 7.

5034. The board may also appoint one or more referees to take evidence on behalf of the board in any proceeding initiated by the board and to forward the same to the board with its recommendation for action. The record of all hearings shall be made and preserved by the board and by the referees.

Article 4. Receipts and Disbursements

5050. The board shall charge and collect a fee from each applicant for the certificate of certified public accountant or for a registration as a public accountant. The fee shall accompany the application which must be made on a blank provided by the board. In no event shall any portion of the fee be returned to the applicant unless his application is rejected.

5051. The board shall collect an annual renewal fee for permits to practice public accountancy.

5052. All moneys received by the board under the provisions of this chapter from whatsoever source and for whatsoever purpose shall be accounted for and reported monthly by the board to the State Controller and at the same time the moneys shall be remitted to the State treasury to the credit of the Accountancy Fund.

5053. All money in the Accountancy Fund is hereby appropriated to the State Board of Accountancy to carry out the provisions of this chapter. No member of the board or of any administrative committee shall receive any other compensation than his necessary expenses connected with the performance of his duties as a member of the board.

5054. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for the certificate of certified public accountant is twenty-five dollars (\$25). Should the applicant fail to pass the required examination, re-examination at subsequent examinations will be given the same applicant for an additional fee of ten dollars (\$10) for each examination.

(b) The preliminary examination fee is ten dollars (\$10).

(c) The registration fee is ten dollars (\$10).

(d) The annual renewal fee is five dollars (\$5).

(e) The renewal fee after expiration of permit is seven dollars and fifty cents (\$7.50).

Article 5. Application of Chapter

5060. After six months from the effective date of this chapter no person shall engage in the practice of public accountancy in this State unless such person is the holder of a permit to practice public accountancy issued by the board. Provided, however, that nothing in this chapter shall prohibit a certified public accountant or a public accountant of another State, or any accountant of a foreign country lawfully practicing therein, from temporarily practicing in this State on professional business incident to his regular practice in another State or country.

Practice
of public
accountancy

5061. Except as provided in Section 5062, a person shall be deemed to be engaged in the practice of public accountancy within the meaning and intent of this chapter:

(a) Who holds himself or herself out to the public in any manner as one skilled in the knowledge, science and practice of accounting, and as qualified and ready to render professional service therein as a public accountant for compensation; or

(b) Who maintains an office for the transaction of business as a public accountant; or

(c) Who offers to prospective clients to perform for compensation, or who does perform on behalf of clients for compensation, professional services that involve or require an audit, examination, verification, investigation, certification, presentation, or review, of financial transactions and accounting records; or

(d) Who prepares or certifies for clients reports on audits or examinations of books or records of account, balance sheets, and other financial, accounting and related schedules, exhibits, statements, or reports which are to be used for publication or for the purpose of obtaining credit or for filing with a court of law or with any governmental agency, or for any other purpose; or

(e) Who, in general or as an incident to such work, renders professional services to clients for compensation in any or all matters relating to accounting procedure and to the recording, presentation, or certification of financial information or data.

Chapter not
applicable

5062. Nothing in this chapter shall apply to any person who may be employed by one or more persons, organization or entities, for the purpose of keeping books, making trial balances or statements, making audits or preparing reports, provided that such trial balances, statements, or reports are not issued over the name of such person as having been prepared or examined by a certified public accountant or public accountant.

Nothing contained in this chapter shall preclude any person not a certified public accountant or public accountant from serving as an employee of, or an assistant to, a certified public accountant or public accountant or partnership composed of certified public accountants or public accountants holding a permit to practice pursuant to the provisions of this chapter, provided that such employee or assistant shall work under the control and supervision of a certified public accountant, or a public accountant authorized to practice public accountancy pursuant to the provisions of this chapter, or a corporation permitted under this section to continue its practice under its corporate form and arrangement; and provided further, that such employee or assistant shall not issue any statement over his or her name.

Nothing herein shall be deemed to be applicable to an attorney-at-law in connection with his practice.

Nothing contained in this chapter shall prevent any corporation which, at the effective date of this chapter, has been legally organized in the State of California and engaged in the practice of public bookkeeping and accounting for a period of three

years prior to such date from continuing such practice under its corporate form and arrangement.

Registration under the provisions of this chapter shall not be made a qualification for employment by the State of California.

5063. Any person who has received from the board a certificate of certified public accountant and holds a valid permit to practice under the provisions of this chapter shall be styled and known as a "certified public accountant" and may also use the abbreviation "C.P.A." No other person, except a partnership registered under Section 5081 of this chapter, shall assume or use that title, designation, or abbreviation or any other title, designation, sign, card or device tending to indicate that the person using it is a certified public accountant.

5063.5. Any person who has received from the board a certificate of public accountant and holds a valid permit to practice under the provisions of this chapter shall be styled and known as a "public accountant" and may also use the abbreviation "P.A." No other person, except a partnership registered under Article 6 of this chapter shall assume or use that title, designation, or abbreviation or any other title, designation, sign, card or device tending to indicate that the person using it is a public accountant.

5064. Any person qualified under Article 6 of this chapter to register with the board for the practice of public accountancy and who has so registered and who holds a valid permit for the practice of public accountancy, shall be styled and known as a "public accountant." No other person except a partnership registered under Article 6 of this chapter shall assume or use the title, designation or words tending to indicate that such person is a public accountant, provided that nothing herein contained shall prohibit a person who holds a certificate of certified public accountant issued by this board from being styled and known as a "public accountant."

5065. No person or partnership shall assume or use the title or designation "chartered accountant," "certified accountant," "enrolled accountant," "registered accountant" or "licensed accountant," or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or any of the abbreviations "C.A.," "E.A.," "R.A.," or "L.A.," or similar abbreviations likely to be confused with "C.P.A." or "P.A."; provided that any person qualified as a certified public accountant under this chapter who also holds a comparable title granted under the laws of another country may use such title in conjunction with the title of "certified public accountant" or "C.P.A."

5066. Nothing contained in this chapter shall apply to, or affect or limit the right to the continuous use of a partnership name, or any modification thereof, by successor firms formed by the remaining partner or partners or added partner or partners even though the persons whose names are included in the

partnership name are not partners; provided, however, that such successor firm shall conform to all other provisions of this chapter.

Article 6. Registration—Permits

Permits

5080. Permits to engage in the practice of public accountancy in this State shall be issued by the board only to holders of the certificate of certified public accountant issued under this chapter and to such persons and partnerships who, upon application approved by the board, are registered with the board under this article. All applicants for registration shall furnish satisfactory evidence that the applicant is entitled to registration and shall pay the fee provided in Article 4. All permits shall expire on the first day of January of each year, but may be renewed annually for a period of one year by certificate holders and registrants in good standing upon the payment of an annual renewal fee as provided in Article 4. Failure to renew a permit before expiration thereof shall not deprive a registrant or holder of a certificate of certified public accountant of the right to renewal, but in such cases a delinquent renewal fee as provided in Article 4 shall be paid.

Each person issued a permit by the board to practice as a certified public accountant or as a public accountant shall be furnished with a suitable certificate evidencing such registration.

Partnership registration

5081. A partnership engaged in this State in the practice of public accountancy may register with the board as a partnership of certified public accountants provided it meets the following requirements:

(a) At least one general partner thereof must be a certified public accountant of this State in good standing.

(b) Each partner thereof personally engaged within this State in the practice of public accountancy as a member thereof must be a certified public accountant of this State in good standing.

(c) Each partner thereof must be a certified public accountant of some State in good standing.

(d) Each resident manager in charge of an office of the firm in this State must be a certified public accountant of this State in good standing.

Application

Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a permit in this State to practice as a certified public accountant. The affidavit shall set forth such information as may be prescribed by the rules of the board. The board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a permit issued under this article may use the words "certified public accountants" or the abbreviation "C.P.A.'s" in connection with its partnership name. Notification shall be given the board within one month after the admission to or withdrawal of a partner from any partnership so registered.

5082. Any person who meets the requirements of subdivisions (a), (b), (c), or (d) of this section who is a citizen of the United States, or has declared his or her intention of becoming a citizen, who resides within the State or has a place for the regular transaction of business therein, who is 21 years of age or over, and of good moral character, may register with the board as a public accountant on or before six months after the effective date of this chapter. Individual registration

(a) Persons who held themselves out to the public as being engaged in the practice of public accountancy and who were engaged at the time of the enactment of this chapter in the practice of public accountancy as their principal occupation either as principals or as employees.

(b) Persons serving in the armed forces of the United States or of any of the United Nations on the effective date of this chapter may register as public accountants under this chapter within a period of 12 months from the time such person is honorably discharged from such service, or is retired, or relieved from active duty, whichever occurs first.

(c) Any person who has been engaged for at least two years in governmental or private accounting or auditing or in the supervision of governmental or private accounting or auditing in a position for which an examination in accountancy or qualifying experience in accounting is required comparable to that required by the State of California for the position of accountant auditor, grade 1; or any person employed in governmental or private service in a position of a grade comparable to or higher than that of accountant auditor, grade 1 requiring equivalent accounting qualifications

(d) Persons who present satisfactory evidence of graduation from high school or equivalent thereof and have completed a recognized course in accounting either as a student in residence or by correspondence and have had at least three years' experience in public accounting as a full time employee of a certified public accountant or a public accountant.

The registration of any person under this section who has declared his intention of becoming a citizen of the United States shall become void at the expiration of eight years from the date of declaration of intention of such applicant to become a citizen, unless prior to the expiration of said eight years, evidence is furnished to the board that the applicant has become a citizen of the United States. Citizenship

5083. A partnership engaged in this State in the practice of public accountancy may register with the board as a partnership of public accountants provided it meets the following requirements: Requirements for partnership registration

(a) At least one general partner thereof must be a certified public accountant or a public accountant of this State in good standing.

(b) Each partner thereof personally engaged within this State in the practice of public accountancy as a member thereof

must be a certified public accountant or a public accountant of this State in good standing.

(c) Each resident manager in charge of an office of a firm in this State must be a certified public accountant or a public accountant of this State in good standing.

Affidavit

Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a permit to practice in this State as a certified public accountant or as a public accountant. The affidavit shall set forth such information as may be prescribed by the rules of the board. The board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a permit issued under this article may use the words "public accountants" in connection with its partnership name. Notification shall be given the board within one month after the admission to or withdrawal of a partner from any partnership so registered.

Register

5084. The board shall at least once in each calendar year prepare a printed register which shall contain, following a copy of this act, and rules and regulations of the board thereunder, an alphabetical list of the names, certificate numbers, business connections and addresses of all certified public accountants to whom permits have been issued for that year and an alphabetical list of the names of the partnerships of certified public accountants to whom permits have been issued for that year, followed by an alphabetical list of the names, permit numbers, business connections and addresses of all public accountants to whom permits have been issued for that year, and an alphabetical list of the partnerships practicing public accountancy to whom permits have been issued for that year. A register shall be mailed to every person listed therein, and to such other persons or concerns as the board, in its discretion, may determine is for the public welfare.

Article 7. Certified Public Accountant Certificate

"Certified public accountant"

5090. The certificate of "certified public accountant" shall be granted by the board to any person who meets the requirements of this article.

Applicator

5091. An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States, or have declared his intention of becoming a citizen, (b) have been a bona fide resident of the State of California for at least three months immediately preceding the time his application is filed, (c) be over the age of 21 years, (d) be of good moral character and (e) shall comply with any of the following:

(1) He shall present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has successfully completed two years' courses of study of college grade.

(2) He shall present satisfactory evidence that he has successfully completed a four-year day high school course or the equivalent hours of courses of study in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has graduated from a junior college of recognized standing.

(3) He shall show, to the satisfaction of the board, that he has had the equivalent of the educational qualifications required by paragraphs (1) or (2) of this subsection, or shall pass a preliminary written examination given by the board and approved by the California State Director of Education. Where an applicant takes the preliminary examination he shall pay the preliminary fee as provided in Article 4.

The board may require an applicant to appear in person to determine whether his qualifications are as prescribed in this chapter and rules of the board thereunder.

5092. An applicant for a certificate of certified public accountant shall have successfully passed written examinations in theory of accounts, in accounting practice, in auditing, in commercial law as affecting accountancy, and such other related subjects as the board may deem advisable. Exam-
ination

5093. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements: Qualifi-
cations

(a) Three years of public accounting experience, two years of which have been in the employ of a certified public accountant or a partnership of certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a certified public accountant or a partnership of certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be equivalent to the requirements of subsections (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

Provided, the board may grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

Provided further, that until December 31, 1952, the board shall waive the requirements of two years' college study provided for in Section 5091 (e) (1) hereof, or graduation from a junior college provided for in Section 5091 (e) (2) hereof if the appli- College
require-
ment

cant has been in practice as a public accountant, or in the employ of a public accountant, certified public accountant, or governmental agency for at least six years preceding the date of application.

Same The board shall waive the requirements of two years' college study provided for in Section 5091 (e) (1) hereof or graduation from a junior college provided for in Section 5091 (e) (2) hereof to members of the armed forces of the United States for six years subsequent to the date of their discharge from such forces.

Citizenship 5094. A certificate of certified public accountant issued to any person who has declared his intention of becoming a citizen of the United States shall become void at the expiration of eight years from the date of declaration of the intention of such applicant to become a citizen, unless, prior to the expiration of said eight years, evidence is furnished to the board that the applicant has become a citizen of the United States.

Existing certificates 5095. Individuals who, at the time of the enactment of this act, hold certified public accountant certificates heretofore issued under the laws of this State shall not be required to secure additional certificates under this chapter, but shall otherwise be subject to all the provisions of this act; and such certificates heretofore issued shall, for all purposes, be considered certificates under this chapter and subject to the provisions hereof.

Waiver of examination 5096. The board may waive the examination requirements contained in Section 5092 and issue a certificate as certified public accountant to any applicant who meets all other requirements of this article, and who is a holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any State, or who is the holder of a comparable certificate or degree issued in a foreign country, if the board determines that the standards under which the applicant received such certificate or degree were as high as the standards established in this article.

The board may register as a public accountant an applicant for a certificate under the provisions of this section until such time as his application for a certificate may be granted or rejected.

Examinations 5097. All examinations provided for herein shall be held by the board at such places as circumstances and applications may warrant, and as often as may be necessary in the opinion of the board, but not less frequently than semiannually. Within 90 days after the examination the board shall notify each candidate of his grade. All examination papers shall be preserved for a period of at least six months after the notification of grading and any candidate shall upon request to the board have access to his papers. The candidate may request access to his papers in the nearest city where a board member resides or maintains an office. The board may prescribe a fee not to exceed ten dollars (\$10) for the inspection of examination papers. A candidate who fails shall have the right to any number of

Fee

re-examinations at subsequent examinations held by the board. A candidate who successfully passes an examination in any two subjects shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the board, and if he passes in the remaining subjects within a period of time specified in the rules of the board, he shall be considered to have passed the examination.

The board shall charge a fee to all applicants for the certificates of certified public accountant as provided in Article 4.

Article 8. Disciplinary Authority of Board

5100. After notice and hearing as provided in this article, ^{Revocation, etc} or Article 3, the board may revoke or suspend any certificate granted under Article 7 of this chapter, or any registration granted under Article 6 of this chapter, or may revoke, suspend or refuse to renew any permit to practice issued under Article 6 of this chapter, or may censure the holder of any such permit for any one or any combination of the following causes:

(a) Conviction of a felony under the laws of any State or ^{Grounds} of the United States.

(b) Conviction of any crime, an essential element of which is dishonesty, deceit or fraud.

(c) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining registration under this chapter or in obtaining a permit to practice public accountancy under this chapter.

(d) Dishonesty, fraud or gross negligence in the practice of public accountancy.

(e) Cancellation, revocation or suspension of certificate or other authority to practice or refusal to renew the certificate or other authority to practice as a certified public accountant or a public accountant by any other State or foreign country.

(f) Violation of any of the provisions of Section 5115 of this chapter.

(g) Wilful violation of a rule of professional conduct promulgated by the board under the authority granted under this chapter.

(h) Suspension or revocation of the right to practice before any governmental body or agency.

5101. After notice and hearing as provided in this article, ^{Revocation, etc., of partnership registration} or Article 3, the board shall revoke the registration and permit to practice of a partnership if at any time it does not have all the qualifications prescribed by the section of this chapter under which it qualified for registration. After notice and hearing as provided in this article, the board may revoke, suspend or refuse to renew the permit to practice of a partnership or may censure the holder of such permit for any of the causes enumerated in Section 5100 and for the following additional causes:

(a) The revocation or suspension of the certificate or ^{Grounds} registration or the revocation or suspension of or refusal to renew the permit to practice of any partner.

(b) The cancellation, revocation or suspension of certificate or other authority to practice or refusal to renew the certificate or other authority of the partnership of any partner thereof to practice public accountancy in any other State.

Proceedings

5102. (a) Commencement of Proceeding. The board, or with its approval any administrative committee, may initiate proceedings under this chapter either on its own motion or on the complaint of any person.

(b) Notice—Service and Contents. A written notice stating the nature of the charge or charges against the accused and the time and place of the hearing before the board or committee on such charges shall be served on the accused not less than 30 days prior to the date of said hearing, either personally or by mailing a copy thereof, restricted registered mail with return receipt requested, to the last known address of the accused.

(c) Failure to Appear. If, after having been served with the notice of hearing as provided herein, the accused fails to appear at said hearing and defend himself of the charge or charges, the board or committee may proceed to hear and receive evidence against him. The board may enter such order as shall be justified by the evidence, which order shall be binding on the accused unless he petitions for a review thereof as provided herein. Provided, however, that the board may within 60 days from the date of any order, upon a showing of good cause for failing to appear and defend, which showing may be made by affidavit filed with the board, set aside its order and reopen said proceedings to permit the accused to submit evidence in his behalf.

(d) Counsel—Witnesses—Cross-examination. At any such hearing the accused shall have the right to appear both in person and by counsel, produce evidence and witnesses on his own behalf, cross-examine witnesses, examine such evidence as may be produced against him. The accused shall be entitled, on application to the board, or any administrative committee, to the issuance of subpoenas to compel the attendance of witnesses on his behalf, and the production of books, papers and documents relating to the proceedings.

(e) Subpoenas—Oaths. The board may issue subpoenas executed by its secretary under the seal of the board to compel the attendance of witnesses and the production of books, papers and documents relating to the proceedings, and the board or, with its approval, any administrative committee may administer oaths or affirmations, take testimony, hear proofs and receive exhibits in evidence in connection with or upon hearing under this chapter. In the case of disobedience to a subpoena, the board or a committee may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(f) Witness. No witness shall be compelled to attend a hearing outside of the county in which he resides unless the distance is less than 100 miles from his place of residence to the place of hearing.

(g) Depositions. Depositions may be taken and used in the same manner as in civil cases.

(h) Evidence. The board or committee shall not be bound by technical rules of evidence.

(i) Record. A stenographic record of the hearing shall be kept and a transcript thereof filed with the board.

(j) Attorney for the Board. At any hearing, when so requested by the board, the Attorney General of this State or one of his assistants designated by him, shall appear and represent the board or committee.

(k) Decision. The decision of the board shall be by majority vote thereof.

5103. Any person adversely affected by any order of the board may obtain a review thereof by filing a written petition for a review in the superior court within 30 days after the entry of said order. The petition shall state the grounds upon which the review is asked and shall pray that the order of the board be modified or set aside in whole or in part. A copy of such a petition shall be forthwith served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court may affirm, modify or set aside the board's order in whole or in part, or may remand the case to the board for further evidence and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision shall have the force and effect of a decree in equity. Court review

5104. By a majority vote, the board may reissue the certificate of any certified public accountant whose certificate shall have been revoked or may permit the reregistration of any person whose registration has been revoked or may reissue or modify the suspension of any permit to practice public accountancy which has been revoked or suspended. The board may reissue a certificate of a certified public accountant or register as a public accountant any person whose certificate of registration shall have become void pursuant to Sections 5082 and 5094 when such person shall have become a citizen of the United States. Reissue of certificate

Article 9. Offenses Against This Chapter

5115. Any person shall be guilty of a misdemeanor, punishable by imprisonment for not more than six months, or by a fine of not more than five hundred dollars (\$500), or both, for each separate offense: Penalties

- (a) Who shall violate Section 5060 of this chapter.
- (b) Who shall violate Section 5063 of this chapter.
- (c) Who shall violate Section 5064 of this chapter.
- (d) Who shall violate Section 5065 of this chapter.

Whenever the board has reason to believe that any person is liable to punishment under this article, the board or with its approval any administrative committee, may certify the facts to the appropriate enforcement officer of the city or county

where the alleged violation had taken place and such officer may cause appropriate proceedings to be brought.

Evidence of violation

5116. The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof or "public accountant" shall be prima facie evidence in any prosecution, proceeding or hearing brought under this article that the person whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device. Any such display or uttering shall be prima facie evidence that the person whose name is so displayed holds himself or herself out as a certified public accountant, or a public accountant holding a permit to practice public accountancy in this State under the provisions of this chapter. In any prosecution or hearing under this chapter, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify a conviction without evidence of a general course of conduct.

Injunction

5117. Whenever in the judgment of the board, or with its approval any administrative committee, any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the board may make application to the appropriate court for an order enjoining such acts or practices, and upon showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

Article 10. Miscellaneous

Ownership of papers, etc

5130. All statements, records, schedules, working papers and memoranda made by a certified public accountant or public accountant incident to or in the course of professional service to clients by such certified public accountant or public accountant except reports submitted by a certified public accountant or public accountant to a client shall be and remain the property of such certified public accountant or public accountant, in the absence of an express agreement to the contrary between the certified public accountant or public accountant and the client.

Constitutionality

5131. If any provisions of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Definitions

5132. Definitions: (a) the term "board" when used in this chapter means the "State Board of Accountancy" created by Section 5000 hereof; (b) the term "committee" when used in this chapter means any committee created under the provisions of Article 3 of this chapter; (c) the term "State" when not specifically referring to this State, means any State, Territory or insular possession of the United States, or the District of Columbia; (d) the term "certified public accountant" when

used in this chapter means any person who has received from the board a certificate of certified public accountant and who holds a valid permit to practice under the provisions of this chapter; (e) the term "public accountant" when used in this chapter means any person who has registered with the board under Article 6 of this chapter and who holds a valid permit for the practice of public accountancy.

SEC. 3. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of certificates, registrations or permits under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the board shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail.

Procedure
for
revocation,
etc., of
certificate

CHAPTER 1354

An act to add Section 5014.2 to the Public Resources Code, relating to the designation of the areas to which funds may be allocated.

[Approved by Governor July 13, 1945 Filed with Secretary of State July 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5014.2 is added to the Public Resources Code, to read:

5014.2. The State Park Commission is hereby authorized to designate the areas within the State Park System which shall constitute State beaches within the meaning of Section 5014 and the areas within the State Park System which shall constitute State parks and State monuments within the meaning of Section 5014.1.

Designation
of State
beach,
etc., areas

CHAPTER 1355

An act to add Section 2025 to the Welfare and Institutions Code, relating to the amount of aid to the aged.

[Approved by Governor July 13, 1945 Filed with Secretary of State July 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 2025 is added to the Welfare and Institutions Code, to read:

2025. If, when, and during such times as the United States Government increases its contributions in assistance of the

Increase of
aid by
U S

aged in this State, the amount of the grant of aid provided for in this article shall be increased by an amount equal to such increase by the United States Government, but in no event shall the total aid granted under this chapter exceed sixty dollars (\$60) per month.

CHAPTER 1356

An act to amend Sections 11383, 11384, and 11410 of, and to add Sections 11412, 11413, 11414, and 11415 to, the Government Code, relating to the making, filing, compilation, codification, printing, and publication of the rules and regulations of State officers, boards, authorities, agencies, and commissions.

In effect
September
15, 1945

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 111

Filing
regulation
Presumption

SECTION 1. Section 11383 of the Government Code is amended to read:

11383. The filing of a regulation raises rebuttable presumptions that:

(a) It was duly adopted, issued or promulgated.

(b) It was duly filed with the Secretary of State and made available for public inspection at the day and hour endorsed on it.

(c) All requirements of this chapter and the regulations prescribed hereunder relative to such regulation have been complied with.

The courts shall take judicial notice of the contents of each regulation duly filed.

See also
Stats 1945,
Ch 111

Publisher
of regu-
lation
Presumptio

SEC. 2. Section 11384 of the Government Code is amended to read:

11384. The publication of a regulation by the Codification Board raises a rebuttable presumption that the text of the regulations as so published is the text of the regulation adopted, issued, or promulgated. The courts shall take judicial notice of the text of any regulation published under this chapter or the regulations prescribed hereunder which is printed at the California State Printing Office, as evidenced by the imprint of that office on the publication containing it.

See also
Stats 1945,
Ch 111

Sale of
California
Adminis-
trative
Register
and Code

SEC. 3. Section 11410 of the Government Code is amended to read:

11410. The California Administrative Register and the California Administrative Code shall be sold by the Department of Finance at such prices as will reimburse the State for all costs incurred for compilation, codification, indexing, printing, publication and distribution.

All money received from the sale of the California Administrative Register and the California Administrative Code shall be deposited in the treasury and credited, proportionately, to the credit of the several funds and support appropriations from which such costs were paid, except that all moneys so received shall be credited to the General Fund until the amount credited thereto equals the amount of all moneys heretofore expended from the General Fund to defray such costs.

SEC. 4. Section 11412 is added to the Government Code, to read:

11412. Nothing in this chapter limits or restricts the discretion of the Codification Board to determine the form in which the California Administrative Code, and the California Administrative Register shall be published. Either or both of said publications may be issued in such units, whether in bound volumes or in loose-leaf form, separately or in combination, at the same or at different times, as the Codification Board deems most economical and best adapted to make the current regulations available to interested persons and to the public.

SEC. 5. Section 11413 is added to the Government Code, to read:

11413. Each State agency shall pay the cost of the compilation, codification, indexing, printing, publication and distribution of the regulations filed by it and printed in the California Administrative Code or in the California Administrative Register. The Director of Finance shall determine all such costs. The amounts so determined, he shall at appropriate intervals certify to the several agencies, who shall pay the same into the State treasury to the credit and in augmentation of the appropriation for the support of the Codification Board, out of moneys available to them for their support.

SEC. 6. Section 11414 is added to the Government Code, to read:

11414. Nothing in this chapter precludes any State agency from purchasing copies of the California Administrative Code or of the California Administrative Register, or of any unit of either, nor from printing special editions of any such units, subject to the approval of the Director of Finance as to the terms and conditions thereof, and to distribute the same at the cost or at less than the cost to the agency if it is authorized so to do by other provisions of law.

SEC. 7. Section 11415 is added to the Government Code, to read:

11415. After the regulations of a State agency have been published by the Codification Board, any subsequent printings or reprinting of those regulations shall be printed in the format (including the numbering system) prescribed by the Codification Board, unless the State agency obtains permission from the Department of Finance to print otherwise.

CHAPTER 1357

An act to amend Section 11007 of the Government Code, relating to insurance of the property of the State Compensation Insurance Fund.

In effect
September
15, 1945

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 111
Insuring
State
property

SECTION 1. Section 11007 of the Government Code is amended to read:

11007. Except as expressly authorized by law, property belonging to the State shall not be insured against risk of damage or destruction by fire, and the policies of fire insurance upon any property belonging to the State shall not be renewed. This section is not applicable to the State Compensation Insurance Fund nor to property owned by it.

Exception

CHAPTER 1358

An act to amend Section 4082 of the Political Code, and to repeal Sections 140 and 2183.1 of the Welfare and Institutions Code, and Sections 6151 to 6154, inclusive, of the Education Code, all relating to the issuance of duplicate warrants.

In effect
September
15, 1945

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4082 of the Political Code is amended to read:

Lost or
destroyed
warrant

4082. Whenever any warrant issued by the county auditor shall have been lost or destroyed before it has been paid by the county treasurer, the amount due thereon may be recovered by the legal owner or custodian thereof by filing with the county auditor, prior to the time the warrant shall become void as provided in Section 4095 of this code, an affidavit setting forth the fact of the loss or destruction of such warrant, giving the number, date, amount and name of the payee, together with all material facts relative to its loss or destruction.

Affidavit

Upon the filing of the affidavit, the county auditor shall issue and deliver to such legal owner or custodian, a duplicate warrant for the full amount of the original warrant, and the county treasurer shall pay the duplicate, in lieu of the original warrant.

Presentation
of duplicate
warrant

Such duplicate warrant must be presented for payment to the county treasurer within the same time limit set for the original warrant or it is void.

A warrant shall be considered to have been lost if it has been mailed, and has not been received by the addressee within 20 days after the date of mailing.

The auditor and treasurer shall each make the proper entries on their books, showing that such warrant has been lost or destroyed and that a duplicate warrant has been issued in lieu thereof.

Sec. 2. Sections 140 and 2183.1 of the Welfare and Institutions Code, and Sections 6151 to 6154, inclusive, of the Education Code are hereby repealed. Repeals

CHAPTER 1359

An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Redwood City, including the management, use and control thereof.

[Approved by Governor July 13, 1945 Filed with Secretary of State
July 13, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of Redwood City, a municipal corporation of the State of California, and to its successors, all of the rights, title and interest of the State of California held by said State by virtue of its sovereignty in and to all lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, included within that portion of the City of Redwood City, County of San Mateo, State of California, particularly described as follows: Grant of
State
tidelands to
Redwood
City

Beginning at the intersection of the prolongation northwesterly of the northeasterly line of Lot 3, as shown on a map entitled, "Map of Certain Lands Belonging to Redwood City Harbor Company", filed in the office of the County Recorder of said County of San Mateo, said State, on September 23, 1921, and recorded in Book 10 of Maps at pages 45 and 46, with the mean lower low water line (as shown on U. S. C. & G. S. datum San Francisco Bay, southern part); running thence southwesterly, southerly and southwesterly along said mean lower low water line to and along said line of mean lower low water in Boundary Slough southerly, southeasterly and easterly to the intersection of said line with the northwesterly line of that certain 58.5 foot right-of-way now or formerly owned by Southern Pacific Railroad Company, as shown in Volume 117 of Official Records, at page 62, in the County Recorder's office of the County of San Mateo, State of California; thence northeasterly along said westerly line of said right-of-way to the line of mean higher high water as referred to in the above described datum; thence westerly, northwesterly and northerly along said mean higher high water line of said Boundary Slough to the mean higher high water line on the easterly side of Redwood Creek; Description

thence northerly and northeasterly along said mean higher high water line of said Redwood Creek to the intersection thereof with said prolongation of said northeasterly line of said Lot 3; thence northwesterly along said prolongation of said line to the point of beginning.

Purposes

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water. and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

Reservations
to State

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

CHAPTER 1360

An act to add Section 645.1 to the Probate Code, relating to the setting aside of certain estates.

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 645.1 is added to the Probate Code, to read:

645.1. In the absence of fraud in the procurement, an order of the superior court assigning an estate pursuant to the provisions of the preceding section, when it becomes final, is a conclusive determination of the jurisdiction of the court (except when based on the erroneous assumption of death), and can not be collaterally attacked.

Conclusive-
ness of order
assigning
estate

CHAPTER 1361

An act to amend Section 7048 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 13, 1945. Filed with Secretary of State July 13, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 7048 of the Business and Professions Code is amended to read:

7048. This chapter does not apply to any work or operation on one undertaking or project by one or more contracts, the aggregate contract price for which for labor, materials, and all other items, is less than one hundred dollars (\$100), such work or operations being considered as of casual, minor or inconsequential nature.

Exemption
of minor
work, etc

This exemption does not apply in any case wherein the work of construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than one hundred dollars (\$100) for the purpose of evasion of this chapter or otherwise.

This exemption does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor or that he is qualified to engage in the business of contractor.

CHAPTER 1362

An act to amend Section 986.5 of the Military and Veterans Code, relating to farm and home purchases by veterans of World War II.

In effect
September
15, 1945

[Approved by Governor July 14, 1945 Filed with Secretary of State
July 14, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 147

Maximum
cost of home
or farm

SECTION 1. Section 986.5 of the Military and Veterans Code is amended to read:

986.5. The cost of a home to the board shall not exceed the sum of six thousand five hundred dollars (\$6,500), and a veteran purchasing the home may advance the difference between the purchase price of the home and the cost of the home to the board, but in no case shall the total purchase price thereof exceed ten thousand dollars (\$10,000). The cost of a farm to the board shall not exceed twelve thousand five hundred dollars (\$12,500), and a veteran purchasing the farm may advance the difference between the purchase price of the farm and the cost of the farm to the board, but in no case shall the total purchase price thereof exceed fifteen thousand dollars (\$15,000).

CHAPTER 1363

An act to add Section 738.5 to and amend Section 407 of the Code of Civil Procedure, relating to actions to determine conflicting claims to property.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State
July 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 738.5 is added to the Code of Civil Procedure, to read:

Action
against State
to determine
occurrence
of escheat
Stats 1921,
p 133311

738.5. An action may be brought against the State of California to determine whether or not an escheat has occurred as to any real property or interest therein under the provisions of "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, and as amended. Such an action may be commenced by any person claiming an interest in the property.

The complaint shall describe the property and shall specify the instrument or instruments in the chain of title to the property which gave rise to the possibility of such escheat. The State of California shall be the sole defendant in such action and no other matter may be adjudicated except the issue of the occurrence of an escheat. No issue shall be raised or claim made by the plaintiff in such action based upon estoppel, or failure of the State to have commenced an escheat proceeding, nor shall any statute of limitation operate to bar an adjudication in such action that the property or any interest therein has escheated to the State. A copy of the complaint and summons shall be served upon the Attorney General or his assistant, or any of his deputies, and upon the district attorney or county counsel of the county in which the property is situated, or upon their respective assistants or deputies. Such district attorney or county counsel shall perform duties similar to those required to be performed in escheat proceedings commenced by the State under the provisions of the act mentioned in this section. The Attorney General or district attorney or county counsel shall have 180 days, as a matter of right, in which to answer or otherwise plead. If at any time during the pendency of the action the Attorney General determines that under the law or the facts or both no such escheat has occurred, he may, with the consent of the State Controller, file a disclaimer in such action and thereupon judgment shall be entered against the State.

SEC. 2. Section 407 of the Code of Civil Procedure is amended to read:

407. The summons must be directed to the defendant, signed by the clerk or justice, and issued under the seal of the court. It must contain:

1. The title of the court in which the action is brought, the name of the county in which the complaint is filed and, in municipal and justices' courts, the name of the city, town, or judicial township in which such court is established;

2. The names of the parties to the action;

3. A direction that the defendant appear and answer the complaint within 10 days, if the summons is served within the county in which the action is brought, or within 30 days, if served elsewhere, except that if the action is against the State pursuant to Section 738.5 of this code, within 180 days;

4. A notice, that unless the defendant so appears and answers, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint.

CHAPTER 1364

An act relating to salaries and compensation of State officers and State employeys, and making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

Statutory salaries. Increase

SECTION 1. On October 1, 1945, the salary and compensation of each employee of the State and of each officer of the State (except State officers appointed by the Governor or elected by the people) whose salary or compensation is expressly fixed by statute (exclusive of the Constitution) at a definite amount, is hereby increased as follows:

(1) To each such officer and employee whose monthly salary or wage is fixed by statute (exclusive of the Constitution) during the month of October, 1945, shall be paid an increase in accordance with the following schedule:

To such officer or employee who, on the effective date of this act has, for a period of not less than the time shown in the following schedule, occupied a position, the salary or wage for which has been fixed by statute (exclusive of the Constitution), an increase each month as herein specified:

- For not less than three months-----\$60.00
- For not less than two months----- 45.00
- For not less than one month----- 30.00
- For less than one month----- 15.00

(2) To each such officer and employee whose monthly salary or wage is fixed by statute (exclusive of the Constitution), during the period November 1, 1945, to June 30, 1947, inclusive, shall be paid an increase of fifteen dollars (\$15) per month.

Increases by State Personnel Board Stats 1945, Ch 644

SEC. 2. If, after July 1, 1945, the State Personnel Board increases the salary range of any officer or employee, the amount of increases of salary heretofore provided for by Item 276.6 of the Budget Act of 1945 and by an act entitled "An act providing salary and wage increases for State employeys, declaring the urgency thereof, and providing that this act shall take effect immediately," passed at the Fifty-sixth Regular Session of the Legislature, shall be diminished by the amount of the increase in salary range made by the State Personnel Board.

Effective date

SEC. 3. Section 1 of this act shall take effect on October 1, 1945, and shall not apply to the salary or compensation earned by any State officer or employee for services rendered after June 30, 1947.

Appropriation

SEC. 4. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of four thousand six hundred and eighty dollars (\$4,680) in addition to, and in augmentation of, Item 275 in Section 2 of the "Budget Act of 1945" to carry out the provisions of Section 1 of this act.

SEC. 5. Section 1 of this act shall not apply to any officer or employee whose rate of compensation was increased on or after July 1, 1945. Application of act

SEC. 6. Section 2 of this act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Emergency salaries increases for State employees and officers have heretofore been made in order to render possible a standard of living for such employees in keeping with that of persons in similar positions in private industry.

In order that the increases made shall not be duplicated by wage adjustments based upon permanent changes in salary ranges made necessary by changing economic conditions and conditions of employment, it is necessary that this act take effect immediately.

CHAPTER 1365

An act to amend Section 73700 of the Political Code, relating to salaries of judges of the Superior Court in and for the County of San Mateo.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 73700 of the Political Code is amended to read:

73700. The annual salary of each of the judges of the Superior Court in and for the County of San Mateo is ten thousand five hundred dollars (\$10,500). Superior judges San Mateo

CHAPTER 1366

An act to amend Sections 20563 and 20565 of the Government Code, relating to the State Retirement System.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 20563 of the Government Code is amended to read: See also Stats 1945, Chs 123 and 1224

20563. Upon the termination of a contract, the board shall hold for the benefit of the members of this system who are credited with service rendered as employees of the contracting Termination of contract Retention of contributions

agency such portion of the accumulated contributions then held by this system and credited to or as having been made by it as is in excess of the difference between an amount actuarially equivalent, as determined by the actuary and approved by the board to all the system is obligated to pay after the effective date of termination to or on account of persons who are or have been employed by, and on account of service rendered by them, to the agency, and the accumulated contributions made by such persons.

See also
Stats. 1947,
Ch. 123
Same Rights
of members:

SEC. 2. Section 20565 of said code is amended to read:

20565. Upon the termination of a contract, all membership in this system existing because of that contract continue in existence to the extent that there are accumulated contributions to the credit of each such local member, but any such member may elect to withdraw his accumulated contributions. The status of any such member who does not withdraw his accumulated contributions shall be the same as if the public agency had continued as a contracting agency. The portion of the contributions of the contracting agency held under Section 20563 to the credit of each member shall be determined by the board, and may be adjusted from time to time prior to termination of membership. A member whose membership continues under this section is subject to the same age and incapacity requirements as apply to other members for service or for disability retirement, but he is not subject to a minimum service requirement. He shall receive such retirement benefits as his accumulated contributions, together with such portion of the excess of the contributions of the contracting agency as are credited to him, will provide, as determined by the board, but the provisions of this part relative to minimum retirement allowances shall not apply to him. Upon the death of such a member the basic death benefit shall be his accumulated contributions.

CHAPTER 1367

An act to add Section 271 to, and amend Section 254 of, the Health and Safety Code, relating to physically handicapped children.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

See also
Stats. 1945,
Ch. 1368
Petition for
certificate

SECTION 1. Section 254 of the Health and Safety Code is amended to read:

254. Whenever the parents or estate of a handicapped child is either wholly or partly unable to furnish for the child necessary services, the parents or guardian may, without the payment of any fee, file a petition in the superior court in the county where the parents are resident, or if a guardian of the

person of the child has been appointed, then in the county of the residence of the child, for a certificate setting forth the facts.

For purposes of this section, residence shall be determined as provided in Section 244 of the Government Code.

SEC. 2. Section 271 is added to said code, to read:

271. The board of supervisors may appropriate funds ^{Funds} derived either from levying a special tax as provided in Section 270 or from the general fund to the local department of public health or local department of public welfare to be used for providing care for handicapped children. The local department of public health or the local department of public welfare may cooperate in this service with the State Department of Public Health or may provide the care independently, if such services meet minimum standards set by the State Board of Public Health.

CHAPTER 1368

An act to amend Sections 254 and 270 of the Health and Safety Code, relating to physically handicapped children.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 254 of the Health and Safety Code is amended to read:

254. Whenever the parents or estate of a handicapped child is wholly or partly unable to furnish for the child necessary services, the parents or guardian may, without the payment of any fee, file a petition in the superior court in the county where the parents are resident, or if a guardian of the person of the child has been appointed, then in the county of the residence of the child, for a certificate setting forth the facts. Residence shall be determined in accordance with the provisions of Sections 243 and 244 of the Government Code.

See also
Stats 1945,
Ch 1367

Petition for
certificate

SEC. 2. Section 270 of the Health and Safety Code is amended to read:

270. Annually the board of supervisors of each county shall appropriate for services for handicapped children of the county a sum of money not less than that represented by a rate of one-tenth of one mill (\$.00001) on each dollar on the assessed valuation of the taxable property in the county, except that whenever the department on or before May 1st of any year certifies to the board of supervisors a smaller amount needed for such purposes in that county, the latter shall be the minimum amount appropriate for expenditure therefor in that county during the next succeeding fiscal year.

Funds

CHAPTER 1369

Stats. 1933, An act to amend Sections 67, 68 and 80 of the Unemployment
 amended Insurance Act, relating to unemployment insurance and the
 limitation on benefit appeals thereunder.

In effect [Approved by Governor July 14, 1945 Filed with Secretary of State
 September July 14, 1945]
 15 1945

The people of the State of California do enact as follows:

Stats. 1933, SECTION 1. Section 67 of the Unemployment Insurance Act
 p. 3009 is amended to read:

Initial de- Sec. 67. An initial determination on the claim shall be made
 termination of claim and shall include a determination with respect to whether or
 not benefits are payable, the weekly benefit amount payable,
 and the maximum amount of benefits payable. An initial
 Notice determination may for good cause be reconsidered. The
 claimant and any other parties to the determination shall be
 promptly notified of the initial determination (or of any
 amended initial determination) and the reasons therefor, such
 notification to be given in such manner as the commission may
 from time to time by regulation prescribe. Any employer
 whose reserve account may be affected by the payment of benefits
 to any individual formerly in his employ may become an inter-
 ested party to any proceeding under this article by complying
 with such regulations as the commission shall prescribe. Benef-
 its shall be denied, or if the claimant is otherwise eligible, paid
 promptly, in accordance with the initial determination, except
 Appeal as hereinafter otherwise provided. The claimant or any party
 to the determination may file an appeal from such initial deter-
 mination within seven days after notification thereof, or within
 seven days after the date such notification was mailed to his
 last known address; provided that said seven-day limitation
 Payments may be extended for good cause. If an appeal is duly filed
 benefits with respect to the period prior to the final decision
 on appeal, shall be paid only after such decision, except as
 hereinafter provided. If a referee affirms an initial deter-
 mination allowing benefits, such benefits shall be paid regard-
 less of any appeal which may thereafter be taken, and regardless
 of any action taken under Section 72 of this act or otherwise
 by the commission, the appeals board, or any other administrative
 body or by any court, but if such determination is finally
 reversed no employer's account shall be charged with benefits
 so paid as to each such determination so reversed. If, under
 the initial determination, benefits in any amount or for any
 weeks are payable irrespective of the decision on the issues upon
 which a hearing is requested, such benefits shall be promptly
 paid regardless of such appeal. If subsequent to such initial
 Denial of determination benefits with respect to any week for which a
 claims claim has been filed are denied for reasons other than matters
 included in the initial determination, the claimant shall be
 promptly notified of the denial and the reasons therefor and

may appeal therefrom in accordance with the procedure herein described for appeals from initial determinations.

SEC. 2. Section 68 of said act is amended to read :

Stats 1935,
p 3009
Decision of
referee

Sec. 68. A referee after affording the parties reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm set aside or modify the findings of fact and initial determination. The parties shall be duly notified of such referee's decision, together with his reasons therefore, which shall be deemed to be the final decision of the commission unless within 10 days after the date of notification or mailing of such decision, further appeal is initiated pursuant to Section 72 of this act; provided that the appeals board for good cause may accept an appeal filed not later than 30 days after notification or mailing of the referee's decision.

SEC. 3. Section 80 of said act is amended to read :

Stats 1943,
p 3032
Decision on
appeal

Sec. 80. The decision of the appeals board on an appeal from the findings of a referee must be rendered within 60 days after the filing of the appeal unless such board requires the taking of further evidence, in which case the hearing on the appeal shall be commenced within 60 days after the filing of an appeal, and in the latter case the decision of the board must be filed within 60 days after completion of such hearing. If the appeals board issues a decision allowing benefits such benefits shall be paid regardless of any further action taken by the commission, the appeals board, or any other administrative agency, and regardless of any appeal or mandamus, or other proceeding in the courts. But if such decision of the appeals board is finally reversed or set aside, no employer's account shall be charged with benefits so paid as to each decision so reversed or set aside.

CHAPTER 1370

An act to amend Section 72 of the Unemployment Insurance Act, relating to unemployment insurance and the payment of benefits pending appeals thereunder.

Stats 1935,
p 1226,
amended

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 72 of the Unemployment Insurance Act is amended to read :

Stats 1945,
Ch 576

Sec. 72. Any party to a decision by a referee may appeal to the appeals board from such decision. The appeals board may on its own motion affirm, modify, or set aside any decision of a referee on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence. The appeals board may remove to itself or transfer to another referee the proceedings on any claim pending before a referee.

Appeal from
decision by
referee

The appeals board shall promptly notify the parties to any proceedings of its findings and decision. If the appeals board renders a decision allowing benefits, such benefits shall be paid regardless of any action or special proceeding which may thereafter be taken in any court, provided that if such decision is finally reversed no employer's account shall be charged with benefits so paid as to each such decision so reversed.

CHAPTER 1371

An act to add Section 18662 to the Health and Safety Code, relating to auto and trailer camps.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 18662 is added to the Health and Safety Code, to read:

Auto camp
etc., permit

18662. Upon application, the Division of Immigration and Housing may issue a permit for the operation of an auto or trailer camp, which permit may allow variations in specified respects from the requirements of this article, under the following conditions.

(a) When the auto or trailer camp is operated incidental to the operation of a fishing resort where boats are rented, and the auto or trailer camp is not so located as to rely primarily on tourist travel for patronage.

(b) Where such relaxation in the requirements of this article as the Division of Immigration and Housing may permit will not in fact endanger public health.

CHAPTER 1372

"San Diego
County Flood
Control Dis-
trict Act"

An act to create a flood control district to be called San Diego County Flood Control District; to provide for investigations by the district and other local public agencies furnishing, or having the legal power to furnish, flood control protection or water for beneficial use in any watershed, any part of which is within the County of San Diego, pertaining to flood protection and water service in any such watershed.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

Short title

SECTION 1. This act shall be known and may be cited as the "San Diego County Flood Control District Act."

San Diego
County Flood
Control
District

SEC. 2. A flood control district is hereby created to be called the "San Diego County Flood Control District." Said district shall consist of all the territory of the County of San Diego

lying within the exterior boundaries of said county except such islands of said county as lie in the Pacific Ocean. As used in this act the term "district" means the San Diego County Flood Control District.

SEC. 3. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers: Powers of district

1. To have perpetual succession.
2. To adopt a seal and alter it at pleasure.

SEC. 5. The board of supervisors of San Diego County shall be and is hereby designated as, and empowered to act as, ex officio the board of supervisors of the San Diego County Flood Control District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the board of supervisors of the San Diego County Flood Control District. Board of supervisors

SEC. 6. The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of San Diego, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said San Diego County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said San Diego County Flood Control District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said San Diego County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of San Diego County. District officers

SEC. 7. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all needful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act. Powers of board

In addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation, which said officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC. 8. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 13 of Article XIII and Section 13 of Article XI of the Constitution of this State. Reclamation district, etc

Construction of act **SEC. 9.** This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Constitutionality **SEC. 10.** If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Limitation of powers **SEC. 11.** The provisions of this act shall not be deemed to permit the San Diego County Flood Control District either:

(a) To exercise the right of eminent domain as to the water system or any interest therein of any public agency.

(b) To exercise any supervision or control in any manner whatsoever over any of the affairs or policies with respect to the water systems of any public agency.

As used in this section, "water system" includes but is not limited to all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures, and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated, or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment, or measurement of water for power, irrigation, reclamation, or manufacturing or for municipal, domestic, or other beneficial use and includes any property, real or personal, which the governing body of any public agency declares by resolution is being held by the public agency for future use for such purposes.

In case the provisions of this section conflict with any other provisions of this act, the provisions of this section control over such other provisions.

"Public agency" **SEC. 12.** As used in this act, "public agency" includes counties, cities, municipal corporations, political subdivisions, public districts (including but not limited to the San Diego County Flood Control District), water authorities, and other public agencies of the State, chartered or unchartered, whether within or without the County of San Diego.

Surveys **SEC. 13.** Each public agency furnishing, or having legal power to furnish, flood protection or water for beneficial use within any watershed, any part of which is within the County of San Diego, shall have authority to make a survey of flood control and water conservation measures which it is authorized to perform on any watershed, any part of which is within the County of San Diego. Such survey shall include the consideration of:

Contents (a) The available supply of water from whatever source.

(b) The most feasible method or methods of conserving that supply and of putting it to the maximum beneficial use.

(c) Problems of flood control, river flood control and equation, reclamation, drainage, recapture and further utilization of water after use for any purpose, domestic use, irrigation of land, municipal use, development of electric energy, and any and all other beneficial uses.

(d) Suitable means for the equitable reconciliation and adjustment of the various conflicting claims and rights to water in the area.

(e) Feasible methods of carrying out the resulting plan or plans, including through any existing public agency or through an agency which the public agency recommends that the Legislature create.

(f) Any and all other relative matters and things.

SEC. 14. In conducting its work, each public agency may use all pertinent surveys, estimates, reports and other information previously made or assembled, and available to it, and may employ such engineers, attorneys, technical, clerical, and other assistants necessary to enable the public agency to perform its authority hereunder. Use of surveys, etc Employees

SEC. 15. Each public agency shall have authority to cooperate with all entities, persons, and groups in interest, to the end that the purpose of this act may the sooner be fulfilled and accomplished and flood protection and water for beneficial uses be furnished within each watershed, any part of which is within San Diego County. Cooperation

SEC. 16. Copies of each and all of the reports of each public agency shall be filed, kept on file, and available for public inspection at all reasonable hours, at the principal office of the public agency, the office of the board of supervisors of San Diego County, and the office of the State Engineer. Copies of reports

SEC. 17. The costs of carrying out the provisions of this act are payable out of such moneys as shall be donated to each public agency for the purpose by persons, corporations and other entities having legal capacity to make such donations, which moneys each public agency is hereby authorized to receive and expend. Costs

SEC. 18. The provisions of this act shall not be deemed to affect any of the powers or duties conferred by law on the San Luis Rey Water Authority, except in so far as such authority is given additional powers by this act. Application of act

CHAPTER 1373

An act to add Section 1288 to the Business and Professions Code, relating to clinical laboratories.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1288 is added to the Business and Professions Code, to read:

1288. It is lawful for any person conducting or operating a clinical laboratory to accept assignments for tests from any person licensed under any provision of law relating to the healing arts. Tests by clinical laboratories

CHAPTER 1374

An act to amend Sections 10192, 10193, 10494, 10498.5, 10500, 10501, 10971, 10971.4, and 10972 cf, to add Sections 10490.1 and 10498.6 to, and to repeal Section 10241 of, the Insurance Code, relating to insurance.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 10241 of the Insurance Code is repealed.

Exemption

SEC. 1.5. Section 10490.1 is added to said code, to read :

10490.1. Any nonprofit incorporated or unincorporated mutual benefit association in existence prior to January 1, 1945, which confines its membership to officers and employees of a common employer or group of affiliated or related employers including persons who were such officers or employees at the time of becoming members and which pays death benefits only to nominees or the estates of deceased members, is exempt from the provisions of this code relating to such life and disability insurance in respect to such members.

Certificate of exemption

SEC. 2. Section 10492 of said code is amended to read :

10492. Any incorporated or unincorporated benefit and relief association of nonprofit or charitable character may, if it complies with the requirements of this article, procure a certificate of exemption from the commissioner.

Membership of benefit and relief association:

SEC. 3. Section 10493 of said code is amended to read :

10493. Such a benefit and relief association may only be formed by, and its memberships limited to, one of the following group of members or employees :

(1) The appointive officers and employees of a public school district and/or the pupils of any such district or of any private school ;

(2) The members of any organization of a purely religious or benevolent character having a total membership in this State of not less than 1,000 ;

(3) Officers and employees of a common employer.

Death benefits

SEC. 4. Section 10494 of said code is amended to read :

10494. Such a benefit and relief association shall not provide for payment of a death benefit of more than five hundred dollars (\$500) or for disability benefits of more than five hundred dollars (\$500) to any one person in any one period of 12 consecutive months and shall not issue to its members a policy or benefit certificate or any other evidence of benefits except that found in the articles of the association or the by-laws thereof.

Segregation of funds

SEC. 5. Section 10498.5 of said code is amended to read :

10498.5. If a holder of a certificate of exemption receives or maintains funds for any purpose other than administering and providing the benefits that make it subject to this article, it shall segregate and maintain separately all funds received by it for the purpose of administering and providing such benefits.

When so segregated and maintained separately such benefit funds shall not be liable to attachment, garnishment, execution, or other process by or on behalf of creditors against the holder of a certificate of exemption, except that such funds shall not be exempt from process issued to enforce a claim for benefits.

SEC. 6. Section 10500 of said code is amended to read

10500. Every person not expressly exempted by the provisions of this code that transacts life or disability insurance without a valid and unrevoked certificate of authority or without a valid and unrevoked certificate of exemption issued pursuant to this article, is guilty of a misdemeanor. Every employee, officer or agent of any person who knowingly assists any person in the transaction of insurance in violation of the provisions of this code, is guilty of a misdemeanor.

SEC. 7. Section 10501 of said code is amended to read :

10501. Any person subject to this article who upon January 1, 1943, was paying, allowing, or promising to pay benefits in the event of death or disability, or otherwise transacting life or disability insurance without a valid and unrevoked certificate of authority so to do, may apply for a certificate of exemption under this article.

After filing such application, or if such application has heretofore been filed, such person may continue to transact such insurance until the application is denied or such certificate of exemption is issued.

SEC. 8. Section 10971 of said code is amended to read :

10971. This chapter shall not, except as provided by Sections 10971.4, 10972 and 10974, affect :

(a) A lodge operating under the lodge system or the subordinate branches thereof or any association formed by the members thereof which confines its membership to the members of such lodge, which provides in its by-laws or rules or regulations for the payment of death benefits not exceeding five hundred dollars (\$500) on the death of a member or for the payment of disability benefits not exceeding five hundred dollars (\$500) to a member during any period of 12 consecutive calendar months, or both such types of benefits.

(b) Contracts of reinsurance on a plan under subdivision (a).

SEC. 9. Section 10971.4 of said code is amended to read :

10971.4. A lodge operating under the lodge system, a subordinate branch thereof, and an association formed by the members thereof, as these terms are used in Section 10971, shall have all of the following characteristics :

(a) It is organized without capital stock.

(b) It is organized and operated solely for the benefit of its members or their beneficiaries and not for profit.

(c) It has a lodge system and representative form of government within the meaning of Section 10992, holds regular meetings at periodical intervals, and has a ritualistic form of work, and it has not less than 10 subordinate branches with more than a total of 1,000 dues-paying, active members in good standing.

SEC. 10. Section 10972 of said code is amended to read:
 Same 10972. Any lodge, subordinate branch and/or association otherwise covered by Section 10971, which issues to any person a policy or certificate providing for the payment of benefits, shall comply with all the requirements of this chapter.

SEC. 11. Section 10498.6 is added to said code, to read:
 Regulation: 10498.6. The commissioner may from time to time issue regulations which shall govern persons holding certificates of exemption under this article, setting forth financial and other standards which, in his opinion, are required to avoid a condition of hazard, and further specifying the requirements of submission of statements of financial condition.

CHAPTER 1375

An act to amend Section 7435 of, and to add a new section numbered 7439 to, the Education Code, relating to school bonds, declaring the urgency of this act and providing that the same shall take effect immediately.

In effect immediately [Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 7435 of the Education Code is hereby amended to read:

Form of bonds, etc 7435. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any. Said bonds shall be signed by the chairman of the board of supervisors, or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the clerk thereof. The coupons of said bonds shall be signed by the treasurer or auditor. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed. All expense incurred for the preparation, sale, and delivery of the school bonds is a legal charge against the funds of the school district issuing the bonds.

SEC. 2. Section 7439 is hereby added to the Education Code, to read as follows:

Unsold bonds 7439. Any unsold bonds of the elementary, high school or junior college districts comprising a unified school district and voted at any election held either prior or subsequent to the date upon which the action necessary to the formation of the unified district was completed, may be issued by the board of supervisors in the name of the unified district and the proceeds derived from the sale thereof shall be the funds of the unified district and shall be used only for the purpose or purposes for which said bonds were voted.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and therefore shall go into effect immediately. The following is a statement of the facts constituting such necessity: elementary, high school and junior college districts in areas which have had great increases in population and are important to war production in California have voted bonds recently for school buildings to relieve the congestion in the school rooms. Some of such districts will by operation of law become part of a unified school district on July 1st next and their power to issue bonds thereupon will cease and it is impossible to issue and sell the bonds heretofore voted prior to July 1st. The schools in some of such districts are seriously overcrowded, menacing the children with danger from epidemics and diseases. Unless that condition is relieved speedily the health and safety of the children will be endangered. To call elections and vote additional bonds after the districts become merged into a unified district would involve long delay. To provide funds necessary for the construction of new school buildings in order to relieve the over-crowded classroom condition at the earliest date it is necessary that the bonds heretofore voted by the elementary, high school and junior college districts be issued and sold at the earliest possible moment. If this act goes into effect immediately it will be possible for the unified school district to issue and sell the bonds heretofore voted by the separate districts and provide building funds quickly. It is therefore necessary for the act to take effect immediately.

CHAPTER 1376

An act to add Section 8827 to the Education Code, relating to the Public School System.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 8827 is added to the Education Code, to read:

8827. The governing board of any junior college district in which is located a high school district required to maintain only one or more junior high schools, may establish and maintain special continuation education classes and, in such case, the governing board of the high school district shall not be required to establish and maintain any such classes under any other provisions of this code.

Continuation
classes

Special continuation education classes established and maintained under this section shall be deemed to be established and maintained by the governing board of the high school district for all the purposes of Article 5 of Chapter 7 of Division 4, and Chapter 5 of Division 8, of this code.

CHAPTER 1377

An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

In effect
September
15, 1945

[Approved by Governor July 14, 1945 Filed with Secretary of State
July 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 411 of the Code of Civil Procedure is amended to read:

Service of
summons

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a domestic corporation: To the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the State after diligent search, then to the Secretary of State as provided in Section 373 of the Civil Code, unless the corporation be of a class expressly excepted from the operation of that section.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this State; in the manner provided by Section 406a of the Civil Code.

3. If against a minor, under the age of 14 years, residing within this State: To such minor, personally, and also to his father, mother, or guardian; or if there be none within this State, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person residing within this State who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed: To such person, and also to his guardian.

5. If against a county, city or town: To the president of the board of supervisors, president of the council or trustees, or other head of the legislative department thereof.

6. In all cases where a corporation has forfeited its charter or right to do business in this State, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Section 402a of the Civil Code.

7. In an action or proceeding authorized by law against a State board or commission, to the president, chairman, or other head of or to the secretary of said board or commission.

8. In all other cases to the defendant personally.

CHAPTER 1378

An act to amend Section 158 of the Business and Professions Code, relating to refunds.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 158 of the Business and Professions Code is amended to read:

158. With the approval of the Director of the Department of Professional and Vocational Standards, the boards and commissions comprising the department or subject to its jurisdiction may make refunds to applicants who are found ineligible to take the examinations or whose credentials are insufficient to entitle them to certificates or licenses.

Notwithstanding any other provision of law any application fees, license fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded. Claims authorized by the department shall be filed with the State Controller, and the Controller shall draw his warrant against the fund of the agency in payment of such refund.

CHAPTER 1379

An act to amend the chapter heading of Chapter 4 of Division 6 of, and to add Section 1190 to the Agricultural Code, to amend Sections 1191, 1193, 1194, 1195, 1196, 1199, 1200, 1202, 1206 and 1217 of the Agricultural Code, and to repeal Sections 653dd, 653hh(1) and 653hh(2) of the Civil Code, relating to nonprofit cooperative associations.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The chapter heading of Chapter 4 of Division 6 of the Agricultural Code is hereby amended to read:

CHAPTER 4 NONPROFIT COOPERATIVE ASSOCIATIONS

SEC. 2 A new section is hereby added to the Agricultural Code, to be numbered 1190 and to read:

1190. The purpose of this chapter is to promote, foster and encourage the intelligent and orderly marketing of agricultural products through cooperation; and to eliminate speculation and waste; and to make the distribution of agricultural products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of agricultural products. It is here recognized that agriculture is characterized by individual production in contrast to the group or factory system that characterizes other forms of individual production; and

that the ordinary form of corporate organization permits industrial groups to combine for the purpose of group production and the ensuing group marketing and that the public has an interest in permitting farmers to bring their industry to the high degree of efficiency and merchandising skill evidenced in the manufacturing industries; and that the public interest urgently needs to prevent the migration from the farm to the city in order to keep up farm production and to preserve the agricultural supply of the Nation; and that the public interest demands that the farmer be encouraged to attain a superior and more direct system of marketing in the substitution of merchandising for the blind, unscientific and speculative selling of crops.

SEC. 3. Section 1191 of the Agricultural Code is hereby amended to read:

Definitions

1191. As used in this chapter:

(a) "Products" includes horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any farm products.

(b) "Member" includes members of associations without capital stock and holders of common stock in associations organized with shares of stock.

(c) "Association" means any corporation organized under this chapter. An association will be deemed incorporated under this chapter or organized under this chapter and will be deemed a producer of products within the meaning of this chapter when it is functioning under, or is subject to, the provisions of this chapter, irrespective of whether it was originally incorporated under such provisions or was incorporated under other provisions.

SEC. 4. Section 1193 of the Agricultural Code is hereby amended to read:

Association
Formation

1193. Three or more natural persons, a majority of whom are residents of this State, engaged in the production of products, may form an association under the provisions of this chapter for the purpose of engaging in any activity in connection with the production, marketing or selling of the products of its members, or with the harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping, or utilization thereof, or the manufacturing or making of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies; or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

SEC. 5. Section 1194 of the Agricultural Code is hereby amended to read:

Same:
Powers

1194. Each association incorporated under this chapter may:

(a) Engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling or utilization of any products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or any activity in connection with the purchase,

hiring, or use by its members of supplies, machinery or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this section.

(b) Borrow without limitation as to amount of corporate indebtedness or liability and may make advances to members.

(c) Act as the agent or representative of any member or members in any of the above-mentioned activities.

(d) Purchase or otherwise acquire, hold, own, and exercise all rights of ownership in, sell, transfer, pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing or packing or manufacturing or processing or preparing for market of any of the products handled by the association.

(e) Establish reserves and invest the funds thereof in bonds or in such other property as may be provided in the by-laws.

(f) Buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto.

(g) Levy assessments in the manner and in the amount as may be provided in its by-laws.

(h) Do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and contract accordingly; and in addition exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this chapter; and do any such thing anywhere.

(i) Use or employ any of its facilities for any purpose, provided the proceeds arising from such use and employment shall go to reduce the cost of operation for its members; and provided, further, that the products handled for or the services, machinery, equipment or supplies or facilities furnished to non-members shall not exceed in value the products handled for or the services, merchandise or facilities supplied to members during the same period.

Sec. 6. Section 1195 of the Agricultural Code is hereby amended to read:

1195. (a) Under the terms and conditions prescribed in ^{Membership} the by-laws adopted by it, an association may admit as members or issue common stock to only such persons as are engaged in the production of products to be handled by or through the association, or who use or employ any service or facility offered by the association on or in connection with land used for the production of products, including the lessees and tenants of land

used for the production of such products and any lessors and landlords who receive as rent all or part of the crop raised on the leased premises.

(b) If a member of a nonstock association be other than a natural person, such member may be represented by any individual, associate, officer or manager or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

SEC. 7. Section 1196 of the Agricultural Code is hereby amended to read:

Articles of
incorporation

1196. The articles of incorporation of any such association shall show that the signers thereof are engaged in the production of "products," as defined in this chapter, and that they propose to incorporate an association hereunder, and shall state:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The county where the principal office for the transaction of business of the corporation is to be located.

(d) The number of directors thereof, which shall not be less than three, and the names and addresses of the persons who are to serve as first directors; if it be desired that the first directors shall serve for terms of different length, the term for which each person so named shall serve.

(e) If organized without shares of stock, whether the voting power and the property rights and interest of each member are equal or unequal; and if unequal, the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may be and are determined and fixed.

(f) If organized with shares of stock, the number of shares which may be issued and if the shares are to have a par value, the par value of each share, and the aggregate par value of all shares; if the shares are to be without par value it shall be so stated.

If the shares are to be classified, a description of the classes of shares and a statement of the number of shares of each kind or class and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock; and except as to the matters and things so stated no distinction shall exist between said classes of stock or the holders thereof. One class of stock shall always be known as common stock and voting power may be restricted to holders of common stock.

SEC. 8. Section 1199 of the Agricultural Code is hereby amended to read:

Same
Amending

1199. The articles of incorporation of any association may be amended in the manner and for the purposes authorized by the General Corporation Law.

SEC. 9. Section 1200 of the Agricultural Code is hereby amended to read:

1200. Each association shall within 30 days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this chapter. The vote or written assent of shareholders or members holding at least a majority of the voting power is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked. Each association, under its by-laws, may provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings. Meetings of members or stockholders shall be held at the place as provided in the by-laws; and if no provision be made, then in the city where the principal place of business is located at a place designated by the board of directors. Meetings of the board of directors may be held at any place within or without the State fixed by a quorum thereof unless otherwise provided in the articles of incorporation or by-laws.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both, and the conditions, manner, form and effects of such votes; the right of members or stockholders to cumulate their votes and the prohibition, if desired, of cumulative voting.

(d) The number of directors constituting a quorum.

(e) The number of directors and the qualifications, compensation and duties and term of office of directors and officers and the time of their election. Subject to the provisions of the general corporation law, the number of directors may be changed by a by-law duly adopted by the shareholders or members.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight (8) per cent per annum and which dividends shall

be in the nature of interest and shall not affect the nonprofit character of any association organized hereunder.

(j) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders. In case of the expulsion of a member, and where the by-laws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

SEC. 10. Section 1202 of the Agricultural Code is hereby amended to read:

Same

1202. The by-laws may provide that:

(a) The territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association.

(b) Primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary elections in the various districts shall be final and must be ratified at the annual meeting of the association.

(c) The territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisers, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisers to be elected by each district, the manner and method of reapportioning the representatives or advisers and of redistricting the territory covered by the association.

(d) One or more directors may be chosen by any public official or commission or by the other directors selected by the

members. Such director shall represent primarily the interest of the general public in such associations. The directors so chosen shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

(e) The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

SEC. 11. Section 1206 of the Agricultural Code is hereby amended to read:

1206. When a member of an association established without shares of stock has paid his membership fee in full, he shall receive a certificate of membership. Membership certificate

No association shall issue a certificate for stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote. Stock certificates

An association, in its by-laws, may limit the amount of common stock which one member may own.

The by-laws shall prohibit the transfer of the common stock or membership certificates of the associations to persons not qualified to be shareholders or members as specified in this chapter; and such restrictions must be printed upon every certificate of stock or membership subject thereto.

The association may, at any time, as specified in the by-laws, except when the debts of the association exceed 50 per cent of the assets thereof, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors, and pay for it in cash within one year thereafter.

No member or stockholder shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory note given in payment thereof.

SEC. 12. Section 1217 of the Agricultural Code is hereby amended to read:

1217. Any corporation or association organized under previously existing statutes for the purpose of cooperatively marketing products as defined in this chapter or under Title 23 of Part 4 of Division 1 of the Civil Code shall be deemed organized and existing under and by virtue of the terms of this chapter, and all of the provisions of the terms of this chapter, and any of the restrictions and benefits thereof shall apply in all of their terms to such corporation. Association previously organized

SEC. 13. Section 653dd, 653hh(1) and 653hh(2) of the Civil Code are hereby repealed. Repeals

CHAPTER 1380

An act to amend Sections 4101, 4102, 4103, 4104, 4105 and 4106 of the Government Code, and to add Section 4108 thereto, relating to bidding on public work.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 4101 of the Government Code is amended to read:

Rights
against
contractor

4101. Nothing in this chapter limits or diminishes any rights or remedies, either legal or equitable, which:

(a) An original or substituted subcontractor may have against the general contractor, his successors or assigns.

(b) The State or any county, city, body politic, or public agency may have against the general contractor, his successors or assigns, including the right to take over and complete the contract.

SEC. 2. Section 4102 of the Government Code is amended to read:

Public work.
Contents
of bids

4102. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his bid or offer, set forth:

(a) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the general contractor in or about the construction of the work or improvement in an amount in excess of one-half ($\frac{1}{2}$) of one per cent (1%) of the general contractor's total bid.

(b) The portion of the work which will be done by each such subcontractor under this act.

SEC. 3. Section 4103 of the Government Code is amended to read:

Failure to
specify sub-
contractor

4103. If a general contractor fails to specify a subcontractor for any portion of the work to be performed under the contract in excess of one-half ($\frac{1}{2}$) of one per cent (1%) of the general contractor's total bid, he agrees to perform that portion himself.

SEC. 4. Section 4104 of the Government Code is amended to read:

Changes in
terms of
accepted bid

4104. No general contractor whose bid is accepted shall, without the consent of the awarding authority, either:

(a) Substitute any person as subcontractor in place of the subcontractor designated in the original bid.

(b) Permit any such subcontract to be assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the bid.

(c) Sublet or subcontract any portion of the work in excess of one-half ($\frac{1}{2}$) of one per cent (1%) of the general contractor's total bid as to which his original bid did not designate a subcontractor.

(d) The awarding authority may consent to the substitution of another person as a subcontractor, when the subcontractor named in the bid after having had a reasonable opportunity to do so, fails or refuses to execute a written contract, when said written contract, based upon the general terms, conditions, plans and specifications for the project involved, or the terms of such subcontractor's written bid, is presented to him by the contractor.

SEC. 5. Section 4105 of the Government Code is amended to read:

4105. Subletting or subcontracting of any portion of the work in excess of one-half ($\frac{1}{2}$) of one per cent (1%) of the general contractor's total bid as to which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the awarding authority setting forth the facts constituting the emergency or necessity.

SEC. 6. Section 4106 of the Government Code is amended to read:

4106. A general contractor violating any of the provisions of this chapter violates his contract and the awarding authority may cancel the contract. After any such violation, the general contractor shall be penalized to the extent of twenty per cent (20%) of the amount of the subcontract involved. Funds recovered through the application of this penalty shall be paid to the State Treasurer who will deposit them in the General Fund.

SEC. 7. Section 4108 is added to the Government Code, to read:

4108. As used in this chapter, the word "subcontractor" shall have the meaning given to it by the provisions of Chapter 9 of Division 3 of the Business and Professions Code.

SEC. 8. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 1381

An act to amend Sections 6703, 6731, 6733, and 6787 of the Business and Professions Code, relating to the practice of civil engineering.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 6731 of the Business and Professions Code is hereby amended to read as follows:

"Civil engi-
neering"
defined

6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings or bridges:

(a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.

(b) The supervision of the construction of engineering structures.

(c) The investigation of the laws, phenomena and forces of nature.

(d) Appraisals or valuations.

(e) The preparation and/or submission of designs, plans and specifications and engineering reports.

Nothing in this chapter shall prohibit the preparation of plans, drawings, specifications, estimates, or instruments of service for single or multiple dwellings not more than two stories and basement in height; garages or other structures appurtenant to such dwellings; farm or ranch buildings; or any other buildings, except steel frame and concrete buildings, not over one story in height, where the span between bearing walls does not exceed twenty-five (25) feet.

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein, and geodetic, municipal and topographic surveying.

SEC. 2. Section 6733 of the Business and Professions Code is hereby amended to read as follows:

Architects

6733. An architect, who holds a certificate to practice architecture in this State under the provisions of Chapter 3 of Division 3 or of any other act to regulate the practice of architecture, insofar as he practices architecture in its various branches, is exempt from registration under the provisions of this chapter.

SEC. 3. Section 6787 of the Business and Professions Code is hereby amended to read as follows:

Penalties and
offenses

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil engineering in this

State according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who falsely impersonates or uses the seal of any other practitioner, of like or different name.

(e) Who uses an expired or revoked certificate of registration.

(f) Who violates any provision of this chapter.

(g) Who, unless registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil engineering work is solicited, performed or practiced.

SEC. 4. Section 6703 of the Business and Professions Code is hereby amended to read as follows:

6703. The phrase "responsible charge of work" means the independent control and direction, by the use of initiative, skill and independent judgment, of the investigation or design of civil engineering work or of the supervision of civil engineering on construction projects.

CHAPTER 1382

An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and of the District Courts of Appeal.

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 736 of the Political Code is amended to read:

736. The annual salary of the Chief Justice of the Supreme Court is the sum of fifteen thousand dollars (\$15,000) and the annual salary of each of the Associate Justices of the Supreme Court is the sum of fourteen thousand dollars (\$14,000). Such salaries shall be payable monthly by the State.

Sec. 2. Section 736a of the Political Code is amended to read:

736a. The annual salary of each of the justices of the District Courts of Appeal is the sum of thirteen thousand dollars (\$13,000). Such salaries shall be payable monthly by the State.

CHAPTER 1383

An act to amend Sections 8552, 8553, 8554, 8555, 8556 and 8557 of, and to add Section 8558 to the Public Resources Code, relating to public lands, providing for State cooperation with Federal agencies regarding grazing lands, providing for the distribution of money deposited in the State treasury in connection therewith, and making an appropriation therefor.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 1066
Cooperation

SECTION 1. Section 8552 of the Public Resources Code is amended to read:

8552. The State Lands Commission may cooperate with the Secretary of the Interior, and may, in the name of the State, exchange lands in the manner and under the conditions prescribed in Section 8 of the Act of Congress cited in Section 8551 of this code.

See also
Stats 1945,
Ch 1066
State Lands
Commission

SEC. 2. Section 8553 of the Public Resources Code is amended to read:

8553. The State Lands Commission is hereby designated the "State land officials" referred to in Section 9 of the Act of Congress cited in Section 8551 of this code.

See also
Stats 1945,
Ch 1066
Fish and
Game
Commission

SEC. 3. Section 8554 of the Public Resources Code is amended to read:

8554. The Fish and Game Commission in the Department of Natural Resources is hereby designated the "official State agency engaged in the conservation or propagation of wild life" referred to in Section 9 of the Act of Congress cited in Section 8551 of this code.

See also
Stats 1945,
Ch 1066
Distribution
of Federal
funds

SEC. 4. Section 8555 of the Public Resources Code is amended to read:

8555. All moneys which have been or shall hereafter be received by the State of California from the Government of the United States in pursuance of the act referred to in Section 8551 of this code, or in pursuance of any other act or acts of Congress providing for the distribution and payment to States and Territories of a fixed and definite percentage of the moneys received by the Government of the United States from grazing lands or districts acquired or established therein by the Government of the United States or by any officer or instrumentality thereof, shall, on order of the State Controller, be deposited in a fund in the State treasury to be known as the "United States Grazing Fees Fund," which fund is hereby created; and such moneys shall be disposed of, in accordance with the terms of such Act of Congress, by the payment of the same to the counties in which such grazing lands or districts are situated. The payments made to each county from the receipts of any given parcel of grazing lands or of any grazing district shall be in the proportion that the area of such parcel or district situated in

such county bears to the total area of such parcel or district, as such parcel or district is officially established by the Secretary of the Interior or other authorized official of the Government of the United States.

SEC. 5. Section 8556 of the Public Resources Code is amended to read:

See also
Stats 1945,
Ch 1066
Same

8556. The State Controller shall keep a record of the receipts from the Government of the United States on account of Federal grazing lands or districts situated in each county in this State. On or before the thirtieth day of June of each year, the State Controller shall draw his warrant in favor of the treasurer of each and every county entitled to payment hereunder for whatever sum of money may be due to such county according to the provisions of this article, and the State Treasurer shall pay the warrants so drawn. All moneys now or hereafter deposited in the United States Grazing Fees Fund under the provisions of this article are hereby appropriated to be apportioned and paid to the counties of this State as herein provided.

SEC. 6. Section 8557 of the Public Resources Code is amended to read:

See also
Stats 1945,
Ch 1066
Cooperative
agreements

8557. Any State or county offices or agency, or any stockmen's association, whether incorporated or unincorporated, or any person, firm, corporation, or association may enter into cooperative agreements with the Secretary of the Interior for the purpose of carrying out the provision and policy of the Act of Congress cited in Section 8551 of this code.

SEC. 7. Section 8558 is added to Article 2 of Chapter 4, Part 4, Division 6, of the Public Resources Code, to read:

8558. Any money deposited in the State treasury pursuant to Section 10 of the Act of Congress referred to in Section 8551 of this code and apportioned to any county or counties of this State as herein provided shall be expended by and within each of such counties solely for range improvements and for control of predators; and it shall be the duty of the county auditor of any county receiving a payment of such money immediately to credit the same to an account in the proper fund on his books earmarked and available only for expenditures for range improvements and for control of predators. Any money deposited in the State treasury pursuant to Section 11 of said Act of Congress and apportioned to any county or counties of this State as provided in this article, shall be expended by and within each of such counties, in equal shares, solely for the benefit of the public schools and county highways; and it shall be the duty of the county auditor of any county receiving a payment of such money immediately to credit the same as follows: 50 per cent thereof to an account in the proper fund on his books earmarked and available solely for expenditures for the benefit of the public schools in such county, and 50 per cent thereof to an account in the proper fund on his books earmarked and available solely for expenditures for county highways in such county.

Expenditures
for range
improvements, etc

Expenditures
for schools
and highways

CHAPTER 1384

"Relief Act of 1945" *An act to provide for the relief of hardship and destitution, providing for the administration of such relief by the counties under the supervision of the State Department of Social Welfare, providing for the financing of such relief, and specifying the powers, duties, rights and liabilities of the counties and of the State Department of Social Welfare in relation thereto.*

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

Short title SECTION 1. This act shall be known and may be cited as the Relief Act of 1945.

Definitions SEC. 2. The provisions of Sections 7 to 17, inclusive, of the Welfare and Institutions Code, relative to the definition of terms used in that code and the construction of that code, shall apply to the terms used in this act and the construction of this act, with the same force and effect as if said Sections 7 to 17, inclusive, of the Welfare and Institutions Code were set forth in this act.

Same SEC. 3. As used in this act, the following terms have the meanings set forth in this section.

(a) "Department" means the State Department of Social Welfare.

(b) "Aid" means State financial assistance to counties for the direct cost of relief and the cost of administration thereof.

(c) "Relief" means assistance in cash or in kind provided to individuals or families to relieve hardship and destitution.

Relief to a person includes relief to his dependents, but relief does not include hospital or medical care.

Adminis-
tration

SEC. 4. The direct administration of this act shall be carried out by the boards of supervisors of the several counties, directly or through their authorized agents. The administration shall be supervised by the department.

Relief to
needy
persons

SEC. 5. In accordance with the provisions of this act, every county shall provide relief to needy persons who are residents of this State.

Investigation
of applica-
tions, etc

The board of supervisors of every county as a board, or by committee or by such person as it may authorize, shall investigate every application for relief under this act, shall supervise by periodic visitation every person receiving such relief, shall devise ways and means for bringing persons unable to maintain themselves to self-support, and shall keep full and complete records of such investigation, supervision, relief and rehabilitation as shall be prescribed by the State Department of Social Welfare. Such records shall be confidential and shall not be open to examination or inspection except by the grand jury of the county or by a board or an officer of the State or the county charged with the supervision or direction of such relief or with the control of the expenditure of funds applicable to such relief.

Any citizen shall be entitled to demand and receive from the board, officer, committee, or person having custody of such records a statement of the amount, character and value of the relief received by any person.

SEC. 6. (a) Relief shall be provided only to persons who are in need, as determined by an investigation as prescribed by the department. Subject to the rules and regulations of the department, the county shall grant such emergency relief as may be necessary pending completion of investigation. Eligibility
for relief

(b) All income received by a person or family, regardless of source, shall be considered in arriving at the amount of relief to be provided.

(c) No person shall be considered a needy person who has made any voluntary assignment or transfer of property for the purpose of qualifying for such relief, and any transfer of property other than heirlooms made without adequate consideration in money or property within a period of one year prior to making application for relief shall be presumed to have been made for the purpose of qualifying for such relief.

SEC. 7. Persons who are eligible for aid to the aged under the Old Age Security Law, aid to the needy blind, or aid to needy children (including the caretaker of such needy children), are not eligible for relief under this act. Persons
ineligible

SEC. 8. For the purposes of this act, a resident of the State of California is a person who comes within all of the following descriptions: Residence

(a) Who has lived continuously in the State for a period of one year preceding his application for relief.

(b) Who, during the said one-year, has not received any form of public assistance from any other State or political subdivision thereof.

(c) Who has not lost his residence by remaining away from this State for an uninterrupted period of one year. Absence from the State for labor or other special or temporary purpose does not occasion loss of residence.

SEC. 9. For the purposes of this act, a person who is a resident of the State is a resident of the county in which he has resided continuously for one year immediately preceding his application for relief. Same

SEC. 10. Application for relief may be made to the county of which the applicant is a resident, or, in the case of an applicant who is a resident of the State but who is not a resident of any county, to the county in which such applicant is present. Application
for relief

SEC. 11. Persons eligible for relief who are residents of the State and residents of the county in which they apply for relief shall be granted relief by the county of their residence, and the State shall pay to the county the State's share of the cost of the relief as provided in this act. Costs of
relief

Persons eligible for relief who are residents of the State but who are not residents of any county shall be granted relief by the county in which they apply for relief, and the State shall pay to the county providing the relief the full cost of the relief

provided until such persons have remained in a county for the period necessary to acquire residence in that county.

Requiring
recipient to
work for
county

SEC. 12. As a condition to the grant or continuance of relief, the county may require the recipient to perform work provided by the county. Such work shall not be or replace work which otherwise would be undertaken through private or public employment. All persons performing such work shall be paid the prevailing wage scale for work of a similar character performed in the county.

Refusing
suitable
employment

SEC. 13. No person is eligible for relief who, being physically capable thereof, refuses suitable employment. The department shall define "suitable employment," but no person shall be required to accept work where a labor dispute exists.

Administra-
tion of funds

SEC. 14. In administering any funds appropriated or made available to the department for disbursement through the counties for relief purposes, the department shall:

(a) Require as a condition for receiving such grants in aid that the county shall bear the proportion of the total expense of furnishing relief required to be paid by the county under Sections 19 and 20 of this act.

(b) Establish rules and regulations, not in conflict with law, defining and controlling the conditions under which State aid may be granted or refused.

(c) Terminate any grants in aid to any county if the laws providing such grants, or the minimum standards prescribed by the department, are not complied with by the county or its officers or employees.

Department
Duties

SEC. 15. The department shall:

(a) Establish minimum and maximum standards for the amount and form of relief, on a budgetary basis, as provided in Section 16.

(b) Establish standards of eligibility for relief, which shall be of uniform application throughout the State.

(c) Make investigations in relation to the administration of relief.

(d) Secure information and make reports thereon.

Same

SEC. 16. (a) The department shall from time to time fix for each county maximum and minimum relief case budgets within the range of which the board of supervisors may establish its own policies.

All budgets and standards shall be based upon need and minimum budgets shall be sufficient to maintain the recipient and his dependents in accordance with minimum living requirements as hereinafter set forth in section (b) herein.

(b) In determining and redetermining budgets and standards the department may give consideration to living costs and may establish budgets and standards varying in monetary worth or amount but providing a standard of living compatible with decency and health.

(c) Relief may be granted in cash or in kind, but relief may be granted in kind only after the method has been approved by the department.

SEC. 17. (a) If any county fails to comply with the provisions of this act or the rules and regulations or orders of the department for the administration of relief by the county under this act, the director of the department shall formally notify the county of the particular respects in which it fails to comply with the law or the rules and regulations of the department, and of the changes which are necessary to effect full compliance. The county shall be allowed a reasonable time to effect compliance; if it fails to do so within such reasonable time, it shall be ordered to appear before the State Board of Social Welfare to show cause, if it has any, for its failure to comply with the law or the rules and regulations of the department.

Failure of county to comply with department rules, etc

If a county is charged by the director with failure to comply with the law or the rules and regulations of the department, the county may demand a public hearing before the board. If a hearing is demanded, the board shall hold it promptly.

Hearing

If the board finds that a county has failed to comply with the law or the rules and regulations of the department and is unwilling or unable to make the changes necessary to effect full compliance, the board may withhold financial assistance for the direct and administrative costs of relief, or either, until the county complies.

Financial assistance withheld

(b) The department may operate the relief administration in any county after the denial of financial assistance to the county in accordance with the provisions of this section, and the county proportion of the costs thereof shall be charged against such county and shall be a proper charge against such county. The department shall certify to the county auditor any amounts so charged against the county, the county auditor shall include in his State settlement report rendered to the Controller in the months of January and June the amounts so certified and due under the provisions of this subdivision, and the county treasurer, at the time of the settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts due under the provisions of this subdivision.

Operation by State

SEC. 18. In case of dispute between two or more counties as to the responsibility for any person or in case of dispute between a county and the department either may appeal to the State Social Welfare Board for a hearing; the decision of the State Social Welfare Board is final.

Disputes Counties or State

SEC. 19. If any applicant or recipient is dissatisfied with the action of the board of supervisors, he shall upon filing a petition with the department have the right of appeal and shall be accorded an opportunity for a fair hearing. The department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. At such hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel.

Applicant Right of appeal

The State Social Welfare Board shall consider the appeal and shall dismiss the appeal or award relief as prescribed in this chapter. The county board of supervisors shall then pay to

such person the sum awarded, if any, by the State Social Welfare Board.

Returning
applicant's
Transportation
cost

SEC. 20. A county may incur all necessary expenses in transporting a nonresident applicant for or recipient of relief under this chapter to another State or county when information at hand reasonably tends to show that the person has a legal residence in such State or county. The State shall reimburse the county the full amount of the cost of such transportation.

Amounts
of State
assistance

SEC. 21. (a) Until the rate of county expenditure for the direct and administrative costs of welfare activities under this chapter exceeds, on a fiscal year basis determined not less frequently than quarterly, eight one-hundredths of 1 per cent of the total assessed valuation of the property subject to county taxation, the State shall not participate in the expenditure.

(b) With respect to county funds expended at a rate exceeding eight one-hundredths of 1 per cent of the total assessed valuation of the property subject to county taxation, but not exceeding twelve one-hundredths of 1 per cent thereof, the State shall pay each county eighty per cent (80%) of such expenditures.

(c) With respect to county funds expended at a rate exceeding twelve one-hundredths of 1 per cent of the total assessed valuation of the property subject to county taxation, but not exceeding sixteen one-hundredths of 1 per cent thereof, the State shall pay each county ninety per cent (90%) of such expenditures.

(d) With respect to county funds expended at a rate exceeding sixteen one-hundredths of 1 per cent of the total assessed valuation of the property subject to county taxation, the State shall pay each county ninety-five per cent (95%) of such expenditures.

(e) The State shall pay to each county the full amount of the total costs of relief to persons who are residents of the State but who are not residents of any county.

No State funds shall be used for material or supplies or for nonrelief employment, on work programs.

Apportioning
Federal aid

SEC. 22. During such time as grants-in-aid are provided or made available by the United States Government for either direct costs or administrative costs of welfare activities administered under this chapter, or both, the State Treasurer shall transfer the sums so granted to the Relief Fund. Of such sums, there shall be credited to the State an amount which bears the same proportion to the total of the sums so granted that the total State expenditure under this act during the period for which the grants are made bears to the total of both State and county expenditures under this act during that period. The remainder of such sums shall be credited to the counties of the State, and the State Treasurer shall pay to each county therefrom an amount which bears the same proportion to the whole of such remainder that the county funds expended by that county under

this act during the period bears to the total of all county funds expended by all counties under this act during the period.

SEC. 23. The method of computing and paying the amounts provided for in Sections 19 and 20 for each quarter shall be as follows: Computing payments to counties

(a) The department shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of Sections 19 and 20, such estimate to be based on a report filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this act; (2) records showing the number of individuals (cases) estimated to be in need of relief during the ensuing quarter; and (3) such other information and investigation as the department may find necessary.

(b) The department shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sums by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this act for such quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the department and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

Upon the order of the department, the amount approved for the quarter may be paid in monthly installments and, if paid in monthly installments, all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the department.

SEC. 24. (1) Reports of payments of relief and of payments for the cost of administration thereof made under this act shall be presented by the respective counties at times and in the form prescribed by the department. Reports of relief payments, etc

(2) Such reports shall be audited by the department and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 21.

SEC. 25. Relief granted to any person who is not entitled thereto under the provisions of this act shall constitute a debt of the recipient, to the amount of such relief, to the State and the county participating in the granting of such relief. Recovery may be had upon such debt out of any property of the recipient not exempt from execution. Recovery from person not entitled to relief

Any money refunded under the provisions of this section shall be repaid to the State and the county in the proportion that each contributed to the relief granted.

SEC. 26. If the spouse, parent, or adult child of any recipient of relief is financially able to contribute to the support of the recipient, such relative is liable to reimburse the State and county for relief granted to the recipient to the extent of his financial ability so to do. Financial responsibility of spouse, parent or adult child

The board of supervisors of the county granting relief shall determine if the spouse, parent, or adult child has financial ability to support or contribute to the support of the recipient and was pecuniarily able to support or contribute to the support of the recipient during the time relief was provided to him. If in the opinion of the board of supervisors pecuniary ability existed when the relief was granted and exists when the matter comes before the board of supervisors, the board shall request the district attorney or other civil legal officer of the county granting the relief to proceed against such responsible relative or relatives.

Upon such request the district attorney or other civil legal officer shall maintain an action on behalf of the county granting relief against said relative or relatives to recover for the county the relief granted and to secure an order requiring the payment of any sums which may become due in the future.

All money collected by the county under the provisions of this section shall be credited to the State and the county in the proportion that each contributed to the relief granted.

Provisions
of act not
an appro-
priation

SEC. 27. The provisions of this act providing for State payments to counties do not constitute appropriations of money from the State treasury, and no provision of this act shall be construed to make an appropriation. No moneys shall be available for expenditure under this act until an appropriation for such purpose is made by the Legislature.

Any moneys appropriated to carry out the purposes of this act shall be deposited in, and disbursed from, the Relief Fund in the State treasury, which fund is hereby created.

Suspension
of operation
of act

SEC. 28. This act takes effect as a statute on the ninety-first day after final adjournment of the Legislature at its Fifty-sixth Regular Session but its provisions (except the provisions of this section) are hereby suspended and continue suspended from operation until the occurrence of an economic emergency in this State which results from widespread hardship and destitution and necessitates immediate action for the relief of such hardship and destitution, and no act shall be done nor power be exercised nor money be expended under or pursuant to such provisions until the occurrence of such an economic emergency has been determined as in this section provided.

Ascertainment and determination of the fact of the occurrence of such an economic emergency is committed to the Senate and Assembly and to the Governor of California. If and when the Senate and Assembly by concurrent resolution filed with the Secretary of State find and declare, and the Governor by his proclamation filed with the Secretary of State finds and declares, that there exists an economic emergency in this State which results from widespread hardship and destitution and necessitates immediate action for the relief of such hardship and destitution (the resolution and the proclamation, respectively, to contain a statement of the facts upon which the finding is based), such an economic emergency is determined to have occurred and to exist and thenceforth all of the provisions of this act are fully operative.

SEC. 29. After the provisions of this act become operative, ^{Effect} the provisions of Chapter 2 of Division 4 of the Welfare and Institutions Code, relating to county aid and relief to indigents, shall not apply to any person who receives, or is eligible to receive, relief under this act; but said Chapter 2 is not repealed by this act, and shall continue in full force and effect in respect to persons not eligible to receive relief under this act.

CHAPTER 1385

An act to amend Section 726 of, and to add Section 732.5 to, the Welfare and Institutions Code, relating to the jurisdiction of the juvenile court and to proceedings therein.

[Approved by Governor July 14, 1945 Filed with Secretary of State July 14, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 726 of the Welfare and Institutions Code is amended to read:

726. Upon the filing of a petition alleging that a person comes within any of the provisions of Section 700 of this code, a citation shall issue, directing the parent, guardian or other person having the custody or control of the person, concerning whom the petition has been filed, and who resides within or is within the county and whose place of residence is known to the petitioner or to the probation officer to appear at the time and place for which hearing of the petition has been set and to show cause why a complaint should not be filed against him charging him with violation of Section 702 of this code. Such citation may further direct that such parent, guardian or other person bring with him the person concerning whom the petition has been filed. Service of the citation shall be made at least 24 hours before the time stated therein for such appearance.

Citation of
parent, etc.,
to appear

Service of
citation

In the event that personal citation within the county in which the petition has been filed can not be had on such parent, guardian or other person because of the absence of said parent, guardian or other person from the county, he shall be served with notice of the time and place set for the hearing of said petition by mail, provided his address outside the county is known to the petitioner or to the probation officer.

The probation officer shall serve such notice by depositing a duplicate copy of said notice in the United States post office, registered mail, with return receipt requested, addressed to the person on whom it is to be served at his address or residence outside the county known to the petitioner or probation officer. Service is complete at the time of deposit which must be at least five days prior to the time set for hearing if such service is made within the State of California and at least 10 days if made elsewhere.

If the return receipt is not returned, the probation officer shall make proof of such service by affidavit affixed to the original copy of such notice, showing the date and place of deposit in the mail, the name and address of the person as shown on the envelope and also showing that the envelope was sealed and deposited in the mail with postage thereon fully prepaid, and that there is delivery service by United States mail at the place so addressed.

Waiver of
service

In the absence from the county of any such parent, guardian or other person and the presence within the county of some relative of the person concerning whom the petition has been filed, whose address is known to the petitioner or probation officer, citation shall issue to and be served on such relative. Service of citation may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service of citation filed with the clerk of the court at or prior to the hearing. In any case, the court may appoint some suitable person to act in behalf of the person concerning whom the petition has been filed and may order such further notice of the proceedings to be given as the court may deem proper.

Hearing
Issuing
complaint

SEC. 2. Section 732.5 is added to said code, to read:

732.5. At the hearing the court shall inquire into the question whether or not a complaint should be issued charging the parent, guardian, or other person having custody or control of the minor with violation of Section 702 of this code. If, after hearing, the court is of the opinion that there is probable cause to believe that such person comes within the provisions of Section 702, the court shall direct the probation officer to sign and file such a complaint.

CHAPTER 1386

An act to amend and renumber Section 759 of the Political Code, as added by Chapter 414 of Statutes of 1907, relating to reporters for District Courts of Appeal.

In effect
September
15, 1945

[Approved by Governor July 14, 1945. Filed with Secretary of State July 14, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 759 of the Political Code, as added by Chapter 414 of Statutes of 1907 is amended and renumbered, to read:

Reporters 'or
appellate
courts

759.1. The District Courts of Appeal of the third and fourth appellate districts and each division of the District Courts of Appeal of the first and second appellate districts may employ and appoint a phonographic reporter, who shall be competent to write shorthand at the rate of at least 150 words per minute and to transcribe the same correctly. His duties shall be to take down in shorthand the proceedings of the court, and to act

as secretary to the judges in the discharge of their official duties. His compensation shall be at the rate of four thousand five hundred dollars (\$4,500) per annum. The phonographic reporter shall hold office during the pleasure of the court making the appointment.

CHAPTER 1387

An act to provide for the acquisition of the townsite and buildings of the old mining town of Columbia, in Tuolumne County, as part of the State Park System, and making an appropriation therefor.

[Approved by Governor July 15, 1945. Filed with Secretary of State July 15, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Park Commission is hereby authorized and directed to acquire for State park purposes, by purchase or condemnation, the land and structures included in the old business section of the Town of Columbia, in Tuolumne County (and any other buildings in said Town of Columbia which in the judgment of the State Park Commission are considered of sufficient historic significance to be included in such project for State park purposes), as a part of the State Park System. To this end, the State Park Commission shall cause all necessary surveys to be made, and may in the name of the people of the State of California bring such action or actions as are necessary to perfect title to said property.

Purchase of Town of Columbia for park purposes

SEC. 2. Out of any money in the State Park Fund not otherwise appropriated, there is hereby appropriated to the State Park Commission the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the purposes of this act.

Appropriation

SEC. 3. No portion of the money appropriated by this act shall be expended unless there shall have been deposited in the State treasury a fund from some source other than appropriation by the State equal to the amount to be expended from said funds or a donation equal in value to the amount of said funds intended to be expended shall have been made from sources other than appropriation by the State in the form of real property or in money or a combination of property and money.

Matching funds

SEC. 4. The appropriation made by this act shall be available without regard to fiscal years and is not subject to Section 435 of the Political Code or Section 16304 of the Government Code.

Availability of funds

CHAPTER 1388

An act to amend Sections 1501 and 1511 and to repeal Section 1523 of the Welfare and Institutions Code, relating to aid to needy children.

In effect
September
15, 1945

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 1501 of the Welfare and Institutions Code is amended to read:

1501. As used in this chapter

"Aid" (a) "Aid" means financial assistance and support granted under the provisions of this chapter.

"Abandoned child" (b) An "abandoned child" means one who has been abandoned by both parents for a period of one year and the whereabouts of his parents is unknown; or who has been declared "abandoned" by finding of a court.

"Orphan" (c) An "orphan" includes a foundling. A "foundling" means a child deserted by both parents without means of identification.

"Half orphan" (d) A "half orphan" includes:

(1) A child who has been deprived of the father's support or care by reason of his continued absence for a period of at least three years.

(2) A dependent illegitimate child whose paternity has not been acknowledged or legally established.

(3) A child of a parent who is committed to a State or Federal hospital or who has been deprived of civil rights by reason of commitment to any prison, whether of this or of any other State or of the United States.

SEC. 2. Section 1511 of said code is amended to read:

Amount
of aid

1511. For each needy child qualifying for aid under the provisions of this chapter, except as provided in Section 1557, there shall be paid the sum of twenty-two dollars and fifty cents (\$22.50) per month, or so much thereof as is necessary for the adequate care of the child. The State shall pay 66 $\frac{2}{3}$ per cent and the county shall pay 33 $\frac{1}{3}$ per cent of the aid furnished for the adequate care of any needy child who has a county residence, but the State shall not pay more than fifteen dollars (\$15) for any month or portion of a month for any needy child who has such county residence.

Any county may pay from its own funds additional sums for the care of any needy child, and the State and county may pay such aid as is needed for the adequate care of the family from other State or county funds.

Minimum
standards

Minimum standards of adequate care shall be determined by the rules and regulations of the State Department of Social Welfare, approved by the State Board of Social Welfare. The rules and regulations shall be distributed to the counties and shall be binding upon them.

Repeal

SEC. 3. Section 1523 of said code is repealed.

CHAPTER 1389

An act to amend an act known as the "California Resort District Act" approved June 19, 1931, by amending the title thereof by denominating the present text thereof as "Division 1" and by adding thereto a second division to be known as "Division 2," and for the purpose of providing for an alternative organization of the Board of Directors of the district therein provided for by appointment of directors by the board of supervisors in the county wherein the district shall be located by providing that the county treasurer of such county shall be ex officio treasurer of such alternatively organized district and the county surveyor of such county shall be ex officio the engineer of such alternatively organized district and providing that such alternatively organized district shall have generally the powers of sanitary districts and of fire protection districts in unincorporated areas.

Stats 1931,
p. 2521,
amended

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The title of act cited in the title hereof is amended to read:

Stats 1931,
p. 2521

An act providing for the organization, operation, maintenance, government and dissolution of resort districts and the inclusion of lands therein and exclusion of lands therefrom, and for the acquisition of lands or rights therein and the acquisition, construction, operation and maintenance of public improvements and works to carry into effect the provisions of this act; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements and works and for the acquisition or construction of such lands or rights therein or improvements and works; and conferring upon the State Engineer certain additional duties and powers in connection with carrying out the purposes of this act, and providing for an alternative organization of the board of directors of the district herein provided for by appointment of directors by the board of supervisors in the county wherein the district shall be located and providing that the county treasurer of such county shall be ex officio treasurer of such alternatively organized district and that the county surveyor of such county shall be ex officio the engineer of such alternatively organized district and providing that such alternatively organized district shall have generally the powers of sanitary districts and of fire protection districts in unincorporated areas.

Title

SEC. 2. Sections 1 to 65, inclusive, of such statute shall be known as "Division 1" thereof, which shall be indicated by inserting the words "Division 1" immediately preceding the text of Section 1 thereof.

Division 1

New division SEC. 3. There is hereby added to said act a second division reading as follows

DIVISION 2

Forming district in one county SECTION 1. In any case in which all of the lands of the proposed district lie within a single county, in the petition provided for in Section 3 of Division 1 of this act, it may be stated that the petitioners intend to, desire and elect to form a district under the terms and provisions of Division 2 of the California Resort District Act.

Petition SEC. 2. In case the statement of election provided for in Section 1 of Division 2 of this act shall be included in the petition:

Order a. No election of directors shall be held under any of the authorities and directions contained in Division 1 of this act, but the order provided for in Section 9 of Division 1 of this act shall specify the fact of the making of the election herein authorized to cause the district to be formed under the provisions of Division 2 of this act, and concurrently with the recordation of such order required by Section 10 of Division 1 of this act, a copy thereof duly certified shall be filed with the clerk of the board of supervisors of the county in which the district is situated.

Directors of district appointed b. The board of supervisors of such county at its next regular meeting after such filing of such certified copy of such order shall by resolution name five persons to act as directors of such district, which said directors shall hold office at the pleasure of said board of supervisors which shall thereafter at its next regular meeting succeeding the death, resignation or removal of any director, appoint a person to succeed such director. A copy of each resolution herein provided for, certified by the clerk of said board of supervisors, shall be forthwith transmitted to and filed with the State Engineer and a copy of each such order subsequent to the original order herein provided for, similarly certified, shall be forthwith transmitted to and deposited with the clerk of the board of directors.

Treasurer c. The county treasurer of the county wherein such district shall be organized shall be ex officio treasurer of the district.

Surveyor d. The county surveyor of the county wherein such district shall be organized shall be ex officio engineer of the district.

Application of Division 1 e. Except as herein otherwise expressly provided for, the terms and provisions of Division 1 of this act insofar as they relate to the officers and directors of the district and their organization and method of transacting business and powers and duties shall apply to any district formed under the provisions of this Division 2 of this act, it being provided in that behalf that as applied to the directors of the district the words "elected" and "Election" shall be construed as though the same read "appointed" and "appointment."

Powers of district SEC. 4. In addition to the powers provided to be enjoyed and exercised by the district under the provisions of Division 1 of this act, districts formed under the provisions of this Division 2 of this act shall have and enjoy and may exercise all or

any of the powers now conferred by statute upon sanitary districts as prescribed in Part 1, Division 6, of the Health and Safety Code, and upon fire protection districts in unincorporated areas as prescribed in Part 3, Division 11 of said Health and Safety Code, including the powers to make and enforce rules, regulations, and ordinances relating to fire and sanitary control, including disposal of sewage, garbage and refuse, and the making of improvements, including the right to issue bonds under the provisions of Divisions 7 and 10 of the Streets and Highways Code, the Improvement Act of 1911 and the Improvement Bond Act of 1915, including the power to levy taxes and assessments to maintain the district.

Any district organized under this Division 2 of the act may ^{Rules, etc} make and enforce all necessary and proper rules, regulations and ordinances as prescribed by statute relating to the powers of such district under this act and under said statutes relating to said sanitary districts and relating to said fire protection districts in unincorporated areas. Every person who violates any provision of this act or any provision of any rule, regulation or ordinance of a district organized under this act is guilty of a misdemeanor.

CHAPTER 1390

An act to amend Section 5005 of the Streets and Highways Code, relating to the definition of "cities" and extending the same to include resort districts formed under the provisions of Division 2 of the California Resort District Act.

[Approved by Governor July 16, 1945. Filed with Secretary of State July 16, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5005 of the Streets and Highways Code is amended to read:

5005. "City" includes counties, cities, cities and counties "city" and all corporations organized and existing for municipal purposes, together with such resort districts as may be organized and existing under the terms and provisions of Division 2 of the California Resort District Act.

Stats 1931,
p. 2521

CHAPTER 1391

An act to amend Section 5014 of the Streets and Highways Code, relating to the definition of "street" and providing that the same shall include ways dedicated to a semipublic use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a resort district formed under the provisions of Division 2 of the California Resort District Act.

In effect
September
15, 1945

[Approved by Governor July 16, 1945. Filed with Secretary of State
July 16, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5014 of the Streets and Highways Code is amended to read:

"Street"

5014. "Street" includes avenues, highways, lanes, alleys, crossings or intersections and courts which have been dedicated and accepted according to law or which have been in common and undisputed use by the public for a period of not less than five (5) years next preceding, or which have been dedicated to a semipublic use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a resort district formed under the provisions of Division 2 of the California Resort District Act.

Stats 193 L,
p 2521

CHAPTER 1392

An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars (\$200).

In effect
September
15, 1945

[Approved by Governor July 16, 1945. Filed with Secretary of State
July 16, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1144 of the Probate Code is amended to read:

When admin-
istration of
estate not
required

1144. If it appears that the total value of the estate of the decedent does not exceed two hundred dollars (\$200), the court or judge shall make an order granting the application and there shall be no administration upon the estate unless additional property is found or discovered. No fee shall be charged by the clerk of the court or the public administrator or his attorney for filing the application, or for any duty or service connected therewith. Such sales may be made with or without notice, as the public administrator may elect, and title to the property sold shall pass without the need of confirmation by the court. The money received from such sales and collections shall be used to defray the expenses of the burial of the decedent and the expenses of his last illness.

The public administrator shall file with the clerk of the court a statement showing the property of the decedent that came into his hands and the disposition that he made thereof, together with vouchers for all expenditures. Any balance remaining in the hands of the public administrator after defraying the expenses of burial and last illness shall be distributed to the heirs of the decedent by affidavit under the provisions of Section 630 of the Probate Code. If five years after the public administrator has mailed notice to any known heirs of the decedent at their last places of residence, if known, or if not, addressed to them at the county seat of the county for which the public administrator is acting, of any balance of such money remaining in the hands of the public administrator, there is any balance of such money remaining in the hands of the public administrator, such balance shall escheat to the State of California and be delivered to the State Treasurer.

CHAPTER 1393

An act to amend Section 6873 of the Public Resources Code, relating to leases for the extraction of oil and gas from tide and submerged lands owned by the State.

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 6873 of the Public Resources Code is amended to read:

6873. The commission shall prepare a form of lease which shall contain, in addition to other provisions deemed desirable and necessary by the commission, appropriate provisions contained in this chapter and the following:

Tidelands,
etc. Oil and
gas leases

(a) Each well drilled pursuant to the terms of the lease shall be drilled only upon filled lands or shall be slant drilled from an upland or littoral drill site to and into the subsurface of the tide or submerged lands covered by the lease, or shall be drilled or slant drilled to and into the subsurface of tide or submerged lands covered by the lease, from a drill site located upon any pier heretofore constructed for drilling purposes and available for such drilling upon any tide or submerged lands described in any valid existing lease heretofore issued pursuant to the provisions of Chapter 303, Statutes of 1921, as amended, if in the judgment of the commission such drilling will be in the public interest. The derricks, machinery, and any and all other surface structures, equipment, and appliances shall be located only upon filled lands or upon the littoral lands or uplands, or upon any pier heretofore constructed and available for such drilling upon any tide or submerged lands described in any valid existing lease heretofore issued pursuant to the

provisions of Chapter 303, Statutes of 1921, as amended, and all surface operations shall be conducted therefrom.

(b) Pollution and contamination of the ocean and tidelands and all impairment of and interference with bathing, fishing or navigation in the waters of the ocean or any bay or inlet thereof is prohibited, and no oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be permitted to be deposited on or pass into the waters of the ocean or any bay or inlet thereof.

CHAPTER 1394

An act to add Section 18676.5 to the Business and Professions Code, relating to boxing.

In effect
September
15, 1945

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 18376.5 is added to the Business and Professions Code, to read:

Boxing,
etc., licenses

18676.5. The commission shall not issue any license to conduct, hold or give boxing contests or sparring matches unless it is satisfied that the licensee is the real party in interest, and intends to conduct, hold or give such contests or matches itself, or unless the licensee receives at least 25 per cent of the net receipts. A license may be revoked at any time if the commission finds that the licensee is not the real party in interest. Nothing in this section shall affect in any manner the exemption provided for in Section 18713.

CHAPTER 1395

An act to amend Sections 101, 102, 103, 103.5, 103.6, 105, 107, 111, 1551, 2141, 3076, 3077, 3078 and 3461 and to repeal Section 2142 of the Welfare and Institutions Code, and to add thereto a new section to be designated Section 105.5, relating to the Department of Social Welfare and the Social Welfare Board.

In effect
September
15, 1945

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Welfare and Institutions Code is hereby amended to read as follows:

Department
of Social
Welfare

101. The Department of Social Welfare shall consist of the Social Welfare Board, the Director of the Department of Social Welfare and such divisions as are or may be necessary for proper administration.

The Social Welfare Board consists of seven members. Each member of the board shall be appointed by the Governor with advice and consent of the Senate for a term of four years, the terms to rotate in the order established by law. In the case of an appointment to fill a vacancy, the member shall hold only for the remainder of that term. It shall be the duty of the Governor to fill all vacancies on the board within 60 days.

Social Welfare Board:
Members

The members of the board shall be selected for their interest and leadership in social welfare activities without regard to political or religious affiliations or profession or occupation.

Each member of the board shall receive the sum of six hundred dollars (\$600) annually, payable monthly in the same manner as the salaries of other State officers are paid, as compensation for such time as may be required of him to perform his duties as required in this code. The members of the board shall receive their actual and necessary traveling expenses incurred in the course of such duties.

Compensation

SEC. 2. Section 102 of the Welfare and Institutions Code is hereby amended to read as follows:

102. The members of the board shall meet regularly once a month. Special meetings may be called by the chairman, who shall be selected by the board each year at its second regular meeting. Members who fail to attend three consecutive regular meetings shall be deemed to have resigned from the board, but the board may for good cause grant leaves of absence to its members.

Meetings

Four members of the board shall constitute a quorum for the performance of any duty or for the exercise of any power of the board.

Quorum

SEC. 3. Section 103 of the Welfare and Institutions Code is hereby amended to read as follows:

103. The Social Welfare Board hereby established, shall advise the director in the performance of his duties and formulate general policies affecting the purposes, responsibilities and jurisdiction under this chapter. The board shall have the power and it shall be its duty to adopt, promulgate, repeal and amend rules and regulations consistent with law for the administration of welfare. Except as otherwise provided by law, the board shall establish minimum standards of public assistance, not in conflict with law, for all relief purposes for which State grants-in-aid are made to the counties. The board shall have no administrative or executive functions other than those set forth in this code.

Powers and duties of board

SEC. 4. Section 103.5 of the Welfare and Institutions Code is hereby amended to read as follows:

103.5. It is hereby declared that provision for public aid to the needy aged and aid to dependent children as in this code provided is a matter of state-wide concern.

Aid to aged and children

The department is hereby designated as the single State agency with full power to supervise every phase of the administration of the public assistance plans for which grants-in-aid are received from the United States Government in order to

secure full compliance with the provisions of Titles 1 and 4 of the Federal Social Security Act.

SEC. 5. Section 103.6 of the Welfare and Institutions Code is hereby amended to read as follows:

Aid to blind

103.6. It is hereby declared that provision for public aid to the needy blind as in this code provided is a matter of state-wide concern.

The department is hereby designated as the single State agency with full power to supervise every phase of the administration of this public assistance plan for which grants-in-aid are received from the United States Government in order to secure full compliance with the provisions of Title 10 of the Federal Social Security Act.

SEC. 6. Section 105 of the Welfare and Institutions Code is hereby amended to read as follows:

Director of department

105. The Governor may appoint with the advice and consent of the Senate an executive officer, who shall act as the secretary of the board and who shall be the Director of the Department of Social Welfare. He shall serve at the pleasure of the Governor.

SEC. 7. A new Section 105.5 is hereby added to the Welfare and Institutions Code, to read as follows:

Same duties

105.5. The director is the executive officer of the department. He shall administer the laws and regulations of the board pertaining to the administration of social welfare and shall observe and report to the Governor and to the board on the conditions of public assistance throughout the State. He shall perform such other duties as may be prescribed by law and such other administrative and executive duties as have by other provisions of the law been imposed upon the board.

SEC. 8. Section 107 of the Welfare and Institutions Code is hereby amended to read as follows:

Employees

107. Subject to the State Civil Service Act, the director shall appoint such assistants and other employees as are necessary for the administration of the affairs of the department, shall prescribe their duties, and fix their salaries subject to the approval of the Department of Finance, and shall require them to execute to the State such official bonds as may be required.

SEC. 9. Section 111 of the Welfare and Institutions Code is hereby amended to read as follows:

Divisions in department

111. There shall be in the department, in addition to any other divisions established by law, a Division of Aid to the Needy Aged, a Division of Aid to the Blind, and a Division of Child Welfare. The director may, with the advice of the Social Welfare Board and subject to the approval of the Governor, create such other divisions and subdivisions of the State department as may be necessary and may consolidate, divide, or abolish them from time to time. Each division shall be administered by a chief and shall be assigned those duties and functions of the department which are pertinent to the name of the division, and may be assigned such other duties as the director deems advisable.

The department may provide itself with such district offices as it deems necessary.

SEC. 10. Section 1551 of the Welfare and Institutions Code is hereby amended to read as follows:

1551. If aid is denied, modified, canceled or not granted within a reasonable time, the applicant or recipient shall have the right of appeal upon filing a petition with the State Department of Social Welfare, and shall be accorded an opportunity for a fair hearing. The director of the State Department of Social Welfare shall set the appeal for hearing before the State Social Welfare Board and shall give all parties concerned reasonable notice of the time and place of the hearing. At the hearing, the applicant or recipient may appear in person, by counsel of his own choosing, or in person and by such counsel. The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The county shall then pay for the needy child the sum, if any, awarded by the State Social Welfare Board, the payments, if awarded, to commence at the time the State Social Welfare Board directs. The decision of the board shall be binding upon the county.

SEC. 11. Section 2141 of the Welfare and Institutions Code is hereby amended to read as follows:

2141. The State Department of Social Welfare shall supervise and pass upon the measures taken by the county boards of supervisors for the care of needy aged citizens, to the end that they shall receive suitable care and that there shall be throughout the State a uniform standard of records and method of treatment of aged persons based upon their individual needs and circumstances.

SEC. 12. Section 2142 of the Welfare and Institutions Code is hereby repealed.

SEC. 13. Section 3076 of the Welfare and Institutions Code is hereby amended to read as follows:

3076. There shall be in the Department of Social Welfare a division devoted to carrying out the provisions of this chapter. This division shall be headed by a chief, who is a trained social worker experienced in work for the blind. Blindness shall not be grounds to disqualify a person from holding this position.

SEC. 14. Section 3077 of the Welfare and Institutions Code is hereby amended to read as follows:

3077. The Department of Social Welfare shall keep a complete list of all applicants for aid under the provisions of this chapter, and shall prepare application blanks for use of applicants for aid, which shall be printed by the State Printer and supplied to the county clerk of each county.

SEC. 15. Section 3078 of the Welfare and Institutions Code is hereby amended to read as follows:

3078. The Department of Social Welfare may, on behalf of the State, at any time inquire into the management by any

county of aid to blind persons under the provisions of this chapter.

Suspension
or cancel-
ation of aid

If at any time the Department of Social Welfare has reason to believe that aid to the needy blind has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. It shall notify the board of supervisors of such suspension. If it appears, upon the inquiry, that the aid has been obtained improperly, it shall be canceled by the Department of Social Welfare and if it appears that aid was obtained properly, the suspended payment shall be payable.

Appeal

Any person dissatisfied with the action of the Department of Social Welfare in suspending or canceling aid, may appeal to the State Social Welfare Board and upon such appeal shall be granted an opportunity for a fair hearing.

Any county which refuses, upon due demand, to permit such inquiry or to comply with any provision of this chapter, shall not thereafter receive any aid or reimbursement from the State under the provisions of this chapter until it has complied with all the requirements of this chapter.

SEC. 16. Section 3461 of the Welfare and Institutions Code is hereby amended to read as follows:

Supervision
of adminis-
tration

3461. The State Department of Social Welfare shall supervise the administration of the provisions of this chapter.

CHAPTER 1396

An act to add Section 251.5 and to amend Section 255 of the Revenue and Taxation Code, relating to exemptions from taxation.

In effect
September
15, 1945

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 254.5 is added to the Revenue and Taxation Code, to read:

Welfare
exemption.
Filing
affidavit

254.5. Affidavits for the welfare exemption shall be filed in duplicate on or before April 1st of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded forthwith by the assessor to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 and 215 of the Revenue and Taxation Code. In this connection the board shall consider, among other matters, whether:

Review by
State Board
of Equal-
ization

(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions;

(b) The operations of the owner or operator, either directly or indirectly, materially enhance the private gain of any individual or individuals;

(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.

The board shall forward to each assessor concerned its findings with respect to each claimant and said finding shall be considered by the assessor in his determination with respect to the claim for exemption.

SEC. 2. Section 255 of the Revenue and Taxation Code is amended to read:

255. Affidavits required for exemptions named in this article, except the welfare exemption, shall be filed with the assessor between noon on the first Monday in March and 5 p.m. on the last Monday in June.

CHAPTER 1397

An act to amend Sections 6, 11, 16 and 24 of an act entitled "District Investigation Act of 1933," relating to the investigation report, mailing of notices, termination of proceedings, and the districts to which said act is made applicable.

[Approved by Governor July 16, 1945 Filed with Secretary of State July 16, 1945]

Stats 1933,
p 2141,
amended

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 6. In addition to such matters as may be required by the supervisory body, the following information must be included in the report:

(a) A map or maps showing the boundaries of the proposed district, the general nature, location and extent of the proposed project, and the lands to be assessed or taxed to pay any part of the cost thereof;

(b) All essential data as to the needs of present and estimated future population, in regard to the proposed project;

(c) Economic factors involved in the proposed project;

(d) Preliminary plans showing the nature, type and arrangement of all facilities to be constructed, together with general specifications and itemized estimates of cost based upon such plans;

(e) The total estimated itemized cost of any alternative method of procedure recommended for obtaining the same desired general purpose showing the advantages and disadvantages of each of such alternatives;

(f) An itemized estimated statement of each of the following matters as to each parcel of real property within the proposed district, stated in a separate column as to each of said matters,

and the total estimated amount of each of said matters as to all of said properties within said district, to wit:

(1) The assessed value of land, as shown on the last equalized assessment roll available on the date the report is commenced. If such value of any parcel is not shown upon said roll the assessor who made said roll shall estimate the assessed value thereof, and such estimate shall be controlling for the purpose of this report.

(2) The assessed value of the improvements on said lands, as shown on said roll, or such estimate thereof when not shown thereon.

(3) The true value of such real property, computed as herein provided.

(4) All unpaid matured special assessments, and all unpaid matured special assessments and special assessment taxes, exclusive of penalties, costs or interest, to pay any bonds and interest coupons theretofore issued.

(5) All special assessments and special assessment taxes not yet due and payable, which will be thereafter levied to pay any bonds and interest coupons theretofore issued. Where said amounts constitute specific liens, the amounts thereof shall be tabulated from the records showing same. In all other instances, such amounts shall be apportioned in the manner set forth in the act pursuant to which they were provided to be levied.

(6) The estimated cost of all projects theretofore initiated or completed, for which special assessments or special assessment taxes will thereafter be levied, but as to which no part of the cost has yet been assessed or taxed. Where there is a record of the estimated cost of such project, the amount thereof shall be used. In all other instances, such cost shall be estimated by the person making the report.

(7) All taxes thereafter to be levied to pay all outstanding unmatured general obligation bonds and interest coupons for which no levy has been theretofore made. Said report shall contain a tabulated estimate of such liability, designating each particular bond issue, the corporate entity issuing same, the total outstanding unmatured amount of said bonds, an estimate of the amount to be levied for unmatured interest coupons thereon, for which no levy has been made, and the portion of the total thereof for which any of the properties in the district are liable.

(8) All other unpaid tax liens not otherwise herein provided for, exclusive of penalties, costs and interest thereon, which have been theretofore levied, including levies to pay any outstanding matured or unmatured general obligation bonds or interest coupons thereon.

(9) The estimated cost of the proposed project. The report shall contain an itemized estimate of such cost, together with a brief explanation of the manner in which it is apportioned therein between the several parcels of property within the proposed district.

(g) A brief summary of the essential facts of the report in a concise, understandable form.

SEC. 2. Section 11 of said act is hereby amended to read as follows: Stats 1933,
p 2141

Sec. 11. Notice of the hearing shall be given by the clerk of said body: Notice of
hearing of
report

(a) By a publication twice in a newspaper of general circulation published in each county in which any land within the proposed district is situated; publication to be complete at least 20 days prior to the date set for the hearing;

(b) By first-class mail, postage prepaid, to each person to whom land in the proposed district is assessed in the last equalized county assessment roll available on the date the report is commenced, at the address shown thereon, or as known to the clerk, and to any person who has filed his name and address and a designation of the lands in which he has an interest, either legal or equitable, with said clerk. Such notices must be mailed at least 20 days prior to the hearing.

SEC. 3. Section 16 of said act is hereby amended to read as follows: Stats 1941,
p 2761

Sec. 16. Said proceedings shall also terminate if prior to the time it is determined that the district shall be formed, written protests against the formation of the district are filed with the clerk of the supervising authority by owners of a majority of the property subject to assessment for district purposes, computed according to the assessed value of same as appearing on the last equalized county assessment roll available on the date the report is commenced. Majority
protest

SEC. 4. Section 24 of said act is hereby amended to read as follows: Stats 1941,
p. 2761

Sec. 24. The provisions of subdivision (f) of Section 6 and subdivision (b) of Section 11 of this act shall not apply to proceedings for the formation of a local health, mosquito abatement, garbage disposal, highway lighting, sanitary or sanitation district if before adopting the resolution or ordinance of intention to make such improvement, said legislative body shall find by resolution adopted by four-fifths of its members, that in its opinion the contemplated acquisition and/or improvement is one in which the probable assessments will not exceed the limitations set up in this act, that the proposed project is feasible, that the properties to be assessed will be able to carry the burden of such proposed assessments, and that the limitations on the amount of the assessments herein provided may be dispensed with; provided further, that the majority protest provisions hereof shall apply. The findings and determinations herein provided shall be final and conclusive upon all persons in the absence of actual fraud. Where act
inapplicable

CHAPTER 1398

An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1657, 1658, 1660, 1661, 1662, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1661.5, 1662.5, 1664, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment or transfer to and discharge from the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

In effect
September
15, 1945

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945]

The people of the State of California do enact as follows:

SECTION 1. Section 1650 of the Probate Code is amended to read:

Definitions

1650. As used in this chapter:

“Person” means an individual, a partnership, a corporation or an association.

“Veterans Administration” means the Veterans Administration, its predecessors or successors.

“Income” means moneys received from the Veterans Administration and revenue or profit from any property wholly or partially acquired therewith.

“Estate” means income on hand and assets acquired partially or wholly with “income.”

“Benefits” means all moneys paid or payable by the United States through the Veterans Administration.

“Administrator” means the Administrator of Veterans Affairs of the United States or his successor.

“Ward” means a beneficiary of the Veterans Administration.

“Guardian” means any fiduciary for the person or estate of a ward.

SEC. 2. Section 1651 of said code is amended to read:

Veteran
Appointment
of guardian

1651. Whenever, pursuant to any law of the United States or regulation of the Veterans Administration, it is necessary, prior to payment of benefits that a guardian be appointed, the appointment may be made in the manner hereinafter provided.

SEC. 3. Section 1652 of said code is amended to read:

Petition

1652. (a) A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within 30 days after mailing of notice by the Veterans Administration to the last known address of such person, if any, indicating the necessity for the same, a petition for appointment may be filed by any resident of this State.

(b) The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of

residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the Veterans Administration and shall set forth the amount of moneys then due and the amount of probable future payments.

(c) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the person proposed for appointment as guardian. Notwithstanding any law as to priority of persons entitled to appointment, or the nomination in the petition, the court may appoint some other person as guardian, if the court determines it is for the best interest of the ward.

(d) In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent by the Veterans Administration on examination in accordance with the laws and regulations governing the Veterans Administration.

SEC. 4 Section 1653 of said code is amended to read:

1653. Where a petition is filed for the appointment of a guardian for a minor, a certificate of the administrator or his authorized representative, setting forth the age of such minor as shown by the records of the Veterans Administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the Veterans Administration shall be prima facie evidence of the necessity for such appointment.

SEC. 5. Section 1654 of said code is amended to read:

1654. Where a petition is filed for the appointment of a guardian for a mentally incompetent ward, a certificate of the administrator or his duly authorized representative, that such person has been rated incompetent by the Veterans Administration on examination in accordance with the laws and regulations governing such Veterans Administration and that the appointment of a guardian is a condition precedent to the payment of any moneys due such ward by the Veterans Administration, shall be prima facie evidence of the necessity for such appointment.

SEC. 6. Section 1655 of said code is amended to read:

1655. Upon the filing of a petition for the appointment of a guardian under this chapter, notice shall be given to the ward, to such other persons, and in such manner as is provided by the general law of this State, and also to the Veterans Administration as provided by this chapter.

SEC. 7. Section 1657 of said code is amended to read:

1657. (a) Every guardian who has received or shall receive on account of his ward any moneys or other thing of value from the Veterans Administration shall file with the court annually, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys

or other things of value so received by him, all earnings, interest or profits derived therefrom and all property acquired therewith and of all disbursements therefrom, and showing the balance thereof in his hands at the date of the account and how invested.

Copy to
Veterans Ad-
ministration

(b) At the time of filing in the court any account, a true copy thereof shall be sent by the guardian to the office of the Veterans Administration having jurisdiction over the area in which the court is located. The court shall fix a time and place for the hearing on the account, not less than 15 days nor more than 30 days from the date same is filed, unless a different available date be stipulated in writing. Written notice of the time and place of hearing shall be given the Veterans Administration office concerned and the guardian and any others entitled to notice not less than 15 days prior to the date fixed for the hearing. The notice may be given by mail in which event it shall be deposited in the mails not less than 15 days prior to said date.

Other
property

(c) If the guardian is accountable for property derived from sources other than the Veterans Administration, he shall be accountable as is or may be required under the applicable law of this State pertaining to the property of minors or persons of unsound mind who are not beneficiaries of the Veterans Administration, and as to such other property shall be entitled to the compensation provided by such law. The account for other property may be combined with the account filed in accordance with this section.

Failure to
file account

SEC. 8. Section 1658 of said code is amended to read:

1658. If any guardian shall fail to file with the court any account as required by this chapter, or by an order of the court, when any account is due or within 30 days after citation issues as provided by law, or shall fail to furnish the Veterans Administration a true copy of any account, as required by this chapter, such failure shall in the discretion of the court be ground for his removal.

Investment
of funds

SEC. 9. Section 1660 of said code is amended to read:

1660. Every guardian shall invest the surplus funds of his ward's estate in such securities or property as authorized under the laws of this State or may deposit funds of the estate with any bank which has been designated by the Superintendent of Banks of this State as depository for the funds of other banks, but only upon prior order of the court; except that the funds may be invested, without prior court authorization, in direct unconditional interest-bearing obligations of this State or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States. A signed duplicate or certified copy of the petition for authority to invest shall be furnished the proper office of the Veterans Administration, and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

SEC. 10. Section 1661 of said code is amended to read:

1661. A guardian shall not apply any portion of the income or the estate for the support or maintenance of any person other than the ward, except upon petition to and prior order of the court after a hearing. A signed duplicate or certified copy of said petition shall be furnished the proper office of the Veterans Administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

Limit on application of ward's funds

SEC. 11. Section 1661.5 is added to said code, to read:

1661.5. (a) The court may authorize the purchase of the entire fee simple title to real estate in this State in which the guardian has no interest, but only as a home for the ward, or to protect his interest, or (if he is not a minor) as a home for his dependent family. Such purchase of real estate shall not be made except upon the entry of an order of the court after hearing upon verified petition. A copy of the petition shall be furnished the proper office of the Veterans Administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

Purchase of real estate

(b) Before authorizing such investment the court shall require written evidence of value and of title and of the advisability of acquiring such real estate. Title shall be taken in the ward's name. This section does not limit the right of the guardian on behalf of his ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of lien held by or for the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold; nor does it limit the right of the guardian, if such be necessary to protect the ward's interests and upon prior order of the court in which the guardianship is pending, to agree with cotenants of the ward for a partition in kind, or to purchase from cotenants the entire undivided interests held by them, or to bid and purchase the same at a sale under a partition decree, or to compromise adverse claims of title to the ward's realty.

Value and title

SEC. 12. Section 1662 of said code is amended to read:

1662. When a copy of any public record is required by the Veterans Administration to be used in determining the eligibility of any person to participate in benefits made available by the Veterans Administration, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the authorized representative of the Veterans Administration with a certified copy of such record.

Copies of public records

SEC. 13. Section 1662.5 is added to said code, to read:

1662.5. A certificate by the Veterans Administration showing that a minor ward has attained majority, or that an incompetent ward committed or transferred to a United States Veterans Administration facility has been rated competent by the Veterans Administration upon examination in accordance with law shall be prima facie evidence that the ward has attained

Minor attaining majority, etc

- majority, or has recovered his competency. Upon hearing after notice as provided by this chapter and the determination by the court that the ward has attained majority or has recovered his competency, an order shall be entered to that effect, and the guardian shall file a final account. Upon hearing after notice to the former ward and to the Veterans Administration as in case of other accounts, upon approval of the final account, and upon delivery to the ward of the assets due him from the guardian, the guardian shall be discharged and his sureties released.
- Final account**
- Discharge of guardian**
- Repeal**
- Discharge of incompetent**
- Certificate**
- Law applicable**
- Constitutionality**
- Effect**
- SEC. 14. Sections 1664 and 1665 of said code are repealed.
- SEC. 15. Section 1664 is added to said code, to read:
1664. When a person who has been committed or transferred to a facility of the Veterans Administration, in accordance with the provisions of Section 1663, is thereafter discharged as recovered by the chief officer of such facility or is rated competent by the Veterans Administration, a certificate showing such discharge or rating may be filed with the clerk of the superior court of the county from which the person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fee shall be charged by the clerk for performing such duties. If no guardian has been appointed for such person as provided in this code, the certificate showing such discharge as recovered or rating as competent shall be prima facie evidence that the person has recovered his competency, and the record thereof by the clerk of the court shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of this code.
- SEC. 16. Section 1665 is added to said code, to read:
1665. The provisions of this chapter relating to surety bonds and the administration of estates of wards shall apply to all "income" and "estate" as defined in Section 1650 of this chapter whether the guardian shall have been appointed under this chapter or under any other law of this State, special or general, prior or subsequent to the enactment hereof.
- SEC. 17. Section 1668 of said code is amended to read:
1668. If any provision of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.
- SEC. 18. Section 1669 of said code is amended to read:
1669. All acts or parts of acts relating to beneficiaries of the Veterans Administration inconsistent with this chapter are hereby repealed. Except where inconsistent with this chapter, the laws of this State relating to guardian and ward and the judicial practice relating thereto, including the right to trial by jury and the right of appeal, shall be applicable to such beneficiaries and their estates.

CHAPTER 1399

An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, and providing for the forfeiture of such lands for failure to make such payments.

[Approved by Governor July 16, 1945 Filed with Secretary of State
July 16, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Demand is hereby made upon any and all persons who are or may become liable for the payment of the purchase price or any part thereof, including interest, for any lands sold through the office of the Surveyor General or the Division of State Lands, or any other State officer or agency of the State of California (under any act of the Legislature of the State providing for the payment of the balance of the purchase price of such lands after demand for such payment is made by the Legislature), for the payment of the full amount of the principal of the purchase price or so much thereof as remains unpaid, including all interest thereon for said land, within one year after the first day of October, 1945. Unless such payment is made to the State Lands Commission, all or any portion of such lands upon which the purchase price, or any part thereof, including interest, is unpaid, shall revert to the State of California in the manner following:

Demand for
payment of
balance of
purchase
price of
State lands

SEC. 2. Between the first day of September and the first day of October, 1945, or as soon thereafter as may be practicable, and not later than October 15, 1945, the State Lands Commission shall prepare or cause to be prepared statements showing, by counties, and by proper legal descriptions, all lands in each of the several counties for which any part of the purchase price is then unpaid. Such statements shall also show the name and address of the purchaser, and the name and address of the assignee, grantee or successor in interest of such purchaser in those cases wherein notice of any assignment of the certificate of purchase or of any conveyance or other transfer of title or any part of the lands therein described shall have been filed in said office prior to the first day of October, 1945.

Statements
by State
Lands
Commission

The statement shall also show the total amount of the purchase price, the amount paid thereon and the amount which is unpaid upon the first day of October, 1945.

SEC. 3. Upon completing the statements, the State Lands Commission shall add thereto a demand that all amounts of the purchase price of said lands then unpaid, together with three dollars (\$3) cost, shall be paid on or before the first day of October, 1946, to the State Lands Commission, and further notice that unless the whole sum demanded be paid on or before said first day of October, 1946, that the lands in said statements described, together with all moneys previously paid on account of the purchase price, whether for principal or interest, will be forfeited

Demand and
notice

to the State in accordance with the provisions hereof, and that all such certificates of purchase shall thereupon become null and void. Such statement, together with such demand and notice, shall be published once a week for four successive weeks in some newspaper of general circulation, published in the county wherein the lands described in the statement are situate, or if there be no newspaper published in such county, then in an adjoining county.

SEC. 4. In addition to such publication, the State Lands Commission shall not later than October 15, 1945, forward by registered mail to each person shown by the records of the State Lands Commission to have any interest in any of such land, a copy of so much of said statements as pertain to the lands wherein such person may appear to have any interest, together with such demand and notice, addressed to such person at his last known residence or place of business as the same appears upon the records of the State Lands Commission.

SEC. 5. The sum of three dollars (\$3) to cover the costs of such publication and of such mailing, is hereby imposed upon the owner or owners of each certificate of purchase, as well as upon each person who may have acquired by purchase, an interest in all or some portion of the lands described in the certificate, and such sum must be paid together with the amount of the purchase price which is due and unpaid.

SEC. 6. Immediately following the first day of October, 1946, the State Lands Commission shall note upon its records, the forfeitures of such lands and shall forward to the recorder of each county wherein any of said lands may be situate, a notice of such forfeiture. It shall be the duty of the recorder to receive and file such notice and to record the same in a book of deeds. Such notice from the time it is filed with the recorder is constructive notice of the condition thereof to subsequent purchasers and mortgagees, and to all other persons who may thereafter attempt to acquire any interest in, or lien upon, any of the lands described in the notice.

SEC. 7. Any person having a conveyance of the whole, or a portion of the lands described in any such statement, but to whom the certificate of purchase has never been surrendered, may protect his lands from forfeiture by paying the amount of the purchase price due to the State Lands Commission. He shall first, however, file with the State Lands Commission satisfactory evidence of his possessory right to the land. Upon such payment being made before the first day of October, 1946, such lands shall be and hereby are excepted from the forfeiture prescribed in this act. Said certificate of purchase shall become null and void only as to the remaining lands therein described, and if due compliance be made with all other provisions of law governing the issuance of patents, a patent shall issue in the name of the original purchaser of such excepted land, but shall be delivered to the person by whom such payment was made, and the title thereby granted shall inure to the benefit of such person, his heirs or assigns.

Publication

Mailing

Costs

Notice of
forfeiture to
recorderPayment by
owner to
whom
certificate of
purchase not
surrendered

SEC. 8. In the event any lands shall be forfeited under the provisions hereof upon which the total purchase price has been actually paid prior to the forfeiture but for any reason not properly credited, the person or persons having a beneficial interest in said lands, may, within one year following the date of such forfeiture, commence an action in the Superior Court of the County of Sacramento against the State Lands Commission for the purpose of having such forfeiture annulled and set aside.

Annulling forfeiture where purchase price paid but improperly credited

And if it be proven to the satisfaction of the court, at the trial of such action, that such payment was in fact made prior to the forfeiture, the court shall render judgment annulling and setting aside the forfeiture, and thereupon the plaintiff or plaintiffs in such action shall be restored to his or their former estate in said land.

CHAPTER 1400

An act to amend Sections 5453, 5457, 7102, 7103, 7135, 7136, 7202, 7203 and 7205 of the Education Code, to add Sections 7105.2 and 7137.2 to said code, and to amend the heading of Chapter 15 of Division 3 of said code, all relating to the support of junior colleges.

[Approved by Governor July 16, 1945 Filed with Secretary of State July 16, 1945]

In effect July 1, 1946

The people of the State of California do enact as follows.

SECTION 1. Section 5453 of the Education Code is amended to read:

5453. If the amount received by the State Treasurer is insufficient to provide the amount required to be apportioned to junior college districts and high school districts maintaining junior colleges, the State Controller shall transfer during the school year from the General Fund of the State to the State Junior College Fund such amounts as when added to the balance already in the State Junior College Fund shall equal ninety dollars (\$90) for each unit of average daily attendance during the preceding school year in junior colleges maintained by junior college districts, or high school districts, and in addition two thousand dollars (\$2,000) for each junior college maintained by a junior college district or high school district during the preceding school year.

State junior colleges. Additional appropriation

SEC. 2. Section 5457 of said code is amended to read:

5457. The Controller shall draw warrants on the State Treasurer in favor of the county treasurer of each county in the months of September, October, November, December, January, February, March, April, May, and June of each school year in an amount equal to one-tenth of the total amount

Time of payment

certified by the Superintendent of Public Instruction as apportioned from the State Junior College Fund to the county during the school year. The payment of the amounts required to be made to the several counties during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days but the total amount due the several counties during any school year shall be paid within the school year. The warrants shall be paid by the State Treasurer from the State Junior College Fund and are not subject to the provisions of Article 18, Chapter 3 of Title 1 of Part 3 of the Political Code. The treasurer of each county shall immediately place the amount received by him on account of each junior college district or high school district to the credit of the district.

SEC. 3. Section 7102 of said code is amended to read:

Apportionment to high school district

7102. He shall apportion to each high school district five hundred fifty dollars (\$550) for each year of the four-year course covering grades 9 to 12, inclusive, maintained in each day high school during the preceding school year.

See also Stats 1945, Ch 594

Evening high school

SEC. 4. Section 7103 of said code is amended to read:

7103. He shall apportion to each high school district two thousand two hundred dollars (\$2,200) for each evening high school maintained during the preceding school year. The apportionment shall be made only for evening high schools which comply with all requirements made by the State Board of Education.

SEC. 5. Section 7105.2 is added to said code, to read:

Apportionment prohibited

7105.2. Notwithstanding anything in Section 7105 to the contrary no apportionment shall be made thereunder to any high school district on account of any separate junior college or combined high school and junior college for any average daily attendance in any of the classes named in said section.

SEC. 6. Section 7135 of said code is amended to read:

High school district allowance

7135. He shall allow for each high school district two hundred fifty dollars (\$250) for each year of the four-year course covering grades 9 to 12, inclusive, maintained in each day high school during the preceding school year.

See also Stats 1945, Ch 594

Evening high school

SEC. 7. Section 7136 of said code is amended to read:

7136. He shall allow for each high school district one thousand dollars (\$1,000) for each evening high school maintained during the preceding school year. The apportionment shall be made only for evening high schools which comply with all requirements made by the State Board of Education.

SEC. 8. Section 7137.2 is added to said code, to read:

Apportionment prohibited

7137.2. Notwithstanding anything in Section 7137 to the contrary no apportionment shall be made thereunder to any high school district on account of any separate junior college or combined high school and junior college for any average daily attendance in any of the classes named in said section.

SEC. 9. The heading of Chapter 15 of Division 3 of said code is amended to read :

CHAPTER 15. APPORTIONMENT TO JUNIOR COLLEGE DISTRICTS AND HIGH SCHOOL DISTRICTS FOR JUNIOR COLLEGES Chapter heading

SEC. 10. Section 7202 of said code is amended to read :

7202. He shall apportion to each junior college district and high school district for each accredited junior college maintained during the preceding school year two thousand dollars (\$2,000) as the junior college allotment. Junior college Apportionment

SEC. 11. Section 7203 of said code is amended to read :

7203. He shall apportion the balance in the State Junior College Fund to the several junior college districts and high school districts of the State pro rata on the total average daily attendance in the junior colleges and junior college classes thereof during the preceding school year. Apportionment of balance of fund

SEC. 12. Section 7205 of said code is amended to read

7205. No junior college district or high school district shall receive any apportionment from the State Junior College Fund for any junior college which has failed for three consecutive years to comply with the standards prescribed by the State Board of Education for accredited junior colleges. Failure to comply with standards

SEC. 13. This act shall take effect July 1, 1946.

Effective date

CHAPTER 1401

An act to amend Sections 2, 5, 6, 6.5, 6.6, 7, 7.2, 11, 12, 16, 16 1/2, 18, 19, 20, 22, 22a, 22b, 22c, 22d, 23, 23b, 23c, 23d, 24.2, 24.3, 24.4, 24.5, 24.55, 26, 27a, 27b, 28, 34, 34b, 36a, 36l, 37, 38, 39, 46, 48, 49, 49.2, 51, 51c, 51g, 53.9, 54, 54.5, 57, 60, 67.1 and 67.5, and to repeal Sections 6.4, 33c, 35, 35a, 35b, 35c, 36, 36c, 47, 54.1, 54.3 of the Alcoholic Beverage Control Act, and to add thereto Sections 4.1, 6.2, 21.1, 38f, 38g, and 47.5, relating to alcoholic beverages, and to provide that this act shall go into effect immediately. Stats 1935, p 1123, amended

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1a. Section 2 of said act is hereby amended to read as follows: Stats 1937, p 2126

Sec. 2. The following words, terms and phrases when used in this act have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Definitions

(a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(b) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing

alcohol, spirits, wine or beer, and which contains one-half of 1 per cent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(c) "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof in water, and shall include ale, porter, brown, stout, lager beer, small beer and strong beer but shall not include sake known as Japanese rice wine.

(d) "Distilled spirits" means an alcoholic beverage obtained by the distillation of fermented agricultural products, and shall also include alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

(e) "Wine" means for the purposes of this act the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverages to which is added grape brandy, fruit brandy or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 per cent added flavoring, coloring and blending material and which contains not more than 24 per cent of alcohol by volume and shall include Vermouth and sake, known as Japanese rice wine. Nothing herein contained shall be construed to affect or limit the power, authority or duty of the State Department of Public Health in the enforcement of the laws directed toward preventing the manufacture, production, sale or transportation of adulterated, misbranded or mislabeled alcoholic beverages, and the definition of "wine" herein contained shall be limited strictly to the purposes of this act and shall not extend to, or repeal by implication, any act preventing the production, manufacture, sale or transportation of adulterated, misbranded or mislabeled alcoholic beverages.

(f) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit, and the plural as well as the singular number.

(g) "Board" means the State Board of Equalization of the State of California.

(h) "Club" means a corporation or association which is the owner, lessee or occupant of an establishment operated solely for objects of a social or athletic nature, having a bona fide membership list, and the majority of the members of which pay dues at least once in every year, but not for pecuniary gain, and the property as well as the advantages of which belong to the members.

(i) "Beer manufacturer" means any person engaged in the manufacture of beer.

(il) "Brandy manufacturer" means any person engaged in the manufacture of brandy only and not in the manufacture of any other distilled spirits.

(i2) "Wine grower" means any person engaged in the production of wine, except that any person who produces not to exceed 200 gallons of wine per year for his own consumption shall not, because of such production, be considered a wine grower within the meaning of this act.

(i3) "Industrial alcohol dealer" is a person who sells alcohol or distilled spirits in packages of more than one gallon for use in the trades, professions, or industries, but not for beverage use.

(i4) "Retailer" means and includes any on- or off sale licensee.

(j) "Rectifier" means every person who colors, flavors, or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

(k) "Importer" means (1) any consignee of alcoholic beverages brought into this State from without this State when such alcoholic beverages are for delivery or use within this State; or (2) any person, except a public warehouse licensed under this act, to whom delivery is first made in this State of alcoholic beverages brought into this State from without this State for delivery or use within this State; (3) any person licensed as an importer, selling alcoholic beverages to nonlicensees within an area over which the United States Government exercises jurisdiction when delivery of such alcoholic beverages is made to such nonlicensees by a common carrier transporting such alcoholic beverages from a point outside this State; or (4) any person bringing alcoholic beverages into this State from without this State which are not consigned to any person and which are for delivery or use within this State; provided, that a person licensed under this act as a customs broker who is acting as an agent for a licensed importer or for another person whose place of business is without the State shall not be deemed to be the importer of alcoholic beverages consigned in United States internal revenue bond or in United States customs bond to such licensed customs broker.

(k1) "Exporter" means any person who sells, delivers or consigns alcoholic beverages located within this State for delivery or use or sale without the State.

(k2) "Private warehouse" means any place maintained by a licensee under this act, other than his licensed premises, for the storage but not for the sale of alcohol or alcoholic beverages owned by such licensee.

(k3) "Public warehouse" means any place licensed for the storage of, but not the sale of, alcohol or alcoholic beverages for the account of other licensees and shall include United States custom bonded warehouses and United States internal revenue bonded warehouses when such bonded warehouses are used for storage of alcoholic beverages for the account of another licensee.

(k4) "Retail sale" or "sale at retail" means the sale by an on- or off-sale licensee for consumption and not for resale.

(l) "Sell" or "sale" and the phrase "to sell" means and includes any transaction whereby, for any consideration, title to alcoholic beverages is transferred from one person to another, and means and includes the delivery of alcoholic beverages pursuant to an order placed for the purchase of such beverages and shall include soliciting or receiving an order for such beverages, but shall not include the return of alcoholic beverages by a licensee to the licensee from whom such alcoholic beverages were purchased.

(m) "Public bar," or "public saloon" or "public barroom" means and shall be deemed to be premises maintained and operated for the selling or serving of alcoholic beverages, other than beer, to the public for consumption on the premises, and which are not equipped and maintained for the sale and service of meals to the public, and in which meals are not actually sold and served to the public.

(m.1) "Hotel," "restaurant," "cafe," "cafeteria" or "other public eating place" means premises maintained and operated in good faith for selling and serving meals to the public for consumption upon the premises.

(m.2) "State Liquor Administrator" means the Chief of the Alcoholic Beverage Control Division, and he shall have the power and duties which this act provides shall be exercised by him and which may be assigned to him by the board.

(m.3) "Referee" means the person appointed or authorized by the board to conduct hearings and investigations in proceedings with respect to the granting, denial, suspension or revocation of licenses under this act.

(n) "Package" means any container or receptacle used for holding alcoholic beverages which is corked or sealed with a stopper, stopper or cap, or in any other manner.

(o) "To bottle" or "to package" means to bottle, barrel, or otherwise place alcoholic beverages in a container.

(p) "Distilled spirits manufacturer" means any person who produces distilled spirits from naturally fermented materials or in any other manner.

(q) "Proof spirits" means that alcoholic liquor which contains one-half of its volume of pure ethyl alcohol of a specific gravity of 0.7939 at 60 degrees Fahrenheit, referred to water at 50 degrees Fahrenheit as unity.

(r) "Proof gallon" means a gallon of proof spirits, or an equivalent amount of alcohol.

(s) "Wholesaler" means and includes every person other than a manufacturer, wine grower or rectifier who is engaged in business as a jobber or wholesale merchant, dealing in alcoholic beverages.

(t) "Wholesale sale" or "sale at wholesale" means a sale to any licensee for purposes of resale.

(u) "Retailer's on-sale license" means and includes on-sale beer licenses, on-sale beer and wine licenses, on-sale general

licenses, and on-sale distilled spirits licenses for seasonal businesses.

(v) "Gallon" or "wine gallon" means that liquid measure containing 231 cubic inches.

(w) "Within this State" means all territory within the boundaries of this State.

(w1) "Without the State" means all territory without the boundaries of this State.

(x) "Still" means a still used in the production or capable of being used in the production of alcoholic beverages and does not include stills or apparatus used solely in the production of distilled water or substances other than alcoholic beverages.

(y) "Customs broker" means and includes every person who is authorized to act as agent or broker for a person licensed as an importer under this act, or for a person whose place of business is without the State, in regard to the importing of alcoholic beverages into the State in United States internal revenue bond or in United States customs bond.

(z) "Case" or "original case" means a standard box or carton as packed by the manufacturer or wine grower in which packages of alcoholic beverages are shipped or transferred.

(z1) "Licensee" means any person holding a license issued by the board.

(z2) "Salesman" means any individual who solicits or receives an order for alcoholic beverages from any licensee.

SEC. 2. Section 4.1 is hereby added to said act, to read as follows:

Sec. 4.1. Any insurance company may, after permission has been granted so to do by the State Liquor Administrator, take possession of and sell to licensees authorized to sell the same, any alcoholic beverages the containers of which have been damaged by fire or otherwise. Any such licensee so qualified, may purchase and accept delivery of such alcoholic beverages from such insurance company thus authorized to sell. The foregoing permission shall extend only to alcoholic beverages owned by a licensee and insured against loss or damage by the insurance company applying for such permission.

Sales by insurance company

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Stats 1937, p 2126

Sec. 5. The following are the types of licenses to be issued under this act and the annual fees to be charged therefor

Fees and types of licenses

1. Beer manufacturer's license-----\$750.00 per year
2. Wine grower's license (to be computed only on the gallonage produced) 5,000 gallons or less ----- 20.00 per year
 - Over 5,000 gallons to 20,000 gallons per year ----- 40.00 per year
 - Over 20,000 to 100,000 gallons per year--- 75.00 per year
 - Over 100,000 to 200,000 gallons per year-- 100.00 per year
 - Over 200,000 gallons to 1,000,000 gallons a year ----- 150.00 per year
 - For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional 100.00 per year

3. Distilled spirits manufacturer's license	---\$250.00 per year
4. Still license	----- 10.00 per year per still
5. Rectifier's license	----- 250.00 per year
6. Brandy manufacturer's license	----- 150.00 per year
7. Distilled spirits importer's license	----- no fee
8. Beer and wine importer's license	----- no fee
9. Brandy importer's license	----- no fee
10. Public warehouse license	----- \$10.00 per year
11. Beer bottling or packaging license	----- 500.00 per year
12. Distilled spirits wholesaler's license	----- 250.00 per year
13. Beer and wine wholesaler's license	----- 50.00 per year
14. Customs broker's license	----- 50.00 per year
15. Retail package off-sale beer and wine license	10.00 per year
16. Retail package off-sale general license for the first \$10,000 retail sales of distilled spirits per year.	----- 110.00 per year
For each \$1,000 or fraction thereof of retail sales of distilled spirits over \$10,000 per year	----- 10.00 per year
But not exceeding in all the maximum of	----- 750.00 per year
17. Industrial alcohol dealer's license	----- 50.00 per year
18. On-sale beer license	----- 25.00 per year
19. On-sale beer and wine license	----- 75.00 per year
20. On-sale beer and wine license for trains (per train)	----- 15.00 per year
21. On-sale beer and wine license for boats (per boat)	----- 50.00 per year
22. On-sale distilled spirits license for seasonal business	----- As set by the board
23. On-sale general license	----- 75.00 per year
plus an additional fee as set by the board for the distilled spirits privileges (to become effective on January 1, 1946).	
24. Distilled spirits manufacturer's agents license—two hun- dred fifty dollars (\$250) per year.	
25. Wine rectifier's license	----- \$250.00 per year

Common
carriers

In fixing license fees for on-sale general licenses, the board may place common carrier boats and trains in a separate classification or separate classifications, and fix therefor different or lesser license fees for boats or for trains than that fixed for other on-sale general licenses, giving consideration to the limited number of possible customers on boats or on trains and the limited number of hours within which it is practicable to exercise such license on a boat or on a train.

Fees for part
of year

The fees specified above shall be reduced 25 per cent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date on which the application for the license is filed with the board; provided, that where an application clearly indicates that the applicant does not desire to exercise the privileges granted

by the license applied for until on or after the beginning of the quarterly period following the quarterly period in which the application is filed with the board, such fees shall be reduced 25 per cent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date so indicated in the application, but in no event shall any license, other than a temporary on-sale beer or wine license, be issued for any period for a fee less than one-half of the annual license fee therefor.

The provisions of this paragraph shall not be deemed to restrict the power of the board to make the refunds authorized by Section 11a.

Where the fee for any license is graduated according to the amount of alcoholic beverages sold under the license, and the license is applied for after the beginning of the year, the amount of alcoholic beverage authorized to be sold under the license shall be reduced proportionately with the reduction in fee provided in the preceding paragraph in accordance with such rules and regulations as the board may prescribe.

Where the fee for any license is graduated according to the amount of alcoholic beverages produced under the license, the license fee shall be determined solely upon the gallonage produced, even though the license is applied for after the beginning of the year.

Off-sale distilled spirits licenses issued for the fiscal year ending June 30, 1945, and on-sale distilled spirits licenses issued for the calendar year ending December 31, 1945, shall be renewed as off-sale general licenses and on-sale general licenses, respectively. All of the provisions of this act relating to the renewal of licenses shall apply to the renewal of licenses mentioned in the preceding sentence.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Sec. 6. Except as otherwise provided in this act and subject to the provisions of Section 22 of Article XX of the Constitution, the licenses provided for in the preceding section shall authorize the person to whom issued to exercise the following rights and privileges and no others at the premises for which issued during the year for which issued.

(a) Any manufacturer's or wine grower's license authorizes the person to whom issued to become a manufacturer or producer of the alcoholic beverage specified in the license, and whether manufactured or produced by him or any other person, to package, rectify, mix, flavor, color, label and export the same, and to sell only such alcoholic beverages as are packaged by or for him only to persons holding wholesaler's, manufacturer's, wine grower's, manufacturer's agent's or rectifier's licenses authorizing the sale of such alcoholic beverages and to persons who take delivery of such alcoholic beverages within this State for delivery or use without the State, and the dealing in warehouse receipts for the alcoholic beverage specified in the license except that beer manufacturers may also sell beer to any person

Renewal of
distilled
spirits
licenses

Stats 1941,
p 2702

Rights and
privileges of
licensees

Manufac-
turers or
wine growers

holding a license authorizing the sale of beer, and wine growers may also sell wine to any person holding a license authorizing the sale of wine, and also to consumers in quantities of 52 gallons or less per sale for consumption off the premises where sold, and brandy manufacturers may also sell brandy to any person holding a license authorizing the sale of brandy; provided further, that a wine grower's license authorizes the manufacture of grape brandy to be used exclusively in the production of wine by its holder on the premises for which issued and also the sale of grape brandy to licensed wine growers to be used exclusively in the production of wine; provided further, that as to distilled spirits originally distilled in this State any manufacturer of such distilled spirits so distilled in this State may sell such distilled spirits to any person holding a license authorizing the sale of distilled spirits. A person holding a brandy manufacturer's license is authorized to sell grape brandy, fruit brandy or spirits of wine to licensed wine growers for use by the latter in the production of wine, and the production or manufacturing of alcohol for the United States Government only, and not for beverage purposes.

Distillers (b) A still license authorizes the person to whom issued to own or possess the number of stills indicated in the license upon the premises for which issued.

Rectifiers (c) A rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor and color distilled spirits and wine upon which the excise tax imposed by Section 23 has been paid, and, whether so cut, blended, mixed, flavored or colored by him or any other person, to package, label, export and to sell such products to persons holding licenses issued by the board authorizing the sale of distilled spirits.

On and after July 1, 1941, in order to qualify for a rectifier's license, a person must actually be engaged at the time the license is issued or renewed or within 30 days thereafter, in the bottling of distilled spirits owned by him. Said distilled spirits so owned by him shall comprise at least 50 per cent of the total distilled spirits bottled by him.

Provided, however, that nothing in this section shall be construed to prohibit the issuance of a distilled spirits manufacturer's agent's license to any person who is engaged in the bottling of distilled spirits owned solely by other manufacturer's agents, rectifiers, wholesalers or manufacturers.

A rectifier who also performs the functions of a distilled spirits wholesaler shall comply with all the provisions of this act applicable to a holder of a distilled spirits wholesaler's license.

Importers (d) Any importer's license authorizes the person to whom issued to become an importer of alcoholic beverages specified in the license and to export such alcoholic beverages, and to transfer such beverages to himself under another license.

An importer's license shall be issued only to a person or manufacturer who holds a license authorizing the sale for resale of

the type or types of alcoholic beverages mentioned in the importer's license.

(e) A bottling or packaging license authorizes the labeling, ^{Bottlers} bottling or packaging of the alcoholic beverages specified in the license.

(f) Any wholesaler's license authorizes the sale of the a ^{Wholesalers}coholic beverage specified in the license only to persons holding licenses issued by the board authorizing the sale of such acoholic beverage and the exportation of such alcoholic beverages. A beer and wine wholesaler's license also authorizes the labeling, bottling or packaging of wine in accordance with and subject to the rules and regulations now in effect or as may be hereafter adopted by the State Department of Public Health of the State of California. A beer and wine wholesaler's license shall not permit the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer.

A wholesaler's license shall not be issued to any on-sale licensee. On and after September 1, 1941, no off-sale general license shall be renewed or issued to a distilled spirits wholesaler whose premises are located in a city or town having a population of 50,000 or more as shown by the 1940 Federal census or to a distilled spirits wholesaler who sells distilled spirits to licensees whose premises are located in any city or town having a population of 50,000 or more as shown by the 1940 Federal census and a distilled spirits wholesaler's license shall not be held by any person unless such person at all times throughout the year has on his wholesale premises a reasonable stock of distilled spirits as determined by the Board of Equalization for which he has fully paid the United States currency or its equivalent. No wholesale license shall be issued to any other person who does not in good faith actually carry on or intend to carry on a bona fide wholesale business, by sale to retail licensees, of the alcoholic beverage designated in such wholesale license and the board may revoke any such wholesale license where such licensee fails for a period of 45 days actively and in good faith to engage in such wholesale business and shall revoke any distilled spirits wholesaler's license held by any person who fails to comply with other provisions of this section. Sale by a wholesale licensee to himself as a retail licensee shall not be held to be the transaction of a bona fide wholesale business.

(g) A retail package off-sale beer and wine license authorizes the sale, to consumers only and not for resale, of beer in ^{Beer and wine off-sale} packages and in quantities of 31 gallons or less per sale, and ^{retailers} the sale of wine in packages and in quantities of 52 gallons or less per sale, for consumption off the premises where sold.

(h) An off-sale general license includes the privileges specified in subdivision (g) of this section and authorizes the sale, ^{Distilled spirits off-sale} to consumers only and not for resale, of distilled spirits in ^{retailers} packages of not more than one gallon and in packages containing not less than one-half pint for consumption off the premises where sold; except that nothing in this act shall be deemed to

prevent the sale in packages of less than one-half pint, of bit-
ters or other aromatic or flavoring or medicinal preparations,
which are classed for taxing purposes as distilled spirits, by
off-sale general licenses.

Industrial
alcohol
dealers

(i) An industrial alcohol dealer's license authorizes the sale
of undenatured ethyl alcohol in packages of more than one
gallon for use in the trades, professions or industries and not
for beverage consumption.

On-sale
retailers

(j) Any on-sale license authorizes the sale of the alcoholic
beverage specified in the license for consumption on the premises
where sold. An on-sale general license authorizes the sale of
beer, wine and distilled spirits for consumption on the premises
where sold. An on-sale general license authorizes the purchase
and possession of distilled spirits in packages of not more than
one gallon capacity and of not less than one-half pint capacity;
except that nothing in this act shall be deemed to prevent the
purchase or possession in packages of less than one-half pint
capacity of bitters or other aromatic or flavoring or medicinal
preparations, which are classed for taxing purposes as distilled
spirits, by on-sale licensees. An on-sale general license, with
respect to beer and wine, and any on-sale license, with respect
to the particular beverage or beverages mentioned in such
license also authorizes the exercise of the rights and privileges
granted by an off-sale beer and wine license; provided,
however, that none of the licensees mentioned in this sentence
shall have the right by reason of any such license in this sen-
tence mentioned, to label, bottle or package or refill any package
with any alcoholic beverage. On trains and boats, under such
licenses, alcoholic beverages may be served only to passengers
or employees.

Dealing in
warehouse
receipts

(k) Any manufacturer's, wine grower's, manufacturer's
agent's, rectifier's or wholesaler's license authorizes the dealing
in warehouse receipts, for the kind of alcoholic beverages which
such licensees are authorized to sell, to other licensed manu-
facturers, wine growers, distilled spirits manufacturer's agents,
rectifiers or wholesalers who are authorized to sell the kind of
alcoholic beverages covered by the warehouse receipt; provided,
that nothing in this act shall be deemed to prohibit the sale of
warehouse receipts for alcoholic beverages by other persons, in
accordance with rules and regulations adopted by the board, to
manufacturers, wine growers, manufacturer's agents, recti-
fiers and wholesalers licensed to sell the kind of alcoholic bev-
erages covered by said warehouse receipt when such warehouse
receipt was acquired by such person prior to May 1, 1941.

An offer to sell or an agreement to sell distilled spirits which
at the time of said offer or agreement are stored in containers
larger than one gallon capacity and the ownership of such dis-
tilled spirits is represented by a warehouse receipt, shall be
deemed a sale of a warehouse receipt.

Public ware-
housemen

(l) A public warehouse license authorizes the storage of
alcoholic beverages for the account of another licensee, includ-
ing the storage of such beverages in a United States customs

bonded warehouse, a United States internal revenue bonded warehouse and a United States bonded storeroom; provided, however, that as provided in Section 7 hereof no license shall be required for the storage of beer and wine upon which the excise tax levied by this act has been paid, brandy in bulk stored in an internal revenue bonded warehouse, or wine stored in a winery, storeroom, or field warehouse bonded under the internal revenue laws of the United States.

(m) Any manufacturer's, wine grower's, manufacturer's agent's, importer's, rectifier's or wholesaler's license shall also authorize the transfer of title to such alcoholic beverages to other licensed manufacturers, wine growers, manufacturer's agents, importers, rectifiers and wholesalers when such alcoholic beverages are in storage in a licensed public warehouse, United States customs bonded warehouse or United States internal revenue bonded warehouse or United States bonded storerooms located at any place within the State without any additional or other license therefor. Such licenses shall also authorize the sale of alcoholic beverages specified in the license to persons who, under such procedure as shall be established by the board, take delivery of such alcoholic beverages in this State for delivery or use without the State.

Transfer of title

(n) A distilled spirits manufacturer's agent's license authorizes the possession of distilled spirits in public or private warehouses, the exportation of distilled spirits, the cutting, blending, mixing, flavoring and coloring of distilled spirits for his own account or for the account of a distilled spirits manufacturer, manufacturer's agent, rectifier or wholesaler and whether so cut, blended, mixed, flavored or colored by him, or any other person, the packaging and the sale or delivery of such distilled spirits only to holders of distilled spirits manufacturer's, rectifier's or distilled spirits wholesaler's licenses.

Distilled spirits manufacturer's agent

It shall not be required that a person must actually engage in the cutting, blending or bottling of distilled spirits in order to qualify for a distilled spirits manufacturer's agent's license.

(o) A licensed beer manufacturer or a licensed beer wholesaler, in addition to selling beer at his licensed premises, may sell beer from wagons or trucks operated by such manufacturer or wholesaler to licensees authorized to sell beer; and provided that a beer manufacturer may sell and deliver beer from branch offices located away from his place of manufacture and exercise all his license privileges thereat and therefrom, other than manufacture, and the board shall upon request issue such beer manufacturer a duplicate of his original license which shall authorize the maintenance and operation of each branch declared and designated by said manufacturer, upon the payment for each such duplicate of an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and provided that in case any violation of any provision of this act or of any regulation of the board shall be committed in the exercise of the license privileges hereby authorized to be exercised at any such branch office, in the event such

Beer manufacturer or wholesaler

violation shall become a matter of investigation or hearing or decision by the board with relation to the license of the licensee, the board in making its ruling or decision, where such violation shall be found to be one committed in connection with the operation of said branch office and not a violation in connection with manufacturing on the manufacturing premises, shall not suspend or revoke or interfere with the manufacturer's license privileges or license at his place of manufacture but shall limit the application of its decision, permissible under this act, to and in connection with the particular duplicate license and the premises in the operation of which the violation occurred, and in the case of any violation of any provision of this act or of any regulation of the board committed in connection with the premises where the act of manufacturing beer is performed, the board in making its ruling or decision in connection with any such violation shall limit any such decision, permissible under this act, to and in connection with the license upon the premises of manufacture and to the particular function exercised by the licensee wherein a violation occurred, such as manufacturing, importing, exporting, packaging, labeling, selling to wholesalers or selling to retailers, and any existing duplicate license for any branch office, unless such branch office actually participated in the commission of the violation, shall not be affected or interfered with by such decision or by reason of such violation;

Wine growers
and brandy
manufacturers

(p) A licensed wine grower or brandy manufacturer in addition to exercising all the privileges of his license at his licensed premises, may exercise all his license privileges at or from branch offices or warehouses, or United States bonded storerooms located away from his place of production or manufacture, other than production or manufacture and the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer. The board shall upon request issue such wine grower or brandy manufacturer a duplicate of his original license for a location or locations other than his wine production or brandy manufacture premises. Such duplicate license shall authorize the maintenance and operation of each branch or warehouse or United States bonded storeroom declared and designated by said wine grower or brandy manufacturer at the location for which such duplicate license is issued and shall authorize the exercise of all privileges granted by the original wine grower's or brandy manufacturer's license other than production or manufacture or the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer.

The fee for each such duplicate license shall in the case of a wine grower's license be an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for a duplicate brandy manufacturer's license an amount equal to the fee paid for the original license for each such duplicate; provided that in case any violation of any provision of this act or of any regulation of the board shall be committed

in the exercise of the license privileges hereby authorized to be exercised at any such branch office, in the event such violation shall become a matter of investigation or hearing or decision by the board with relation to the license of the licensee, the board, in making its ruling or decision, where such violation shall be found to be one committed in connection with the operation of said branch office and not a violation in connection with production or the production premises, shall not suspend or revoke or interfere with the wine grower's license privileges or license at his place of production but shall limit the application of its decision, permissible under this act, to and in connection with the particular duplicate license and the premises in the operation of which the violation occurred, and in the case of any violation of any provision of this act or of any regulation of the board committed in connection with the premises where the act of producing wine is performed, the board in making its ruling or decision in connection with any such violation shall limit any such decision permissible under this act, to and in connection with the license upon the premises of production and to the particular function exercised by the licensee wherein a violation occurred, such as production, importing, exporting, packaging, labeling, selling to wholesalers or selling to retailers, and any existing duplicate license for any branch office, unless such branch office actually participated in the commission of the violation, shall not be effected or interfered with by such decisions or by reason of such violation. Notwithstanding any other provisions of this act, a licensed wine grower or brandy manufacturer may be issued and may hold an off-sale general license for the premises for which he holds a wine grower's or brandy manufacturer's license and for any branch office maintained by such wine grower or brandy manufacturer.

(q) Any distilled spirits manufacturer's or brandy manufacturer's license and any rectifier's license authorizes the sale, in conformity with United States internal revenue laws and regulations, of such distilled spirits, the sale of which is authorized by the license, in packages larger than one gallon for use in the trades, professions or industries and not for beverage use;

(r) Any beer manufacturer, wine grower, brandy manufacturer, rectifier or any wholesaler licensed under this act may in addition to the other privileges exercised under such license and in accordance with rules and regulations prescribed by the board, sell tax-paid alcoholic beverages mentioned in the license of such licensee to nonlicensees having a fixed place of business or residence upon territory within this State which is maintained by the United States Government as a military or naval reservation or National park.

(s) A customs broker's license authorizes the transfer to licensed importers of alcoholic beverages brought into the State in United States internal revenue bond or in United States customs bond and the exportation of such alcoholic beverages, provided that the privileges of such license extend only to such alcoholic beverages as are brought into the State consigned to Customs
brokers

the holder of the customs broker's license. Such a license also authorizes the possession and exportation of alcoholic beverages acquired from licensed manufacturers or wine growers for export.

Wine
rectifiers

(t) A wine rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor or color wine upon which the excise tax imposed by Section 23 has been paid, and whether so cut, blended, rectified, mixed, flavored or colored by him, or any other person, to package, label, export and to sell such products to persons holding licenses issued by the board authorizing the sale of wine. The holder of a wine rectifier's license shall be entitled to apply for and hold a wine importer's license, a distilled spirits manufacturer's or a distilled spirits manufacturer's agent's license. A wine rectifier's license shall not be issued to or held by the holder of a retail off-sale or retail on-sale license. Any wine grower may claim and shall be allowed credit in any tax report filed or assessment made under this act with respect to the excise tax paid by such wine grower on wine sold to a wine rectifier and which has been exported from this State by such wine rectifier or sold for export by such wine rectifier and thereafter actually exported from this State. The board shall make rules and regulations prescribing the procedure for claiming and allowance of such credit.

New section

SEC. 5. Section 6.2 is hereby added to said act, to read as follows:

Distribution
to stock-
holders

SEC. 6.2. No corporation engaged in the manufacture of distilled spirits shall directly, or indirectly, through affiliates, subsidiaries or otherwise, distribute distilled spirits to its stockholders by dividend, either by distribution in kind or the granting of purchase privileges; provided, that this section shall not be deemed to restrict the sale of alcoholic beverages to persons holding manufacturer's, distilled spirits manufacturer's agent's, rectifier's, or wholesaler's licenses.

Repeal

SEC. 6. Section 6.4 of said act is hereby repealed.

Stats 1937,
p 2126

SEC. 7. Section 6.5 of said act as added to said act by Statutes of 1937, page 2136, is hereby renumbered Section 6.45, and amended to read:

Samples

SEC. 6.45. Any manufacturer's, wine grower's, manufacturer's agent's, rectifier's, importer's or wholesaler's license also authorizes the giving away of samples of the kind of alcoholic beverages the sale of which is authorized by any such license; provided, that no holder of any such license shall give away any such samples of alcoholic beverages except under such regulations as shall be prescribed by the board. A retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages.

Stats 1937,
p 2126

SEC. 7.1. Section 6.6 of said act is hereby amended to read as follows:

Purchases
by retail
licensees

SEC. 6.6. No retail on- or off-sale licensee shall purchase alcoholic beverages for resale from any person except a person holding a beer manufacturer's, a wine grower's, a rectifier's or a wholesaler's license issued under this act.

SEC. 8. Section 7 of said act is hereby amended to read as follows: Stats 1941,
p 2852

Sec. 7. Each license issued under this act shall be issued to a specific person, and, except in the case of licenses authorizing the sale of alcoholic beverages on trains or boats, shall be issued for a specific location, the principal address of which shall be indicated on the license. Separate
licenses for
each premise,
etc Separate licenses shall be issued for each of the premises of any business establishment having more than one location except as provided for in Section 6, subdivisions (o) and (p), and except that the holder of a public warehouse license maintaining or operating more than one public warehouse in this State shall be required to obtain but one license for all of his public warehouse establishments. A copy of the original public warehouse license issued to a public warehouseman maintaining or operating more than one public warehouse in this State shall be posted in each of his public warehouse establishments. A charge of one dollar (\$1) shall be made by the board for each copy of a public warehouse license issued to such public warehouseman.

Wine stored in a winery, wine storeroom, or field warehouse bonded under the internal revenue laws of the United States, and brandy in bulk stored in an internal revenue bonded warehouse may be stored by or for any licensee under this act without the necessity of any license by the party furnishing or providing the storage space; beer and wine upon which excise taxes have been paid to the State at the rate fixed under this act, may be stored by or for any licensee under this act in any private or public warehouse or elsewhere in this State without the necessity of any license by the party furnishing or providing the storage space, or any special additional license being required by such licensee; provided, however, that any other alcoholic beverage may without the necessity of any additional license be stored by or for a licensee in private warehouses approved by the board if within the limits of the county in which such licensees licensed premises are located, or in a public warehouse within such county, or may be stored in bond in a public warehouse outside such county where such warehouse is also a United States customs bonded warehouse, or a United States internal revenue bonded warehouse or United States bonded storeroom. Warehouse
storage
Stored wine
and brandy

Any on-sale general licensee who maintains upon or within the premises for which such license is issued more than one room in which there is regularly maintained a fixed counter or service bar at which distilled spirits are served for consumption within the licensed premises shall obtain from the board, and the board shall upon request issue a duplicate of his original license for each room, in excess of one, containing such fixed counter or service bar and shall post a duplicate of his original license in each such room. He shall pay to the board at the time of application for each such duplicate license an amount equal to the license fee payable for a like period for the distilled spirits privileges of the original on-sale general license. Tax-paid
beer and
wine Counter or
service bar in
more than
one room

Failure to obtain such duplicate license or licenses and to pay such fees and renewal fees therefor shall subject such licensee to the penalties imposed by this act for failure to obtain an original license or to pay the renewal fees therefor.

Trains and boats

Licenses for trains and boats shall be based on the average number in actual operation, during the license year, of each class of operating units, viz., trains and boats upon which the license privileges are exercised, such average number to be determined as the board may prescribe.

Transfer of licenses

Each license issued under this act is separate and distinct and shall be transferable from the person to whom issued or by whom renewed to another person upon the approval of the board as provided in this act and upon the payment of a transfer fee equal to the fee payable upon an original application as provided under Section 5 of this act; provided, that the license or licenses of a decedent, minor ward, incompetent person, bankrupt person, or assignor for the benefit of creditors may be transferred by or to the surviving partner or partners of a deceased licensee, the executor, administrator, or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, and the fee for transfer for each license in such case shall be twenty-five dollars (\$25).

Each license issued under this act shall be transferable from the premises for which issued upon the approval of the board and upon the payment of a transfer fee of twenty-five dollars (\$25) and upon compliance with the provisions of this act relating to the issuance of an original license.

Lost or destroyed license

Whenever a license certificate issued under the act is in effect and is lost or destroyed, the board shall issue a duplicate license upon the payment of a fee of five dollars (\$5).

Stats 1941, p 2960

SEC. 9. Section 7.2 of said act is hereby amended to read as follows:

Recordation of notice of intended transfer

Sec. 7.2. No retail license issued under this act and limited in numbers shall be subject to transfer and the board shall refuse to transfer any such license unless at least seven days before the filing of the transfer application with the board the licensee or the intended transferee shall record in the office of the county recorder of the county or counties in which the premises to which said license has been issued are situated, a notice of the intended transfer, stating the name and address of the licensee, the name and address of the intended transferee, the kind of license or licenses intended to be transferred, the address or addresses of the premises to which the license or licenses have been issued, the date when and the place where the purchase price or consideration for the transfer of the license or licenses, if any there be, is to be paid and the amount of such purchase price or consideration, if any there be. A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the board together with a transfer application.

At least seven days before the filing of a transfer application with the board, the licensee and the intended transferee shall establish an escrow with some person, corporation or association not a party to the transfer, acting as escrow holder, and said intended transferee shall deposit with said escrow holder the full amount of the purchase price or consideration, if any there be, to be paid in connection with said transfer, and said licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with said escrow holder, directing said escrow holder, out of said purchase price or consideration, to pay the claims of such of the bona fide creditors of the licensee as shall file their said claims with said escrow holder within said period of seven days after the recording of the notice provided for in this section, or if such purchase price or consideration shall not be sufficient to pay said claims in full, to distribute said consideration pro rata to said creditors of said licensee; said agreement shall also provide that said escrow holder shall make such payment or distribution within a reasonable time after the completion of the transfer of said license. At least seven days before the filing of a transfer application with the board, a copy of the escrow agreement, certified by the escrow holder to be a true and correct copy thereof, shall be filed with the county recorder of the county in which the premises for which said license has been issued are situated.

Establishing escrow

The provisions of this section shall not apply to any transfer of a license made by an executor, administrator, guardian, trustee, receiver, or other person acting in the legal or proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors.

Exceptions

SEC. 9.1. Section 16 of said act is hereby amended to read as follows:

Stats 1935, p 1123

Sec. 16. No retailer's on-sale license shall be issued to any person to whom or for any premises for which a manufacturer's, wine grower's, importer's, wholesaler's or rectifier's license shall have been issued, and no manufacturer's, wine grower's, importer's, wholesaler's or rectifier's license shall be issued to any person to whom or for any premises for which a retailer's on-sale license is issued.

Restrictions on issuance of on-sale licenses

SEC. 9.5. Section 11 of said act is amended to read:

Stats 1937, p 2126

Sec. 11. Upon receipt of an application for a license and the license fee the board shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied for qualify for a license. The board must deny an application for a license if either the applicant or the premises for which a license is applied for do not qualify for a license under this act.

Investigation of applicant

If an application is denied or withdrawn, three-fourths of the license fee paid, or an amount equal to the license fee paid less ten dollars (\$10), whichever is greater, shall be credited on any taxes then due from the applicant under this act, the Retail

Fee if application denied

Sales Tax Act of 1933, as amended, or the Use Tax Act of 1935, as amended, the remaining portion of such amount shall be returned to the applicant and the balance of the license fee shall be deposited in the Alcoholic Beverage Control Fund hereinafter created.

Stats 1931,
p 1123 SEC. 10. Section 12 of said act is hereby amended to read as follows:

Citizenship
qualification¹³ SEC. 12. No on-sale general license shall be issued to any applicant or applicants who are not citizens of the United States; and where a corporation is the applicant no such license shall be issued to it, unless a majority of the members of the board of directors, and all of the persons, other than directors, who are charged with the duty of managing or conducting said business, are citizens of the United States; provided, no on-sale general licensee shall knowingly employ any person to manage, direct, or conduct said business who does not have the qualifications required of a holder of such license.

Stats 1931,
p 2126 SEC. 11. Section 16½ of said act is hereby amended to read as follows:

Off-sale general license
issued to
rectifier, et:
 SEC. 16½. A retail package off-sale general license when issued to the holder of a rectifier's or distilled spirits wholesaler's license shall be issued only for the same premises for which such rectifier's or distilled spirits wholesaler's license is issued, except as otherwise provided or permitted in this act.

Stats 1931,
p 1123 SEC. 12. Section 18 of said act is hereby amended to read as follows:

On-sale
license
premises SEC. 18. Retailer's "on-sale beer and wine licenses" or "on-sale general licenses" shall be issued only to bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships or other public eating places, or bona fide clubs after such clubs have been lawfully operated for not less than one year.

The board shall, before issuing any on-sale license for the sale of alcoholic beverages, other than beers, to be consumed or otherwise disposed of in any hotel, restaurant, cafe, cafeteria or other public eating place, determine whether such hotel, restaurant, cafe, cafeteria or other public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises.

Stats 1943
p 1269 SEC. 12.1. Section 19 of said act is hereby amended to read as follows:

Wine grower's license SEC. 19. A wine grower's license shall only be issued to, or held by, a person qualified to operate or operating a winery, wine storeroom or field warehouse bonded under the internal revenue laws of the United States. Every person operating a winery or wine storeroom bonded under the internal revenue laws of the United States shall apply for, and hold, a wine grower's license.

Stats 1931,
p 1123 SEC. 13. Section 20 of said act is hereby amended to read as follows:

Industrial alcohol
dealers'
license SEC. 20. Industrial alcohol dealers' licenses shall be issued only to persons to whom, and for premises, for which a distilled spirits wholesaler's license has been issued.

SEC. 13.1. Section 21.1 is hereby added to said act, to read as follows:

Sec. 21.1. Whenever any complaint is filed against any licensee, or if it satisfactorily appears to the State Liquor Administrator that any licensee is conducting his business, contrary to the provisions of this act, or that any premises for which a license has been issued is not being conducted, operated or maintained as required by law, or that the continuance of any such license would be contrary to public welfare and morals, the State Liquor Administrator shall cause a notice to be issued and served upon the licensee notifying him to be and appear before the board at a time and place to be therein fixed, but not less than five days from the date of service of such notice, to then and there show cause, if any he has, why the board should not take such action in respect to such matter as it shall be deemed to be in the interest of and consistent with public welfare and morals. A copy of the complaint or a statement of the charges shall be served upon the licensee at the time of serving said notice as provided in Section 40 of this act. If the licensee contests the charges and demands a hearing the proceedings thereon shall be had and conducted as provided in said Sections 40 and 41 of this act, but if no demand for a hearing is had, the board shall proceed to act upon such matter.

All applications for an alcoholic beverage license or for a transfer of such a license shall be immediately referred to the State Liquor Administrator for investigation and report. The State Liquor Administrator shall cause a complete investigation to be made of the applicant and the premises to determine whether they qualify under the act and whether the provisions of this act have been complied with and he shall investigate all matters connected therewith which may affect the public welfare and morals, and shall report the result of such investigation to the board. If the application is contested and a hearing demanded by applicant, such hearing shall be conducted as provided in Sections 40 and 41 of this act but not otherwise.

SEC. 14. Section 22 of said act is hereby amended to read as follows:

Sec. 22. Any applicant for an off-sale general license, shall, at the time of filing application for license, accompany such application with the minimum license fee required or such larger fee as the applicant shall elect. Off-sale general licensees shall report quarterly at such time and in such manner as the board may prescribe the amount of distilled spirits sold during the preceding quarter. If any such report shows that the total amount of distilled spirits sold during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall accompany such report with such additional license fee as may be unpaid in accordance with the schedule provided in Section 5. If any such licensee shall for any reason quit business, he shall within 15 days after the date of quitting business make a final report and payment of any

Improper
conduct

Notice

Proceedings

Investigation
of applica-
tionsStats 1937,
p 2126Off-sale gen-
eral license
Minimum feeQuarterly
reportAdditional
fee

additional license fee disclosed by his report or by an investigation by the board to be unpaid.

Stats 1937,
p 2126 SEC. 14.1. Section 22a of said act is hereby amended to read as follows:

Wine grow
er's license
Minimum fee Sec. 22a. Any applicant for a wine grower's license shall, at the time of filing application for license, accompany such application with a license fee based upon a reasonable estimate of the amount of wine gallonage to be produced by such applicant.

Annual
report Persons holding wine growers' licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine produced by them during the fiscal year.

Additional
fee If the total amount of wine produced during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in Section 5.

Stats 1937,
p 2126 SEC. 15. Section 22b of said act is hereby amended to read as follows:

Failure to
report Sec. 22b. If a licensee neglects or refuses to make a report as required by Sections 22 and 22a of this act the board shall make an estimate based upon any information in its possession, or that may come into its possession, of the amount of the retail sales of distilled spirits, or of wine produced as the case may be, of the delinquent for the period or periods with respect to which he failed to make a report, and upon the basis of said estimated amount compute and assess the additional license fees payable by the delinquent. An assessment may be made of the amount of license fees due for more than one period.

Assessment

The board shall give to the delinquent written notice of such estimated license fee.

Stats 1937,
p 2126 SEC. 16. Section 22c of said act is amended to read:

Unsatisfac-
tory report
Additional
assessment Sec. 22c. If the board is not satisfied with a report required to be filed by Sections 22 and 22a of this act it is hereby authorized and empowered to make an additional assessment of license fees due, based upon the facts contained in the report or reports, or upon any information within its possession or that shall come into its possession. An additional assessment may be made of the license fees for more than one period. In making an assessment hereunder the board may offset overpayments for a period or periods against underpayments for another period or other periods. The board shall give to the licensee written notice of such additional assessment.

Notice

Stats 1937,
p 2126 SEC. 17. Section 22d of said act is amended to read:

Petition for
reassessment Sec. 22d. Any licensee against whom an assessment is made by the board under the provisions of Sections 22b or 22c of this act may petition for reassessment within 15 days after service upon the licensee of notice of the assessment. If a petition for reassessment is not filed within said 15-day period the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within 15 days the board shall reconsider the assessment and, if the licensee has so requested in his petition, shall grant said licensee an oral hearing, and shall give the licensee 10 days' notice of the time and place of hearing. The board shall have power to continue the hearing from time to time as may be necessary.

The board may decrease or increase the amount of the assessment. The amount of the assessment may be increased, however, only if a claim for such increase is asserted by the board at or before the hearing.

The order or decision of the board upon a petition for reassessment shall become final upon service upon the licensee of notice of the order or decision. All assessments made by the board in regard to license fees shall become due and payable at the time they become final.

SEC. 17.1. Section 23 of said act is hereby amended to read as follows:

Sec. 23. An excise tax is hereby imposed upon all beer and wine sold in this State by a manufacturer, wine grower or importer, or sellers of beer or wine selling beer or wine, with respect to which no tax has been paid, within areas over which the United States Government exercises jurisdiction, except as otherwise in this act provided, at the following rates:

(a) On all beer sixty-two cents (\$0.62) for every barrel containing 31 gallons and at a proportionate rate for any other quantity; (b) on all still wines containing not more than 14 per cent of absolute alcohol by volume, one cent (\$0.01) per wine gallon and at a proportionate rate for any other quantity; (c) on all still wines containing more than 14 per cent of absolute alcohol by volume two cents (\$0.02) per wine gallon and at a proportionate rate for any other quantity; (d) on champagne, sparkling wine, excepting sparkling hard cider, whether naturally or artificially carbonated one and one-half cents (\$0.01½) on each bottle or other container for each half pint or fraction thereof contained therein; (e) on sparkling hard cider two cents (\$0.02) per wine gallon and at a proportionate rate for any other quantity.

SEC. 18. Section 23b of said act is amended to read:

Sec. 23b. It shall be presumed, for the purposes of this act, that all beer manufactured in this State by a manufacturer, or delivered to a manufacturer here, has been sold in this State by such manufacturer unless proven to the satisfaction of the board, in reports on forms prescribed by the board, that such alcoholic beverage (1) is still in the possession of such licensee or (2) has been sold and delivered to another manufacturer of such alcoholic beverage or (3) has been exported without this State or sold for export by the licensee making the report, or (4) prior to the termination of possession has been lost through unintentional destruction, or (5) was spoiled beer which was destroyed in the presence of a representative of the board or of the United States Bureau of Internal Revenue, or (6) prior to the termination of possession has been unaccountably lost, but

Hearing

Change in assessment

Order or decision

Stats 1943, p. 1269

Excise tax on beer and wine

Stats 1943, p. 1269

Presumption re beer

such unaccounted for loss shall not exceed a tolerance to be fixed by the board; or (7) is beer otherwise exempted from taxation under this act.

Exempt sales. No excise tax mentioned in Section 23 hereof shall be or is imposed by this act upon any beer exported by a licensed manufacturer from within this State to any place without the State or sold by a licensed manufacturer for export from within this State to any place without the State and actually exported from this State or upon any beer specifically mentioned in any Subdivision (1) to (7) of this section, and no excise tax mentioned in Section 23 hereof shall be or is imposed by this act upon any transaction whereby any beer is sold by the licensed manufacturer to another licensed manufacturer.

Any claim for exemption from excise tax under this section must be made to the board, in such manner as the board shall prescribe.

In the event excise taxes under this act have been paid on beer subsequently exported from the State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed credit with respect to such tax in any report filed or assessment made under this act.

Stats 1943,
p 1269

SEC. 19. Section 23c of said act is hereby amended to read as follows:

Presumptio
re wine

Sec. 23c. It shall be presumed, for the purposes of this act, that all wine removed from a winery or wine storeroom bonded under the internal revenue laws of the United States on payment of the internal revenue tax by a wine grower has been sold in this State by such wine grower unless proven to the satisfaction of the board, in reports, on forms prescribed by the board, that such wine (1) has been exported from this State or sold for export by the wine grower making the report and actually exported from this State (2) is otherwise exempt from taxation under this act. In the event excise taxes under this act have been paid on wine subsequently exported from this State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed a credit with respect to such tax in any report filed or assessment made under this act.

Exempt sales

No excise tax mentioned in Section 23 hereof shall be or is imposed by this act upon any wine sold or delivered in internal revenue bond to another wine grower in this State.

Stats 1943,
p 1269

SEC. 19.1. Section 23d of said act is hereby amended to read as follows:

Presumptio
re import of
beer and wine

Sec. 23d. It shall be presumed, for the purposes of this act, that all beer and wine imported into this State by a beer manufacturer or wine grower or importer has been sold in this State at the time such alcoholic beverage is received by such licensee unless proven to the satisfaction of the board, on forms prescribed by the board, that such beer or wine (1) is still in the possession of such wine grower in internal revenue bond within this State, or (2) has been exported from this State by the licensee making the report, or has been sold by such licensee for

export and actually exported from this State, or (3) is otherwise exempt under this act. In the event excise taxes under this act have been paid on beer or wine subsequently exported from the State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed credit with respect to such tax in any report filed or assessment made under this act.

SEC. 20. Section 24.2 of said act is hereby amended to read as follows: Stats 1941,
p 1544

Sec. 24.2. It shall be presumed that all distilled spirits acquired by any taxpayer have been sold in this State by him unless proven to the satisfaction of the board, in reports on forms prescribed by the board, that such distilled spirits are (1) still in the possession of such licensee, or (2) that such distilled spirits have been sold or delivered to another licensed distilled spirits manufacturer, rectifier, importer or wholesaler, or (3) that such distilled spirits have been exported without this State or sold for export by the licensee making the report and actually exported from this State within 30 days from the date of such sale, or (4) that prior to the termination of possession such distilled spirits have been lost through unintentional destruction, or (5) that prior to the termination of possession there has been an unaccounted for loss, but such unaccounted for loss shall not exceed a tolerance to be fixed by the board, or (6) that such distilled spirits are otherwise exempt from taxation under this act. Presumption re distilled spirits

SEC. 21. Section 24.3 of said act is hereby amended to read as follows: Stats 1941,
p 1544

Sec. 24.3. The word "sale" as used in Sections 23 and 24 shall include, in addition to the definition in Section 2 of this act, the transaction whereby alcoholic beverages are transferred, with or without consideration, by a licensee holding one type of license to himself for purposes of sale under a retailer's license held by himself or to any person for any purpose; and the transaction whereby alcoholic beverages are transferred, with or without consideration, by a customs broker to any person within this State except a licensed importer. "Sale"

SEC. 22. Section 24.4 of said act is hereby amended to read as follows: Stats 1937,
p 2126

Sec. 24.4. On- or off-sale general licensees shall keep books of accounts in which shall be kept records of all distilled spirits acquired by such licensees, or in lieu thereof shall preserve all original bills and invoices for distilled spirits acquired. Such records shall be in the form prescribed by the board and shall show at all times all purchases of distilled spirits made during the previous two years. Records

SEC. 23. Section 24.5 of said act is hereby amended to read as follows: Stats 1943,
p 1269

Sec. 24.5. Every taxpayer as defined in this act is required to file with the board in such form as the board prescribes a bond or bonds duly executed by such taxpayer as principal and a corporation such as is mentioned in Section 1056 of the Code Bond for payment of excise taxes

of Civil Procedure in this State, as surety, payable to the people of the State of California, conditioned upon the payment of all excise taxes, penalties, and other obligations of the taxpayer arising under this act.

Subject to the limitations provided in this section, the board shall fix the total amount of the bond or bonds required of any taxpayer and may increase or reduce the amount at any time. In fixing the total amount, the board shall require a bond or bonds equivalent in total amount to twice the taxpayer's estimated monthly excise tax ascertained in such manner as the board may deem proper. The total amount of the bond or bonds required of any taxpayer shall never be less than five hundred dollars (\$500).

Stats 1941,
p 1544

SEC. 24. Section 24.55 of said act is hereby amended to read as follows:

Effect of
cancellation
of bond

Sec. 24.55. The license of any taxpayer shall be automatically suspended upon cancellation of his bond, or if the bond shall become void or unenforceable for any reason, or if the taxpayer fails to pay any taxes or penalties due under the provisions of this act. Such license shall be automatically reinstated if the taxpayer files a valid bond, or pays his delinquent taxes, as the case may be.

A hearing shall be afforded any taxpayer whose license has been suspended under the provisions of this section upon his petition after five days' notice of the time and place of hearing.

Stats 1943,
p. 1269

SEC. 25. Section 26 of said act is hereby amended to read as follows:

Return and
payment of
beer and
wine tax

Sec. 26. The excise tax imposed by Section 23 hereof is a direct obligation of the taxpayer and shall be due and payable monthly on or before the fifteenth day of each calendar month. Each taxpayer on or before the fifteenth day of July, 1945, and on or before the fifteenth day of each and every month thereafter, shall make out a tax return for the preceding calendar month, in such form as shall be prescribed by the board, showing the amount of beer or wine sold in this State, the amount of tax for the period covered by the return, and such other information as the board may deem necessary. The taxpayer shall deliver the return, together with a remittance of the amount of tax due to the office of the board on or before such date.

Stats 1941,
p 1544

SEC. 26. Section 27a of said act is hereby amended to read as follows:

Return and
payment of
distilled
spirits tax

Sec. 27a. The excise tax imposed under Section 24 hereof is a direct obligation of the taxpayer as defined herein and shall be due and payable monthly and on or before the fifteenth day of the month following each calendar month.

Each taxpayer on or before the fifteenth day of August, 1941, and on or before the fifteenth day of each and every month thereafter shall make out a tax return for the preceding month in such form as may be prescribed by the board, showing the amount of distilled spirits sold in this State, the amount of

the tax for the period covered by the return and such other information as the board may deem necessary for the proper administration of the act. The taxpayer shall deliver the return together with a remittance of the amount of the tax due to the office of the board.

SEC. 27. Section 27b of said act is hereby amended to read as follows: Stats 1941, p 2466

Sec. 27b. If the excise tax is not paid to the board within the time prescribed for the payment of the tax, a penalty of 5 per cent of the amount of the excise tax shall be added thereto on account of such delinquency. Delinquency penalty

Except as provided in Section 27c, a penalty of ten dollars (\$10) shall be imposed on any taxpayer who shall fail to file a tax return within the time prescribed for the filing of the return; provided, however, that the penalty imposed for the failure to file a tax return on or before the time prescribed for the filing of the return, shall not be in addition to the 5 per cent penalty provided under this section for the late payment of tax. Failure to file return

SEC. 28. Section 28 of said act is amended to read: Stats 1937, p 2126

Sec. 28. Any person who knowingly or wilfully files a false tax return with the board, any person refusing to permit the board or any of its representatives to make any inspection or examination for which provision is made in this act or; failing to keep books of account as may be prescribed by the board or failing to preserve such book for the inspection of the board for such time as the board may deem necessary, and any person altering, canceling or obliterating entries in such books of account for the purpose of falsifying the records of sales of alcoholic beverages made under this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment. Filing false return, refusal to permit inspection, etc

Any person who shall erase, remove, obliterate, destroy or render illegible in any manner, any serial numbers, stamps, marks, brands, legends or other information required by Federal or State law to be attached or placed upon any packages or original cases containing alcoholic beverages, before the contents of such packages or cases have been entirely removed shall be guilty of a misdemeanor. Destruction of stamps, etc

SEC. 29. Section 33e of said act is repealed. Repeal

SEC. 30. Section 34 of said act is amended to read: Stats 1941, p 1544

Sec. 34. (a) It shall be unlawful for any person to deliver to the premises of any on- or off-sale general licensee or for any on- or off-sale general licensee to have upon his licensed premises or for any person to possess any distilled spirits unless the container of such distilled spirits bears a label plainly indicating the quantity and proof strength of the contents of such containers and the name of the manufacturer, rectifier, importer or wholesaler thereof. To the extent that such information is Certain acts unlawful

blown into the glass of any such container, it shall constitute a compliance with this paragraph.

(b) It shall be unlawful for any rectifier or wholesaler of distilled spirits to deliver to the premises of any on- or off-sale general licensee or for any on- or off-sale general licensee to sell or have in his possession at the licensed premises distilled spirits in packages containing more than one gallon and, after December 31, 1937, in packages containing less than one-half pint; except that the provisions of this paragraph shall not apply to packages of distilled spirits in containers less than one-half pint which are sold and delivered to railroad, sleeping car or steamship companies for use and consumption on trains or boats.

(c) It shall be unlawful for any unlicensed person or any on- or off-sale general licensee to have in his possession any distilled spirits in packages or containers larger than one gallon, unless such distilled spirits have been sold and delivered to such person or licensee by the holder of an industrial alcohol dealer's, distilled spirits manufacturer's, brandy manufacturer's or rectifier's license for use in the trades, professions, or industries.

(d) It shall be unlawful for any industrial alcohol dealer, distilled spirits manufacturer, brandy manufacturer or rectifier to deliver undenatured ethyl alcohol or other distilled spirits in packages of more than one gallon for use in the trades, professions or industries, unless the packages bear a label plainly stating the true and correct name and address of such industrial alcohol dealer, distilled spirits manufacturer, brandy manufacturer or rectifier.

Any person violating any of the foregoing provisions of this section shall be guilty of a misdemeanor.

Seizure

The board may seize any distilled spirits sold, served, removed, possessed, delivered, or held in any manner whatsoever in violation of this section.

Stats 1931,
p. 1544

Determina-
tion in
absence of
return

SEC. 31. Section 34b of said act is amended to read:

Sec. 34b. If any taxpayer fails to make a return required to be made by this act, the board shall make an estimate, based upon any information available to it, for the month or months with respect to which the taxpayer failed to make a return of all distilled spirits sold in this State by him and upon the basis of the estimate, compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 5 per cent thereof. A determination may be made hereunder of the amount of excise tax due for more than one month. The amount of excise tax so determined shall bear interest at the rate of one-half of 1 per cent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of such excise tax, or any portion thereof, should have been returned until the date of payment. In making a determination hereunder the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on such underpayments. If any part of the deficiency for which a determination is made is due to negli-

Interest

gence or intentional disregard of the act or authorized rules and regulations, an additional penalty of 10 per cent of such amount shall be added thereto. If the neglect or refusal of a taxpayer to file a return as required by this act was due to fraud or an intent to evade the excise tax, there shall be added to the excise tax a penalty equal to 25 per cent thereof in addition to the 5 per cent penalty as above provided. Thereupon the board shall give to such taxpayer written notice of such estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by the provisions of Section 34a hereof.

SEC. 32. Sections 35, 35a, 35b, 35c and 36 of said act are hereby repealed. Repeals

SEC. 32a. Section 36a of said act is amended to read: Stats 1937,
p 2126

SEC. 36a. (1) Every person who refills or causes to be refilled with distilled spirits any distilled spirits package to which has been affixed a stamp evidencing the payment of United States internal revenue taxes levied on such distilled spirits is guilty of a misdemeanor. Refilling
stamped
packages

(2) Every person who sells, offers for sale, or keeps for sale distilled spirits in any package which has been refilled or partly refilled is guilty of a misdemeanor. Sale of
refilled
packages

(3) Every person who, in response to an inquiry or request for any brand, type, or character of alcoholic beverages, sells or offers for sale under an on-sale license a different brand, type, or character, without first informing the purchaser of such difference, is guilty of a misdemeanor. Fraudulent
sale

SEC. 32b. Section 36b of said act is amended to read: Stats 1937,
p 2126

SEC. 36b. (1) Any on-sale general licensee or any person employed by such licensee who empties a bottle containing distilled spirits shall immediately after emptying the bottle destroy the bottle; Emptied
bottles
Destruction

(2) Every on-sale general licensee shall provide at all service counters where distilled spirits are poured from bottles the necessary facilities for the destruction of bottles so that persons emptying distilled spirits bottles may immediately destroy the same as herein provided;

(3) Any alcoholic beverage licensee, except a manufacturer or rectifier of distilled spirits, who shall be found in possession of an emptied distilled spirits bottle which has not been destroyed, shall be guilty of a misdemeanor and, in addition to any other punishment provided by law, shall be fined five dollars (\$5) for each such emptied distilled spirits bottle found on his premises. Possession
prohibited

SEC. 32c. Section 36c of said act is hereby repealed. Repeal

SEC. 33. Section 37 of said act is amended to read: Stats 1937,
p 2126

SEC. 37. All moneys collected as license fees and under the excise tax provisions of this act shall be deposited in the State treasury to the credit of the Alcohol Beverage Control Fund, which fund is hereby created. Moneys in said fund are hereby appropriated as follows: Disposition
of moneys
Appropriation

(a) Fifty per cent of all moneys collected from fees, to be paid semiannually to the counties, cities and counties, and cities

of this State in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount so collected throughout the State, and the State Controller shall during the months of April and October of the year, draw his warrants upon said fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled hereunder;

(b) Such amount as is necessary for the allowance of the refunds provided for in this act;

(c) From the remainder of said moneys such amounts as may be made available pursuant to Section 661 of the Political Code for expenditure by the board in carrying out the provisions of this act;

(d) Any remaining balance to be transferred to the General Fund on the order of the Controller.

Stats 1937,
p 2126
Rules and
regulations,
etc.

SEC. 33.1. Section 38 is amended to read:

Sec. 38. The board shall make and prescribe such reasonable rules and regulations as may be necessary or proper to carry out the purposes and intent of Section 22 of Article XX of the Constitution and to enable it to exercise the powers and perform the duties conferred upon it by said section or by the provisions of this act, not inconsistent with any of the provisions of this act and the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code). For the performance of its duties the board shall have the power conferred by Section 353 of the Political Code.

New section

SEC. 33a. Section 38f is hereby added to the act, to read as follows:

Distilled
spirits
Number of
licensed
premises

Sec. 38f. It is hereby determined that the public welfare and morals require that there be a limitation on the number of premises licensed for the sale of distilled spirits.

On-sale
licenses

The number of premises for which an on-sale general license is issued shall be limited to one of such premises for each 1,000, or fraction thereof, inhabitants of the county in which the premises are situated, provided that no additional on-sale general licenses, other than a renewal or transfer or as permitted hereinafter in this section, shall be issued in any county where the number of all premises for which on-sale licenses, other than on-sale beer licenses, are issued shall be more than one of such premises for each 1,000, or fraction thereof, inhabitants of such county, and provided further that no on-sale general license shall be issued in lieu of or upon the cancellation or surrender of an on-sale beer and wine license. The number of premises for which an off-sale general license is issued shall be limited to one of such premises for each 1,000, or fraction thereof, inhabitants of the county in which the premises are situated, provided that no additional off-sale general license, other than a renewal or transfer or as permitted hereinafter in this section, shall be issued in any county where the number of premises for which all off-sale licenses are issued

Off-sale
licenses

shall be more than one of such premises for each 1,000, or fraction thereof, inhabitants of such county. Population, for the purpose of this paragraph, shall be determined by the most recent United States decennial or special census.

Nothing in this section shall authorize the cancellation of any license or licenses heretofore issued or of any license or licenses issued in renewal or substitution of any such license or licenses, and which may be outstanding in any county in excess of the number of such licenses authorized by the ratio of such licenses to population as established in this section nor shall anything in this section be deemed to require the issuance of any license in any county because the number of such licenses does not now equal the ratio of such licenses to population as established by this section.

Existing licenses. Construction

The board shall have power to make all rules and regulations consistent with the provisions of Section 22 of Article XX of the Constitution of this State, or this act, necessary to carry into effect the provisions of this section, and to restrict the issuance of alcoholic beverage licenses, including seasonal licenses, but not including beer, off-sale beer and wine, beer and wine wholesaler's, and wine grower's licenses, to such number in any county as the board shall determine shall be in the interest of public welfare and morals, convenience or necessity.

Rules and regulations

Whenever it shall be made to appear to the board by satisfactory evidence that the population in any county shall have increased by more than 1,000 or multiples of 1,000 inhabitants since the most recent United States decennial or special census, and it shall appear to the board that by reason thereof, the inhabitants of such county are unjustly and unfairly discriminated against, and provided that the total number of licenses in such county do not then exceed the maximum specified in the second paragraph of this section, the board shall have power to issue not to exceed one on-sale general license and one off-sale general license for each increase of 1,000 inhabitants in such county since the taking of such census. In all other respects the limitation hereinbefore provided for shall continue in effect.

Additional licenses

Number

Any person applying for an off-sale general license or on-sale general license on the ground of increased population as hereinbefore provided, shall set forth in his application for such license and shall affirmatively show (1) that he is a qualified applicant and that his premises qualify under the law and rules and regulations of the board, (2) that the issuance of the license applied for would serve the public convenience or necessity, (3) that the issuance of the license applied for would not be contrary to public welfare and morals, (4) that inequality in the ratio of licenses exists between the community in which the applicant's premises are located and other communities in the State, (5) that the population in the county for which such license is applied has increased to the extent and under the conditions mentioned in the preceding paragraph of this section.

Application

When any such application is filed with the board, it shall be referred to the State Liquor Administrator who shall cause a

Investigation

full investigation to be made of all matters stated in and relating to such application and report his findings to the board with his recommendations.

Protest

If a protest against the issuance of any license is filed with the board, the hearing thereon shall be had and conducted as provided in this act.

New section

SEC. 33b. Section 38g is hereby added to the act, to read as follows:

Beer Rules
and regu-
lations

Sec. 38g. The board may adopt such rules and regulations as will foster and encourage the orderly wholesale marketing and wholesale distribution of beer; provided, that no such action shall be taken by the board except after public hearing and ten (10) days notice to all licensed manufacturers of beer in California of the time and place of such hearing and of the character of the action intended to be taken by the board.

Stats 1937,
p 1123

See also

Stats 1945,
Ch 1495

Denial of
license

SEC. 34. Section 39 of said act is hereby amended to read as follows:

Sec. 39. A written report of a member of this board or of an employee of the board engaged in the enforcement of this act disclosing that an applicant for a license or the premises for which a license is applied are not qualified for a license under this act shall constitute grounds for the denial of an application for a license.

Petition and
hearing

Immediately upon the denial of any application for a license the board shall notify the applicant thereof in writing. Within 10 days after mailing the notice the applicant may present his written petition for a license to the board.

Upon receipt by the board of a petition for a license in proper form it shall be referred to a representative of the board for hearing.

Protests
against
issuance
of license

Protests may be made to the board at any time prior to the issuance of a license.

Protests must be in writing and filed in the main office of the board at Sacramento, and must state one or more grounds which would authorize the board, to deny or refuse the issuance of the license. The original copy of the protest must be verified unless made by public officers acting in their official capacity.

Upon receipt by the board of a protest in proper form it shall be referred to a representative of the board for hearing.

If a license has been issued to the applicant before receipt of the protest by the board, the protest shall be considered as a complaint against the licensee if such protest states facts constituting grounds for a revocation or suspension.

Stats 1937,
p 2126

See also

Stats 1945,
Ch. 1495

Review by
court

SEC. 35. Section 46 of said act is hereby amended to read as follows:

Sec. 46. Subject to the provisions of Section 22, Article XX, of the Constitution, any ruling, order or decision of the board shall be subject to review as provided by law, in any court of competent jurisdiction in the county in which the person affected resides, provided, that any action brought for such purpose shall be commenced within 10 days after the last day upon which reconsideration can be ordered.

SEC. 35.5. Section 47 of said act is repealed.

Repeal

SEC. 36. Section 47.5 is hereby added to said act, to read as follows:

New section

Sec. 47.5. Where tax reports or payment of excise taxes or license fees are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the board or other proper official or, if sent by mail, on the date shown by the United States postmark on the envelope containing such report or payment.

Presumptions re filing of payment

SEC. 36.2. Section 48 of said act is amended to read:

Stats 1937, p 2126

Sec. 48. Notice of any act of the board required by this act to be given may be signed and given by the board, its secretary or an authorized employee of the board and may be made personally or by mail; if by mail service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure. In case of service by mail of any notice required to be given by the board by this act, the service is complete at the time of deposit in the United States Post Office.

Service of notices

SEC. 36.5. Section 49 of said act is amended to read:

Stats 1941, p 1763

Sec. 49. Alcoholic beverages shall be brought into this State from without this State for delivery or use within the State only by common carriers and only when such alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of such licensed importer or to a licensed importer or customs broker at the premises of a public warehouse licensed under this act; provided, however, that a shipment shall be deemed to be consigned to a licensed importer, although originally consigned to a person not so licensed, when such shipment is, before delivery and without leaving the possession of the common carrier transporting the same, reconsigned or diverted in transit by either the consignor or the consignee or consignees to a licensed importer to whom final delivery by the common carrier is made. It is further provided that a railroad, sleeping car, dining car, boat or steamship company carrying interstate or foreign passengers on trains or boats shall not be deemed to be importers or subject to an importer's license for bringing into this State from without this State, alcoholic beverages for the purpose of sale within this State, on the trains, cars or boats on which the same are brought into this State, exclusively to passengers or employees, and carrying the same or any unsold portion thereof out of this State in due course of operation. Alcoholic beverages which are consigned to a destination within this State shall be presumed to be for delivery or use within this State. It is further provided that any common carrier, except railroad and steamship companies, before engaging in the business of transporting shipments of alcoholic beverages into this State, shall register with the board and make application to the board for an interstate alcoholic beverage transporter's permit, which, upon issuance, shall be valid until revoked by the board. Alcoholic beverages imported into this State contrary to the provisions hereof shall be seized by the board. Every person

Imported alcoholic beverages

violating the provisions of this section shall be guilty of a misdemeanor.

Stats 1941,
p 1544

SEC. 37. Section 49.2 of said act is hereby amended to read as follows:

Restrictions
on delivery
by carrier

Sec. 49.2. Common carriers transporting alcoholic beverages into this State from without the State for delivery or use within this State or common carriers making delivery of alcoholic beverages so transported must obtain from the licensed importer or customs broker a receipt on a form prescribed by the board for the alcoholic beverages so transported and delivered and, if the consignee refuses to give such receipt and show his license to the carrier, the carrier shall be relieved of all responsibility for delivery of said alcoholic beverages. Subject to the provisions of Section 49 of this act, where the consignee is not a licensed importer or customs broker or where the consignee refuses to give his receipt and show his license the carrier shall immediately notify the board at Sacramento giving full details as to the character of shipment, point of origin, destination and address of the consignor and consignee and within 10 days such alcoholic beverages shall be delivered to the board and shall be forfeited to the State of California. If any alcoholic beverages seized under the preceding section or forfeited under this section are sold by or under the direction of the board the common carrier's unpaid freight and storage charges accruing on the shipments of such alcoholic beverages shall be satisfied out of the proceeds of any sale made by the State after deducting the cost of such sale and any excise taxes accruing thereon. Every person violating the provisions of this section shall be guilty of a misdemeanor.

Stats 1941,
p 1544

SEC. 37.1. Section 51 of said act is hereby amended to read as follows:

Power of
seizure

Sec. 51. The board shall also have the power to seize the following alcoholic beverages:

1. Alcoholic beverages manufactured or produced in this State by any person other than a licensed manufacturer or wine grower, regardless of where found;
2. Beer and wine upon the sale of which the excise tax imposed by this act has not been paid, regardless of where found;
3. Distilled spirits except (a) distilled spirits located upon premises for which licenses authorizing the sale of such distilled spirits have been issued; (b) distilled spirits consigned to and in the course of transportation to a licensee holding licenses authorizing the sale of such distilled spirits or for delivery without this State; (c) distilled spirits upon the sale of which the excise tax imposed by this act has been paid; (d) alcohol or distilled spirits in the possession of a person who has lawfully purchased the same for use in the trades, professions or industries and not for beverage use;
4. Any alcoholic beverage possessed, kept, stored or owned with the intent to sell the same without a license in violation of the provisions of this act.

Any person who shall possess alcoholic beverages which are subject to seizure under this section shall be guilty of a misdemeanor.

SEC. 38. Section 51c of said act is amended to read:

Stats 1941,
p 2998

Sec. 51c. (a) Alcoholic beverages manufactured or produced in this State by any person other than a licensed manufacturer or wine grower, when seized for forfeiture under this act, may be disposed of by the board, its officers or employees, by summary destruction.

Summary
destruction

(b) Any alcoholic beverages or other property seized for forfeiture under this act, except automobiles or other vehicles seized under Sections 51a or 51g of this act, may be disposed of by the board, its officers or employees by destruction or otherwise as provided in this act, upon order of the board made not less than 15 days after the date of seizure. Any person whose alcoholic beverages or other property, except automobiles or other vehicles seized under Sections 51a or 51g of this act, have been seized for forfeiture under this act, may, within 10 days after such seizure, petition the board to return such alcoholic beverages or other property, upon the grounds that such alcoholic beverages or other property were illegally or erroneously seized. Any petition filed hereunder shall be considered by the board within 60 days after filing, and an oral hearing granted the petitioner if requested. Notice of the decision of the board shall be served upon the petitioner. The board may order the alcoholic beverages or other property seized under this act disposed of, or returned to the petitioner if illegally or erroneously seized.

Return of
seized
property

(c) Any beverage or other property seized by the board may be turned over to any State department or institution. The person in charge of any State department or institution may file with the board a request that beverages or other property of a kind specified in the request be turned over to the department or institution. No beverage or property for which a request has been made by a State department or institution shall be destroyed until all requests of State departments and institutions for the type or kind of beverage or property have been complied with.

Turning
property over
to State
departments

SEC. 39. Section 51g of said act is amended to read:

Stats 1941,
p 2998

Sec. 51g. It shall be unlawful for any person to use any automobile or other vehicle to conceal, convey, carry, or transport any alcoholic beverages which are subject to seizure under the provisions of this act or any stills or parts thereof subject to seizure under Section 51a of this act or any materials or supplies capable of and intended for use in the manufacture or production of alcoholic beverages with the design to evade the excise taxes or license fees imposed by this act; except that the provisions of this section shall not apply to any person who uses an automobile or other vehicle to transport distilled spirits for lawful use in the trades, professions or industries. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than

Unlawful use
of vehicles

five hundred dollars (\$500) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Forfeiture

Any automobile or other vehicle used contrary to the provisions of this section or Section 51a shall be forfeited to the State of California.

Stats 1931,
p 2838

SEC. 39.1. Section 53.9 of said act is hereby amended to read as follows:

California
central coast
counties.
Wine records

Sec. 53.9. Every wine grower or bottler of wine of any kind within the 13 counties specified in Section 53.75 of this act shall keep a record of all wine not produced by him and obtained and used by him for any purpose. Such record shall show the date said wine is obtained, the amount thereof, the source from which obtained, the kind or type of wine, and, in detail, the purpose or purposes for which it is used. Each wine grower or bottler of wine shall keep a complete record showing the total amount of wine produced by him, or bottled by him, made entirely from grapes grown within the 13 counties mentioned in Section 53.75 of this act.

All records required to be kept by this section shall be open for inspection by the board or the State Department of Public Health.

Stats 1941,
p 2702

SEC. 40. Section 54 of said act is amended to read:

Certain acts
prohibited

Sec. 54. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer or wholesaler or any officer, director or agent of any such person shall

(a) Hold the ownership, directly or indirectly, of any interest in any on-sale license;

(b) Furnish, give or lend any money or other thing of value, directly or indirectly, to, nor guarantee the repayment of any loan or the fulfillment of any financial obligation of any person engaged in operating, owning or maintaining any on-sale premises where alcoholic beverages are sold for consumption on such premises;

(c) Furnish, give, rent, lend or sell, directly or indirectly, any equipment, fixtures or supplies, other than alcoholic beverage directly or indirectly to any person engaged in operating, owning or maintaining any on-sale premises where alcoholic beverages are sold for consumption on such premises; provided, that this subdivision shall apply only to manufacturers, bottlers, importers or wholesalers of products of the brewing industry;

(d) Furnish, give, lend or rent directly or indirectly to any person any decorations, paintings or signs other than signs for interior use of not to exceed in area 630 square inches for use in or about or in connection with any premises where alcoholic beverages are sold for consumption on such premises, or pay money or any thing of value for the privilege of placing or painting a sign or advertisement, or window display on or in any premises selling alcoholic beverages at retail;

(e) Own any interest, directly or indirectly, in the business, furniture, fixtures, signs, except signs for interior use mentioned in subdivision (d) herein, refrigeration equipment or

lease in or of any premises operated or maintained under any on-sale license for the sale of alcoholic beverages for consumption on the premises where sold; or own any interest directly or indirectly in realty hereafter acquired upon which such on-sale premises are maintained unless the holding of such interest is permitted in accordance with regulations of the board;

(f) Except as permitted under Section 6 of this act or authorized by the provisions of this section hold the ownership, directly or indirectly, of any off-sale general license for any premises, nor own or control any interest directly or indirectly by stock ownership, inter-locking directors, trusteeship or mortgage of the premises or fixtures covered by an off-sale general license; except that any stockholder, member, officer or director of a corporation or association, which corporation or association held a wholesaler's distilled spirits license which was in force on May 1, 1937, or any renewal thereof under this act, may hold or own off-sale general licenses, or interest therein, for premises other than the premises for which such wholesaler's distilled spirits license was issued. For the purpose of this subdivision the issuance of a new wholesaler's license upon the expiration of an existing wholesaler's license shall be deemed a renewal thereof.

The provisions of this subdivision shall not apply to any off-sale general license held or to be held by any wholesaler when such off-sale general license is necessary to enable said wholesaler to operate or continue to operate any concession or leased retail stand in any hotel, which concession or stand is required to be operated by such wholesaler pursuant to any lease or contract entered into prior to July 1, 1937, and such retail off-sale general licenses may be issued to any such wholesaler for such premises and purposes.

Provided further, that nothing in this subdivision shall prohibit any holder of a distilled spirits manufacturer's, manufacturer's agent's, rectifier's or wholesaler's license or any officer, employee or representative of such manufacturer, manufacturer's agent, rectifier or wholesaler from acting as a trustee for any off-sale general licensee in any bankruptcy or other proceedings for the benefit of the creditors of such off-sale general licensee.

(g) Directly or indirectly, deliver the possession of any alcoholic beverages to any on- or off-sale licensee under an agreement of consignment whereby title to such alcoholic beverages is retained by the seller or whereby such licensee receiving such alcoholic beverages has the right at any time prior to sale to relinquish possession to or return them to the original seller.

(h) Directly or indirectly, give any licensee or any person any alcoholic beverages as free goods as a part of any sale or transaction involving alcoholic beverages.

(i) Give secret rebates or make any secret concessions to any licensee or the employees or agents of said licensee and no licensee shall request or knowingly accept from another licensee secret rebates or secret concessions; or give or furnish, directly

or indirectly, to any employee of any holder of a retail on-sale or off-sale license only anything of value for the purpose or with the intent to solicit, acquire or obtain the help or assistance of any such employee to encourage or promote either the purchase or the sale of the alcoholic beverage sold or manufactured by the licensee giving or furnishing any such thing of value, and any such employee who shall accept or acquire any such thing of value contrary to the provisions of this subdivision shall be guilty of a misdemeanor.

(j) Wilfully or knowingly discriminate, in the same trading area, either directly or indirectly in the price of any brand of distilled spirits sold to different retail licensees purchasing under like terms and conditions.

(k) Pay, credit, or compensate a retailer or retailers for advertising, display or distribution service in connection with the advertising and sale of distilled spirits.

(l) Directly or indirectly, hold the ownership or any interest by stock ownership or otherwise, in any firm, corporation, partnership or business, furnishing, supplying or dealing in any office, store or restaurant furnishings or equipment, other than signs for interior use or supplies authorized to be given under this act to any person engaged in operating, owning or maintaining any on-sale premises; provided, that this subdivision shall apply only to manufacturers, bottlers, importers and wholesalers of products of the brewing industry.

Penalty

Any person violating any provision of this section shall be guilty of a misdemeanor and any holder of any retail on-sale or retail off-sale license who shall solicit the violation of the provisions of this section or accept or permit to be accepted on his behalf and with his consent any of the prohibited matters, articles or acts herein designated shall be guilty of a misdemeanor; provided, however, that the provisions of this section shall not apply to any equipment, fixtures or supplies furnished, given, lent or sold prior to the passage of this act so long as such equipment, fixtures or supplies remain in the premises in which installed prior to such time, nor shall the provisions of this act apply to carbonic acid gas or tapping accessories furnished to any one on-sale licensee to a limit of not exceeding a value of five dollars (\$5) per tap in any one calendar year.

Repeals

Stats 1937,
p. 2126

SEC. 41. Sections 54.1 and 54.3 of said act are repealed.

SEC. 41.1. Section 54.5 of said act is hereby amended to read as follows:

Ownership
of interest in
manufac-
turer's, etc.,
license

SEC. 54.5. No on-sale licensee or any officer, director, employee or agent of such licensee shall hold any ownership or interest, directly or indirectly, in any manufacturer's, wine grower's, rectifier's, importer's, or wholesaler's license issued under this act or the business conducted under such license or the property used in such business.

Stats 1935,
p. 1123

Employment
of hostesses,
etc.

SEC. 42. Section 57 of said act is amended to read:

SEC. 57. It shall be unlawful for any person to employ, upon any licensed on-sale premises any hostess or entertainer for the purpose of procuring or encouraging the purchase or

sale of alcoholic beverages, or to pay any such hostess or entertainer a percentage or commission on the sale of the alcoholic beverages for procuring or encouraging the purchase or sale of alcoholic beverages on such premises.

Every person who violates the provisions of this section shall be guilty of a misdemeanor.

SEC. 43.1. Section 60 of said act is hereby amended to read as follows: Stats 1937,
p 2126

Sec. 60. Except as otherwise provided in this section, no person licensed as a manufacturer, wine grower, distilled spirits manufacturer's agent, rectifier or wholesaler of any alcoholic beverage shall deliver or cause to be delivered any alcoholic beverage to or for any person holding an on-sale or off-sale license except between the hours of 6 a.m. and 8 p.m. of any day other than Sunday. No delivery of any distilled spirits shall be made nor caused to be made by any licensee in any precinct where an election is in progress during the hours when by law the polls are required by law to be kept open for voting. Beer and wine may be delivered at the platform of the manufacturing, producing or distributing plant at any time. Nothing herein contained shall be construed to prohibit the transportation or the carriage and delivery in transit at any time of beer or wine between the premises of a manufacturer, wine grower, wholesaler, distiller, importer or any of them. Every person violating the provisions of this section shall be guilty of a misdemeanor. Delivery
times

SEC. 43.2. Section 67.1 of said act is hereby amended to read as follows: Stats 1941,
p 1850

Sec. 67.1. No tax under this act shall be imposed upon the sale of alcohol, distilled spirits, or wine by distilled spirits manufacturers, brandy manufacturers, rectifiers, industrial alcohol dealers, or wine growers for use in the trades, professions, or industries, but not for beverage use. Complete information concerning sales of distilled spirits or wine for use in the trades, professions or industries by persons holding industrial alcohol dealers' licenses, distilled spirits manufacturers' licenses, brandy manufacturer's licenses, rectifiers and wine growers' licenses shall be reported to the board each month by such licensees on forms prescribed by the board. Sale of
alcohol, etc.,
for industrial
use

Reports

Any person who shall divert or who shall conspire with others to divert for beverage use any alcohol or other distilled spirits or wine sold tax free for use in the trades, professions or industries shall be guilty of a felony. Diversion for
beverage
purposes

SEC. 43.3. Section 67.5 of said act is hereby amended to read as follows: Stats 1943,
p 1911

Sec. 67.5. No tax under this act shall be imposed upon the sale of alcoholic beverages by a licensee in this State to a common carrier or to a person licensed to sell alcoholic beverages on boats or trains operated by a common carrier when such alcoholic beverages are to be used without this State; nor in such case need such common carrier procure a license under this act for purposes of purchasing such alcoholic beverages from a Sales to
common
carriers

licensed manufacturer, wine grower, rectifier, importer or wholesaler.

Whenever distilled spirits are sold by manufacturers, rectifiers, importers or wholesalers to common carriers engaged in interstate or foreign passenger service for use or sale by such carriers partly within the State and partly without the State on board boats or trains, or to persons licensed to sell distilled spirits on board such boats or trains, the tax imposed by Section 24 of this act shall not be levied on the sales made by manufacturers, rectifiers, importers or wholesalers.

Excise tax. An excise tax is hereby levied on sales of distilled spirits made by common carriers on board boats and trains, or by persons licensed to sell distilled spirits on board such boats and trains, in California at the same rates as set forth in Section 24. On or before the first day of each month such common carriers and such other licensed persons shall forward to the board a verified report of the sales of distilled spirits made by such common carriers, or by such other licensed persons, on board boats and trains in California in the calendar month preceding the previous calendar month, in such detail and form as the board may prescribe, together with a payment sufficient to pay the distilled spirits excise tax at the rate set forth in Section 24 on such sales made in said month.

Examinations The board shall from time to time make examinations to determine the accuracy of the reports of sales submitted by common carriers, and by persons licensed to sell distilled spirits on board boats and trains operated by common carriers. The board shall have the power and is hereby authorized to make such rules and regulations for the enforcement of the provisions of this section as it shall deem necessary to adequately insure the collection of the excise tax.

Constitutionality SEC. 44. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portion of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Tax levy SEC. 45. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately; provided, however, that the provisions of the Alcoholic Beverage Control Act as they existed on January 1, 1945, are hereby continued in force until July 1, 1945, and that the provisions hereof shall become operative on July 1, 1945; provided further, that the provisions of this act, insofar as the term "on-sale general license" is concerned, shall become operative on January 1, 1946, and that until said date wherever the term "on-sale general license" is used in this act, it shall be deemed to mean "on-sale distilled spirits license."

CHAPTER 1402

An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation therefor.

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Park Commission is hereby authorized and directed to enter into negotiations for the acquisition of, and to acquire all or portions of Montgomery Woods in Mendocino County as a part of the State Park System.

Acquisition
of Montgom-
ery Woods

SEC. 2. No portion of the money appropriated by this act shall be expended until an amount equal to one-half of the cost of any acquisition to be made hereunder has been deposited in the State treasury from sources other than State funds to be used in making such acquisition.

Matching
funds

SEC. 3. There is hereby appropriated out of any money in the State Park Fund the sum of thirty-two thousand five hundred dollars (\$32,500) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of this act.

Appropri-
ation

CHAPTER 1403

An act to add Article 7, consisting of Sections 13660 to 13667 to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code, to repeal Section 22041, of the Education Code, and to amend Section 9791 of the Government Code, relating to the distribution of State publications.

[Approved by Governor July 17, 1945. Filed with Secretary of State
July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Article 7 is added to Chapter 6 of Part 3, Division 3, Title 2 of the Government Code, to read:

Article 7. Distribution of State Publications

13660. It is the policy of the State of California to make freely available to its inhabitants all State publications by distribution to libraries throughout the State, subject to the assumption by such libraries of the responsibilities of keeping such documents readily accessible for use, and of rendering assistance in their use to qualified patrons without charge.

State policy
re State
publications

13661. To the end that the policy specified in Section 13660 may be effectively carried out, the Department of Finance shall provide for and the State Printer shall print one

Copies to be
printed

Library stock room hundred seventy-five (175) copies of every State publication for deposit in a "library stock room" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, journals, and histories, only fifty (50) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print fifty (50) copies for such distribution. An additional twenty-five (25) copies of each State publication shall be printed and delivered to the Keeper of the Archives by the State Printer or the department, commission, or other agency concerned.

"State publication" or "publication"

13662. "State publication" or "publication" as herein employed is defined to include any document, compilation, journal, law, resolution, blue-book, statute, code, register, pamphlet, list, book, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine issued by the State, the Legislature, constitutional officers, or any department, commission or other agency thereof in print, and "print" is defined to include all forms of duplicating other than by the use of carbon paper. The publications of the University of California, however, and intra-office or inter-office publications and forms shall not be included.

Distribution to State Library and University of California

13663. As soon as practicable after deposit of the copies in the library stock room, the State Printer shall forward of each publication other than the legislative bills, journals and histories, fifty (50) copies to the State Library at Sacramento and twenty-five (25) copies each to the University of California libraries at Berkeley and Los Angeles. Such copies in excess of the number required for the institution itself, may be used for exchanges with other institutions or with agencies of other States and countries.

Distribution of remaining copies

13664. The copies remaining in the library stock room, including the legislative bills, journals and histories, shall be distributed as soon as practicable by the State Printer first one copy each to the libraries which are on his mailing list as "Complete depositories," second one copy each to the libraries which are on his mailing list as "Selective depositories," and third the balance to any libraries which may write for a copy or copies. Publications not printed by the State Printer shall be distributed by the issuing department, commission or other agency as soon as practicable after printing, first to all "Complete depositories," and second to "Selective depositories," designated by the Department of Finance.

Libraries "Complete depository" or "Selective depository"

13665. To be placed on the mailing list as a "Complete depository" or as a "Selective depository," a library must contract with the Department of Finance to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service without charge to qualified patrons in the use of the publications. A library designated as a "Complete depository" shall be sent one copy of every State publication, while a library designated as a "Selective depository"

shall be sent one copy of each publication of the type or issuing agency it selects.

13666. Any municipal or county free library, any State college or State university library, the library of any incorporated college or university in this State, and the State Library, may contract as above provided. Applications are to be considered in the order of their receipt by the Department of Finance. Same: Municipal, county, etc

13667. To facilitate the distribution of State publications, the State Printer shall issue in April, July, October, and January of each year a complete list of State publications issued during the three months immediately preceding. In November of each year he shall issue a complete list of all State publications available for distribution, whether for sale or without charge, and whether available at his office or elsewhere. All State departments, commissions and other agencies must supply information on request to the State Printer for the preparation of the quarterly and annual lists. The lists may be compiled by, or with the cooperation of, the State Library. List of publications

SEC. 2. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of forty-six thousand eight hundred thirty dollars, (\$46,830), or as much thereof as may be necessary, to be expended by the Department of Finance for the purposes set forth in Sections 13660 to 13667 of the Government Code. Appropriation

SEC. 3. Section 22041 of the Education Code is hereby repealed. Repeal

SEC. 4. Section 9791 of the Government Code is hereby amended to read:

9791. The laws, resolutions and journals of the Legislature shall be distributed by the Department of Finance as follows: Distribution of laws, etc

(a) To the Library of Congress, three copies.

(b) To the Lieutenant Governor, each member of the Legislature, the Secretary of the Senate and the Clerk of the Assembly, one copy each.

(c) To each county law library, one copy.

(d) To the Attorney General, six copies, and as many additional copies as may be requested, not exceeding the number necessary to supply each Assistant Attorney General, and each Deputy Attorney General with one copy of each.

(e) To the Legislative Counsel Bureau, as many copies as may be requested, not exceeding the number necessary to supply one copy of each for use of the Legislative Counsel, each Assistant Legislative Counsel, and each Deputy Legislative Counsel.

CHAPTER 1404

An act making an appropriation for the acquisition of real property, and authorizing the exchange of real property for Chico State College.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State
July 17, 1945]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of twenty-six thousand dollars (\$26,000) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Director of Finance, with the approval of the Director of Education, for the acquisition, and the payment of the cost of appraisal and other costs incidental to such acquisition, for the Chico State College of that certain real property situate in the County of Butte, State of California, and more particularly described as follows:

Property to be acquired for Chico State College

Beginning at the northwesterly corner of Block Seven (7) where the southerly line of Mansion Avenue intersects the easterly line of Citrus Avenue as delineated on the official map Mansion Park addition to the City of Chico as the same appears on record in the office of the Recorder of Butte County, California, and running thence easterly along the southerly line of Mansion Avenue 215 feet to the westerly line of the alley. Thence running southeasterly along the westerly line of the alley 112.2 feet, thence running southwesterly along a projected line of alley 21.4 feet. Thence running southeasterly parallel to Citrus Avenue 98.5 feet to the northerly line of So-Wil-Len-No Avenue. Thence running along the northerly line of So-Wil-Len-No Avenue westerly 205.62 feet to the easterly line of Citrus Avenue, thence northerly along the easterly line of Citrus Avenue 141.6 feet to the point of beginning this description and containing Lots 7, 8, 9, 10 and 11.

Exchange of lands

SEC. 2. The Director of Finance is authorized, with the approval of the Director of Education, to exchange with the city or Town of Mt. Shasta, for other land of equal value suitable for the purpose, that certain parcel of land, including improvements thereon, belonging to the State of California and now the site of the summer school of the Chico State College, located in the County of Siskiyou, State of California, and more particularly described as follows:

Beginning at the one-quarter section corner common to Sections Eight (8) and Nine (9) in Township Forty (40) North, Range Four (4) West, Mount Diablo Meridian; thence south on section line 123.65 feet to a point; thence west 755.5 feet to a point; thence north 848.4 feet; more or less, to a point on the Southern Pacific Railroad Company's right of way line, which point is 100 feet southerly from the center line of said railroad; thence following said right of way easterly 770 feet more or

less to a point on the section line between said Sections Eight (8) and Nine (9); thence south $87^{\circ} 12'$ east following the said railroad right of way line 100 feet more or less to a point; thence south $40^{\circ} 55' 30''$ east 89.83 feet following said railroad right of way to a point, which point is the beginning of a curve to the right said curve having a radius of 875.04 feet; hence continuing along said curve a distance of 684.46 feet to a point; thence continuing southerly on said railroad right of way line 20 feet more or less to a point on the quarter section line in said Section Nine (9); thence west on said quarter section line 590.35 feet more or less to the point of beginning, containing 19 acres more or less.

Upon the approval by the Director of Education of the land to be received by the State as suitable for the purpose of a summer school for Chico State College, the Director of Finance shall ascertain whether the land is of value equal to that to be exchanged by the State. If he so determines, he shall complete the exchange.

CHAPTER 1405

An act making an appropriation to the Division of Forestry for making surveys and appraisals of lands.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary, is hereby appropriated to the Division of Forestry out of any money in the State treasury not otherwise appropriated, for expenditure during the Ninety-seventh and Ninety-eighth Fiscal Years, for making surveys and appraisals of forest lands pursuant to the Forest Practice Act.

Appropriation
Surveys
and appraisals
of forest lands

CHAPTER 1406

An act to make an appropriation to acquire copies of the Encyclopedia of Resources of the eleven western States and to provide for the distribution and utilization thereof.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the State treasury not otherwise appropriated the sum of fifteen thousand dollars (\$15,000) is hereby appropriated to the Director of Reconstruction and Reemployment, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years, to acquire one hundred and fifty (150) copies of the publication of the Industrial West

Appropriation
Industrial
Service
Encyclopedia
of the 11
Western
States

Foundation known as the Industrial Service Encyclopedia of Resources of the Eleven Western States, Alaska, Hawaii and the Philippines and the supplementary services to be rendered in connection with such publication. The copies and related services shall be made available for use by State and local agencies for the use of any persons or organizations desiring information on the present economic and industrial resources of the western economic empire, provided that one copy shall be made available to each of the fifty-eight (58) counties in the State.

CHAPTER 1407

Stats 1943, p. 2185, repealed. *An act to repeal an act entitled "An act to establish a War Catastrophic Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately," approved May 19, 1943, and providing for the reversion of the moneys in said reserve to unappropriated moneys in the General Fund.*

In effect September 15, 1945. [Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Repeal. SECTION 1. The act cited in the title hereof is repealed. The emergency originally necessitating the passage of such act is no longer likely to occur in view of the extent to which the arms of the United States have prevailed against the enemy, and any other emergencies should be provided for by specific legislation relating thereto.

Reversion of funds. SEC. 2. On the effective date of this act the unencumbered balance of moneys appropriated by the act cited in the title hereof shall become unappropriated moneys in the General Fund.

CHAPTER 1408

An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

In effect immediately. [Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation. Contingent expenses of Senate. SECTION 1. The sum of two hundred thousand dollars (\$200,000) or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury not otherwise appropriated for the contingent expenses of the Senate, without regard to fiscal years, including expenses of committees composed in whole or in part of members of the Senate.

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 1409

An act to amend Sections 1 and 2 of an act entitled "An act to provide for the conditional sale of railroad and street railway equipment or rolling stock, to regulate the making and recording of contracts therefor and declarations of the payment or performance thereof, and to authorize their recordation in the office of the Secretary of State," approved June 13, 1913, relating to the recordation of instruments under said act.

Stats. 1913,
p. 1121,
amended

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Stats. 1913,
p. 1121

Section 1. In any contract for the sale of railroad or street railway equipment or rolling stock, it shall be lawful to agree that title to the property sold or contracted to be sold, although possession thereof may be delivered immediately or at any time or times subsequently, shall not vest in the purchaser until the purchase price shall be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase money. And in any contract for the leasing or hiring of such property, it shall be lawful to stipulate for a conditioned sale thereof at the termination of such contract, and that the rentals or amounts to be received under such contract may, as paid, be applied and treated as purchase money, and that the title to the property shall not vest in the lessee or bailee until the purchase price shall have been paid in full, and until the terms of the contract shall have been fully performed, notwithstanding delivery to and possession by such lessee or bailee; provided, that no such contract shall be valid as against any subsequent judgment creditor or any subsequent bona fide purchaser for value and without notice, unless (1) the same shall be evidenced by an instrument executed by the parties and duly acknowledged by the vendee, lessee, or bailee, as the case may be, or duly proved before some person authorized by law to take acknowledgments of deeds, and in the same manner as deeds are acknowledged or proved; (2) such instrument shall be recorded in the office of the Secretary of State of this State; (3) each car or locomotive engine so sold, leased, or hired, or contracted to be sold, leased, or hired as aforesaid, shall have

Conditional
sale of
railroad
equipment

the name of the vendor, lessor, or bailor plainly marked in letters not less than one inch in size on each side thereof, followed by the word "owner," or "lessor," or "bailor," as the case may be.

Stats 1913,
p 1121

SEC. 2. Sec 2 of the act cited in the title hereof is amended to read:

Recordation
of contract,
by Secretary
of State

SEC. 2. The contracts herein authorized shall be recorded by the Secretary of State in a book of records to be kept for that purpose. And on payment in full of the purchase money and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect shall be made by the vendor, lessor, or bailor, or his or its assignee, which declaration shall be made by a separate instrument, to be acknowledged by the vendor, lessor, or bailor, or his or its assignee, and recorded as aforesaid. The Secretary of State shall return such contract or declaration as soon as it has been recorded.

CHAPTER 1410

Stats 1945,
p 149,
amended

An act to amend Section 3 of the property acquisition act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof, and providing this act shall take effect immediately.

In effect
immediately

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Stats 1945,
p. 149

SECTION 1. Section 3 of the Property Acquisition Act is amended to read:

Acquisition
by condem-
nation

SEC. 3. No property shall be acquired pursuant to this act except by condemnation in the manner provided in Title 7 of Part 3 of the Code of Civil Procedure, and no money shall be expended in payment for real property from any appropriation made expendable pursuant to this act except in consequence of a judgment in condemnation. The requirement that acquisitions be made by condemnation shall not apply to any acquisition from the Federal Government or any agency thereof

Exception

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution. The facts constituting such necessity are as follows:

The purpose of the Property Acquisition Act is to enable the State to acquire the necessary sites for postwar construction prior to the end of the war, to the end that a construction program can be initiated as soon as necessary to furnish employment for servicemen and those released from war work. It has

developed that the Federal Government owns or has an interest in certain property to be acquired in connection with such program, and as it is legally impossible to condemn federally-owned property, it is necessary that this act take effect immediately to permit acquisitions to be completed as soon as possible.

CHAPTER 1411

An act to provide for the acquisition of Camp Taylor in Marin County as part of the State Park System, to repeal an act entitled "An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources for the acquisition of land in Marin County as part of the State Park System, and to repeal an act entitled "An act making an appropriation to the Department of Natural Resources, Division of Parks for the acquisition of land in Marin County as part of the State Park System," approved July 12, 1941," approved June 8, 1943, and making an appropriation.

Stats 1943, p. 3068, repeated

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Park Commission is hereby authorized and directed to acquire for State park purposes, by purchase or condemnation, that land in Marin County known as "Camp Taylor." To this end the State Park Commission shall cause all necessary surveys to be made, and may in the name of the people of the State of California bring such action or actions as are necessary to perfect the title to said property.

Acquisition of "Camp Taylor" Powers of State Park Commission

SEC. 2. Out of any money in the State Park Fund not otherwise appropriated there is hereby appropriated to the State Park Commission the sum of forty-five thousand dollars (\$45,000), or so much thereof as may be necessary, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the purposes of this act.

Appropriation

SEC. 3. No part of the appropriation made by this act shall be expended until such time as the board of supervisors of the County of Marin either (a) agrees with the State Park Commission that forthwith after the State acquires said land it will cancel the entire amount of delinquent taxes and penalties upon the land described in Section 1; or (b) pays into the State treasury for use by the State for the acquisition of said land an amount equivalent to the total of such taxes and penalties, said amount being approximately forty-five thousand dollars (\$45,000).

Limitations on expenditure

Any additional money needed for the purchase or acquisition of the lands described herein shall be raised by public subscription, and the board of supervisors of the County of Marin is hereby authorized to appoint a committee of responsible citizens of the County of Marin for that purpose.

Repeal

SEC. 4 The act cited in the title hereof is repealed.

Description
of property

SEC. 5 The real property referred to in this act is that certain real property situated in the County of Marin, State of California, and described as follows:

BEGINNING at a Madrone tree marked B.T.N.I.I.S.G.12 at the junction of White's Creek so called, with Lagunitas Creek, being a Station in the final survey of the exterior boundary line of that Mexican Grant of land in Marin County known as the Rancho Tomales y Baulinas, running thence along the boundary line between the Rancho Nicasio and the Rancho San Geronimo, North 9° East 14 47/100 chains; North 4° 30' East 24 chains; North 42° 44' East 1.33 chains; North 15° 01' West 18 37 chains, North 30° 53' West 31.21 chains, North 42° 24' West 25.15 chains, North 1° 24' West 19.70 chains, North 3° 18' West 8.62 chains, North 72° 45' East 54.06 chains, North 65° 30' East 32.91 chains to a stake marked S.G.6N.S. in a stone mound on the top of the ridge; thence leaving the boundary line of the Rancho Nicasio and the Rancho San Geronimo and descending North 67° 45' West 63.50 chains to a fir tree 28 inches in diameter marked "G.W. and A.G.W.", at large rock near the creek in Devils Gulch; thence South 68° West 1 85 chains to said Creek; thence descending along said Creek, northwesterly 25 56 chains to the southeast corner of that tract of land containing 438 51 acres which was conveyed by W. G. Miller to S. P. Taylor, by a Deed recorded in Liber "E" of Deeds, page 552. Records of Marin County; thence North 47° West 14 chains; North 58° 45' West 8.20 chains, North 3° 15' West 33 50/100 chains to the northeast corner of said 438 51/100 acre tract of land; thence South 47° 15' West 82.38 chains, South 66° 60' West 40.67 chains to the center of Arroyo San Geronimo on Paper Mill Creek; being the northwest corner of said tract of land; thence ascending along the center of said Creek southerly 28 chains to the northeast corner of that certain tract of land containing 100 acres which was conveyed by Rafael Garcia and wife to S. P. Taylor and V. B. Post, by a Deed recorded in Liber "B" of Deeds, page 152, in the County Recorder's office of said Marin County; thence South 75° West 10 chains to northwest corner of said 100 acre tract; thence South 50° East 60 chains to the westerly line of that tract of land containing 100 acres which was conveyed by N. H. Olds to the Pacific Powder Mill Company; thence South 49° West 31 chains to the Northwest corner of said last mentioned 100 acre tract; thence south 19° 30' East 28.22 chains to the southwest corner of said last mentioned 100 acre tract; thence North 49° East 10.39 chains to the Northwest corner of the 500 acre tract of land conveyed by Daniel Olds to said Pacific Powder Mill Company; thence South 54° 30' East 105 chains, North 48° East 44 chains along the boundary line of said 500 acre tract of land to said Paper Mill Creek; thence ascending along the center of said Creek, 28.50 chains to the point of commencement. Containing 2328.91

acres of land, more or less, which is bounded on the Southwest by the Arroyo San Geronimo or Paper Mill Creek; being a portion of the Rancho "Nicasio" which was confirmed, and patented by the United States to B. F. Buckelew and the portion of said tract of land bounded on the Northeast by said Arroyo or Creek, being a portion of the Mexican Grant of land in said Marin County known as the Rancho "Tomales y Baulinas" confirmed to Rafael Garcia by the United States.

CHAPTER 1412

An act making an appropriation for the creation of historical dioramas.

[Approved by Governor July 17, 1945 Filed with Secretary of State In effect
July 17, 1945.] September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from any money in the State treasury not otherwise appropriated, the sum of one thousand five hundred dollars (\$1,500) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Director of Finance for the creation of historical dioramas to be installed in Sutter's Fort at Sacramento.

CHAPTER 1413

An act making an appropriation for the purchase or acquisition of land and the construction of a State building thereon in the County of Alameda.

[Approved by Governor July 17, 1945 Filed with Secretary of State In effect
July 17, 1945.] September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated to be used by the Department of Finance during the Ninety-seventh and Ninety-eighth Fiscal Years solely for the purchase or acquisition of land for the construction thereon of a State building in the County of Alameda, to be expended under the provisions of the Property Acquisition Act.

Appropriation. Land for State building in Alameda County

Stats 1945,
p 149

CHAPTER 1414

An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a State office building in the City of Fresno and in furtherance of the postwar building program.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation Site for
State building in Fresno

Stats 1945
p 149

SECTION 1. The sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years under the provisions of the Property Acquisition Act for the acquisition of real property for use as a site for the construction of a State office building in the City of Fresno in furtherance of the postwar building program.

CHAPTER 1415

An act making an appropriation to the Department of Agriculture for predatory animal control.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Predatory
animal
control

SECTION 1. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of one hundred fifty thousand dollars (\$150,000) to be expended by the Department of Agriculture for predatory animal control, said sum to be available for expenditure during the Ninety-seventh and Ninety-eighth Fiscal Years.

CHAPTER 1416

An act to make an appropriation to The Regents of the University of California for the establishment and maintenance of schools of industrial relations.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the State treasury, not otherwise appropriated there is hereby appropriated the sum of one hundred thousand dollars (\$100,000) to The Regents of the University of California to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by The Regents of the University of California for the establishment and maintenance of an institute of industrial relations and the maintenance of courses in industrial relations and extension activities and research in connection therewith, utilizing the full resources of the University of California and especially its faculties and facilities on the Berkeley and Los Angeles campuses of said university.

Appropriation
Institute of
Industrial
relations,
etc

CHAPTER 1417

An act making an appropriation for the repair, restoration and protection of the ocean beach at the City of Redondo Beach and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the State Beach Fund not otherwise appropriated, the sum of one hundred thousand dollars (\$100,000) is hereby appropriated to be expended by the Department of Public Works acting through the agency of the State Engineer on behalf of and in the public interest of the State of California: (1) during the Ninety-seventh and Ninety-eighth Fiscal Years, (2) for the cost of any and all work necessary for the repair or restoration of, and for the protection of the ocean beach in the City of Redondo Beach, Los Angeles County, or any thereof, and for which no appropriation or insufficient appropriation has otherwise been made by law.

Appropriation
Repair, etc.,
of beach in
City of Redondo Beach

None of the moneys hereby appropriated shall be expended, allotted or encumbered, or become available for expenditure, for said work except for the making of investigations, estimates or reports hereunder by said department unless and until: (a) the Department of Public Works has investigated and reported

Conditions of
expenditure

upon the proposed work, has estimated the cost thereof and filed its report with the Department of Finance, (b) the Director of Finance has approved the expenditure, (c) moneys equal to or in excess of one-half of the estimated cost of said work shall have been made available (by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the Executive Department of the State Government) for expenditure by the Department of Public Works to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or funds of any agency which is a part of the Executive Department of the State Government, provided, any and all sums expended for protection of said beach subsequent to July 1, 1944, may be credited as part and parcel (in whole or in part) of such required matching funds, if and when approved in accordance with subsections (a) and (b) of this paragraph, and as in accordance with final plans which may be adopted for said work.

Performance
of work

The Department of Public Works may perform all or any portion of said work directly by contract or force account or the department and any entity herein authorized to match the appropriation herein made may enter into a contract whereby all or any portion of such work may be performed by any party to such contract.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and, therefore, shall go into immediate effect. The following is a statement of the facts constituting such necessity:

Ocean storm and high tides since December, 1940, have severely eroded the ocean beach in the City of Redondo Beach and destroyed public and private property. Additional public and private property is subject to additional damage by storms during the ensuing winter season unless adequate protection works are constructed. This act will enable the construction of the necessary works during the summer and fall seasons of 1945 and it is therefore necessary in the interests of the public health and safety that this act take effect immediately.

CHAPTER 1418

An act to repeal Chapter 2 of Division 2, comprising Sections 1400 to 1411, inclusive, of the Health and Safety Code, and to add a new Chapter 2, comprising Sections 1400 to 1418, inclusive, to Division 2 of said code, relating to public and private hospitals, as therein defined, and providing for the licensing, inspection, regulation, and supervision of such hospitals by the State Department of Public Health, and making an appropriation.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The purpose of this act is to provide for the better protection of the public health, which is hereby declared to be a matter of state-wide interest and concern, by providing for State licensing, inspection, regulation, and supervision of public and private hospitals within the State. Purpose
of act

SEC. 2. Chapter 2 of Division 2 of the Health and Safety Code, comprising Sections 1400 to 1411, inclusive, is repealed. Repeal

SEC. 3. Chapter 2 is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2. HOSPITALS

1400. No person, political subdivision of the State, or other governmental agency within the State, shall establish, conduct or maintain in this State any hospital without first obtaining a license therefor as provided in this chapter. License
required

1401. As used in this chapter, "hospital" means any institution, place, building, or agency which maintains and operates organized facilities for the diagnosis, care, and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. "Hospital" includes sanatorium, rest home, nursing home, maternity home, and lying-in asylum. "Hospital"

1402. Any person, political subdivision of the State or governmental agency desiring a license under the provisions of this chapter shall file with the State department a verified application on a form prescribed, prepared and furnished by the department, containing:

(a) The name of the applicant, and if an individual, whether the applicant has attained the age of 21 years. Contents

(b) The type of institution to be operated.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the State department for the proper administration and enforcement of this chapter.

(f) Evidence satisfactory to the State department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the institution for which application for license is made. If the applicant is a political subdivision of the State or other governmental agency, like evidence shall be submitted as to the person in charge of the institution for which application for license is made.

(g) Evidence satisfactory to the State department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the State department.

Fees 1403. Each application for a license under this chapter shall be accompanied by a fee determined by the number of beds, exclusive of bassinets, maintained for the use of patients, according to the following schedule of fees:

- (a) Less than 50 beds—\$20;
- (b) Fifty beds or more and less than 100 beds—\$30;
- (c) One hundred beds or more and less than 200 beds—\$40;
- (d) Two hundred beds or more—\$50.

Expiration and renewal of license 1404. Each license issued under this chapter shall expire at midnight on the thirty-first day of December of each calendar year and shall be renewed automatically upon the payment of the fee provided for in Section 1403, unless the department finds, after hearing, that the hospital has not complied with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant.

Existing hospitals 1405. No person, political subdivision of the State, or other governmental agency within the State, shall continue to operate, conduct or maintain an existing hospital after January 1, 1946, without having applied for and obtained a license as provided in this chapter.

Issuance of license 1406. Upon the filing of the application for license provided for and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the State department, the department shall issue to the applicant the license applied for.

Inspection 1407. Every hospital for which a license has been issued shall be periodically inspected by a duly authorized representative of the State department. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department.

Advisory board 1408. An advisory board shall be appointed to assist, advise and make recommendations to the director and the State department in the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter and for those purposes to serve as consultants to the director.

The board shall consist of five members, four of whom shall be superintendents or administrators of hospitals with at least five years of experience as such in hospitals having an interne or resident training program, appointed by the Governor to hold office for four-year terms and until the appointment and qualification of their successors, except that the terms of the members first appointed shall expire as follows: Two shall expire on October 15, 1947; two shall expire on October 15, 1948; and one shall expire on October 15, 1949. At the time of making the appointments the Governor shall designate the term for which each member of the board is appointed.

1409. Members of the advisory board shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of the duties of their office. Compensation

1410. The members of the advisory board shall annually elect one of its members to serve as chairman. The advisory board shall meet with the director at least twice each year and at such other times during the year as may be determined from time to time by the director. Chairman, meetings

1411. The State department, after consultation with the advisory board and receipt of the recommendations of the advisory board in respect thereto, shall make and promulgate, and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter, classifying hospitals and prescribing minimum standards of safety and sanitation in the physical plant, of diagnostic, therapeutic and laboratory facilities and equipment for each class of hospitals. Rules and regulations

1412. The State department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided: Suspension or revocation of license

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

1413. Upon the filing of a verified complaint with the State department specifically alleging a violation of this chapter or of the rules and regulations promulgated by the department under this chapter by a licensee, a citation, together with a copy of the complaint, shall be personally served upon the licensee not less than 30 days prior to a hearing which shall be held by the State department upon the charges contained in the complaint. The citation shall inform the licensee accused of the date, time and place of the hearing and that he is entitled to be represented by counsel at all stages of the proceedings to Violation Citation
Hearing

be had upon the complaint. Written answer may but need not be filed by the licensee with the department; if an answer is filed, it shall be verified by the licensee and filed with said department not less than 10 days immediately preceding the date of the hearing.

Procedure 1413.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail.

Stats 1941,
Ch 887

Applicator for new license after revocation 1414. Any licensee whose license has been revoked may thereafter apply for a new license, and his application shall be considered and acted upon by the State department as an original application for license.

Exemptions 1415. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital conducted, maintained or operated by the United States Government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this State, or any county or city, or any State department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by The Regents of the University of California, the autonomous character of the said The Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the State.

(c) Any hospital conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Institutions.

Records
confidential

1416. Information and records concerning any licensee or applicant received by the State department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension or denial of an application for a license.

Penalty

1417. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars

(\$100) or by imprisonment in the county jail for a period not to exceed 90 days or by both such fine and imprisonment.

1418. The director may bring an action to enjoin the violation or threatened violation of Section 1400 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss. Injunction

SEC. 4. Out of any moneys in the State treasury not otherwise appropriated there is hereby appropriated the sum of forty-four thousand dollars (\$44,000) to be expended by the Department of Public Health during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of this act. Appropriation

SEC. 5. This act shall be considered to be the latest legislative expression upon the matters herein contained, irrespective of any other bill or law enacted at the Fifty-sixth Regular Session of the Legislature. The provisions of Chapter 2 of Division 2 of the Health and Safety Code, as added thereto by this act, shall supersede any other provisions of law for the licensing, inspection, regulation, and supervision of the hospitals, as defined in said Chapter 2, to which said Chapter 2 is applicable, irrespective of whether such other provisions were enacted prior to or at the Fifty-sixth Regular Session of the Legislature. Scope of act

CHAPTER 1419

An act to provide for the compilation, publication, and distribution by the Secretary of State of a roster of public officials of California and to make an appropriation therefor.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. The Secretary of State is hereby authorized to compile, publish and distribute a roster of the State and local public officials of California. Roster of public officials

SEC. 2. The Secretary of State shall cause the roster to be printed and shall distribute copies thereof, free of charge, as follows: To the Governor, 50 copies; to the Lieutenant Governor, 30 copies; to each Member of the Senate and to each Member of the Assembly, 30 copies; to each elective State officer, each head of a State department, each county clerk, each public library upon request, each Governor and each Secretary of State of a State of the United States, one copy. The remaining copies may be distributed, singly and free of charge, in the discretion of the Secretary of State, to any person requesting the same. Printing and distribution

Appropriation

SEC. 3. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of three thousand dollars (\$3,000) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Secretary of State in carrying out the provisions of this act.

CHAPTER 1420

An act providing for controlled land clearance and revegetation projects for the protection and improvement of range and forage lands, including experiments and research in relation thereto, and making an appropriation to the Division of Forestry to carry out the provisions of this act.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Purpose
of act

SECTION 1. The purpose of this act is to promote the public security by eliminating fire hazards and to reduce the risk of uncontrolled fires which result in great annual financial losses to the people of the State, to increase range forage, to return waste lands to production and to reduce the danger of incendiarism.

It is also the purpose of this act to provide means and facilities to determine the effects of controlled clearing and revegetation and burning of brush covered lands which are primarily valuable for range or forage purposes as a part of the legislative policy of providing for and carrying on a continued study of range improvement.

Controlled
land clear-
ance and
revegetation
program

SEC. 2 The Division of Forestry in the Department of Natural Resources is hereby directed to engage in a program of experimental controlled land clearance and the revegetation thereof with respect to lands which are principally used or useful for range or forage purposes and which lie within that area the fire protection of which is primarily State responsibility. Such program shall also include such research as may be necessary before and after such clearance of lands in order to determine the value of the methods used in relation to the purposes of this act.

Determina-
tion of effect

The division shall determine the effects of such clearance and the value of such methods with reference to fire protection and prevention, watershed protection and conservation, the prevention of soil erosion, and the increased economic value of such cleared lands insofar as they may be so made available for range and forage purposes.

Reports

SEC. 3. The division shall from time to time prepare reports setting forth data as to the experiments so conducted and its findings and conclusion with reference thereto and shall submit such reports to the Legislature upon the convening of each regular session thereof.

SEC. 4. All State agencies and other such official organizations and all persons connected therewith shall give the division full information and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control, with reference to the purposes of this act. Cooperation of State agencies

SEC. 5. Nothing in this act shall affect the expenditure of funds appropriated for the support of the Division of Forestry for related purposes in performance of its ordinary functions of fire protection. Construction

SEC. 6. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated the sum of forty thousand dollars (\$40,000) to be expended by the Division of Forestry during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of this act. Appropriation

CHAPTER 1421

An act to amend Sections 20013, 20014, 20600, 20604, 20750 and 20950 of, and to add Sections 20017.5, 20602.5, 20302.6, 20603.1, 20803.5, 20980.5, 21020.5, 21208, 21256.1, and 21257.1 to, the Government Code, relating to the State Employees Retirement System, in respect to the fish and game wardens and personnel.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 20013 of the Government Code is amended to read: See also Stats 1945, Ch 123

20013. (a) "Member" means any person included in the membership of this system, and includes State members and local members. "Member"

(b) "State member" includes:

- (1) State miscellaneous members.
- (2) University members.
- (3) Prison members.
- (4) Patrol members.
- (5) Warden members.

(c) "Local member" includes:

- (1) Local miscellaneous members.
- (2) Local safety members.

SEC. 2. Section 20014 of said code is amended to read:

20014. "State miscellaneous member" includes all members employed by the State and university, except patrol and warden members. See also Stats 1945, Ch. 123
"State miscellaneous member"

SEC. 3. Section 20017.5 is added to said code, to read

20017.5. "Warden member," includes persons employed in the Division of Fish and Game of the Department of Natural Resources in connection with its warden service, whose principal duties consist of active law enforcement service, including "Warden member"

immediate supervision by persons employed to perform the duties now performed under the titles of chief and assistant chief of warden service, and captain of patrol boats, except those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, assistant fish and game warden, or otherwise clearly do not fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement.

SEC. 4. Section 20803.5 is added to said code, to read:

“Warden
service”

20803.5. “Warden service” means service rendered as a warden member only while receiving compensation for such service, except as provided in Article 4.

It includes service that would have qualified a person as such a member had that classification of members existed at the time the service was rendered.

See also
Stats 1945,
Ch 123
Rates of
contribution

SEC. 5. Section 20600 of said code is amended to read:

20600. The normal rates of contribution of all members, except patrol, warden, and local safety members, shall be based on sex and age at the nearest birthday at the time of entrance into this system. One schedule of rates for males and one for females may be adopted.

SEC. 6. Section 20602.5 is added to said code, to read:

Same
Warden
member

20602.5. The normal rate of contribution for each warden member shall be based on his age at July 1, 1945, and, if he is entitled to credit for prior service, his age when he entered warden service, both ages being taken to the preceding completed quarter year.

The age at entrance into warden service, if prior to July 1, 1945, shall be determined by deducting the total of such service credited to him at July 1, 1945, from his age at that date. The age at entrance into this system prior to July 1, 1945, shall be his age at the date of entrance if the member makes the contributions under Section 20602.6, required to entitle him to have his age at entrance taken as his age at that date; if he did not, his age at entrance into this retirement system shall be taken as his age at July 1, 1945.

SEC. 7. Section 20602.6 is added to said code, to read:

When
applicable
to warden
member

20602.6. The rates of contribution provided for in Sections 20603 and 20604 for warden members shall apply on and after July 1, 1945. Each warden member has the option, to be exercised on or before December 31, 1945, of contributing a sum sufficient to make the amount of accumulated contributions standing to his credit on that date the same as such amount would have been had he been contributing at the rate or rates, from and after the effective date of his membership in this system, which would have applied to him, assuming age 60 as the minimum age for voluntary retirement for service, through-out his membership.

Option

Computation

The sums payable may be computed by applying to the member's accumulated contributions at June 30, 1945, a percentage representing approximately the ratio between the member's

rate or rates of contribution from time to time during his membership, and the rate or rates, respectively, which would have applied to him, assuming age 60 as the minimum age for voluntary retirement for service, throughout his membership. The board may adopt one or more such percentages.

SEC. 8 Section 20603.1 is added to said code, to read:

20603.1. For each warden member who became a member of this system, or if entitled to credit for prior service, who entered warden service, at or below age 45, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 60, or upon completion of 20 years of warden service at an age higher than 60 years, equal to one-fourth of his final compensation less one-half of his prior service pension.

Service retirement annuity Warden member

SEC. 9. Section 20604 of said code is amended to read:

20604. For each patrol or warden member who entered highway patrol or warden service at an age greater than 45 years, the normal rate of contribution shall be such as will provide on the average an annuity at age 65 equal to one-eighth of his final compensation for each year of highway patrol or warden service after the date as of which his age at entrance into this system is taken under Section 20602, in the case of a patrol member, or Section 20602.5 in the case of a warden member.

See also Stats 1945, Ch 123
Rate of contribution Patrol or warden entering service at age over 45

SEC. 10. Section 20950 of said code is amended to read:

20950. A patrol or warden member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of continuous State service.

See also Stats 1945, Ch 123

Retirement for service upon application Patrol or warden members

SEC. 11. Section 20980.5 is added to said code, to read:

20980.5. Every warden member shall be retired on the first day of the calendar month succeeding that in which he attains age 70 during the year ending June 30, 1946; age 69 during the following year; age 68 during the next following year; age 67 during the next following year; age 66 during the next following year; age 65 during any year after June 30, 1950.

Retirement of warden member

SEC. 12. Section 21020.5 is added to said code, to read:

21020.5. The provisions of this article applicable to patrol members are also applicable to warden members.

Retirement for disability Warden members

SEC. 13. Section 21208 is added to said code, to read:

21208. The provisions of this chapter applicable to patrol members are applicable to warden members. "Highway patrol service" means "warden service" as applied to warden members.

Benefits Warden members

SEC. 14. Section 20750 of said code is amended to read:

20750. The State's contribution to the Retirement Fund is a sum equal to:

See also Stats 1945, Chs 123, 1201, and 1345

(a) 7.2 per cent of the compensation paid State miscellaneous members.

State's contribution

(b) 16.53 per cent of the compensation paid State patrol members.

(c) 12.28 per cent of the compensation paid warden members

"Compensation paid

As used in this section, "compensation paid" includes the compensation a member absent on military service would have received were it not for his absence in such service, if he makes the normal contributions for the period of absence. The rate of his compensation shall be his compensation at the commencement of his absence.

SEC. 15. Section 21256.1 is added to said code, to read:

Prior service pension for warden member

21256.1. The prior service pension for a warden member is a pension equal to the sum of the following:

(a) In respect to prior service other than warden service, a prior service pension computed pursuant to subdivision (a) of Section 21253.

(b) In respect to prior service consisting of warden service, the same percentage of his final compensation, regardless of age at retirement, for each year of such service as the contributions of the member and the State are calculated to provide upon retirement for service at age 60 or upon completion of 20 years of service at an age higher than 60 or upon retirement with less than 20 years of service at age 65, for each year of warden service after January 1, 1932, or after July 1, 1945, as to warden members who do not exercise their option to contribute at the higher rate from January 1, 1932.

SEC. 16. Section 21257.1 is added to said code, to read:

Same Retirement before age 60

21257.1. If a warden member retires from service before attaining age 60, his prior service pension shall be reduced to that amount which the value of the pension as deferred to age 60 will purchase at the actual age of retirement.

CHAPTER 1422

An act to provide additional public recreation facilities, authorizing the making of a supplemental survey to determine what lands are suitable for inclusion in the State system of parks and beaches pursuant to this act, and making an appropriation for the acquisition of public recreation facilities.

In effect September 15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

State parks and beaches Supplemental surveys for sites

SECTION 1. The Department of Natural Resources through the State Park Commission is authorized and directed to make such supplemental surveys as may be necessary to determine what lands are suitable and desirable for inclusion in a well balanced system of State parks and beaches. In selecting desirable sites for parks the primary policy of the commission shall be to provide recreational facilities for those sections of the State where such facilities are not now available and particularly in the valley, desert, and mountain areas of the interior.

SEC. 2. No portion of the appropriation made by this act may be expended for the acquisition of ocean beaches, and beach parks, including tidewater bays and inlets, except as provided in Section 3, in any county which has not adopted a master plan of shoreline development for that county which plan shall set up priorities of acquisition and use of the shoreline of that county.

Limitations
on expenditure

Such portion of the appropriation made by this act as is available for the acquisition of ocean beaches and beach parks shall be expended in those counties of the State bordering upon the ocean or bays and inlets thereof in accordance with the priorities established by the respective counties and submitted to and approved by the State Park Commission as a part of a state-wide master plan of beach acquisition.

No second or third priority project so submitted shall be acquired or funds expended therefor until all first priorities in each of the respective coastal counties is acquired, unless such first priorities are in process of acquisition, either through condemnation or contract, and the funds therefor have been allocated, except that any such beach project may be acquired, notwithstanding the limitations of this section, if the State Park Commission, after a public hearing and notice thereof given to the boards of supervisors of each of the 15 coastal counties, determines by a four-fifths vote of its members that the purchase of a particular beach project is of immediate importance to the development of its state-wide plan.

SEC. 3. None of the limitations of this act shall apply to the acquisition of lands for public park or beach purposes by the State Park Commission from the Federal Government or any agency thereof.

Exception to
limitations

SEC. 4. The sum of fifteen million dollars (\$15,000,000) is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources out of any money in the State treasury not otherwise appropriated to be expended in the manner provided by law for lands for public recreational purposes, including the acquisition of ocean beaches, tidewater bays and inlets and including lands for park purposes, where the State Park Commission determines that such acquisition is a matter of general public and State interest.

Appropriation

Of the moneys appropriated by this act not more than two-thirds thereof, if expended, shall be expended for the acquisition of ocean beaches, tidewater bays and inlets.

Acquisition
of ocean
beaches, etc

Of the moneys appropriated by this act not more than one-third thereof, if expended, shall be expended for the acquisition of lands for State park purposes.

Acquisition
of land for
State parks

No expenditure of any of the money appropriated by this act shall be made except for the acquisition of Federal lands, unless the amount thereof is matched by like amounts in money, property or lands received from private or other sources.

Matching
funds

SEC. 5. The appropriation made by this act shall be available without regard to fiscal years and shall not lapse, the provisions of any other act to the contrary notwithstanding.

Continuing
appropriation

CHAPTER 1423

An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation:
Landscaping,
etc., at
Marshall's
Monument

SECTION 1. The sum of twenty-nine thousand dollars (\$29,000) is hereby appropriated out of any money in the State Park Fund not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Department of Natural Resources through the State Park Commission for the purpose of landscaping and making provision for parking of automobiles at Marshall's Monument grounds.

CHAPTER 1424

An act to provide for basic topographic mapping of the State of California and making an appropriation therefor.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Policy of
State

SECTION 1. It is hereby declared to be the policy of the State of California to provide for basic topographic map coverage in aid of development and conservation of the natural and economic resources of the State.

Mapping of
State by
Department
of Public
Works

SEC. 2. The Department of Public Works, hereinafter referred to as "department," acting by and through the State Engineer, shall investigate mapping; shall prepare a complete report thereon including plans and recommendations for an adequate mapping program for California; and shall adopt a general plan and program for the accomplishment of the policy declared in this act. The general plan and program so adopted, and as from time to time modified, amended or revised by the department, shall be the authorized general plan and program to be carried out by the department. The department may from time to time make such further investigations and reports upon mapping as deemed proper by it in pursuance of the policy declared in this act.

Cooperation
with Federal
Government

SEC. 3. All map production work to be undertaken hereunder shall be in cooperation with the Federal Government and with the approval of the Department of Finance, the department may enter into agreements or contracts with the Federal Government or any agency or agencies thereof for performance of map production work in accordance with the general plan and program accepted hereunder.

SEC. 4. For the purpose of carrying out the provisions of this act the sum of three hundred thousand dollars (\$300,000) is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to the Department of Public Works for expenditure during the Ninety-seventh and Ninety-eighth Fiscal Years. Except for investigations, reports and other administrative expenses of the department in an amount not to exceed 5 per cent of the moneys hereby appropriated, none of the moneys hereby appropriated shall be expended unless and until moneys equal to or in excess of the amounts expendable from this appropriation shall have been made available (by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the executive department of the State Government) for expenditure by the department for work of map production to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or funds of any agency which is a part of the Executive Department of the State Government; provided that when the United States or any agency thereof matches funds it shall not be required that funds to be provided from Federal sources shall be paid into the State treasury.

Appropriation

Limitation on expenditure
Matching funds

The appropriation herein made shall be expendable for paying expenses incurred pursuant to an agreement hereunder or for reimbursing the United States or any agency thereof for expenses paid pursuant to such an agreement, but shall not be advanced to the Federal treasury or to the funds of any Federal agency, or otherwise advanced.

Reimbursing Federal Government

CHAPTER 1425

An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as an addition to The Langley Porter Clinic and in furtherance of the postwar building program.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years under the provisions of the Property Acquisition Act for the acquisition of real property in furtherance of the postwar building program for use as an addition to The Langley Porter Clinic under the control of the Department of Institutions.

Appropriation:
Addition to
The Langley
Porter Clinic

CHAPTER 1426

An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for use as a site for a psychiatric hospital clinic in the City of Los Angeles and in furtherance of the postwar building program.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation: Site for psychiatric hospital clinic

Stats 1945,
Ch 149

SECTION 1. The sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years under the provisions of the Property Acquisition Act for the acquisition of real property in furtherance of the postwar building program for use as a site for a psychiatric hospital clinic in the City of Los Angeles under the control of the Department of Institutions.

CHAPTER 1427

An act to amend Sections 5260 and 7009 of, and to add Sections 7012.5 and 7012.6 to, the Welfare and Institutions Code, relating to feeble-minded persons and State homes therefor, and providing for the support of persons committed to, or for placement in, homes for the mentally deficient in such homes and on parole or on leave of absence therefrom, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5260 of the Welfare and Institutions Code is amended to read:

Order for
payment
of expense,
etc.

5260. The court shall inquire into the financial condition of the parent, guardian, or other person charged with the support of any person committed, and if it finds him able to do so, in whole or in part, it shall make a further order, requiring him to pay, to the extent the court considers him able to pay, the expenses of the proceedings in connection with the investigation, detention, and commitment of the person committed, and the expenses of his delivery to the institution, and to pay to the county, at stated periods, such sums as the court deems proper, during such time as the person remains in the institution or on parole or on leave of absence to a licensed home for the care of such persons. This order may be enforced by such further orders as the court deems necessary, and may be varied, altered, or revoked in its discretion.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

SEC. 2. Section 7009 of said code is amended to read :

7009. The county from which each person is committed to or for placement in a home for the mentally deficient shall pay the State the cost of the care of such person, for the time the person committed remains an inmate of the home or on parole or on leave of absence to a licensed boarding home for the care of such persons, at the monthly rate therefor fixed as provided in Section 7010.

Cost of
care
Liability for
payment

SEC. 3. Section 7012.5 is added to said code, to read :

7012.5. The Department of Institutions may pay any private home, licensed by the department for the care of such persons, for the care of any patient paroled or on leave of absence from a State home for the mentally deficient to its custody at a rate not exceeding twenty-five dollars (\$25) per month during the time such patient remains on parole or on leave of absence to such private home. Payments for such care of paroled or on leave of absence patients shall be made from funds available for the support of patients in the State home for the mentally deficient from which such patients have been paroled or are on leave of absence.

Payment
to licensed
private
home

SEC. 4. Section 7012.6 is added to said code, to read :

7012.6. The Department of Institutions may pay any private home, licensed by the department for the care of such persons, for the care of any patient paroled or on leave of absence from a State home for the mentally deficient to its custody at a rate to be approved by the Department of Finance but not exceeding thirty-five dollars (\$35) per month during the time such patient remains on parole or on leave of absence to such private home.

Same

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede the provisions of Section 7012.5 which are in conflict with this section, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force and effect as though this section had not been enacted.

Duration

SEC. 5. Out of any money in the State treasury not otherwise appropriated, the sum of two hundred seven thousand dollars (\$207,000), or so much thereof as is necessary, is hereby appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for the care of patients paroled to private homes from State homes for the mentally deficient.

Appropriation

Such appropriation shall be in addition to all other moneys appropriated to the State homes for the mentally deficient.

The Director of Finance shall allocate to each State home for the mentally deficient so much of the appropriation made by this section as is required for the care of patients paroled to private homes from each such State home for the mentally deficient.

CHAPTER 1428

An act making an appropriation to the Division of Water Resources, Department of Public Works, for dredging in connection with Mission Bay Park, to take effect immediately.

In effect immediately [Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Mission Bay Park

SECTION 1. Out of any money in the San Diego Harbor Improvement Fund, there is hereby appropriated the sum of eight thousand dollars (\$8,000) to the Division of Water Resources, Department of Public Works, for dredging in connection with Mission Bay Park.

Transfer of appropriation

SEC. 2. The amount hereby appropriated shall be transferred by the State Controller to the emergency fund appropriated by Item 221, Budget Act of 1943, in repayment of moneys heretofore made available from said fund for the purposes provided by this act.

Current expenses

SEC. 3. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 1429

An act to amend Section 20343 of the Education Code and to add Section 20343.1 to said code, and making an appropriation, all relating to State college fees, declaring the urgency thereof, to take effect immediately.

In effect immediately [Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 20343 of the Education Code is amended to read:

State Colleges.
Fees

20343. With the approval of the Director of Education, tuition fees and deposits may be required of and collected from students enrolled in State colleges. Special fees to cover cost of materials for specific courses in either regular or summer sessions, or other fees as may be determined to be necessary to cover cost of accommodation services and other services pro-

vided students, and fees for extension and correspondence courses may be collected if authorized by the Director of Education, but such fees shall not be considered as part of the general tuition fee.

SEC. 2. Section 20343.1 is added to said code, to read:

20343.1. The unexpended portion of any fee, as determined by regulations prescribed by the Director of Education and approved by the Department of Finance, collected on or after January 1, 1943, from a student in any State college may, upon the approval of the Director of Education, be refunded to such person.

Same Unexpended portion

SEC. 3. There is hereby appropriated to the Director of Education from any money in the State treasury not otherwise appropriated, the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary, which shall be allocated by the Director of Education to the several State colleges for refunds of fees due students and to reimburse the appropriations for the support of the State colleges for fees collected under Education Code Section 20343 from students enrolled therein and refunded in error to such students.

Appropriation for refunds

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

The existing laws relating to the collection and refund of fees are ambiguous and unclear. As a result it appears that certain fees may have been erroneously collected and refunded. In order that the law may be clarified at the earliest possible moment and all accounts adjusted at the earliest possible moment, it is necessary that this act take immediate effect.

CHAPTER 1430

An act making an appropriation to the Department of Industrial Relations for apprenticeship training, to take effect immediately.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated sixty-five thousand dollars (\$65,000) to the Department of Industrial Relations to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for apprenticeship training.

Appropriation: Apprenticeship training

SEC. 2. Inasmuch as this act makes an appropriation for usual current expenses of the State, it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current expenses

CHAPTER 1431

An act to amend Sections 21, 51, 53, 55, 57, 60, 72, 75, 76, 77, 79, 80, 89, 111, 112, 113, 118, 210, 217, 431, 551, 1174, 1175, 1183, 1202, 1256, 1353, 1356, 1450, 1477, 1727, 1814, 1852, 2012, 2013, 2014, 2422, 2423, 2424, 2601, 2603, 2604, 3205, 3700, 3701, 3702, 3710, 3711, 3712, 3714, 3800, 5301, 5307, 5700, 5708, 5709, 5710, 5808, 6300, 6302, 6306, 6307, 6308, 6309, 6312, 6313, 6314, 6315, 6316, 6318, 6319, 6320, 6407, 6408, 6409, 6412, 6413, 6414, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6600, 6602, 6603, 6800, 6801, 6802, 7115, 7156, 7157, 7158, 7203, 7204, 7300, 7301, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7325, 7326, 7327, 7331, 7332 of the Labor Code; Sections 11739, 11770, 11772, 11781, 11782, 11783, 11784, 11785, 11786, 11787, 11792, 11795, 11797, 11798, 11799 and 11860 of the Insurance Code; to add Section 11881 to the Insurance Code; to add Sections 57.5, 60.5, 70.5, 77.5, 114, 115, 5307.5 to the Labor Code; to add Chapters 6 and 7 to Division 1 of the Labor Code; to amend the heading of Chapter 1, Part 2, of Division 5 of the Labor Code; to amend the headings of Chapters 3 and 4 of Division 1 of the Labor Code; to repeal Sections 81, 82, 83, 84, 85, 86, 87, 88, 114, 115, 122, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473 and 1474 of the Labor Code; to repeal Section 11794 of the Insurance Code, all relating to the organization and administration of the Department of Industrial Relations, and making an appropriation therefor.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 21 of the Labor Code is amended to read:

"Labor
Commis-
sioner"

21. "Labor Commissioner" means Chief of the Division of Labor Law Enforcement.

SEC. 2. Section 51 of the Labor Code is amended to read:

Director of
Industrial
Relations

51. The department shall be conducted under the control of an executive officer known as Director of Industrial Relations. The Director of Industrial Relations shall be appointed by the Governor with the advice and consent of the Senate and hold office at the pleasure of the Governor and shall receive a salary of eight thousand dollars (\$8,000) per annum.

SEC. 3. Section 53 of the Labor Code is amended to read:

Powers

53. Whenever in Article 2, Chapter 3, Title 1, Part 3 of the Political Code, "head of the department," or similar designation occurs the same shall for the purposes of this code mean the director, except that in respect to matters which by the express provisions of this code are committed to or retained under the jurisdiction of the Industrial Accident Commission, the State Compensation Insurance Fund, the Industrial Safety Board,

or the Industrial Welfare Commission such designation shall mean the Industrial Accident Commission, the State Compensation Insurance Fund, the Industrial Safety Board, or the Industrial Welfare Commission as the case may be.

SEC. 4 Section 56 of the Labor Code is amended to read:

56. The work of the department shall be divided into at least eight divisions known as the Division of Industrial Accidents, the Division of Industrial Safety, the Division of Housing, the Division of Labor Law Enforcement, the Division of Industrial Welfare, the Division of Labor Statistics and Research, the Division of Apprenticeship Standards, and the State Compensation Insurance Fund. DIVISIONS

SEC. 5. Section 57 of the Labor Code is amended to read as follows:

57. Except as otherwise expressly provided by law, each division shall be in charge of a chief who shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary fixed in accordance with law. The chief of each division before entering upon the duties of his office shall execute an official bond to the State in a penal sum fixed in accordance with law, conditioned upon the faithful performance of his duties. DIVISION
CHIEFS

The person holding permanent civil service status as Chief, Industrial Accident Prevention Bureau shall be the Chief of the Division of Industrial Safety, continuing to be subject to all of the provisions of the State Civil Service Act.

The person holding permanent civil service status as Principal Labor Statistician shall be the Chief of the Division of Labor Statistics and Research, continuing to be subject to all the provisions of the State Civil Service Act.

The person holding permanent civil service status as Assistant to the Director of Industrial Relations shall be the Chief of the Division of Apprenticeship Standards, continuing to be subject to all of the provisions of the State Civil Service Act.

SEC. 6. Section 57.5 is added to the Labor Code, to read:

57.5. All duties, powers, and jurisdiction relating to the administration of the State Compensation Insurance Fund shall be vested in the Board of Directors of the State Compensation Insurance Fund. State Com-
pensation
Insurance
Fund

SEC. 7. Section 60 of the Labor Code is amended to read:

60. The provisions of Division 4 of this code shall be administered and enforced by the department through the Division of Industrial Accidents which is under the control of the Industrial Accident Commission. Enforce-
ment of
Division 4

SEC. 8. Section 60.5 is added to the Labor Code, to read:

60.5. The provisions of Part 1 of Division 5 of this code shall be administered and enforced by the department through the Division of Industrial Safety. Enforce-
ment of
Part 1,
Division 5

SEC. 9. Section 70.5 is added to the Labor Code, to read:

70.5. The salary of the Chief of the Division of Industrial Welfare shall be not less than seven thousand two hundred dollars (\$7,200) per annum. Salary
of Chief

SEC. 9 5. Section 72 of the Labor Code is amended to read:

Chief of
division
72. One of the members of the Industrial Welfare Commission may be appointed Chief of the Division of Industrial Welfare Commissioner. The members of the commission, other than the member who is appointed Chief of the Division of Industrial Welfare, shall receive twenty dollars (\$20) for each day's actual attendance at meetings of the commission and shall receive their actual and necessary expenses incurred in the performance of their duties.

SEC. 10. The heading of Chapter 3 of Division 1 of the Labor Code is amended to read:

Chapter
heading

CHAPTER 3. DIVISION OF HOUSING

SEC. 11. Section 75 of the Labor Code is amended to read:

Commission
of Housing
75. There is in the Division of Housing the Commission of Housing which consists of five members. The members of the commission shall be appointed by and hold office at the pleasure of the Governor.

SEC. 12. Section 76 of the Labor Code is amended to read:

Policies
76. The Commission of Housing may determine policies for the guidance of the division in all matters concerning the administration of the laws which the division is to enforce.

SEC. 13. Section 77 of the Labor Code is amended to read:

Compensation
of members
77. Each member of the commission shall receive twenty dollars (\$20) for each day's actual attendance at meetings of the commission and his actual and necessary traveling expenses incurred in the performance of his duty as a member.

SEC. 13 5. Section 77.5 is added to the Labor Code, to read:

Salary
of Chief
77.5. The salary of the Chief of the Division of Housing shall be not less than seven thousand two hundred dollars (\$7,200) per annum.

SEC. 14. The heading of Chapter 4 of Division 1 of the Labor Code is amended to read:

Chapter
heading

CHAPTER 4. DIVISION OF LABOR LAW ENFORCEMENT

SEC. 15. Section 79 of the Labor Code is amended to read:

Head-
quarters of
Division
79. The headquarters of the Division of Labor Law Enforcement, hereafter in this chapter referred to as the division, shall be located in San Francisco.

SEC. 15.5. Section 80 of the Labor Code is amended to read:

Labor
Commissioner.
Salary
Repeals
80. The salary of the Labor Commissioner shall be not less than seven thousand two hundred dollars (\$7,200) per annum.

SEC. 16. Sections 81, 82, 83, 84, 85, 86, 87 and 88 of the Labor Code are repealed.

SEC. 17. Section 89 of the Labor Code is amended to read:

Employees,
Offices
89. The employees of the division shall devote their full time to the work of the division and shall receive their actual necessary traveling expenses. The division shall maintain offices in San Francisco, Los Angeles, Sacramento, San Diego, Oakland, Fresno, San Jose and in such other places as the Labor Commissioner may deem necessary.

SEC. 18. Section 111 of the Labor Code is amended to read:

111. The Division of Industrial Accidents shall be under the control of and governed by the Industrial Accident Commission consisting of seven members. Industrial Accident Commission

SEC. 19. Section 112 of the Labor Code is amended to read:

112. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate. The term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the commission in office at the time this amendment takes effect shall expire on January 15th of that year which for the particular member has heretofore been determined. The term of one of the four members added to the commission by this amendment shall expire on January 15, 1946, the term of one on January 15, 1947, the term of one on January 15, 1948, and the term of one on January 15, 1949. Vacancies shall be filled by appointment for the unexpired terms. Each member, except the chairman, shall receive a salary of seven thousand two hundred dollars (\$7,200) per annum. Members Terms Salaries

SEC. 20. Section 113 of the Labor Code is amended to read:

113. The Governor shall designate the chairman of the commission from the membership of the commission. The person so designated shall hold the office of chairman at the pleasure of the Governor. The chairman shall receive a salary of seven thousand five hundred dollars (\$7,500) per annum. Chairman

SEC. 21. Section 114 of the Labor Code is repealed. Repeal

SEC. 22. Section 114 is added to the Labor Code, to read:

114. The commission shall be composed of two panels of three members each. The members shall be assigned to the panels by the chairman and may be transferred from one panel to another by the chairman to facilitate the work of the commission. The chairman may act in the place of any member of a panel who is absent, or whose office has become vacant. Panels

The headquarters of Panel One shall be the San Francisco office of the commission. The headquarters of Panel Two shall be the Los Angeles office of the commission. Offices

The commission shall meet as a whole at least once each quarter. Meetings

Except as otherwise expressly provided, each of the panels shall have the power to hear and determine matters within the jurisdiction of the commission. The commission shall by rule provide for a geographical division of the State to determine what matters are to be heard and decided by each panel. Particular matters may be transferred from one panel to another, or to the commission as a whole, by an order signed by four members of the commission. In any case in which the commission acts as a whole, the act of four members shall be considered the act of the commission. Powers of panels

SEC. 23. Section 115 of the Labor Code is repealed. Repeal

SEC. 24. Section 115 is added to the Labor Code, to read:

Quorum 115. Except as otherwise expressly provided, a majority of a panel shall constitute a quorum for the transaction of business, or the exercise of any power of the commission.

Hearings, etc Any investigation, inquiry, or hearing which the commission has power to undertake or to hold, and which has been assigned or transferred to a panel may be undertaken or held by any commissioner of that panel or any referee attached to the headquarters of that panel to whom the matter is assigned.

Findings, etc Every finding, order, decision, or award made and filed by a panel pursuant to such investigation, inquiry, or hearing is the finding, order, decision, or award of the commission.

Every finding, order, decision, or award made by any commissioner or referee pursuant to such investigation, inquiry or hearing, when approved and confirmed and ordered filed by a panel, is the finding, order, decision, or award of the commission.

SEC. 25. Section 118 of the Labor Code is amended to read:

Attorneys 118. The commission may appoint an attorney and assistants licensed to practice law in this State.

Repeal SEC. 26. Section 122 of the Labor Code is repealed.

SEC. 28. Chapter 6 is added to Division 1 of the Labor Code, to read:

CHAPTER 6. INDUSTRIAL SAFETY BOARD

Industrial Safety Board 140. There is in the Division of Industrial Safety, the Industrial Safety Board which consists of the Director of Industrial Relations, who shall be the chairman, and four members who shall be appointed by the Governor.

Members 141. The term of office of the members of the board, other than that of the director, shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the first four members appointed to the board shall expire as follows: One on January 15, 1946, and one each on January 15, 1947, January 15, 1948 and January 15, 1949. Each member of the board except the chairman shall receive twenty dollars (\$20) for each day of his actual attendance at meetings of the board, and his actual and necessary traveling expenses incurred in the performance of his duty as a member.

Duties 142. The division shall enforce all safety orders adopted pursuant to Division 5 by the board, and those heretofore adopted by the Industrial Accident Commission. General safety orders heretofore adopted by the Industrial Accident Commission shall continue to remain in effect but they may be amended or repealed by the board.

Legal services 143. The attorney for the Industrial Accident Commission shall also perform such legal services for the Division of Industrial Safety as the Director of Industrial Relations may direct.

Employees 144. All employees of the Industrial Accident Commission, who at the time this section takes effect have permanent civil service status in positions in which the duties are in furtherance of the work mentioned in Division 5, shall be transferred to the

Division of Industrial Safety without loss of permanent civil service status, and shall continue to be subject to the provisions of the State Civil Service Act.

SEC. 29. Chapter 7 is added to Division 2 of the Labor Code, to read:

CHAPTER 7. DIVISION OF LABOR STATISTICS AND RESEARCH

150. The Division of Labor Statistics and Research, hereafter in this chapter referred to as the division, shall collect, compile and present facts and statistics relating to the condition of labor in the State, including information as to employment, unemployment, hours, wages, earnings, cost of living, labor supply and demand, industrial relations, industrial disputes, industrial accidents and safety, labor productivity, sanitary and other conditions, prison labor, and such other matters in relation to labor as the Director of Industrial Relations deems desirable. Except for statistics relating to internal administration, all statistical functions of the department shall be performed by the division.

Division
of Labor
Statistics
and
Research

151. The Chief of the Division of Labor Statistics and Research and employees of the division authorized by him may issue subpoenas to compel the attendance of witnesses and production of books, papers and records; administer oaths; examine witnesses under oath; take the verification or proof of written instruments; and take depositions and affidavits for the purpose of carrying out the provisions of this code and performing the duties which the division is required to perform. They shall have free access to all places of labor. Any person, or agent or officer thereof, who wilfully neglects or refuses to furnish statistics requested by the division, which are in his possession, or under his control, or who refuses to admit the chief or his authorized employee to a place of labor, is guilty of a misdemeanor. The Director of Industrial Relations may direct the chief and the employees of other divisions of the department to transmit to the Division of Labor Statistics and Research any statistical information in their possession, or to conduct investigations and otherwise assist the Division of Labor Statistics and Research in the gathering of whatever statistics the director deems desirable.

Chief
Powers and
duties

152. No use shall be made in the reports of the division of the names of persons supplying the information required under this code. Any agent or employee of the division who violates this section is guilty of a misdemeanor.

Names of
persons
supplying
information

153. All employees of the Division of Labor Statistics and Law Enforcement, the Industrial Accident Commission, or other agencies of the department, who at the time this section takes effect have permanent civil service status in positions in which the duties are in furtherance of the work mentioned in Section 150 shall be transferred to the Division of Labor Statistics and Research without loss of permanent civil service status and shall continue to be subject to the provisions of the State Civil Service Act.

Employees

SEC. 30. Section 210 of the Labor Code is amended to read:

Penalties

210. In addition to and entirely independent and apart from any other penalty provided in this article, every person who fails to pay the wages of each employee as provided in Sections 204 and 205, shall forfeit to the State the sum of ten dollars (\$10) for each failure to pay each employee. The penalty shall be recovered by the Division of Labor Law Enforcement in a civil action. Such action shall be brought in the name of the people of the State of California and the division and the attorneys thereof may proceed and act for and on behalf of the people in bringing such actions. All money recovered therein shall be paid into the State treasury to the credit of the General Fund.

SEC. 31. Section 217 of the Labor Code is amended to read:

Violations
of article

217. The Division of Labor Law Enforcement shall inquire diligently for any violations of this article, and, in cases which it deems proper, shall institute the actions for the penalties provided for in this article and shall enforce this article.

SEC. 32. Section 431 of the Labor Code is amended to read:

Form of
employment
application

431. If an employee or applicant is required to sign an application for employment, the employer shall file in the office of the Division of Labor Law Enforcement a copy of the form of such application.

SEC. 33. Section 554 of the Labor Code is amended to read:

Working
hours, etc.
Exceptions

554. This chapter shall not apply to any cases of emergency nor to work performed in the necessary care of animals, crops or agricultural lands, nor to work performed in the protection of life or property from loss or destruction, nor to any common carrier engaged in or connected with the movement of any train. Nor shall the provisions of this chapter apply when the employer and a labor organization representing employees of such employer have entered into a valid collective bargaining agreement respecting the hours of work of such employees. Nothing in this chapter shall be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires that the employee work seven or more consecutive days, providing that in each calendar month the employee receive days of rest equivalent to one day's rest in seven.

In addition to the exceptions herein, the Chief of the Division of Labor Law Enforcement may, when in his judgment hardship will result, exempt any employer or employees from this chapter.

SEC. 34. Section 1174 of the Labor Code is amended to read:

Duties of
employer:
Reports

1174. Every person, employing labor in this State shall:
(a) Furnish to the commission, at its request, reports or information which the commission requires to carry out this chapter. Such reports and information shall be verified if required by the commission or any member thereof.

(b) Allow any member of the commission or the employees of the Division of Industrial Welfare, free access to the place of business or employment of such person to secure any information or make any investigation which they are authorized by this chapter to ascertain or make. The commission may inspect

or make excerpts, relating to the employment of women and minors, from the books, reports, contracts, pay rolls, documents, or papers of such person.

(c) Keep a record showing the names and addresses of all women and minors employed and the ages of all minors.

(d) Keep at the plants or establishments at which women or minors are employed, pay roll records showing the hours worked daily by, and the wages paid to, women and minors employed at the respective plants or establishments, and which shall be kept in accordance with rules established for this purpose by the commission. All such records shall be kept on file for at least one year.

SEC. 35. Section 1175 of the Labor Code is amended to read:

1175. Any person, or officer or agent thereof, is guilty of a ^{Offenses} misdemeanor who:

(a) Neglects or refuses to furnish the information requested under the provisions of Section 1174.

(b) Refuses access to his place of business or employment to any member of the commission or employee of the Division of Industrial Welfare when administering or enforcing this chapter.

(c) Hinders such member, or employee in securing information authorized by Section 1174.

(d) Fails to keep any of the records required by Section 1174.

SEC. 36. Section 1183 of the Labor Code is amended to read:

1183. Upon the fixing of the time and place for the holding ^{Notice of hearing} of a hearing for the purpose of considering and acting upon any matters referred to in Section 1182, the commission shall:

(a) Give public notice thereof by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, Sacramento, San Jose, Fresno, Eureka, San Diego, Long Beach, Alameda, Berkeley, Stockton, San Bernardino and San Francisco.

(b) Mail a copy of the notice to the county clerk of each county in the State to be posted at the courthouse and also to each association of employers or employees and to any employer within this State filing with the commission a written request for notice of such hearing and the purpose thereof.

The notice shall also state the time and place fixed for the hearing, which shall not be less than 14 days from the date of publication and mailing of such notices.

SEC. 38. Section 1202 of the Labor Code is amended to read:

1202. Upon the request of the commission, the Division ^{Statistics} of Labor Statistics and Research shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

- SEC. 39.** Section 1256 of the Labor Code is amended to read:
 1256. This article shall be enforced by the Division of Industrial Welfare. All fines collected under this article shall be paid into the State treasury and credited to the General Fund.
- SEC. 46.** Section 1353 of the Labor Code is amended to read:
 1353. Every employer subject to this article shall keep an accurate record showing the names of, and actual hours worked by all female employees. This record shall be accessible at all reasonable hours to the officers and agents of the Division of Industrial Welfare.
- SEC. 47.** Section 1356 of the Labor Code is amended to read:
 1356. The Division of Industrial Welfare shall enforce this article.
- SEC. 49.** Section 1460 of the Labor Code is amended to read as follows:
 1460. As used in this part, "commission" means Commission of Housing.
- SEC. 49.5.** Section 1477 of the Labor Code is amended to read as follows:
 1477. The commission may:
 (a) Make investigations of the housing of working people and of city planning.
 (b) Encourage the creation of local city planning commissions and furnish information as to the progress of other cities for the use of such commissions.
 (c) Investigate and report upon defective housing and the evils resulting therefrom and the work being done to remedy such evils.
 (d) Study the operation and enforcement of building and tenement house laws, of housing finance, taxes, and of zoning and districting regulations.
 (e) Promote the formation of organizations intended to increase the supply of wholesome homes for the people.
- SEC. 49.6.** Sections 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473 and 1474 are hereby repealed.
- SEC. 50.** Section 1727 of the Labor Code is amended to read:
 1727. Before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts which have been forfeited pursuant to any stipulation in a contract for public work, and the terms of this chapter. But no sum shall be withheld, retained or forfeited, except from the final payment, without a full investigation by either the Division of Labor Law Enforcement or by the awarding body.
- SEC. 51.** Section 1814 of the Labor Code is amended to read:
 1814. Every contractor and subcontractor shall keep an accurate record showing the name of and actual hours worked by each workman employed by him in connection with the public work. The record shall be kept open at all reasonable hours to the inspection of the awarding body and to the Division of Labor Law Enforcement.

SEC. 52. Section 1852 of the Labor Code is amended to read:

1852. Every contractor and subcontractor shall keep an accurate record showing the name and citizenship of each workman employed by him, in connection with public work. The record shall be kept open at all reasonable hours to the inspection of the awarding body and to the Division of Labor Law Enforcement.

Record of
workmen

SEC. 53. Section 2012 of the Labor Code is amended to read:

2012. The Division of Labor Statistics and Research shall keep constantly advised of industrial conditions throughout the State as affecting the employment of labor. Whenever the Governor represents or the division has reason to believe, that a period of extraordinary unemployment caused by industrial depression exists in the State, it shall immediately hold an inquiry into the facts relating thereto, and report to the Governor whether, in fact, such condition exists.

Information
regarding
industrial
conditions

SEC. 54. Section 2013 of the Labor Code is amended to read:

2013. If the Division of Labor Statistics and Research reports to the Governor that a condition of extraordinary unemployment caused by industrial depression does exist within this State, the Department of Finance may apportion the available Emergency Fund among the several State agencies for the extension of the public works of the State under the charge or direction thereof, in the manner which the Department of Finance believes to be best adapted to advance the public interest by providing the maximum of public employment consistent with the most useful, permanent, and economic extension of public works.

Apportion-
ment of
emergency
fund

SEC. 55. Section 2014 of the Labor Code is amended to read:

2014. The Department of Employment immediately upon the publication of a finding under this chapter that a period of extraordinary unemployment due to industrial depression exists throughout this State shall prepare approved lists of applicants for public employment, secure full information as to their industrial qualifications, and shall submit the same to the Department of Finance for transmission to the State agencies which avail themselves of the provisions of this chapter.

Lists of
applicants
for public
employment

SEC. 56. Section 2422 of the Labor Code is amended to read:

2422. The Division of Housing shall administer and enforce this article and for such purpose the officers and agents thereof may:

Division of
housing
inspection

(a) Enter public or private property to determine whether there exists any camp to which this article applies.

(b) Enter and inspect all camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(c) Enter and inspect the land adjacent to the camp to determine whether the sanitary and other requirements of this article have been or are being complied with.

SEC. 57. Section 2423 of the Labor Code is amended to read:

2423. Any camp which does not conform to this article is a public nuisance and if not made to conform within five days

Public
nuisance:
Abatement

or within such longer period of time allowed by the Division of Housing after written notice given by the commission shall be abated by proper action brought in the superior court of the county in which the camp, or the greater portion thereof, is situated.

Enforcement
Peace
officer
authority

SEC. 58. Section 2424 of the Labor Code is amended to read :
2424. For the purpose of securing the enforcement of this article the officers and agents of the Division of Housing shall have the authority of peace officers to make arrests, to serve any process or notice throughout the State and such other authority of peace officers as may become necessary in securing the enforcement of this article.

Registration
of factories

SEC. 59. Section 2601 of the Labor Code is amended to read :
2601. The owner of any factory shall register such factory with the Division of Labor Statistics and Research giving :

- (a) The name of the owner.
- (b) The name under which the business is conducted.
- (c) The location of the factory.
- (d) The address of the general offices or principal place of business.

(e) Information required by the division.

Change of
location

SEC. 60. Section 2603 of the Labor Code is amended to read :
2603. Within 30 days after a change in the location of a factory the owner thereof shall file with the Division of Labor Statistics and Research the new address of the factory.

Notice of
new
factory

SEC. 61. Section 2604 of the Labor Code is amended to read :
2604. Whenever the division learns of a new factory, it shall on or before the tenth day of the following month notify the State Board of Health, and the board of health or health officer of the city and of the county wherein the factory is located.

"Commis-
sion"

SEC. 62. Section 3205 of the Labor Code is amended to read :
3205. "Commission" means the Industrial Accident Commission which is the governing body in control of the Division of Industrial Accidents in the Department of Industrial Relations.

Securing
payment of
compen-
sation

SEC. 63. Section 3700 of the Labor Code is amended to read :
3700. Every employer except the State and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways :

(a) By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Insurance Commissioner of ability to self-insure and to pay any compensation that may become due to his employees.

Deposit of
bond or
securities

SEC. 64. Section 3701 of the Labor Code is amended to read :
3701. The Director of Industrial Relations may require a self-insuring employer to deposit with the State Treasurer a bond or securities, but not both, approved by the Insurance

Commissioner, and in an amount determined by the Insurance Commissioner.

SEC. 65. Section 3702 of the Labor Code is amended to read :

3702. A certificate of consent to self-insure may be revoked by the Director of Industrial Relations at any time for good cause after a hearing. Good cause includes, among other things, the impairment of the solvency of such employer, the inability of the employer to fulfill his obligations, or the practice by such employer or his agent in charge of the administration of obligations under this division of any of the following:

Revocation
of
certificate
of consent

(a) Habitually and as a matter of practice and custom inducing claimants for compensation to accept less than the compensation due or making it necessary for them to resort to proceedings against the employer to secure the compensation due.

(b) Discharging his compensation obligations in a dishonest manner.

(c) Discharging his compensation obligations in such a manner as to cause injury to the public or those dealing with him.

SEC. 66. Section 3710 of the Labor Code is amended to read :

3710. Failure to secure the payment of compensation under this article is a misdemeanor. Proof of continued violation of this section for 30 days makes mandatory on the tribunal before whom the charge of violation of this section is tried the imposition of a fine of not less than three hundred dollars (\$300). Prosecutions for criminal violations of the provisions of this division may be conducted by the appropriate public official of the county in which the offense is committed, by the Attorney General, by the attorney for the Industrial Accident Commission or by any attorney in the civil service of the Department of Industrial Relations specifically designated by the director for such purpose.

Penalty

SEC. 67. Section 3711 of the Labor Code is amended to read :

3711. The Director of Industrial Relations may require at any time any employer to furnish a written statement showing the name of his insurer or the manner in which the employer has complied with the provisions of this article. Failure of the employer for a period of 10 days to furnish such written statement is prima facie evidence that he has failed or neglected in respect to the matters so required. In any prosecution under this article, the burden of proof is upon the defendant to show that he has secured the payment of compensation in one of the two ways set forth in this article.

Written
statement

SEC. 68. Section 3712 of the Labor Code is amended to read :

3712. The securing of the payment of compensation in a way provided in this division is essential to the functioning of the expressly declared social public policy of this State in the matter of worker's compensation; and the conduct or operation of any business or undertaking without full compensation security, in continuing violation of such social policy, is hereby declared to be a nuisance which may be abated upon suit brought in the name of the Director of Industrial Relations before the superior court of any county in which all or some

Failure to
secure com-
pensation

Abatement
as nuisance

Injunction

part of such business is being thus unlawfully conducted or operated. In no such proceeding may any filing fee be charged to the plaintiff; nor may any charge or cost be imposed for any act or service required of or done by any State or county officer or employee in connection with such proceeding. No bond shall be required as a prerequisite to the granting of a restraining order. If the court or the judge before whom the order to show cause in such proceeding shall be made returnable, shall find that the defendant is conducting or operating a business or undertaking without the full compensation security required, he shall forthwith, and without continuance, issue an order restraining the future or further conduct and operation of said business or undertaking so long as such violation of social public policy shall continue. Such action may be prosecuted by the Attorney General of California, the district attorney of the county in which suit is brought, the city attorney of any city in which such a business or undertaking is being operated or conducted without full compensation security, or any attorney possessing civil service status, who is an employee of the Department of Industrial Relations who may be specifically designated by the director for such purpose. No finding made in the course of any such action shall be binding on the commission in any subsequent proceeding before it for benefits under this division.

SEC. 69. Section 3714 of the Labor Code is amended to read:

Compensation enforcement officer

3714. The Director of Industrial Relations may appoint any attorney possessing civil service status who is an employee of the Department of Industrial Relations to also perform the duties of Compensation Enforcement Officer, whose duty it shall be to enforce compliance with the terms of this division, and to prosecute or assist in prosecutions for violations of it.

SEC. 69.5. Section 3800 of the Labor Code is amended to read:

Construction permits

3800. Every county or city which requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition or repair of any building or structure shall require that each applicant for such permit have on file or file

(1) A certificate of consent to self-insure issued by the Director of Industrial Relations, or

(2) A certificate of workmen's compensation insurance issued by an admitted insurer, or

(3) An exact copy or duplicate thereof certified by the director or the insurer.

The certificate of insurance shall state that there is in existence a valid policy of workmen's compensation insurance in a form approved by the Insurance Commissioner. The certificate shall show the expiration date of the policy. No insurer shall issue such certificate unless the full deposit premium on the policy has been paid, and the insurer shall give the county or

city at least 10 days advance notice of the cancellation of the policy.

SEC. 70. Section 5301 of the Labor Code is amended to read:

5301. The commission is vested with full power, authority and jurisdiction to try and determine finally all the matters specified in Section 5300 subject only to the review by the courts as specified in this division. Such jurisdiction may be exercised by the commission through either of its panels as described in Section 115 or, subject to the approval by the panel of the order, decision, or award, through a commissioner or referee.

Powers of
Commission

SEC. 71. Section 5307 of the Labor Code is amended to read:

5307. The commission may by an order signed by four members:

(a) Adopt reasonable and proper rules of practice and procedure.

(b) Regulate and provide the manner in which, and by whom, minors and incompetent persons are to appear and be represented before it.

(c) Regulate and prescribe the kind and character of notices, where not specifically prescribed by Division 4, and the service thereof.

(d) Regulate and prescribe the nature and extent of the proofs and evidence.

SEC. 72. Section 5307.5 is added to the Labor Code, to read:

5307.5. The commission or a panel, a commissioner, or a referee may:

(a) Appoint a trustee or guardian ad litem to appear for and represent any minor or incompetent upon the terms and conditions which it deems proper. Such guardian or trustee shall, if required by the commission, give a bond in the form and of the character required by law from a guardian appointed by a superior court and in the amount which the commission determines. The bond shall be approved by the commission, and such guardian or trustee shall not be discharged from liability until he files an account with the commission or with the superior court and such account is approved. The trustee or guardian shall receive the compensation for his services fixed and allowed by the commission or by the superior court.

(b) Provide for the joinder in the same proceeding of all persons interested therein, whether as employer, insurer, employee, dependent, creditor, or otherwise.

SEC. 73. Section 5700 of the Labor Code is amended to read:

5700. The hearing on the application may be adjourned from time to time and from place to place in the discretion of the commission, panel, or the commissioner or referee holding the hearing. Either party may be present at any hearing, in person, by attorney, or by any other agent, and may present testimony pertinent under the pleadings.

Hearings

SEC. 74. Section 5708 of the Labor Code is amended to read:

5708. All hearings and investigations before the commission, panel, a commissioner, or a referee, are governed by this division and by the rules of practice and procedure adopted by

Rules of
practice
and
procedure

the commission. In the conduct thereof they shall not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the manner, through oral testimony and records, which is best calculated to ascertain the substantial rights of the parties and carry out justly the spirit and provisions of this division. All oral testimony, objections, and rulings shall be taken down in shorthand by a competent phonographic reporter.

SEC. 75. Section 5709 of the Labor Code is amended to read :

Effect of
proceeding,
on order,
etc

5709. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, award, or rule made, approved, or confirmed by the commission or a panel thereof. No order, decision, award, or rule shall be invalidated because of the admission into the record, and use as proof of any fact in dispute, of any evidence not admissible under the common law or statutory rules of evidence and procedure.

SEC. 76. Section 5710 of the Labor Code is amended to read :

See also
Stats 194.,
Ch 168
Depositions

5710 The commission, a panel, a commissioner, a referee, or any party to the action or proceeding, may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this State. To that end the attendance of witnesses and the production of records may be required. Depositions may be taken outside the State before any officer authorized to administer oaths. The commissioner, a commissioner, or a referee in any proceeding before the commission may cause evidence to be taken in other jurisdictions before the agency authorized to hear workmen's compensation matters in such other jurisdictions.

SEC. 77. Section 5808 of the Labor Code is amended to read :

Stay of
execution

5808. The commission, a panel, or any commissioner may stay the execution of any judgment entered upon an order, decision, or award of the commission, upon good cause appearing therefor and may impose the terms and conditions of the stay of execution. A certified copy of such order shall be filed with the clerk entering judgment. Where it is desirable to stay the enforcement of an order, decision, or award and a certified copy thereof and of the findings has not been issued, the commission, a panel, or any commissioner may order the certified copy to be withheld with the same force and under the same conditions as it might issue a stay of execution if the certified copy had been issued and judgment entered thereon.

SEC. 78. Section 6300 of the Labor Code is amended to read :

Definitions

6300. As used in this division :

(a) "Insurer" includes the State Compensation Insurance Fund and any private company, corporation, mutual association, reciprocal or interinsurance exchange authorized under the laws of this State to insure employers against liability for compensation under Part 1 of this division and under Division

4 and any employer to whom a certificate of consent to self-insure has been issued.

(b) "Division" means the Division of Industrial Safety.

(c) "Board" means the Industrial Safety Board, within the division.

SEC. 79. Section 6302 of the Labor Code is amended to read:

6302. "Place of employment" means any place, and the premises appurtenant thereto, where employment is carried on, except a place the safety jurisdiction over which is vested by law in any State or Federal agency other than the division.

SEC. 80. Section 6306 of the Labor Code is amended to read:

6306. "Order" means any decision, rule, regulation, direction, requirement, or standard of the division, or any other determination arrived at or made by the division under the safety provisions of this part.

SEC. 81. Section 6307 of the Labor Code is amended to read:

6307. "General order" means an order, which applies generally throughout the State to all persons, employments, or places of employment, of a class under the jurisdiction of the division. To be effective a general order must be signed by three members of the board.

SEC. 81a. Section 6308 of the Labor Code is amended to read:

6308. "Special order" means any order of the division, other than a general order.

SEC. 82. Section 6309 of the Labor Code is amended to read:

6309. "Local order" means any ordinance, order, rule, or determination of the governing body of any county, city, district, or other public or quasi-public corporation, or an order or direction of any public official, board, or department upon any matter over which the division has jurisdiction.

SEC. 83. Section 6312 of the Labor Code is amended to read:

6312. The division has the power, jurisdiction, and supervision over every employment and place of employment in this State, which is necessary adequately to enforce and administer all laws and lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment.

SEC. 84. Section 6313 of the Labor Code is amended to read:

6313. The division may investigate the cause of all industrial injuries resulting in disability or death which occur within the State in any employment or place of employment, or which directly or indirectly arise from or are connected with the maintenance or operation of such employment or place of employment.

The division may make orders or recommendations with respect to the cause of such injuries which are just and reasonable; but neither the order nor the recommendation of the division shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

- Entry to places of employment
- SEC. 85. Section 6314 of the Labor Code is amended to read :
 6314. To make any investigation under Section 6313 or to collect statistics or to examine the provision made for the safety of employees, any person designated by the division, may enter any place of employment and may subpoena witnesses, administer oaths, and take testimony.
- Penalty
- SEC. 86. Section 6315 of the Labor Code is amended to read :
 6315. Any person who violates any order or recommendation made by authority of Sections 6313 or 6314 or who in any way obstructs or hampers any person conducting any investigation authorized by the division, is guilty of a misdemeanor.
- Powers of division
- SEC. 87. Section 6316 of the Labor Code is amended to read :
 6316. The division may :
 (a) Establish and maintain museums of safety and hygiene in which are exhibited safety devices, safeguards, and other means and methods for the protection of the life and safety of employees, and publish and distribute bulletins on any phase of this subject.
 (b) Cause illustrated lectures to be delivered, for the information of employers, their employees, and the general public in regard to the causes and prevention of industrial accidents, occupational diseases, and related subjects.
 (c) Appoint advisers, without compensation, to assist in establishing standards of safety and adopt and incorporate in its general orders safety recommendations received from such advisers.
- Order fixing standard of safety
- SEC. 88. Section 6318 of the Labor Code is amended to read :
 6318. Whenever the division, by order, fixes a standard of safety for employments or places of employment, such order shall, when a copy thereof is filed with the clerk of the county or city to which it applies, establish a minimum requirement concerning the matters covered by such order and shall be construed in connection with any local order relative to the same matter. Such order shall amend or modify any requirement in the local order not up to the standard of the order of the division.
- Confidential information
- SEC. 89. Section 6319 of the Labor Code is amended to read :
 6319. No officer or employee of the division shall divulge to any person not connected with the administration of this part any confidential information concerning the failure to keep any place of employment safe or concerning the violation of any order, rule, or regulation issued by the board or division. Violation of this section is a misdemeanor.
- Disposition of money collected
- SEC. 90. Section 6320 of the Labor Code is amended to read :
 6320. All money collected for violation of this division shall be paid into the State treasury to the credit of the General Fund.
 The Department of Industrial Relations shall account to the Department of Finance and the State Controller for all moneys so received and furnish proper vouchers therefor.

SEC. 91. Section 6407 of the Labor Code is hereby amended to read:

6407. Every employer, insurer and physician or surgeon who attends any injured employee shall file with the Division of Labor Statistics and Research, under rules and regulations prescribed by the Division of Labor Statistics and Research, a complete report of every injury to each employee arising out of or in the course of his employment unless disability resulting from such injury does not last through the day or does not require medical service other than ordinary first aid treatment. Reports of injuries

SEC. 92. Section 6408 of the Labor Code is amended to read:

6408. Where the injury results in death a report shall forthwith be made by the employer to the Division of Labor Statistics and Research by telephone or telegraph. Report of death

SEC. 93. Section 6409 of the Labor Code is amended to read:

6409. The reports shall be made to the Division of Labor Statistics and Research in the form and detail prescribed by the Division of Labor Statistics and Research, and shall answer specifically all questions required by the Division of Labor Statistics and Research under its rules and regulations. Form

SEC. 94. Section 6412 of the Labor Code is amended to read:

6412. Every employer or insurer receiving blanks with directions from the Division of Labor Statistics and Research to complete them shall cause them to be properly filled out; so as to answer fully and correctly each question propounded therein. In case of inability to answer any such questions, a good and sufficient reason shall be given for such failure. Filling out of blanks

SEC. 95. Section 6413 of the Labor Code is amended to read:

6413. No information furnished to the Division of Labor Statistics and Research by an employer or an insurer shall be open to public inspection or made public except on order of a court or other agency with the authority to compel witnesses to testify. Information confidential

SEC. 95a. Section 6414 of the Labor Code is amended to read:

6414. Except where another penalty is specifically provided, every person is guilty of a misdemeanor who does any of the following: Offenses

(a) Violates any safety provision or part thereof in, or authorized by, this part.

(b) Fails or refuses to comply with any such safety provision or any part thereof.

(c) Directly or indirectly, knowingly induces another so to do.

In any prosecution under this section, it is prima facie evidence of a violation of any such safety provision, that the accused has failed or refused to comply with any order, rule, regulation or requirement of the commission relative thereto. The burden of proof shall thereupon rest upon the accused to show that he has complied with such safety provision.

Orders,
etc re
safety

SEC. 96. Section 6500 of the Labor Code is amended to read:
6500. The division, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations or otherwise may:

(a) Declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(b) Fix reasonable standards and prescribe, modify, and enforce reasonable orders for the adoption, installation, use, maintenance, and operation of reasonably uniform safety devices, safeguards, and other means or methods of protection, which are necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

(c) Fix and order reasonable standards for the construction, repair and maintenance of places of employment necessary to make them safe.

(d) Require the performance of any other act which the protection of the life and safety of the employees in employments and places of employment reasonably demands.

(e) Declare and prescribe the general form of industrial injury reports, the injuries to be reported and the information to be furnished in connection therewith, and the time within which such reports are to be filed.

General orders issued under this section must be signed by three members of the board.

Supple-
mental
reports

SEC. 97. Section 6501 of the Labor Code is amended to read:
6501. Nothing in this part shall prevent the division from requiring supplemental injury reports.

Notice of
hearing

SEC. 98. Section 6502 of the Labor Code is amended to read:
6502. Upon the fixing of a time and place for a hearing to consider issuing a general safety order, the division shall publish a notice of such hearing in one or more daily newspapers of general circulation published and circulated in San Francisco and in one or more daily newspapers of general circulation published and circulated in the County of Los Angeles. No defect or inaccuracy in such notice or in the publication thereof invalidates any general order issued by the board after a hearing.

Safety
order

SEC. 99. Section 6503 of the Labor Code is amended to read:
6503. Whenever the division, after a hearing, finds that any employment or place of employment is not safe, or that the practices, means, methods, operations, or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in the employment or place of employment, the division shall make, and enter and serve an order relative thereto which is necessary to render the employment or place of employment safe and protect the life and safety of employees therein. The division may in the order direct that, in a manner and within a time specified, such additions, repairs, improvements, or changes be made and

such safety devices and safeguards be furnished, provided and used, as are reasonably required to render the employment or place of employment safe.

SEC. 100. Section 6504 of the Labor Code is amended to read :

6504. The division may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order. Any person affected by an order may petition the division for an extension of time, which may be granted if the division finds it necessary. Extension
of time

SEC. 101. Section 6505 of the Labor Code is amended to read :

6505. Whenever the division learns or has reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same with or without notice or hearings. After a hearing upon such notice as it may prescribe, the division may enter and serve any necessary order relative thereto. Summary
investi-
gation

SEC. 102. Section 6506 of the Labor Code is amended to read :

6506. Every person shall comply with every order, decision, direction, rule, or regulation made or prescribed as specified in this part and in any way relating to or affecting safety of employments or places of employment or to protect the life and safety of employees in such employments or places of employment. Every person shall do everything necessary or proper in order to secure compliance with, and observance of, every such order, decision, direction, rule, or regulation. Compliance
with
safety
order, etc

SEC. 103. Section 6507 of the Labor Code is amended to read :

6507. All orders, rules, regulations, findings and decisions of the division made and entered under this part are admissible as evidence in any prosecution for the violation of any provisions of this part and shall, in every such prosecution, be conclusively presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety unless, prior to the institution of the prosecution for such violation, proceedings for a rehearing thereon, or a review thereof, are instituted as provided in Chapter 4 of this part and not then finally determined. Evidence:
Rules, etc.

SEC. 104. Section 6508 of the Labor Code is amended to read :

6508. If the condition of any employment or place of employment or the operation of any machine, device, apparatus, or equipment constitutes a serious menace to the lives or safety of persons about it, the division may apply to the superior court of the county in which such place of employment, machine, device, apparatus, or equipment is situated, for an injunction restraining the use or operation thereof until such condition is corrected. Injunction
to restrain
use of
dangerous
machinery,
etc

SEC. 105. Section 6509 of the Labor Code is amended to read :

6509. The application to the superior court accompanied by affidavit showing that such place of employment, machine, device, Temporary
restraining
order

apparatus, or equipment is being operated in violation of a safety order of the division, and that such use or operation constitutes a menace to the life or safety of any person employed thereabout and accompanied by a copy of the order applicable thereto is a sufficient prima facie showing to warrant, in the discretion of the court, the immediate granting of a temporary restraining order. No bond shall be required from the division as a prerequisite to the granting of any restraining order.

SEC. 106. Section 6510 of the Labor Code is amended to read:

Notice of
dangerous
condition,
etc

6510. When in the opinion of the division a place of employment, machine, device, apparatus, or equipment or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the division, and a notice to that effect shall be attached thereto. Such notice shall not be removed except by an authorized representative of the division, nor until the place of employment, machine, device, apparatus, or equipment is made safe and the required safeguards or safety appliances or devices are provided.

SEC. 107. Section 6511 of the Labor Code is amended to read:

Penalty

6511. Every person who, after such notice is attached as hereinabove provided, uses or operates any such place of employment, machine, device, apparatus, or equipment before it is made safe and the required safeguards or safety appliances or devices are provided, or who defaces, destroys or removes any such notice without the authority of the division is guilty of a misdemeanor.

SEC. 108. Section 6600 of the Labor Code is amended to read:

Judicial
review

6600. All orders, rules, regulations, findings and decisions of the division made or entered under this part may be reviewed by the Supreme Court and district courts of appeal within the time and in the manner specified in this chapter.

SEC. 109. Section 6602 of the Labor Code is amended to read:

Rehearing

6602. At any time within 20 days after the service of any final order under this part, any person aggrieved thereby or otherwise affected, directly or indirectly, may petition for a rehearing upon any of the following grounds and upon no other:

- (a) That the division acted without or in excess of its powers.
- (b) That the order or decision was procured by fraud.
- (c) That the order, decision, rule, or regulation is unreasonable.

SEC. 110. Section 6603 of the Labor Code is amended to read:

Rights of
Commission
not limited

6603. All safety orders heretofore adopted by the Industrial Accident Commission, and not repealed by it are ratified and continued in effect, but they may be amended or repealed pursuant to this part by the Division of Industrial Safety.

Nothing in this chapter shall limit the right of the division to :

(a) Adopt new or different rules or regulations or new or different standards of safety.

(b) Abrogate, change or modify any existing rule, regulation or standard, or any part thereof, or deprive the division of continuing jurisdiction over the same.

(c) Enforce all rules, regulations or standards adopted, or changed, or modified as provided in this part.

SEC. 111. The heading of Chapter 1 of Part 2 of Division 5 of said code is amended to read :

CHAPTER 1. JURISDICTION

Chapter heading

SEC. 112. Section 6800 of said code is amended to read :

6800. The division has jurisdiction over :

Jurisdiction of Division

(a) The safety of employees of steam railroads employed in shops devoted to the construction or repair of railroad equipment.

(b) The safety of employees of electric interurban or street railroads, employed in the generation, transmission or distribution of electric energy, or in shops devoted to the repair of railroad equipment, or in any nonpublic utility operation of such railroads.

(c) The safety of employees of all other public utilities as defined in the Public Utilities Act.

SEC. 113. Section 6801 of said code is amended to read :

6801. The jurisdiction vested in the division shall in no instance, except those affecting exclusively the safety of employees, impair, diminish, or in any way affect the jurisdiction of the Railroad Commission over the construction, reconstruction, replacement, maintenance, or operation of the properties of public utilities or over any matter affecting the relationship between public utilities and their customers or the general public.

Effect on Jurisdiction of Railroad Commission

SEC. 114. Section 6802 of said code is amended to read :

6802. If the division makes or issues any order, decision, ruling or direction under this chapter which, in the judgment of the Railroad Commission, unduly and prejudicially interferes with the construction or operation of any public utility affected thereby, or with the public, or with a consumer or other patron of a public utility affected thereby, the Railroad Commission, of its own motion, or upon application of any utility or person so affected, may suspend, modify, alter, or annul such order, decision, ruling, or direction of the commission. The action of the Railroad Commission shall supersede and control the order, decision, ruling, or direction of the division previously made.

Suspending order, etc. by Railroad Commission

SEC. 115. Section 7115 of the Labor Code is amended to read :

7115. The Division of Industrial Safety shall enforce this article.

Enforcement

SEC. 116. Section 7156 of the Labor Code is amended to read:

Offenses

7156. Any person employing or directing another to do or perform any labor in the construction, alteration, repairing, painting, or cleaning of any house, building, or structure within this State is guilty of a misdemeanor who does any of the following:

(a) Knowingly or negligently furnishes or erects, or causes to be furnished or erected for the performance of such labor, unsafe or improper scaffolding, slings, hammers, blocks, pulleys, stays, braces, ladders, irons, ropes, or other mechanical contrivances.

(b) Hinders or obstructs any officer or inspector of the Division of Industrial Safety attempting to inspect such equipment under the provisions of this article or any law or safety order of this State.

(c) Destroys or defaces, or removes any notice posted thereon by any such officer or inspector, or permits the use thereof, after the equipment has been declared unsafe by such officer or inspector.

SEC. 117. Section 7157 of the Labor Code is amended to read:

Safety orders

7157. The division may make and enforce safety orders in the manner prescribed by law, to supplement and carry into effect the purposes and provisions of this article.

SEC. 118. Section 7158 of the Labor Code is amended to read:

Enforcement

7158. The division shall enforce the provisions of this article.

SEC. 119. Section 7203 of the Labor Code is amended to read:

Safety orders

7203. The board shall make, and may from time to time amend, general safety orders in the manner prescribed by law. Such orders shall specify and fix the nature and methods of signals and signaling devices and uniform signals to be used in this State under this article.

SEC. 120. Section 7204 of the Labor Code is amended to read:

Inspection

7204. The division shall inspect all construction elevators. If any part of the construction or system of signals used on a construction elevator is defective or endangers the lives of the persons working in the immediate vicinity of the construction elevator, the division shall direct the person in charge thereof to remedy such defect. Such construction elevator shall not be used again until the order of the division is complied with.

SEC. 121. Section 7300 of the Labor Code is amended to read:

Definitions

7300. As used in this chapter:

- (a) "Elevator" includes any power or hand power elevator.
- (b) "Permit" means a permit issued by the division to operate an elevator in any place of employment.

SEC. 122. Section 7301 of the Labor Code is amended to read:

7301. No elevator shall be operated in any place of employ-^{Permit}ment in this State unless a permit for the operation thereof is issued by the division, and unless such permit remains in effect and is kept posted conspicuously in the elevator car.

SEC. 123. Section 7303 of the Labor Code is amended to read:

7303. Whenever any elevator in any place of employment is^{Injunction} being operated without the permit herein required, and is in such condition that its use is dangerous to the life or safety of any employee, the division or any person affected thereby may apply to the superior court of the county in which the elevator is located for an injunction restraining the operation thereof until such condition is corrected. Proof by certification of the division that a permit has not been issued, together with the affidavit of any safety inspector of the division that the operation of the elevator is dangerous to the life or safety of any employee, is sufficient ground, in the discretion of the court, for the immediate granting of a temporary restraining order. No bond shall be required from the division in such proceeding.

SEC. 124. Section 7304 of the Labor Code is amended to read:

7304. The division shall cause all elevators to be inspected^{Inspection} at least once each year. If an elevator is found upon inspection to be in a safe condition for operation, a permit for operation for not longer than one year shall be issued by the division.

SEC. 125. Section 7305 of the Labor Code is amended to read:

7305. If inspection shows an elevator to be in an unsafe^{Preliminary order} condition, the division may issue a preliminary order requiring repairs or alterations to be made to the elevator which are necessary to render it safe, and may order the operation or use thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed.

SEC. 126. Section 7306 of the Labor Code is amended to read:

7306. Unless the preliminary order is complied with, a hear-^{Hearing}ing before the division shall be allowed, upon request, at which the owner, operator, or other person in charge of the elevator may appear and show cause why he should not comply with the order.

SEC. 127. Section 7307 of the Labor Code is amended to read:

7307. If it thereafter appears to the division that the ele-^{Final order}vator is unsafe and that the requirements contained in the preliminary order should be complied with, or that other things should be done to make such elevator safe, the division may order or confirm the withholding of the permit and may make such requirements as it deems proper for its repair or alteration or for the correction of such unsafe condition. Such order may thereafter be reheard by the division or reviewed by the

courts in the manner specified for safety orders by Part 1 of this division, and not otherwise.

SEC. 128. Section 7308 of the Labor Code is amended to read:

Temporary
permit

7308. If the operation of an elevator during the making of repairs or alterations is not immediately dangerous to the safety of employees, the division may issue a temporary permit for the operation thereof for not to exceed 30 days during the making of repairs or alterations.

SEC. 129. Section 7309 of the Labor Code is amended to read:

Inspectors

7309. The division may cause the inspection herein provided for to be made either by its safety inspectors or by any qualified elevator inspector employed by an insurance company.

SEC. 130. Section 7310 of the Labor Code is amended to read:

Permit:
Local
inspection

7310. The division may also issue its permit based upon a certificate of inspection issued by qualified elevator inspectors of any municipality, upon proof to its satisfaction that the safety requirements of such municipality are equal to the minimum safety requirements for elevators adopted by the board.

SEC. 131. Section 7311 of the Labor Code is amended to read:

Competency
of
inspectors
etc

7311. All persons making inspection of elevators shall first secure from the division a certificate of competency to make such inspections. The division may determine the competency of any applicant for such certificate, either by examination or by other satisfactory proof of qualifications. The division may rescind at any time, upon good cause being shown therefor, and after hearing, if requested, any certificate of competency issued by it to an elevator inspector.

SEC. 132. Section 7312 of the Labor Code is amended to read:

Revocation
of permit

7312. The division may at any time, upon good cause being shown therefor, and after notice and an opportunity to be heard, revoke any permit to operate an elevator.

SEC. 133. Section 7313 of the Labor Code is amended to read:

Reports of
inspections

7313. Each inspector so certified shall, within 21 days after he makes an inspection, forward to the division on forms provided by it, a report of the inspection, in default of which his certificate of competency may be canceled.

SEC. 134. Section 7314 of the Labor Code is amended to read:

Fees and
Charges

7314. The division may fix and collect such fees for the inspection of elevators as it deems necessary, but the charge of each inspection shall not exceed three dollars and fifty cents (\$3.50). No charge shall be made in any one year for more than one inspection except where safety orders have not been complied with and subsequent inspections are necessary, an additional fee of three dollars and fifty cents (\$3.50) may, in

the discretion of the division, be charged, for not more than one subsequent inspection annually.

SEC. 135. Section 7315 of the Labor Code is amended to read:

7315. Fees shall be paid before the issuance of any permit to operate an elevator. No fee shall be charged by the division where an inspection has been made by an inspector of an insurance company or municipality if such inspector holds a certificate of competency and an inspection report is filed with the division within 21 days after inspection is made. Payment of fees

SEC. 136. Section 7316 of the Labor Code is amended to read:

7316. All fees collected by the division under this chapter shall be paid into the General Fund of the State treasury. Disposition of fees

SEC. 137. Section 7317 of the Labor Code is amended to read:

7317. Elevators under the jurisdiction of the United States Government, and elevators operated by employers not subject to Part 1 of this division are exempted from the foregoing sections of this chapter. Exemptions

SEC. 138. Section 7318 of the Labor Code is amended to read:

7318. Nothing in the foregoing sections of this chapter shall limit the authority of the division to prescribe or enforce general or special safety orders. Scope of chapter

SEC. 139. Section 7325 of the Labor Code is amended to read:

7325. "Building," as used in this chapter, means any building three stories or more in height, and whether heretofore constructed or hereafter to be constructed, including commercial buildings of all types, office buildings, apartment houses, hotels and buildings used for manufacturing purposes, but excluding dwelling houses occupied by not more than three families, and excluding all buildings constructed with windows that may be, and are, entirely washed and cleaned from inside the building or from a sitting position on the window sill in the manner provided by safety orders issued, or which may be issued from time to time, by the division. "Building"

SEC. 140. Section 7326 of the Labor Code is amended to read:

7326. There shall be securely attached to the outside window sills or frames of the window of any building, rings, bolts, lugs, fittings or other devices to which may be fastened safety belts or other devices to be used, or which may hereafter be used by persons engaged in cleaning windows. The division shall, prior to the installation of any such bolts, lugs, rings, fittings, or other devices, approve such bolts, lugs, rings, fittings, or other devices as to their design, durability and safety. The division shall by appropriate rules and orders designate the manner in which said safety devices are to be attached, installed and used. Attachments

SEC. 141. Section 7327 of the Labor Code is amended to read:

Other
means

7327. In lieu of the safety devices enumerated in Section 7326, the division may approve the installation or use of any other devices or means which will effectively safeguard persons engaged in cleaning windows.

SEC. 142. Section 7331 of the Labor Code is amended to read:

Rules, etc

7331. The division may make and enforce such safety orders and rules as it considers necessary and proper to carry into effect the purposes and provisions of this chapter.

The division shall give notice to the owner or person entitled to possession of any building that is existing in violation of this chapter or of any rules issued under this chapter. Failure of the person so notified to comply with this chapter and rules issued under it, within 15 days, shall be authority for the division to proceed against such person as authorized in this chapter.

SEC. 143. Section 7332 of the Labor Code is amended to read:

Enforcement

7332. The division shall enforce the provisions of this chapter.

SEC. 144. Section 11739 of the Insurance Code is amended to read:

11739. The statistical and actuarial data compiled by the Department of Industrial Relations shall at all times be available to the commissioner for his use in judging the adequacy or inadequacy of rates and schedules filed. The manager of the State Compensation Insurance Fund shall render all possible assistance to the commissioner in carrying out the provisions of this article.

SEC. 145. Section 11770 of the Insurance Code is amended to read:

State
Compensation
Insurance
Fund

11770. The State Compensation Insurance Fund is continued in existence, to be administered by its board of directors for the purpose of transacting workmen's compensation insurance, and insurance against the expense of defending any suit for serious and wilful misconduct, against an employer or his agent, and insurance to employees and other persons of the compensation fixed by the workmen's compensation laws for employees and their dependents. Any appropriation made therefrom or thereto before the effective date of this code shall continue to be available for the purposes for which it was made.

Board of
directors

The board of directors of the State Compensation Insurance Fund is composed of the Director of Industrial Relations and four members who shall be appointed by the Governor. The term of office of the members of the board, other than that of the director, shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the first four members so appointed shall expire as follows: One on January 15, 1946; one each on January 15, 1947, January 15, 1948, and January 15, 1949. Each member, except the chairman, shall receive twenty dollars (\$20) for each day of his

actual attendance at meetings of the board, and his actual and necessary traveling expenses incurred in the performance of his duty as a member. In order to qualify for membership on the board, each member other than the director shall have been a policyholder or the employee of a policyholder in the State Compensation Insurance Fund for one year prior to his appointment, and must continue in such status during the period of his membership.

SEC. 146. Section 11772 of the Insurance Code is amended to read:

11772. There shall not be any liability in a private capacity Official
liability in
adminis-
tration on the part of the board of directors or any member thereof, or any officer or employee of the fund for or on account of any act performed or obligation entered into in an official capacity, when done in good faith, without intent to defraud and in connection with the administration, management or conduct of the fund or affairs relating thereto.

SEC. 147. Section 11781 of the Insurance Code is amended to read:

11781. The board of directors is hereby vested with full Powers of
Commission power, authority and jurisdiction over the State Compensation Insurance Fund. The board of directors may perform all acts necessary or convenient in the exercise of any power, authority or jurisdiction over the fund, either in the administration thereof or in connection with the insurance business to be carried on by it under the provisions of this chapter, as fully and completely as the governing body of a private insurance carrier. The principal office for the transaction of the business of the State Compensation Insurance Fund is located in the City and County of San Francisco.

SEC. 148. Section 11782 of the Insurance Code is amended to read:

11782. All business and affairs of the fund shall be conducted in the name of the State Compensation Insurance Fund, Business in
name of
fund and in that name, without any other name or title, the board of directors may perform the acts authorized by this chapter.

SEC. 149. Section 11783 of the Insurance Code is amended to read:

11783. The State Compensation Insurance Fund may: Powers of
Commission

(a) Sue and be sued in all actions arising out of any act or omission in connection with its business or affairs.

(b) Enter into any contracts or obligations relating to the State Compensation Insurance Fund which are authorized or permitted by law.

(c) Invest and reinvest the moneys belonging to the fund as provided by this chapter.

(d) Conduct all business and affairs and perform all acts relating to the fund whether or not specifically designated in this chapter.

SEC. 150 Section 11784 of the Insurance Code is amended to read:

Powers of
manager

11784. In conducting the business and affairs of the fund, the manager of the fund may:

(a) Enter into contracts of workmen's compensation insurance.

(b) Sell annuities covering compensation benefits.

(c) Decline to insure any risk in which the minimum requirements of the industrial accident prevention authorities with regard to construction, equipment and operation are not complied with, or which is beyond the safe carrying of the fund. Otherwise he shall not refuse to insure any workmen's compensation risk under State law, tendered with the premium therefor.

(d) Reinsure any risk or any part thereof.

(e) Cause to be inspected and audited the pay rolls of employers applying to the fund for insurance.

(f) Make rules for the settlement of claims against the fund and determine to whom and through whom the payments of compensation are to be made.

(g) Contract with physicians, surgeons and hospitals for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from the fund.

SEC. 151. Section 11785 of the Insurance Code is amended to read:

Manager
of fund

11785. The board of directors shall appoint a manager of the fund and fix his salary. The manager shall manage and conduct the business and affairs of the fund under the general direction and subject to the approval of the board of directors, and shall perform such other duties as the board of directors prescribes.

SEC. 152. Section 11786 of the Insurance Code is amended to read:

Bond of
manager

11786. Before entering on the duties of his office, the manager shall qualify by giving an official bond approved by the board of directors, in the sum of fifty thousand dollars (\$50,000) and by taking and subscribing to an official oath. The approval of the director shall be by written endorsement on the bond. The bond shall be filed in the office of the Secretary of State.

SEC. 153. Section 11787 of the Insurance Code is amended to read:

Delegation
of powers

11787. The board of directors may delegate to the manager of the fund, under such rules and regulations and subject to such conditions as it from time to time prescribes, any power, function or duty conferred by law on the board of directors in connection with the fund or in connection with the administration, management and conduct of the business and affairs of the fund. The manager may exercise such powers and functions and perform such duties with the same force and effect as the board of directors, but subject to its approval.

SEC. 154. Section 11792 of the Insurance Code is amended to read:

11792. The board of directors may, with the approval of the State Department of Finance, withdraw from the State Compensation Insurance Fund in the State treasury, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate one million dollars (\$1,000,000), to be used as a cash revolving fund. Such revolving fund shall be deposited in such banks and under such conditions as the board of directors determines, with the approval of the State Department of Finance. The Controller shall draw his warrants in favor of the State Compensation Insurance Fund Revolving Fund for the amounts so withdrawn, and the Treasurer shall pay such warrants. Revolving
Fund

SEC. 155. Section 11794 of the Insurance Code is repealed. Repeat

SEC. 156. Section 11795 of the Insurance Code is amended to read:

11795. During the months of January and July of each year the Department of Finance or the board of directors shall cause a valuation to be made of the properties and securities acquired and held for the State Compensation Insurance Fund, and shall report the results of the valuation to the State Controller. Valuation
of fund

SEC. 157. Section 11797 of the Insurance Code is amended to read:

11797. The board of directors shall cause all moneys in the State Compensation Insurance Fund which are in excess of current requirements to be invested and reinvested, from time to time, in securities authorized by law for the investment of funds of savings banks. Investment
of fund

SEC. 158. Section 11798 of the Insurance Code is amended to read:

11798. The board of directors shall, from time to time, submit to the Department of Finance an estimate of the amount required for investment. Such estimate shall be accompanied by a full description of the kind and character of the investments to be made. When such estimate is approved by the department, the Controller shall draw his warrant for the estimated amounts on the State Compensation Insurance Fund in favor of the State Compensation Insurance Fund Revolving Fund, and the Treasurer shall pay the warrant. Estimate
for
investment

SEC. 159. Section 11799 of the Insurance Code is amended to read:

11799. At the end of each calendar month the board of directors shall account to the Department of Finance and the State Controller for all moneys received for investment, furnishing proper vouchers therefor. Accounting
for
investments

SEC. 160. Section 11860 of the Insurance Code is amended to read: See also
Stats 1945,
Ch 970

11860. Each quarter the manager of the State Compensation Insurance Fund shall make a report to the Governor of the business done by the State Compensation Insurance Fund dur- Quarterly
report of
manager

ing the previous quarter and a statement of the fund's resources and liabilities at the close of that previous quarter. The State Department of Finance shall annually audit the books and records of the State Compensation Insurance Fund and cause an abstract summary thereof to be published one or more times in at least two newspapers of general circulation in the State. The manager of the fund shall likewise make to the commissioner all reports required by law to be made to him by other insurers.

SEC. 160.1. Section 11881 is added to the Insurance Code, to read:

"Commis-
sion"

11881. Wherever in Chapter 4, Part 3, Division 2 of the Insurance Code the term "State Industrial Accident Commission" or "Industrial Accident Commission" or "commission" or "director" or similar designation occurs, it means the Board of Directors of the State Compensation Insurance Fund except when such meaning is inconsistent with the intent and context of said chapter.

Available
funds

SEC. 161. All money appropriated to any division of the department to be used in the administration of any function, the exercise of any right or the performance of any duty, which function, right or duty is transferred to another division by this act, is hereby transferred to the agency which is to administer the function, exercise the right or perform the duty.

Constitu-
tionality

SEC. 162. If any provision of this act, or the application thereof to any person or circumstances, is held invalid the remainder of the act, and the application of its provisions to other persons or circumstances, shall not be affected thereby.

Appropriation

SEC. 163. The sum of one hundred ten thousand dollars (\$110,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated to the Department of Industrial Relations for the support of the department and the several divisions thereof in augmentation of any appropriations heretofore made by law for that purpose. The appropriation made by this section shall be made available with the approval of the Department of Finance to provide for the additional costs of administration of the Department of Industrial Relations by reason of the provisions of this act.

CHAPTER 1432

An act to provide for the acquisition of certain real property in the County of Del Norte by the State Park Commission for State park purposes, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Park in
County of
Del Norte

SECTION 1. The State Park Commission is authorized to acquire and use for State park purposes that certain parcel of

real property situate in the County of Del Norte, consisting of a portion of Lot 4, Section 32, Township 19 North, Range 1 West, Humboldt Base and Meridian, particularly described as follows:

Beginning at a point on the Westerly line of State Highway, Route 71-B, opposite Engineers Station 15+99.67, from which point the Northeast corner of Section 32, Township 19 North, Range 1 West, Humboldt Meridian, bears North $67^{\circ} 23' 56''$ East, 3896.18 feet, thence from point of beginning, along the Westerly line of Highway, South $2^{\circ} 49'$ East, 975.22 feet to the South line of Lot 4 of said Section 32; thence along the South line of said Lot 4, South $89^{\circ} 40'$ West, 260.00 feet, more or less, to the line of Ordinary High Water of the Pacific Ocean; thence Northerly, along the line of Ordinary High Water, to a point from which the point of beginning bears North $89^{\circ} 40'$ East; thence North $89^{\circ} 40'$ East, 200.00 feet, more or less, to the point of beginning and containing, approximately, 5.15 acres, excepting therefrom, however, any portion of the above described property included within the right of way of any State highway.

Sec. 2. The sum of seven thousand seven hundred twenty-five dollars (\$7,725), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Park Fund not otherwise appropriated to the State Park Commission to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of this act.

CHAPTER 1433

An act making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of real property for the Department of Public Health and in furtherance of the postwar building program.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years under the provisions of the Property Acquisition Act for the purchase of real property in the San Francisco Bay area for the Department of Public Health in furtherance of the postwar building program.

CHAPTER 1434

An act making an appropriation to the revolving fund for State purchases, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Revolving
fund for
State
purchases

SECTION 1. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of one hundred thousand dollars (\$100,000) to the revolving fund for State purchases administered by the Department of Finance.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

Certain Federal agencies are disposing of surplus war property and it is necessary for the immediate preservation of the public peace, health and safety that funds be provided to enable the State to immediately apply for the procuring of such property for the use of State departments and agencies. If this act does not go into effect immediately, the State will not be able to avail itself of this opportunity.

CHAPTER 1435

An act making an appropriation to the Department of Finance for administrative expenses incurred in procuring surplus war property, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor July 17, 1945. Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Adminis-
trative
expense in
securing
surplus war
property

SECTION 1. There is hereby appropriated to the Department of Finance out of any moneys in the State treasury not otherwise appropriated the sum of one hundred fifty thousand dollars (\$150,000) for administrative expenses incurred by the Department of Finance during the Ninety-sixth, Ninety-seventh and Ninety-eighth Fiscal Years in procuring surplus war property from the Federal Government or any agencies thereof.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace,

health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

Certain Federal agencies are disposing of surplus war property and it is necessary for the immediate preservation of the public peace, health and safety that funds be provided to enable the State to immediately apply for the procuring of such property for the use of State departments and agencies. If this act does not go into effect immediately, the State will not be able to avail itself of this opportunity.

CHAPTER 1436

An act to provide for leasing adequate facilities and service for the establishing and operation of telephone-typewriter systems in Modoc, El Dorado, Amador and Calaveras Counties, respectively, for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The Attorney General shall lease facilities and equipment to be used under the direction and control of the Bureau of Criminal Identification and Investigation in maintaining and operating a telephone-typewriter system of communication in each of the Counties of Modoc, El Dorado, Amador and Calaveras and for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State.

SEC. 2. The sum of ten thousand two hundred fifty-six dollars and seventy-six cents (\$10,256.76) is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years in accordance with law in carrying out the provisions of this act.

Telephone-
typewriter
system

Appropriation

CHAPTER 1437

An act making an appropriation for expenses in connection with the Western Governors' Conference.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Western
Governors'
Conference

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated for use during the Ninety-seventh and Ninety-eighth Fiscal Years in connection with the expenses of the Western Governors' Conference.

CHAPTER 1438

An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 506 of the Public Resources Code is amended to read:

Division of
Beaches
and Parks
—Chief

506. The Division of Parks shall be administered through a chief who shall have at least five years of executive experience in park, recreational, or related types of administration, and who shall be appointed by the director upon nomination by the State Park Commission. General policies for the administration, protection, and development of the State Park System shall be determined by the State Park Commission which shall consist of five members appointed by the Governor, with the advice and consent of the Senate.

—State
Park
Commission

Members

The members of the State Park Commission shall be selected because of their interest in park and conservation matters and shall serve for terms of four years and until their successors are appointed and qualified. The Governor shall make the first appointments hereunder for terms expiring, respectively, on the fifteenth day of January, as follows: Two in the year 1947, two in the year 1948, and one in the year 1949.

The Governor shall specify, previous to July 1, 1946, a termination date of appointment, coincident with January 15th, for the members holding office at his pleasure.

Vacancies

In case of any vacancy the appointment shall be for the remainder of the unexpired term. All appointments of members made when the Legislature is not in session shall be subject to confirmation by the Senate at the next regular or special session of the Legislature.

CHAPTER 1439

An act making an appropriation for the establishment of fish hatcheries.

[Approved by Governor July 17, 1945. Filed with Secretary of State
July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of the Fish and Game Preservation Fund the sum of one hundred ninety-five thousand dollars (\$195,000) to be expended by the Fish and Game Commission during the Ninety-seventh and Ninety-eighth Fiscal Years for the acquisition, establishment, and maintenance of fish hatcheries, of which sum not more than fifty-five thousand dollars (\$55,000) may be expended for a fish hatchery in Los Angeles County, not more than sixty thousand dollars (\$60,000) for a fish hatchery in San Bernardino County, not more than fifty thousand dollars (\$50,000) for a fish hatchery in Kern County, and not more than thirty thousand dollars (\$30,000) for a fish hatchery on Stoney Creek in Glenn County or in Colusa County, as may be determined by the commission.

Appropriation
Fish
hatcheries

CHAPTER 1440

An act to authorize the State Department of Education to aid and assist in the development and conduct of a program of aviation education inaugurated by the Civil Air Patrol, and making an appropriation therefor.

[Approved by Governor July 17, 1945. Filed with Secretary of State
July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Department of Education is authorized and directed to aid and assist in the development and conduct of a program of aviation education, including education and training in pre-flight subjects, flight indoctrination, and courses on the economic and social implications of aviation in the postwar world, which program is sponsored and conducted in cooperation with the Public School System by the Civil Air Patrol, a civilian auxiliary of the Army Air Forces. In furtherance of such program, the department shall cooperate with and assist the Civil Air Patrol to the fullest extent compatible with law. This act shall be liberally construed in furtherance of its purpose.

Aviation
education

SEC. 2. The sum of two hundred sixteen thousand dollars (\$216,000), or so much thereof as may be necessary, is hereby appropriated to the State Department of Education out of any money in the State treasury not otherwise appropriated, to be expended by it during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of this act.

Appropriation

CHAPTER 1441

Stats 1929, *An act to amend Section 4 of the Planning Act, relating to the*
 p 1895, *powers and duties of the Planning Commission, including*
 amended *street naming and house numbering.*

In effect [Approved by Governor July 17, 1945. Filed with Secretary of State
 September 15, 1945. July 17, 1945.]

The people of the State of California do enact as follows:

Stats 1915, SECTION 1. Section 4 of the Planning Act is amended to
 Ch. 80 read:

Master Sec. 4. It shall be the function and duty of the Planning
 plan Commission to prepare and adopt a comprehensive, long-term, general plan for the physical development of the city, county or region, and of any land outside the boundaries thereof which in the commission's judgment bears relation to the planning thereof. Such plan shall be known as the master plan and shall be so prepared that all or portions thereof may be adopted by the legislative body, as hereinafter provided, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practicably be covered thereby. The master plan, with the accompanying maps, diagrams, charts, descriptive matter and reports shall include such of the following subjects matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof.

Conservation Conservation Plan—For the conservation, development and
 plan utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources. Such plan shall also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils, beaches and shores, and protection of watersheds.

Land use Land Use Plan—An inventory and classification of natural land types and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land.

Recreation Recreation Plan—Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

Streets and Streets and Highways Plan—Showing the general locations
 highways and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets; the recommended treatment thereof, building line setbacks, and a system of street naming or numbering, and house numbering, with recommendations concerning proposed changes.

Transportation Plan—Showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts and grade separations. Such plan may also include port, harbor, aviation and related facilities. Transportation

Transit Plan—Showing a proposed system of transit lines, including rapid transit, street car, motor coach and trolley coach lines and related facilities. Transit

Public Services and Facilities—Showing general plans for sewerage, drainage and utilities, and rights of way, easements and facilities therefor. Public services and facilities

Public Buildings—Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof. Public buildings

Community Design—Standards and principles governing the subdivision of land and recommended patterns for community design and development. Community design

Housing—Survey of housing conditions and needs, and plans and procedure for improvement of housing standards and for provision of adequate housing. Housing

The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in this act shall be deemed to prohibit the preparation and adoption of any such subject as a part of the master plan. Other plans

The commission may prepare and adopt all or any part of the master plan or any subject thereof for all or any part of the city, county or region; provided, however, that master regional plans shall be coordinated with similar plans of adjoining regions and that master county and city plans within each region shall be coordinated so as to fit properly into the master plan for the region. Coordination of plans, etc.

CHAPTER 1442

An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the State treasury not otherwise appropriated, the sum of two hundred thousand dollars (\$200,000) or so much thereof as may be necessary is hereby appropriated for the contingent expenses of the Assembly, including expenses of committees created at any session of the Fifty-sixth Legislature. Appropriation Contingent expenses of Assembly

Current
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall under the provisions of Section 5 of Article IV of the Constitution take effect immediately.

CHAPTER 1443

An act making an appropriation to the Department of Natural Resources, Division of Beaches and Parks, for the acquisition of the Amestoy Rancho in the County of Los Angeles.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Purchase
of
Amestoy
Rancho

SECTION 1. There is hereby appropriated out of any money in the State Park Fund the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for the acquisition by the Department of Natural Resources, Division of Beaches and Parks, of that property, or any part thereof, known as the Amestoy Rancho on Ventura Boulevard in the County of Los Angeles.

Matching
funds

SEC. 2. No part of the appropriation made by this act shall be expended until there has been made available to the State Park Commission from other than State sources an amount equal to one-half of the cost of the acquisition provided for in Section 1 of this act.

CHAPTER 1444

An act making an appropriation to the Emergency Fund in Item 275 of the Budget Act of 1945.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Support of
Supreme and
appellate
courts

SECTION 1. The sum of one hundred thousand eight hundred dollars (\$100,800) is hereby appropriated out of any money in the State treasury not otherwise appropriated, in addition to and in augmentation of the Emergency Fund in Item 275 of the Budget Act of 1945 to be allocated upon executive order of the Director of Finance for support of the Supreme and appellate courts in augmentation of the appropriations for support of said courts during the Ninety-seventh and Ninety-eighth Fiscal Years.

CHAPTER 1445

An act to provide for leasing adequate facilities and service for the establishing and operation of a telephone-typewriter system in Contra Costa, Glenn, Inyo, Kings, Placer, San Benito and Tuolumne counties, for the purpose of connecting the system with the telephonic-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State, and to make an appropriation therefor.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The Attorney General shall lease facilities and equipment to be used under the direction and control of the Bureau of Criminal Identification and Investigation in maintaining and operating a telephone-typewriter system of communication in Contra Costa, Glenn, Inyo, Kings, Placer, San Benito and Tuolumne counties and for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the Bureau of Criminal Identification and Investigation between counties and cities and counties of this State.

Telephone-
typewriter
system

SEC. 2. The sum of twenty-six thousand three hundred fifty-seven dollars and sixty-eight cents (\$26,357.68) is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years in accordance with law in carrying out the provisions of this act.

Appropriation

CHAPTER 1446

An act making a transfer of money from the General Fund to the Postwar Employment Reserve.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The sum of five hundred thousand dollars (\$500,000) is hereby transferred to the Postwar Employment Reserve in the State treasury out of any money in the General Fund in the State treasury that heretofore has not been appropriated. The money so transferred may be invested and reinvested in accordance with the provisions of Chapter 572 of the Statutes of 1943 and shall be available for expenditure only when appropriated by the Legislature.

Transfer
of funds
to Postwar
Employment
Reserve

CHAPTER 1447

An act to amend Sections 3300 and 3301 of the Health and Safety Code, relating to grants in aid for the care and treatment of persons suffering from tuberculosis or susceptible thereto, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 3300 of the Health and Safety Code is amended to read:

Tubercular
hospitals
State aid

3300. Each city, county, or group of counties may establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis. Each city, county, or group of counties that establishes and maintains a tuberculosis ward or hospital shall receive from the State the sum of seven dollars (\$7) per week for each person suffering from tuberculosis, cared for therein at public expense or cared for in private hospitals or sanatoriums under contract with the county, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the State for one year; except that the city, county, or group of counties is not entitled to receive this State aid unless the tuberculosis ward, sanatorium or hospital conforms to the regulations of and is approved by the Bureau of Tuberculosis.

The hospitals shall be allowed to receive pay patients.

SEC. 2. Section 3301 of said code is amended to read:

Reports by
hospitals

3301. The medical superintendent of each hospital receiving State aid under this chapter shall render semiannually to the Bureau of Tuberculosis a report under oath showing, for the period covered by the report:

(a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.

(b) The number of weeks of treatment of each such patient.

Exchange of
patients

With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged through the Bureau of Tuberculosis without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery.

County
contracts

Counties may contract for the care and treatment of tuberculosis patients through their boards of supervisors, after consultation with the State Department of Public Health, with cities, counties, or groups of counties, who maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis, which conforms to the regulations of, and is approved by, the State Department of Public Health, and may receive from the State the tuberculosis subsidy provided by the Health and Safety Code.

SEC. 3. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated to the Bureau of Tuberculosis in the State Department of Public Health the sum of one million eight hundred thousand dollars (\$1,800,000) to pay the increased cost of the tuberculosis grants in aid provided for in this act during the Ninety-seventh and Ninety-eighth Fiscal Years. This appropriation shall be in addition to any other moneys made available to the bureau for the payment of such grants in aid.

Appropriation

CHAPTER 1448

An act to amend Section 239 of the Agricultural Code, relating to indemnity paid owners of condemned bovine animals, and making an appropriation therefor.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 239 of the Agricultural Code is amended to read:

239. When any animal is slaughtered under the provisions of this article, the owner shall receive:

Payment for animals slaughtered

(a) The proceeds of the sale of the salvage of the animal.

(b) From the State, one-third of the difference between the appraised value and the proceeds of the sale of the salvage, but in no instance to exceed twenty-five dollars (\$25) for any grade animal or fifty dollars (\$50) for any purebred animal.

(c) From the United States, any sum authorized to be paid to him from any appropriation made by the United States to assist in the eradication of tuberculosis in cattle in California.

SEC. 2. Out of any moneys in the State treasury not otherwise appropriated, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Agriculture to be expended by it during the Ninety-seventh and Ninety-eighth Fiscal Years in carrying out the provisions of this act.

Appropriation

CHAPTER 1449

An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Park Commission is hereby authorized and empowered to negotiate, on behalf of the State of California, for the acquisition of that certain toll road known as

Appropriation Mount Tamalpais Ridgecrest Boulevard

Mount Tamalpais Ridgecrest Boulevard in Marin County, and extending from its junction with the Marin County Panoramic Highway to the summit of Mount Tamalpais, a distance of approximately 4.7 miles, and from Mountain Theater junction to Ridgecrest Toll Gate, a distance of approximately 3.9 miles.

Terms of
acquisition

SEC. 2. If the commission deems it advisable, it may contract on behalf of the State for the purchase of said toll road, and on such terms and conditions as the commission may deem to be to the best interest of the State, and upon the acquisition of said toll road it shall become a part of the State Park System.

Any contract for the acquisition of said toll road shall provide that before the same is accepted on behalf of the State, it shall be repaired and reconditioned so that the maintenance cost to the State on acquisition will not be excessive. The commission may provide in any such contract for the retention of a reasonable portion of the purchase price until said toll road has been put in such condition.

Said toll road shall not be acquired while the road is under lease to the Federal Government unless the rental for such road shall be paid to the State for the remainder of the term of said lease.

Condem-
nation
proceedings

SEC. 3. The commission may by resolution authorize the Attorney General through proceedings in eminent domain to condemn such franchise rights and other property, real or personal, as may be necessary in order to acquire said toll road.

Appropri-
ation

SEC. 4. The sum of ninety thousand dollars (\$90,000), or so much thereof as may be necessary, is hereby appropriated to the Division of Beaches and Parks in the Department of Natural Resources out of any money in the State Park Fund, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for the purpose of acquisition, development, maintenance and protection of the toll road.

CHAPTER 1450

An act making an appropriation to the Department of Professional and Vocational Standards.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropri-
ation
Support of
Division of
Adminis-
trative
Procedure

SECTION 1. The sum of one hundred and ninety-five thousand dollars (\$195,000) is hereby appropriated to the Department of Professional and Vocational Standards during the Ninety-seventh and Ninety-eighth Fiscal Years for support of the Division of Administrative Procedure out of any money in the State treasury not otherwise appropriated.

CHAPTER 1451

An act to add Article 5A, comprising Sections 993 to 994.3 inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1946.

Mil & Vet
C., Art. 3,
Ch. 6, Div. 4

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Article 5A, comprising Sections 993 to 994.3, inclusive, is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5A. Veterans Bond Act of 1945

993. This article may be cited as the Veterans Bond Act of 1945.

"Veterans
Bond Act
of 1945"

993.1. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and of all acts amendatory thereof or supplemental thereto, the Veterans' Finance Committee of 1943 created by Section 991 shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Creation
of debt

993.2. After the issuance of the Proclamation of the Governor announcing the ratification of this article, and immediately after adoption of any resolution by the Veterans' Finance Committee of 1943, provided for in Section 994.1, the State Treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars (\$1,000) in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this article shall not exceed the sum of fifty million dollars (\$50,000,000), and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof,

Bond issue

at a rate to be determined by the said Veterans' Finance Committee of 1943 and specified in such resolution, but in no case exceeding 5 per cent per annum. Both principal and interest shall be payable in lawful money of the United States, at the office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer, and shall be so payable at the time specified in said resolution or resolutions.

All bonds issued under this article shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp adopted for each particular bond issued under this article and the bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the Great Seal of the State of California. The bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this article shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and referring to this article and to the resolution of the Veterans' Finance Committee of 1943 hereunder by virtue of which said bond is issued.

Interest
coupons

993.3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this article. Said interest coupons shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Payment and
cancellation

993.4. All bonds issued under this article and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 993.5 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this article to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the State Treasurer.

993.5. There is hereby appropriated from the General Fund ^{Appropriation} in the State treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other State revenue is collected such a sum, ^{Annual collections} in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest ^{Return to General Fund} in each fiscal year, there shall be returned into the General Fund in the State treasury, all of the moneys in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of 5 per cent per annum, compounded semiannually.

Both principal and interest of said bonds shall be paid when ^{Warrants} due upon warrants duly drawn against said appropriation from the General Fund by the Controller of the State in favor of the State Treasurer or in favor of any duly authorized agent of the State Treasurer, upon demands audited by the State Department of Finance, and the moneys to be returned into the General Fund in the State treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller of the State upon demands duly audited by the State Department of Finance.

993.6. The sum of thirty-five thousand dollars (\$35,000) is ^{Appropriation} hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the expenses that may be incurred by the State Treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the General Fund in the State treasury out of the Veterans' Farm and Home Building Fund of 1943 on Controller's warrant duly drawn for that purpose.

993.7. When the bonds authorized to be issued under this ^{Sale of bonds} article shall be duly executed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said Treasurer shall be directed by the Governor of the State, under seal thereof, after a resolution requesting such sale shall have been adopted by the Veterans' Welfare Board and approved by the Governor of the State, but the Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the

par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the Governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said Treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Notice

993.8. Due notice of the time and place of sale of all bonds shall be given by said Treasurer by publication in one newspaper published in the City and County of San Francisco and also by publication in one newspaper published in the City of Sacramento and by publication in one newspaper published in the City of Los Angeles once a week during four weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said Treasurer into the Veterans' Farm and Home Building Fund of 1943 and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of this chapter; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Use of proceeds

Investment of surplus money

993.9. The Veterans' Welfare Board is authorized, with approval of the State Department of Finance, to invest any surplus moneys in the Veterans' Farm and Home Building Fund of 1943 in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the State Department of Finance; or the Veterans' Welfare Board may, with the approval of the Director of Finance, invest moneys in such fund, in interest-bearing certificates of deposit of State banks having a paid-up capital of five hundred thousand dollars (\$500,000) or more; provided, that the total amount of money so deposited with any one bank shall not exceed a sum equal to 50 per cent of the paid-up capital of such bank; provided, however, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with the provisions of an act entitled "An act to authorize and control the depositing in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts conflicting with this act," approved April 12, 1923, and of any and all acts amendatory thereof or supplemental thereto, of moneys of any of the funds subject to the control of the Veterans' Welfare Board or appropriated for its use.

Interest accruing upon the deposit of moneys of the Veterans' Farm and Home Building Fund of 1943 shall be paid into and credited to said fund.

994. Upon request of the Veterans' Welfare Board, supported by a statement of the plans and projects of the Veterans' Welfare Board with respect thereto, the Veterans' Finance Committee of 1943 shall determine whether or not a bond issue under this article is necessary or desirable to carry such plans and projects into execution. Request of Veterans' Welfare Board

994.1. Whenever the Veterans' Finance Committee of 1943 shall have determined that a bond issue under this article is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to prepare the requisite number of suitable bonds and shall specify: Resolution for bond issue

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.
2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.
3. The annual rate of interest which the bonds to be issued shall bear.
4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.
5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the Veterans' Finance Committee of 1943 shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the Veterans' Welfare Board from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable with the dates and amounts of such estimated revenues; provided, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; provided further, that specified numbers of bonds of special numerical sequence shall thereafter mature at annual intervals; and provided further, that the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof. Maturity dates

The rate of interest to be borne by the bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the Veterans' Finance Committee of 1943 according to the then prevailing market conditions, but shall in no case exceed 5 per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons Rate of interest

to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; provided, that the interest coupon first payable may, if the Veterans' Finance Committee of 1943 shall so determine and specify, be payable one year after the date of issuance of said bonds.

Expenses of committee 994.2. All actual and necessary expenses of the Veterans' Finance Committee of 1943 and of the members thereof incurred in the performance of their duties arising out of the provisions of this article shall be paid out of the Veterans' Farm and Home Building Fund of 1943, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Veterans' Welfare Board.

Records, etc 994.3. The State Controller, the State Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this article shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

Effective date SEC. 2. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1946, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Submission to voters SEC. 3. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1946, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1945," and the same square under said words the following in brier type: "This act provides for a bond issue of fifty million dollars (\$50,000,000) to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms and homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1945," and in the same square immediately below said words, in brier type shall be printed "This act provides for a bond issue of fifty million dollars (\$50,000,000) to be used by the Veterans' Welfare Board in assisting California war veterans." Opposite the words "For the Veterans Bond Act of 1945" and "Against the Veterans Bond Act of 1945," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Veterans Bond Act of 1945" and

those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1945." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 4. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for State officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 5. It shall be the duty of the Secretary of State in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be held in the month of November, 1946, the costs of publication shall be paid out of the General Fund, on Controller's warrants duly drawn for that purpose and shall be refunded to the General Fund out of the Veterans' Farm and Home Building Fund. Said refund shall be made upon Controller's warrants duly drawn against said fund for said purpose upon demands audited by the State Department of Finance.

CHAPTER 1452

An act to amend Sections 891, 894, 895, and 898 of the Military and Veterans Code, relating to veterans' dependents, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 891 of the Military and Veterans Code is amended to read:

891. A dependent child of a veteran applying for aid under the provisions of this article shall be over 16 and not more than 21 years of age and shall have lived in this State for five years immediately preceding the date upon which the application is

See also
Stats 1945,
Chs 33
and 71
Eligibility of
dependent

filed. Any dependent child of a veteran who has applied for aid pursuant to this article while under 21 years of age and has entered upon a course of training or education and received aid under this article and arrives at the age of 21 before completing the course may continue the course and continue to receive the benefits of this article until the course is completed or until he attains the age of 27 years, whichever first occurs.

A dependent widow of a veteran applying for aid under the provisions of this article shall have lived in this State at least five years immediately preceding the date upon which the application is filed and any educational assistance received by such widow under this article shall be limited to not more than four years.

SEC. 2. Section 894 of the Military and Veterans Code is amended to read:

Limit of
expenditure

894. For students of collegiate, junior college, business, and trade school rank the amount expended by the board shall not exceed forty dollars (\$40) per month. For students of high school rank the amount shall not exceed twenty dollars (\$20) per month, during the time the student is in actual attendance at a day school. Absence during the month on account of illness shall be included as part of such attendance.

SEC. 3. Section 895 of said code is amended to read:

Same

895. The amount expended on account of any one applicant of collegiate, junior college, business, and trade school rank under the provisions of this article shall not exceed four hundred dollars (\$400) a year for students pursuing a regular course and four hundred eighty dollars (\$480) a year for students pursuing a trimester or full year course, and for students of high school rank the sum shall not exceed two hundred dollars (\$200) a year for students pursuing a regular course and two hundred forty dollars (\$240) a year for students pursuing a trimester or full year course.

SEC. 4. Section 898 of said code is amended to read:

Continuing
appropri-
ation

898. The sum of one hundred fifty thousand dollars (\$150,000) is hereby annually appropriated from the receipts heretofore or hereafter collected under the provisions of Chapter 5, Statutes of 1938, or any other act under which oil royalties are or may be collected, other than those receipts received from rents, bonuses, and royalties accruing from the use of State school land, to carry out the purposes of this article. Such amount shall annually be paid into the Veterans' Dependents' Education Fund.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The increased costs of living and other expenses incident to obtaining an education have rendered inadequate the amount of educational aid heretofore furnished to dependents of vet-

erans. The annual maximums heretofore provided are based upon the former school and college years of nine or 10 months and do not provide for the present accelerated educational program which results in attendance for 11 or 12 months during the year. In order to enable dependents of veterans to take advantage of the educational programs afforded and to provide aid for the full period of time during which courses are now available, it is necessary that this act take effect immediately.

CHAPTER 1453

An act to provide for the acquisition of a State park in the County of Napa as part of the State Park System, and making an appropriation.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Park Commission is hereby authorized and directed to enter into negotiations for the acquisition of a site in the County of Napa, for a State park to be known as Robert Louis Stevenson Park and to be a part of the State Park System. State park
in Napa
County

SEC. 2. No portion of the money appropriated by this act shall be expended unless there shall have been deposited in the State treasury a fund from some source other than appropriation by the State equal to the amount to be expended from said funds or a donation equal in value to the amount of said funds intended to be expended shall have been made from sources other than appropriation by the State in the form of real property or in money or a combination of property and money. Matching
funds

SEC. 3. There is hereby appropriated out of the State Park Fund the sum of ten thousand dollars (\$10,000) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of this act. Appropriation

CHAPTER 1454

An act to add Article 4 to Chapter 1 of Title 1 of Part 3 to, and to amend Section 5003 of, the Penal Code, providing for the establishment of the California Vocational Institution, relating to the commitment and transfer of persons thereto and therefrom, and to make an appropriation for the temporary establishment, support, and operation thereof declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Article 4 is added to Chapter 1 of Title 1 of Part 3 of the Penal Code to read:

Article 4. The California Vocational Institution

California
Vocational
Institution

2035. There is hereby established an institution for the confinement of males under the custody of the Director of Corrections and the Youth Authority to be known as the California Vocational Institution.

Purposes

2036. The California Vocational Institution shall be an intermediate security type institution. Its primary purpose shall be to provide custody, care, industrial, vocational and other training, guidance and reformatory help for young men, too mature to be benefited by the programs of correctional schools for juveniles and too immature in crime for confinement in prisons.

Persons
confined

2037. There may be transferred to and confined in the California Vocational Institution any male, subject to the custody, control and discipline of the Director of Corrections or the Youth Authority, whom the Adult Authority or Youth Authority, as the case may be, believes will be benefited by confinement in such an institution. Whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority such person is deemed not to be a person convicted of a crime, the transfer or placement of such person in the California Vocational Institution shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of this code shall apply to any person who has served a term in the California Vocational Institution after transfer thereto by the Adult Authority.

Rules, etc

2038. The Director of Corrections shall make rules and regulations for the government of the California Vocational Institution and the management of its affairs.

Employees

2039. The Director of Corrections shall appoint, subject to civil service, a superintendent for the California Vocational Institution, and such officers and employees as may be necessary, and shall fix their compensation.

Buildings,
etc

2040. The Director of Corrections shall construct and equip, in accordance with law, suitable buildings, structures, and facilities for the California Vocational Institution.

Law
applicable
See also
Stats 1945,
Chs 75 and
1491

2041. The provisions of Part 3 of this code apply to the California Vocational Institution and to the persons confined therein so far as such provisions may be applicable.

Jurisdiction
of depart-
ment

SEC. 2. Section 5003 of said code is amended to read:

5003. The department has jurisdiction over the following prisons and institutions:

- (a) The California State Prison at San Quentin
- (b) The California State Prison at Folsom
- (c) The California Institution for Men
- (d) The California Institution for Women
- (e) The California Vocational Institution.

Temporary
operation

SEC. 3. Until such time as buildings and facilities for the California Vocational Institution are constructed and ready for occupancy, the Department of Corrections may establish

the California Vocational Institution on a temporary basis either at one of the prisons or institutions under its jurisdiction or elsewhere as may be determined by the Director of Corrections. To that end, the Department of Corrections may with the approval of the Director of Finance acquire by lease, purchase, or otherwise from private persons or from the United States such land or buildings or both as may be suitable for the temporary establishment of the institution.

SEC. 4. The sum of one million two hundred thousand dollars (\$1,200,000) or so much thereof as may be necessary, is hereby appropriated to be expended in the establishment support and operation of the California Vocational Institution on a temporary basis during the 1945-47 biennium. Appropriation

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The facts constituting such necessity are as follows: Urgency

There is at the present time an acute shortage of facilities for the confinement and care of persons committed to the Youth Authority. Present facilities are not designed to provide sufficient security to enable the Youth Authority to retain custody over persons committed to it, and many of these persons are being confined in county jails over long periods of time. Likewise, the number of commitments of young men to the Department of Corrections is increasing. It is necessary, therefore, to the security of the people that the California Vocational Institution be established immediately upon a temporary basis, and that proceedings be commenced immediately to establish it upon a permanent basis

CHAPTER 1455

An act to amend Section 27 of, and to add Section 25.4 to, an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights-of-way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs. Stats 1945,
p 196,
amended

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 25.4 is added to the act cited in the title hereof, to read: New section

Sec. 25.4. A local agency may apply to the board for an allotment to it of all or a part of the amount of right-of-way or Use of
amounts
allocated

sites money allocated to such agency, for use by such agency for the preparation of surveys, plans and specifications for specific projects. Amounts allocated to local agencies for plans shall not be used for acquisition of sites or rights-of-way.

Stats 1945,
p 196

Reversion to
General Fund

SEC. 2. Section 27 of said act is amended to read:

Sec. 27. Any money appropriated by this act for allocation to local agencies which is not expended by the State or for which application is not made on or before June 30, 1947, shall revert to the General Fund in the State treasury.

CHAPTER 1456

An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for development, and improvement of Mission Bay Park, to take effect immediately.

In effect
immediately:

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 5032 of the Public Resources Code is amended to read:

Mission Bay
State Park

5032. Mission Bay State Park consists of that area of land owned by the State in San Diego County comprising approximately 65 acres located within the area formerly comprising Mission Bay State Park and which was not granted by the Legislature to the City of San Diego and which by reason of its location forms the entrance to and controls the larger area which comprises Mission Bay Park.

Appropri-
ation
Park area
improvement

SEC. 2. The sum of fifty thousand dollars (\$50,000) is hereby appropriated to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Division of Beaches and Parks in the Department of Natural Resources for the development and improvement of the Mission Bay Park area, provided that any sums expended from this appropriation shall be matched by like amounts in money received from sources other than the State. Of the amount hereby appropriated, five thousand dollars (\$5,000) shall be paid out of the San Diego Harbor Improvement Fund and forty-five thousand dollars (\$45,000) out of the State Beach Fund.

Matching
funds

Current
expenses

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 1457

An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, out of the money in the State Park Fund not otherwise appropriated, the sum of sixty thousand dollars (\$60,000), or so much thereof as is necessary to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years in the acquisition of parcels of land adjacent to or surrounded by presently owned State park lands which in the judgment of the State Park Commission are needed in order to properly administer, operate, and maintain any State park. Such acquisition under this act is to be limited to not more than 10 per cent of the present area of such individual park.

Appropriation
Acquisition
of park lands

CHAPTER 1458

An act making an appropriation for the purpose of enforcing the provisions of the alien land laws and investigating evasions and violations thereof and instituting and carrying on escheat proceedings thereunder.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Department of Justice, out of the moneys in the State treasury not otherwise appropriated, the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary to be expended by it during the Ninety-seventh and Ninety-eighth Fiscal Years in enforcing the provisions of the alien land laws of this State and in investigating and discovering violations and evasions thereof and instituting and carrying on escheat proceedings thereunder, including (but not limited to) an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases prescribing the procedure therein requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved

Appropriation
Enforcing alien
land laws

by the electors of the State of California, November 2, 1920, as amended, and as the same shall hereafter be amended.

Current
expenses

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 1459

An act making an appropriation to the Emergency Fund specified in Item 275 of the Budget Act of 1945, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

In effect
immediately

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropri-
ation:
Property
destroyed
from floods,
etc.

SECTION 1. Out of any moneys in the State treasury not otherwise appropriated the sum of five hundred thousand dollars (\$500,000) is hereby appropriated to the Emergency Fund specified in Item 275 of the Budget Act of 1945, to be expended by the Department of Public Works acting through the agency of the State Engineer (1) during the Ninety-seventh and Ninety-eighth Fiscal Years, (2) for the cost of repair or restoration, or both, of levees, flood control works, channels, irrigation works, city and county roads and bridges and other property damaged or destroyed by storm and flood or flood condition subsequent to December 31, 1944, and for which no appropriation or insufficient appropriation, has otherwise been made by law, (3) subject to each and all of the following (in addition to other) conditions, restrictions and limitations:

Availability
of funds

None of the moneys hereby appropriated shall be expended, allotted or encumbered, or become available for expenditure, for a work of repair or restoration except for the making of investigations, estimates or reports hereunder by said department unless and until:

(a) Such expenditure and purpose is first approved by the Director of Finance.

(b) The department has first investigated and reported upon the proposed work, has found it to be a matter of general public and State interest and concern, has estimated the cost of the work and filed its report thereon with the Department of Finance.

(c) Moneys equal to or in excess of the amount expendable from this appropriation for said work shall be made available (by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the executive department of the State Government) for expenditure by the department for such work to the end that any sums

expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or funds of any agency which is a part of the executive department of the State Government.

The department may perform all or any portion of said work directly by contract or force account or the department and any entity herein authorized to match the appropriation herein made may enter into a contract whereby all or any portion of such work may be performed by any party to such contract. Performance
of work

SEC. 2. When the United States or any agency thereof is to provide the matching funds under Section 1 hereof it shall not be required that the funds to be provided from Federal sources shall be paid into the State treasury, but the department may proceed with the work when the department has received assurance, adequate in the opinion of the department and the Department of Finance, that the Federal matching funds will be made available for expenditure for said work, or for reimbursement to the department for performance thereof. Federal
funds

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and therefore shall go into immediate effect. The following is a statement of the facts constituting such necessity: Urgency

The occurrence of storms and floods is inherently unpredictable and it is necessary to provide a flexible method whereby funds may be made available for necessary repair, restoration, and replacement of works and property damaged or destroyed by storms or floods. This act makes such provision and inasmuch as the danger of disastrous storms and floods is now and, until the end of the current rainy season, will be present, it is necessary in the interests of the public health and safety that this act take effect immediately.

CHAPTER 1460

An act making an appropriation for the purchase of land for Stockton State Hospital.

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from any money in the State treasury not otherwise appropriated, the sum of forty-five thousand dollars (\$45,000), to be used during the Ninety-seventh and Ninety-eighth Fiscal Years for the purchase by the Director of Institutions of agricultural land for Stockton State Hospital. Appropriation
Stockton
State Hospital land

CHAPTER 1461

An act making an appropriation for the investigation, surveys, and preparation of detailed plans for a postwar reconstruction and reemployment program for the Division of Beaches and Parks, Department of Natural Resources.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Plans,
etc., by
Division of
Beaches and
Parks

SECTION 1. There is appropriated one hundred thousand dollars (\$100,000) from the State Park Fund to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for investigation, surveys and preparation of detailed plans during the next biennium in order that a postwar reconstruction and reemployment program for the Division of Beaches and Parks, Department of Natural Resources, may be properly developed.

CHAPTER 1462

An act recappropriating to the Department of Institutions for the purchase of land for Agnews State Hospital the appropriation contained in an act entitled "An act making an appropriation for the purchase of land by the Director of Institutions," approved June 8, 1943.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Agnews
State Hos-
pital land

Stats. 1943,
p 3028

SECTION 1. There is hereby reappropriated to the Department of Institutions for the purchase of land for Agnews State Hospital the sum of seventy-five thousand dollars (\$75,000) heretofore appropriated for that purpose by an act entitled "An act making an appropriation for the purchase of land by the Director of Institutions," approved June 8, 1943. This appropriation shall be available during the Ninety-seventh and Ninety-eighth Fiscal Years.

CHAPTER 1463

An act making an appropriation for the purchase of land for the San Jose State College of the Public School System.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
San
Jose State
College land

SECTION 1. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated the sum of fifteen thousand one hundred seventy-five dollars (\$15,175) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Director of Finance, with the approval of

the Director of Education, for the acquisition for the San Jose State College of that certain real property situate in the City of San Jose, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a point on the westerly line of 7th Street; distant thereon 300 feet northerly from the point of intersection thereof with the northerly line of Alma Avenue, and running thence northerly along said westerly line of 7th Street 863.68 feet to the point of intersection thereof with the southerly line of Humboldt Street, thence westerly along said southerly line of Humboldt Street 275.96 feet to the point of intersection thereof with the easterly line of 6th Street, thence southerly along said easterly line of 6th Street 863.68 feet and thence easterly 275.96 feet to the point of beginning, containing 5.47 acres, more or less.

CHAPTER 1464

An act to provide for the transfer from the State Lands Commission to the Division of Forestry of the Latour Forest and making an appropriation.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The State Lands Commission is authorized and directed to sell to the Division of Forestry that certain real property in Shasta County known as the Latour Forest, comprising the portion of the public lands owned by the State, to be used by the Division of Forestry for such purposes as may now or hereafter be authorized by law.

Sale of
Latour
Forest to
Division of
Forestry

SEC. 2. Upon the issuance of a patent for said lands to the Division of Forestry in the name of the State the agreed sale price of such lands shall be deposited in the School Fund in the State treasury from the appropriation made by this act.

Deposit of
proceeds

SEC. 3. The sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury not otherwise appropriated to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of this act.

Appropri-
ation

CHAPTER 1465

An act to amend Section 1304 and to repeal Section 1305 of the Business and Professions Code, relating to clinical laboratory fees, providing the reversion thereof, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 1304 of the Business and Professions Code is amended to read:

Clinical
Laboratory
fees

1304. All fees set under this chapter shall be collected by and paid to the board. Within 10 days after the beginning of each month the board shall report to the State Controller the amounts and sources of the collections made under this chapter during the preceding month, and at the same time, all such moneys shall be paid into the State treasury.

Repeal

SEC. 2. Section 1305 of said code is repealed.

Transfer to
General Fund

SEC. 3. The unexpended balance of any moneys deposited in the Department of Public Health Fund under the provisions of Section 1304 of the Business and Professions Code on the effective date of this act shall be by the State Controller transferred to the General Fund in the State treasury.

Appropri-
ation

SEC. 4. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of twelve thousand two hundred fourteen dollars (\$12,214) in addition to, and in augmentation of, Item 228 of the Budget Act of 1945, to permit the Department of Public Health to meet expenditures heretofore payable from the Clinical Laboratory Fund.

Funds
abated

SEC. 5. To the extent that funds are made available for expenditures by the Department of Public Health by this act, the appropriation made for support of the Department of Public Health by Item 230 of the Budget Act of 1945, payable from the Public Health Fund, shall be abated in an equal amount.

CHAPTER 1466

An act making an appropriation to the State Department of Education for the acquisition of real property for the Fresno State College.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropri-
ation Fresno
State College
land

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of forty-five thousand dollars (\$45,000) to be expended during

the Ninety-seventh and Ninety-eighth Fiscal Years for the acquisition by the State Department of Education with the approval of the Department of Finance of real property for the Fresno State College, to be expended in accordance with the Property Acquisition Act. Stats 1945.
p 149

CHAPTER 1467

An act to provide for the purchase of historic articles in El Dorado County, and making an appropriation therefor.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The sum of four thousand five hundred dollars (\$4,500) is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purchase by the Department of Finance during the Ninety-seventh and Ninety-eighth Fiscal Years of the Margaret A. Kelly historical relics now housed in El Dorado County. Appropriation
Margaret A
Kelly historical
relics

CHAPTER 1468

An act to provide for the purchase of the Sonoma Barracks as a part of the State Park System, and making an appropriation therefor.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the State Park Commission out of any money in the State Park Fund the sum of twelve thousand five hundred dollars (\$12,500) or so much thereof as may be necessary to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for the acquisition for State Park purposes of the Sonoma Barracks at Sonoma. Appropriation
Acquisition
of Sonoma
Barracks

SEC. 2. No part of the appropriation made by this act shall be expended until there has been made available to the State Park Commission from other than State sources an amount equal to one-half of the cost of the acquisition provided for in Section 1 of this act. Matching
funds

CHAPTER 1469

An act to add Article 6, comprising Sections 5070 to 5077, inclusive, to Chapter 1 of Division 5 of the Public Resources Code, authorizing the State Park Commission and the Department of Natural Resources to make investigations, reports, recommendations and plans for the location and development of a State Trails System and to establish an advisory committee for that purpose; and making an appropriation therefor.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 6, comprising Sections 5070 to 5077, inclusive, is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 6. California Riding and Hiking Trails

California
Riding and
Hiking
Trails Law
Purposes

5070. This article shall be known and may be cited as the California Riding and Hiking Trails Law.

5071. It is hereby declared to be the public policy of this State and the purpose of this act to promote the conservation, development, and use of the natural resources of this State for purposes of health, recreation, and protection against fire and other hazards; to increase the accessibility and encourage the use of such natural resources by the residents of this State and by nonresidents; to provide opportunity for the development of public and private facilities for the service of persons visiting and utilizing the natural resources of the State; to encourage increase in riding and hiking as influences for the improvement of the health of the people; and to provide for the establishment, development, maintenance and use of a state-wide system of riders' and hikers' trails.

The conclusions and recommendations in the report of the Riding and Hiking Trails Projects Committee of the Reconstruction and Reemployment Commission submitted to said commission are adopted in principle.

Definitions

5072. As used in this article, the following terms have the meanings attributed to them in this section, unless the context otherwise requires:

“Trails” means riders' and hikers' trails for public use.

“California Riding and Hiking Trails Project” otherwise referred to in this article as the “project” means any work or undertaking to:

(a) Plan, chart, map or survey any trail area.

(b) Acquire land for the building of trails.

(c) Provide for the project, which may include buildings, equipment, recreational facilities, rest stations, shelters, and other real or personal property with necessary, convenient, or

desirable appurtenances, including water service, camp site preparation, together with administrative, recreational, educational, and publicity services, including the issuance for public use of trail maps and bulletins, and all other purposes related thereto.

“Committee” means the California Riding and Hiking Trails Advisory Committee.

5073. The provisions of this article shall be administered by the Division of Beaches and Parks under the supervision of the Director of Natural Resources in accordance with policies established by the State Park Commission. The State Park Commission may appoint an advisory committee to be known as the California Riding and Hiking Trails Advisory Committee, to consist of six members, two from the northern, two from the southern, and two from the central portion of the State, selected from lists submitted upon invitation by the Park Commission by appropriate civilian organizations interested in the establishment and use of a State Trails System.

5074. The terms of members of the committee are temporary and at the pleasure of the commission. No member shall serve for longer than permitted by Section 6, Article XXIV, of the State Constitution. Members shall serve on an intermittent basis and shall be deemed to be in the service of the State only on days during which they attend committee meetings and travel to and from them. Each member of the committee shall receive his necessary expenses, including traveling expenses, incurred in discharge of his duties. Meetings of the committee shall be limited to 12 in any one fiscal year. The commission shall abolish the committee when in its opinion the services thereof are no longer required.

5075. The State Park Commission may accept on behalf of the State grants and ask financial assistance for or in aid of the project.

5076. The committee shall investigate all matters pertaining to the proposed project and shall annually prepare a report on these matters and forward it to the State Park Commission in time for the commission to incorporate it in the annual report of the commission to the Governor concerning the State Park System.

5077. The right of eminent domain may not be exercised to acquire property, any interest in property, or use of any property for the trails contemplated pursuant to this article.

SEC. 2. Out of any money in the State Park Fund, not otherwise appropriated, the sum of twenty thousand dollars (\$20,000) is hereby appropriated to the Division of Beaches and Parks to be expended in carrying out the purposes of this act.

CHAPTER 1470

An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land at Newport Beach, Orange County, as part of the State Park System.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Corona
del Mar
Park site

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, out of the State Beach Fund the sum of two hundred thousand dollars (\$200,000) or so much thereof as may be necessary to be expended subject to the conditions provided in this act, for the acquisition during the Ninety-seventh and Ninety-eighth Fiscal Years for State park purposes of land in Orange County known as Corona del Mar proposed State Park site, consisting of 3,600 feet more or less of beach and bay frontage or so much thereof as can be purchased at a reasonable price, to be determined by appraisal and negotiation or by condemnation proceedings, said land situate, lying, and being within the city limits of the City of Newport Beach and between the ordinary highwater mark of the Pacific Ocean and Ocean Boulevard and Bayside Drive, Corona del Mar, excepting therefrom such portions of said described land as are now owned by the State of California, the County of Orange and the Government of the United States.

Matching
donation of
property

SEC. 2. The appropriation in Section 1 hereof for the acquisition of properties by the State for State park purposes is granted upon the condition that all purchases made by the State be matched by the donation by the City of Newport Beach of properties of equal value, said properties to be added to the properties acquired by the State for the creation of the Corona del Mar State Park.

CHAPTER 1471

An act to amend Sections 19561, 19620, and 19627 of, and to add Sections 19490 and 19539 to, the Business and Professions Code, relating to horse racing and harness racing.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 19490 is added to the Business and Professions Code, to read:

Program of
harness
racing

19490. In order to encourage and develop harness racing, whenever a fair conducted by the State Agricultural Society, or a district or county fair conducts a program of horse races on

which there is pari-mutuel wagering, it shall, so far as practicable, provide a program of harness racing on the same days that it provides a program of racing in which the horses participating are mounted by jockeys, if sufficient harness horses are available to provide competition in one or more harness races.

SEC. 2. Section 19539 is added to said code, to read:

19539. In addition to the racing days which may be allowed Racing days under other sections of this chapter, the board may allow not to exceed a total of 50 days for harness racing only.

SEC. 3. Section 19561 of said code is amended to read:

19561. The board may prescribe rules, regulations, and con- Rules, etc ditions consistent with the provisions of this chapter under which all horse races, upon the results of which there is wagering, shall be conducted within this State. The board may adopt the rules and regulations of the United States Trotting Association, not inconsistent with this chapter, for the regulation of harness racing. As used in this chapter, "harness racing" is "Harness racing" the form of horse racing in which the horses are harnessed to a sulky, carriage, or similar vehicle, as distinguished from the form of horse racing in which the horses participating are mounted by jockeys.

SEC. 4. Section 19620 of the Business and Professions Code is hereby amended to read:

19620. Fees, commissions, and other moneys received by Fair and Exposition Fund the board, except that part of the license fee required by Section 19485 in excess of 4 per cent of the gross amount of money handled in the pari-mutuel pool shall be paid into the treasury and credited to a special fund hereby continued in existence, known as the "Fair and Exposition Fund."

SEC. 5. Section 19627 of the Business and Professions Code is amended to read:

19627. All of the license fee for conducting a horse racing General Fund payments meeting not payable into the Fair and Exposition Fund under this article shall be paid into the General Fund in the State treasury.

CHAPTER 1472

An act making an appropriation, relating to the salaries of judges of the superior courts, to take effect immediately.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated three hundred forty-six thousand dollars (\$346,000) in addition to, and in augmentation of, Item 25 in Section 2 of the Budget Act of 1945 for payment of the State's share of salaries of judges in superior courts. Appropriation Salaries of Judges in superior courts

Current
expenses

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, of Article IV of the Constitution of the State of California, take effect immediately.

 CHAPTER 1473

An act making an appropriation for the investigation, control and eradication of Omphalia root rot.

In effect
September
15, 1945

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Omphalia
root rot
investigation

SECTION 1. For the purpose of the investigation and survey of the disease of date palms known as Omphalia root rot and soil tests in connection therewith, there is hereby appropriated to the State Department of Agriculture out of any moneys in the State treasury not otherwise appropriated the sum of twenty thousand four hundred eighty dollars (\$20,480), to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years.

 CHAPTER 1474

An act making an appropriation for the support of the Youth Authority, to take effect immediately.

In effect
immediately

[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
Support
of Youth
Authority

SECTION 1. There is hereby appropriated to the Youth Authority for support during the Ninety-fifth and Ninety-sixth Fiscal Years, the sum of sixty-three thousand five dollars (\$63,005).

Transfers
to appropriation

SEC. 2. The State Controller shall transfer to this appropriation the sum of thirty-seven thousand fifteen dollars (\$37,015) from the appropriation contained in Item 124 of the Budget Act of 1943; seventeen thousand three hundred fifty dollars (\$17,350) from the appropriation contained in Item 126 in the Budget Act of 1943; and eight thousand six hundred forty dollars (\$8,640) from the appropriation contained in Item 130 in the Budget Act of 1943.

Current
expenses

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 1475

An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Manufacturing Fund, making an appropriation, and declaring the urgency thereof.

[Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 3259 of the Welfare and Institutions Code is hereby amended to read as follows:

3259. The revolving fund for the manufacturing departments of the Industrial Home for the Adult Blind heretofore created shall be known as the Industrial Home for the Adult Blind Manufacturing Fund and is continued in existence in the sum of one hundred fifty thousand dollars (\$150,000). The fund shall be used for the payment of all materials needed in the manufacturing of products, for the payment of salaries of workers and for other costs of manufacturing, and may be used for the purchase of equipment, at the manufacturing departments of the Industrial Home for the Adult Blind. Whenever in the opinion of the Director of Finance any portion of said manufacturing fund no longer is required, such portion of said manufacturing fund shall be returned to the State Treasurer for credit to the General Fund upon order of the Director of Finance. Industrial Home for the Adult Blind Manufacturing Fund

SEC. 2. The Industrial Home for the Adult Blind Manufacturing Fund heretofore created in the sum of one hundred thousand dollars (\$100,000) is hereby increased to one hundred fifty thousand dollars (\$150,000). The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of funds in the State treasury not otherwise appropriated to be credited to the Industrial Home for the Adult Blind Manufacturing Fund, to be expended for the purpose for which said fund was created. Appropriation

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and as such shall go into immediate effect. Urgency

The following is a statement of facts constituting such necessity:

The Industrial Home for the Adult Blind has contracted with various agencies of the United States Government to manufacture for the Army and Navy various items vitally needed for the National defense. These orders are large and large quantities of raw materials must be purchased for manufacture. The present revolving fund is not of sufficient size to permit the buying of the raw materials in the quantities needed in the period of time dictated by the National defense urgency.

CHAPTER 1476

An act making an appropriation for the support of the Department of Education, to take effect immediately.

In effect immediately [Approved by Governor July 17, 1945 Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation Department of Education

SECTION 1. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated three hundred eighty-eight thousand six hundred eighty dollars (\$388,680), in augmentation of any other money made available by law, for the support of the Department of Education and Superintendent of Public Instruction during the Ninety-seventh and Ninety-eighth Fiscal Years.

Current expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 1477

An act providing for the maintenance and operation of State cerebral palsy schools, and making an appropriation therefor.

In effect September 15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation Cerebral palsy schools

SECTION 1. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of two hundred eighty thousand dollars (\$280,000) to the Department of Education to be expended by the department during the Ninety-seventh and Ninety-eighth Fiscal Years for the operation and maintenance of two State cerebral palsy schools, one to be established in northern California and one in southern California in conjunction with a cerebral palsy diagnostic and treatment center to be operated in northern California by The Regents of the University of California and in southern California by the governing board of a public or private medical school of a university with which the State Department of Education contracts for such service.

Jurisdiction over program

SEC. 2. That portion of the program of the State for the diagnosis, treatment and education of those afflicted with cerebral palsy in northern California set forth in this act shall be under the joint jurisdiction of The Regents of the University of California and the State Board of Education, such jurisdiction to be exercised in such manner and under such conditions as may be mutually agreed upon by the two agencies.

SEC. 3. That portion of the program of the State for the ^{Same} diagnosis, treatment and education of those afflicted with cerebral palsy in southern California, set forth in this act, shall be under the jurisdiction of the State Board of Education.

CHAPTER 1478

An act making an appropriation for repairs and improvements to Sea Cliff Beach, to take effect immediately.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of five thousand dollars (\$5,000) out of any money in the State Beach Fund is hereby appropriated to the Department of Natural Resources for repairs and improvements to Sea Cliff Beach during the Ninety-fifth and Ninety-sixth Fiscal Years. Appropriation Sea Cliff Beach repairs

SEC. 2. The amount hereby appropriated shall be transferred by the State Controller to the emergency fund appropriated in Item 221 of the Budget Act of 1943 in repayment of a loan heretofore made from said fund. Disposition of funds

SEC. 3. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current expenses

CHAPTER 1479

An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land as part of the State Park System.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, out of the money in the State Beach Fund not otherwise appropriated, the sum of forty thousand dollars (\$40,000), or so much thereof as is necessary to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years in the acquisitions of parcels of land adjacent to presently owned State beach parks which in the judgment of the State Park Commission are needed in order to properly administer, operate, and maintain any State beach park. Such acquisition under this act is to be limited to not more than 10 per cent of the present area of such individual beach park. Appropriation: Acquisition of beach park lands

CHAPTER 1480

An act to provide for research on diseases of agricultural plants and animals and to make an appropriation therefor, declaring the urgency of this act, to take effect immediately.

In effect
immediately

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

Animal and
plant disease
research

SECTION 1. The Agricultural College and the Agricultural Experiment Station of the University of California are hereby requested to conduct additional research into the causes and methods of control of certain diseases of agricultural plants and animals and to determine the nature and extent of damage sustained by agricultural plants and animals from the operation of certain industrial plants.

Appropriation

SEC. 2. Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated the sum of two hundred thirteen thousand nine hundred dollars (\$213,900) to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the University of California in carrying out the purposes of this act.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The agricultural industry is of paramount importance to this State and the continued high production of agricultural products is essential in the prosecution of the war effort. Certain diseases of plants and animals are in danger of becoming epidemic and causing enormous losses to the State and to the Nation. In order that steps may be taken to remedy and prevent the continuance of these conditions it is necessary that this act take immediate effect.

CHAPTER 1481

An act to amend Sections 53 and 59 of, and to add Article 5, comprising Sections 992 to 992.6, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, creating a California Veterans' Commission, providing for the functions thereof, and making an appropriation therefor.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 53 of the Military and Veterans Code is amended to read:

Organization
of the
department:

53. For the purpose of administration, the department shall be organized by the director in such manner as he deems

necessary and proper to conduct the work of the department and shall be divided into four divisions as follows:

(a) The Division of Military Affairs, which shall include the National Guard and Naval Militia, and shall be administered by The Adjutant General, who shall be the chief of the division. Military affairs

(b) The Division of Veterans' Welfare, which shall include the Veterans' Welfare Board and the California Veterans' Commission. The chairman of the Veterans' Welfare Board shall be the chief of the division. Veterans' welfare

(c) The Division of Veterans' Homes, which shall be administered by the board of directors of the Veterans' Home of California and the board of directors of the Woman's Relief Corps Home of California, the chief of the division to be appointed by and hold office at the pleasure of the board of directors of the Veterans' Home of California. Veterans' homes

(d) The Division of Athletics, which shall be administered by the State Athletic Commission, the chief of the division to be appointed by, receive such salary as shall be fixed by, and hold office at the pleasure of such commission. Athletics

SEC. 2. Section 59 of the Military and Veterans Code is amended to read:

59. Nothing contained in this division shall be construed as infringing upon or interfering with the powers, duties, responsibilities, or jurisdiction of the Veterans' Welfare Board, California Veterans' Commission, The Adjutant General, the board of directors of the Veterans' Home of California, the board of directors of the Woman's Relief Corps Home of California, or the State Athletic Commission, as defined by other provisions of law or this code. Construction

SEC. 3. Article 5, comprising Sections 992 to 992.5, inclusive, is added to said code to read:

Article 5. California Veterans' Commission

992. There is hereby created a California Veterans' Commission which shall consist of not more than 16 members, to be appointed by the Governor, and to serve at his pleasure. Two of such members shall represent cities; two shall represent counties; three shall represent veterans' organizations now or hereafter chartered under the laws of the United States one shall represent women's organizations; one shall represent the American Red Cross. The Governor shall appoint to such commission representatives of State departments or agencies, and one shall represent the Department of Military and Veterans' Affairs; one shall represent the Department of Education; one shall represent the California Employment Stabilization Commission; one shall represent the Reconstruction and Reemployment Commission; one shall represent the State Personnel Board; one shall represent the Department of Industrial Relations and one shall represent the Department of Social Welfare. The Governor shall designate the chairman of the commission. California Veterans' Commission

Duties 992.1. [It shall be the function of the California Veterans' Commission:

(a) To coordinate the programs of the departments and agencies of this State in respect to matters affecting veterans of World War II.

(b) To develop cooperative arrangements between this State and the departments or agencies of the Federal Government charged with the administration of programs for returning veterans of World War II; with the cities and counties of the State, and such veterans' service officers and veterans' information or service centers as may be established therein; with the departments or agencies of the Army, Navy and Marine Corps and Coast Guard charged with the administration of programs for the demobilization or discharge of such veterans; with veterans' organizations now or hereafter chartered under the laws of the United States, and with business, labor, agricultural, civic, fraternal and other organizations in this State.

(c) To render a coordinating, informational and advisory service to promote state-wide and community organization and cooperation designed to assist veterans of World War II in their return to civilian life and centralize in the State, and in the cities and counties thereof, services for returning veterans.

(d) To establish and maintain a State headquarters for the consideration and clearance of matters pertaining to programs in this State for veterans of World War II.

Employees 992.3. The California Veterans' Commission may appoint an executive secretary, who shall not be a member of the board and who shall be a veteran, and the commission may, with the approval of the Chief of the Division of Veterans' Welfare and the Director of Finance, select and employ necessary clerical and other employees and fix the salaries of the executive secretary and all employees. Whenever possible, preference shall be given to veterans for employment hereunder.

Members: 992.4. Each member of the commission shall receive actual
Traveling necessary traveling expenses in connection with attendance at
expenses meetings of the commission.

Information 992.5. The departments and agencies of this State, and
available county and city officers charged with functions affecting veterans of World War II, shall furnish to the commission such information as may be from time to time requested, shall cooperate with the commission, and assist it to such extent as facilities permit.

Duration 992.6. The provisions of this article shall expire on the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature.

Appropriation SEC. 4. There is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, the sum of sixty thousand dollars (\$60,000) for the support of the California Veterans' Commission during the Ninety-seventh and Ninety-eighth Fiscal Years.

CHAPTER 1482

An act making an appropriation for the preparation of plans for postwar construction and development projects on State beaches.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is appropriated one hundred thousand dollars (\$100,000) from the State Beach Fund to be expended by the Department of Natural Resources, Division of Beaches and Parks, during the Ninety-seventh and Ninety-eighth Fiscal Years for investigation and surveys and preparation of detailed plans during the next biennium in order that a postwar program consisting of but not limiting to surveys, mapping, construction, developments or erosion control for State beaches may be promptly accomplished as and when specific appropriations are made for the purpose.

Appropriation Surveys, etc. of State beaches

CHAPTER 1483

An act making an appropriation for the administration of the provisions of Chapter 2 of Division 9 of the Public Resources Code, relating to the State Soil Conservation Commission.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. The sum of seventeen thousand five hundred dollars (\$17,500) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the State Soil Conservation Commission for the administration and carrying out of the provisions of Chapter 2 of Division 9 of the Public Resources Code, relating to soil conservation.

Appropriation State Soil Conservation Commission

CHAPTER 1484

An act to add Article 13, comprising Sections 950 to 959, inclusive, to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to county juvenile homes and camps, and providing for assistance by the State for the maintenance of such homes and camps and making an appropriation therefor.

In effect
September
15, 1945

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 13 is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:

Article 13. Juvenile Homes

Housing
wards of
juvenile
court

950. In order to provide appropriate facilities for the housing of wards of the juvenile court in the counties of their residence or in adjacent counties so that such wards may be kept under direct supervision of said court, and in order to more advantageously apply the salutary effect of home and family environment upon them, and also in order to secure a better classification and segregation of such wards according to their capacities, interests and responsiveness to control and responsibility, and to give better opportunity for reform and encouragement of self-discipline in such wards, juvenile homes or camps may be established, as provided in this article.

Establishing
homes, etc

951. The board of supervisors of any county may, by ordinance, establish juvenile homes, ranches, camps, or forestry camps, within or without the county, to which wards of the juvenile court who would otherwise be committed by the juvenile court to the Youth Authority for placement in a correctional school may be committed by the court in lieu of commitment to the Youth Authority. As far as possible, the provisions of this chapter relating to commitments to the probation officer shall apply to commitments to such juvenile homes, except that where any ward proves to be unfit to remain in any such home, in the opinion of the superintendent or director thereof, said superintendent or director shall make recommendation to the probation department for consideration for other commitment. Complete operation and authority for the administration shall be vested in the county.

Supervisors

952. Such juvenile homes, ranches, camps or forestry camps shall be in charge of a superintendent or director and may be established in conjunction with the probation department of the juvenile court or the probation committee or department of the county, or in any manner determined by the county board of supervisors. Such superintendent or director and other persons employed at such homes or camps shall be appointed

by the chief probation officer, subject to confirmation by the board of supervisors, of the county establishing such homes or camps.

953. The wards committed to such homes, ranches, camps, or forestry camps may be required to labor on the buildings and grounds thereof, or to perform any other work or engage in any studies or activities prescribed by the probation department of said court, subject to such approval as the county board of supervisors by ordinance requires.

Wards required to work

954. The county board of supervisors may provide for the payment of wages, and pay such wages from the treasury of such county, to the wards for the work they do, the sums earned to be paid in reparation, or to the parents or dependents of the ward, or to the ward himself, in such manner and in such proportions as the court directs.

Compensation

955. The Youth Authority shall adopt and prescribe the minimum standards of, construction, operation, programs of education and training and qualifications of personnel for such juvenile homes or camps. No county establishing or conducting such juvenile homes or camps shall be entitled to receive any State funds provided for in this article unless and until the minimum standards and qualifications referred to in this section are complied with by such county. Type and standards of construction shall be approved by the county architect's office, county department of public works, or such county department having jurisdiction over public construction.

Adoption of minimum standards, etc.

956. No juvenile home or camp established pursuant to the provisions of this article shall receive or contain more than 100 children at any one time, and no county shall receive any contribution from the State pursuant to this article for more than six such homes or camps.

Number of children in home or camp

957. Where any such juvenile home or camp is established, or is to be established, and where the minimum standards and qualifications provided for in Section 955 of this article have been complied with by the county, the State of California, through the Youth Authority, out of any money herein appropriated, shall reimburse the county to the amount of one-half the cost of maintaining each child in such home or camp, but in no event shall such county receive more than fifty dollars (\$50) per month per child.

Cost Shared by State

958. Any county establishing such juvenile home or camp under the provisions of this article may, by mutual agreement, accept children committed to such home or camp by the juvenile court of another county in the State and the State shall reimburse the county maintaining the home or camp to the amount of one-half of the administrative cost of maintaining each child so committed. Two or more counties may, by mutual agreement, establish such juvenile homes or camps, and the rights granted and duties imposed by this article shall devolve upon such counties acting jointly. The provisions of this article shall not apply to any juvenile detention home.

Agreement Children of other counties

Appropriation

959. The sum of eight hundred thousand dollars (\$800,000) is hereby appropriated out of the General Fund of the State, not otherwise appropriated, said sum to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the Youth Authority in accordance with the provisions of this article.

CHAPTER 1485

An act to add Section 29.5 to the Fish and Game Code, relating to predatory animal control and destruction, and making an appropriation.

In effect
September
15, 1945[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 29.5 is added to the Fish and Game Code, to read:

Control of
harmful
predatory
mammals

29.5. The commission shall control and eradicate harmful predatory mammals and for that purpose may enter into cooperative agreements with any agency of the State or the United States.

Appropriation

SEC. 2. There is hereby appropriated out of the Fish and Game Preservation Fund the sum of one hundred fifty thousand dollars (\$150,000), in addition to, and in augmentation of, Item 196 in the Budget Act of 1945, to enable the commission to carry out the provisions of this act.

CHAPTER 1486

An act making an appropriation to The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work preparatory to the construction of additional buildings for the University of California, declaring the urgency thereof and providing that this act shall take effect immediately.

In effect
immediate,[Approved by Governor July 17, 1945 Filed with Secretary of State
July 17, 1945.]

The people of the State of California do enact as follows:

Appropriation
University of
California,
surveys, etc

SECTION 1. The sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, is hereby appropriated to The Regents of the University of California out of any money in the Postwar Employment Reserve not otherwise appropriated, for expenditure during the Ninety-seventh and Ninety-eighth Fiscal Years by The Regents of the University of California for surveys, preparation of plans and specifications, and other preliminary work necessary to a program of construction of additional buildings for the University of California.

SEC. 2. This act is hereby declared to be an urgency measure ^{Urgency} necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

A statement of the facts constituting such necessity is as follows:

The State of California is preparing for the construction of buildings and other facilities in furtherance of a State building program which is designed to provide postwar employment for citizens released from the armed forces and from private enterprise following the relaxation of the war effort. It is essential to the retaining of the high morale of our citizens both at home and in the armed forces that the ground work of this postwar employment program be completed at the earliest possible date in order to insure the continuance of prosperity throughout the State following the termination or substantial diminishing of the war effort. In order that this may be accomplished it is necessary that the funds appropriated by this act be available for immediate expenditure.

CHAPTER 1487

An act making an appropriation for the support of the State Water Resources Board.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the State treasury not otherwise appropriated the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, is hereby appropriated to the State Water Resources Board for its support during the Ninety-seventh and Ninety-eighth Fiscal Years.

Appropriation.
Support of
State Water
Resources
Board

CHAPTER 1488

An act to amend Section 4246 of the Political Code, relating to compensation for public service in counties of the seventeenth class.

[Approved by Governor July 17, 1945. Filed with Secretary of State July 17, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4246 of the Political Code is amended to read:

4246. In counties of the seventeenth class, the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums:

Monterey:
Salaries

1. The county auditor, five thousand one hundred dollars (\$5,100) per annum; provided further, that in the event the

Auditor

county auditor shall serve as, and perform the duties of, the county purchasing agent, he shall receive, as full compensation for such services, the sum of eight hundred fifty-five dollars (\$855) per annum.

District
attorney

2. The district attorney, four thousand eight hundred dollars (\$4,800) per annum; provided, that the district attorney shall be allowed the amount of his actual and necessary traveling and other expenses, when incurred in connection with the prosecution of criminals, within the county.

Supervisors

3. Each supervisor, the sum of one thousand two hundred dollars (\$1,200) per annum, together with the sum of four hundred fifty dollars (\$450) each per annum, for his duties as road commissioner. He shall be allowed mileage at the rate of seven cents (\$0.07) per mile in going from his residence to the county seat and returning at each session of the board. Where necessary official business requires any supervisor to travel beyond the boundaries of the county he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration and no other traveling expenses shall be allowed.

Jurors

4. Grand jurors and trial jurors in the superior court shall receive for each day's attendance three dollars (\$3), and for every mile actually traveled in attending court as such juror, in going only, fourteen cents (\$0.14).

Incumbent
officers

SEC. 2. The compensation provided by Section 4246 shall be paid to incumbent officers.

CHAPTER 1489

An act to amend Sections 46, 47, 48 and 48a of the Civil Code and add a new section to the Civil Code, to be numbered 45a, relating to libel and slander.

In effect
September
15, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

The people of the State of California do enact as follows:

Libel

SECTION 1. Section 45a is added to the Civil Code, to read:
45a. A libel which is defamatory of the plaintiff without the necessity of explanatory matter, such as an inducement, innuendo or other extrinsic fact, is said to be a libel on its face. Defamatory language not libelous on its face is not actionable unless the plaintiff alleges and proves that he has suffered special damage as a proximate result thereof. Special damage is defined in Section 48a of this code.

Slander

SEC. 2. Section 46 of said code is amended to read:
46. Slander is a false and unprivileged publication, orally uttered, and also communications by radio or any mechanical or other means which:

1. Charges any person with crime, or with having been indicted, convicted, or punished for crime;

2. Imputes in him the present existence of an infectious, contagious, or loathsome disease;

3. Tends directly to injure him in respect to his office, profession, trade or business, either by imputing to him general disqualification in those respects which the office or other occupation peculiarly requires, or by imputing something with reference to his office, profession, trade, or business that has a natural tendency to lessen its profits;

4. Imputes to him impotence or a want of chastity; or

5. Which, by natural consequence, causes actual damage.

SEC. 3. Section 47 of said code is amended to read:

47. A privileged publication or broadcast is one made—

Privileged publication or broadcast.

1. In the proper discharge of an official duty.

2. In any (1) legislative or (2) judicial proceeding, or (3) in any other official proceeding authorized by law; provided, that an allegation or averment contained in any pleading or affidavit filed in an action for divorce or an action prosecuted under Section 137 of this code made of or concerning a person by or against whom no affirmative relief is prayed in such action shall not be a privileged publication or broadcast as to the person making said allegation or averment within the meaning of this section unless such pleading be verified or affidavit sworn to, and be made without malice, by one having reasonable and probable cause for believing the truth of such allegation or averment and unless such allegation or averment be material and relevant to the issues in such action.

3. In a communication, without malice, to a person interested therein, (1) by one who is also interested, or (2) by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or (3) who is requested by the person interested to give the information.

4. By a fair and true report in a public journal, of (1) a judicial, (2) legislative, or (3) other public official proceeding, or (4) of anything said in the course thereof, or (5) of a verified charge or complaint made by any person to a public official, upon which complaint a warrant shall have been issued.

5. By a fair and true report of (1) the proceedings of a public meeting, if such meeting was lawfully convened for a lawful purpose and open to the public, or (2) the publication of the matter complained of was for the public benefit.

SEC. 4. Section 48 of said code is amended to read:

48. In the case provided for in subdivision 3 of the preceding section, malice is not inferred from the communication.

Communication without malice

SEC. 5. Section 48a of said code is amended to read:

48a. 1. In any action for damages for the publication of a libel in a newspaper, or of a slander by radio broadcast, plaintiff shall recover no more than special damages unless a correction be demanded and be not published or broadcast, as hereinafter provided. Plaintiff shall serve upon the publisher, at the place of publication or broadcaster at the place of broadcast, a written notice specifying the statements claimed to be libelous and

Libel by newspaper, etc. Demand for correction

demanding that the same be corrected. Said notice and demand must be served within 20 days after knowledge of the publication or broadcast of the statements claimed to be libelous.

Failure to
publish or
broadcast
corrector

2. If a correction be demanded within said period and be not published or broadcast in substantially as conspicuous a manner in said newspaper or on said broadcasting station as were the statements claimed to be libelous, in a regular issue thereof published or broadcast within three weeks after such service, plaintiff, if he pleads and proves such notice, demand and failure to correct, and if his cause of action be maintained, may recover general, special and exemplary damages; provided that no exemplary damages may be recovered unless the plaintiff shall prove that defendant made the publication or broadcast with actual malice and then only in the discretion of the court or jury, and actual malice shall not be inferred or presumed from the publication or broadcast.

Publication
or broadcast
of correction

3. A correction published or broadcast in substantially as conspicuous a manner in said newspaper or on said broadcasting station as the statements claimed in the complaint to be libelous, prior to receipt of a demand therefor, shall be of the same force and effect as though such correction had been published or broadcast within three weeks after a demand therefor.

Definitions

4. As used herein, the terms "general damages," "special damages," "exemplary damages" and "actual malice," are defined as follows:

(a) "General damages" are damages for loss of reputation, shame, mortification and hurt feelings;

(b) "Special damages" are all damages which plaintiff alleges and proves that he has suffered in respect to his property, business, trade, profession or occupation, including such amounts of money as the plaintiff alleges and proves he has expended as a result of the alleged libel, and no other;

(c) "Exemplary damages" are damages which may in the discretion of the court or jury be recovered in addition to general and special damages for the sake of example and by way of punishing a defendant who has made the publication or broadcast with actual malice;

(d) "Actual malice" is that state of mind arising from hatred or ill will toward the plaintiff; provided, however, that such a state of mind occasioned by a good faith belief on the part of the defendant in the truth of the libelous publication or broadcast at the time it is published or broadcast shall not constitute actual malice.

Constitutionality

SEC. 6. If any provision of this act, or the application thereof to any person or circumstances, is held invalid the remainder of the act, and the application of its provisions to other persons or circumstances, shall not be affected thereby.

CHAPTER 1490

An act to amend the County Water District Act, approved June 10, 1913, as amended, by adding Section 14.8, relating to judgments against district directors, officers, agents and employees.

Stats 1913,
p. 1049,
amended

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 14.8 is added to the County Water District Act, to read: New section

Sec. 14.8. If a director, officer, agent, or employee of the district shall be held liable for any act or omission in his official capacity, except in case of actual fraud or actual malice, and any judgment shall be rendered thereon, the district shall pay such judgment without obligation for repayment thereof by such director, officer, agent, or employee. Payment of
judgment
against
officer, etc

CHAPTER 1491

An act to create a medical facility under the jurisdiction of the Department of Corrections, providing for its construction, management, operation and administration, specifying the types of persons who may be confined therein, providing for the transfer thereto and retransfer therefrom of persons under the custody of the Director of Corrections and of the Youth Authority, by amending Section 5003 of and adding Chapter 8 to Title 7 of Part 3 and repealing Sections 2680, 2681 and 2682 of the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections and providing for the establishment of a psychopathic hospital for prisoners.

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5003 of the Penal Code is amended to read: See also
Stats 1945,
Chs. 75 and
1454

5003. The department has jurisdiction over the following prisons and institutions: Jurisdiction
of depart-
ment

- (a) The California State Prison at San Quentin
- (b) The California State Prison at Folsom
- (c) The California Institution for Men
- (d) The California Institution for Women
- (e) The California Vocational Institution
- (f) The Medical Facility.

SEC. 2. Chapter 8 is added to Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 8. THE MEDICAL FACILITY

Medical Facility	6100. There is hereby established an institution under the jurisdiction of the Department of Corrections to be known as the Medical Facility.
Location	6101. The Medical Facility shall be located in the San Francisco Bay region.
Purposes	6102. The primary purpose of the Medical Facility shall be the receiving, segregation, confinement, treatment and care of males under the custody of the Department of Corrections or any agency thereof who are either: <ol style="list-style-type: none"> 1. Mentally ill, or 2. Mentally defective, or 3. Epileptic, or 4. Addicted to the use of narcotics, or 5. Otherwise physically or mentally abnormal, including but not limited to psychopaths and sex offenders, or 6. Suffering from any chronic disease or condition.
Buildings, etc	6103. The Director of Corrections shall construct and equip, in accordance with law, suitable buildings, structures, and facilities for the Medical Facility.
Rules, etc	6104. The Director of Corrections shall make rules and regulations for the government of the Medical Facility and the management of its affairs.
Employees	6105. The Director of Corrections shall appoint subject to civil service, a superintendent for the Medical Facility and such officers and employees as may be necessary.
Supervision	6106. The supervision, management, and control of the Medical Facility and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the Director of Corrections.
Persons transferred to facility	6107. Any male person under the custody of the Director of Corrections may be transferred to the Medical Facility by the Adult Authority. Any male person 18 years of age or over who has been committed to the custody of the Youth Authority by a court of criminal jurisdiction may be transferred to the Medical Facility by the Youth Authority with the consent of the Director of Corrections. Whenever the Adult Authority or the Youth Authority deems it to be the best interest of the Medical Facility or of the person, the authority having jurisdiction may retransfer the person to the institution from which the person was originally transferred to the Medical Facility.
Repeals	SEC. 2. Sections 2680, 2681, and 2682 of the Penal Code are repealed.

CHAPTER 1492

An act to amend Sections 2 and 4 of "An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately," approved May 19, 1943, relating to the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Stats 1943,
p 2225,
amended

[Approved by Governor July 18, 1945 Filed with Secretary of State
July 18, 1945.]

In effect
immediately

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the act cited in the title hereof is amended to read:

Stats 1943,
p 2225

Sec. 2. Expenditures shall be made from the fund for the purpose of paying the principal and interest on bonds issued by the State and which mature during the Ninety-seventh, to One Hundred Sixteenth Fiscal Years, inclusive; the principal and interest to be deemed to have matured at such time as disbursements for such principal and interest are made, in accordance with law, from the General Fund or from the respective interest and sinking funds created by the various laws authorizing the issuance of any of the bonds covered by such matured principal and interest.

Payment of
principal
and interest
of bonds

SEC. 2. Section 4 of said act is amended to read:

Stats 1943,
p 2225

Sec. 4. Any unexpended money in the Bond Sinking Fund of 1943 shall be invested and reinvested by the Director of Finance in bonds of the United States or for which the full faith and credit of the United States is pledged and any interest or gains accruing from such investment and reinvestment shall be paid into the General Fund of the State.

Investment
of funds

SEC. 3. Out of unappropriated moneys in the State treasury the sum of eleven million, six hundred fifty-one thousand, four hundred eighty-nine and 75/100 dollars (\$11,651,489.75) is hereby appropriated to the Bond Sinking Fund of 1943, in addition to any moneys heretofore appropriated therefor.

Appropriation

SEC. 4. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

The State treasury has a large surplus at the present time, and the longer the investment of the surplus is delayed the smaller will be the accrual to the State from such investment. The United States is now engaged in a costly and deadly war and it is in dire need of funds to successfully prosecute the war. It is to the interest of the peace, health and safety of the State that its surplus funds be made immediately available to the United States for the prosecution of the war.

CHAPTER 1493

An act to add Sections 971 and 972 to the Military and Veterans Code, relating to the county service officer, and making an appropriation.

In effect
September
15, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 971 is added to the Military and Veterans Code, to read:

County serv-
ice officer

971. The county service officer shall assist every veteran of any war of the United States in presenting and pursuing such claim as the veteran may have against the United States arising out of war service and in establishing the veteran's right to any privilege, preference, care, or compensation provided for by the laws of the United States or of this State.

SEC. 2. Section 972 is added to said code, to read:

Assistants,
etc

972. The board of supervisors may provide the county service officer with such assistants and facilities as it deems necessary. If such a position is created and filled, the compensation and expenses of the county service officer shall be a county charge, but the Veterans' Welfare Board, out of State moneys available therefor, may pay each county a portion of such costs in an amount determined by the Veterans' Welfare Board, conditioned upon the observance of standards and regulations prescribed by, and in compliance with the direction of, the Veterans' Welfare Board and its authorized representatives. Contributions by the Veterans' Welfare Board to any county toward the payment of the salary of the county service officer shall not exceed the sum of seventy-five dollars (\$75) per month.

Appropri-
ation

SEC. 3. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated to the Veterans' Welfare Board the sum of five hundred thousand dollars (\$500,000), to be expended without regard to fiscal years to effectuate the purposes of this act.

CHAPTER 1494

Stats 1917,
p 658,
amended

An act to amend Section 4 of the Industrial Loan Act, relating to loans, charges and the establishment of offices and places of business

In effect
September
15, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

The people of the State of California do enact as follows:

Stats 1945,
Ch 394

SECTION 1. Section 4 of the act cited in the title hereof is amended to read:

Powers of in-
dustrial loan
companies

Sec. 4. Every corporation under the provisions of this act shall have power: Subject to the supervision and control of the Corporation Commissioner of the State of California:

First—To loan money on personal property security, including the pledge of its installment investment certificates, or without security other than the pledge of its installment investment certificates, or on real property security or loans over three hundred dollars (\$300) with or without the pledge of its installment investment certificates, and to collect and receive charges therefor in advance or otherwise. A certificate of investment shall be issued with each loan, except that the issue of installment investment certificates with real estate loans or loans over three hundred dollars (\$300) shall be optional with the industrial loan company. Such certificates of investment shall require uniform weekly, semi-monthly or monthly payments over the period of the loan, final payment not to be payable until the maturity date of the loan. Such certificates of investment shall be purchased by the borrower simultaneously with each loan transaction, of a face value not exceeding the face amount of the loan, and shall be pledged with the corporation as security for said loan.

Lending of money

Second—To sell or negotiate investment certificates either in certificates, or in receipt book form, in addition to the sale of installment investment certificates with loans, for the payment of money at any time, either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without an allowance of interest upon such installments. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits or to issue certificates of deposit. The investment certificates herein authorized shall bear the indorsement on the face of the instrument, "this is not a certificate of deposit."

Sale of certificates

Third—The term "charges" as used in this act, includes the aggregate interest, fees, bonuses, commissions, brokerage discounts, expenses, and other forms of costs charged, contracted for, or received by an industrial loan company or any other person in connection with the investigating, arranging, negotiating, procuring, guaranteeing, making, servicing, collecting, and enforcing of a loan or for forbearance of money, credit, goods or things in action, or any other service or services rendered.

"Charges"

However, it is hereby provided that the charges by an industrial loan company, broker and all other persons on any loan, forbearance of money, credit, goods or things in action under this act, shall not exceed in the aggregate $2\frac{1}{2}$ per cent per month on that portion of the unpaid principal balance up to, including but not in excess of one hundred dollars (\$100), 2 per cent per month on that portion of the unpaid principal balance in excess of one hundred dollars (\$100) up to, including but not in excess of three hundred dollars (\$300), and 10 per cent per annum on that portion of the unpaid principal balance in excess of three hundred dollars (\$300). If, however, in connection with any loan, insurance is taken in favor of the industrial loan company, the total amount which may be contracted for and received for interest, brokerage and all other charges shall not exceed in the aggregate 2 per cent per month on that portion of

Maximum charges

the unpaid principal balance up to, including but not in excess of three hundred dollars (\$300) and 10 per cent per annum on that portion of the unpaid principal balance in excess of three hundred dollars (\$300). For the purpose of computing the charges set forth in this paragraph, a month shall be any period of 30 consecutive days. All payments made by the borrower on the installment investment certificates purchased by the borrower in connection with the making of the loan shall be regarded as payments on the loan and shall be applicable, first, to interest and all other charges within the maximum statutory rate provided in this paragraph and, secondly, to reduction of the unpaid principal of the loan advanced to the borrower in determining the "unpaid principal balance" as hereinabove referred to.

Rights of
companies.

However, it is provided that nothing in this section denies the right to the industrial loan company in addition to interest, brokerage and all other charges herein provided to contract for, collect and receive at the time of making the loan or at any time thereafter, the statutory fee paid by it to any public officer for acknowledging, filing, recording or releasing in any public office any instrument securing the loan or executed in connection therewith. Also, nothing in this section prohibits the lender from collecting in addition to the interest, brokerage and all other charges herein provided the costs for insurance, of tangible personal or real property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan; provided, such insurance is sold at standard rates through a duly licensed insurance agent.

"Unpaid
principal
balance"

The term "unpaid principal balance" as used in this act shall mean the net amount of money, credit, goods or things in action received by the borrower at the time of entering into the transaction and the decreasing balances thereof after application in accordance with the provisions of this act of each payment made on the obligation.

Nothing in this section shall deny the right to any industrial loan company, in addition to all other charges herein provided, in the enforcing and collecting of a delinquent loan of an unpaid principal balance in excess of three hundred dollars (\$300):

(a) To collect and receive the court costs and reasonable attorneys' fees allowed by a court in a judgment against a defaulting debtor;

(b) To contract for, collect and receive the bona fide expenses actually incurred and paid by the industrial loan company, not exceeding 10 per cent of the unpaid principal balance of the loan where no judgment at law is sought.

No charge shall be collected unless a loan shall have been made. Whenever the interest and/or charges deducted in advance shall exceed the maximum provided by this section, by reason of subsequent repayment of the loan or any portion thereof prior to maturity or prepayment of installments on the investment certificate purchased with the loan, such excess shall

be refunded to the borrower or credited on any balance owing by the borrower to the company.

Fourth—To establish offices or places of business within the State of California. Establishment of offices

Fifth—To purchase, sell or discount bona fide trust receipts, choses in action, secured or unsecured, chattel mortgages or conditional sales contracts, which shall have a maturity within two years from the date of said purchase. Investments

Sixth—To make loans, purchase or discount notes, mortgages, contracts or other commercial paper, which loans or commercial paper are insured by the Federal Housing Administrator, Veterans' Administration, or other Federal agency. Loans so insured may be made for a term up to but not to exceed 20 years. Purchase of insured loans, etc

In addition to the powers herein enumerated, every corporation under the provisions of this act shall have the general powers conferred upon corporations by Chapter 10, Title 1, Part 4, Division 1 of the Civil Code except as herein otherwise provided. General powers

CHAPTER 1495

An act to amend Sections 21, 39, 40, and 46 of, to repeal Section 41 of, and to add a new Section 41 to, and to repeal Sections 42, 43, 44, 45, and 47 of, the Alcoholic Beverage Control Act, relating to administrative procedure of the State Board of Equalization. Stats 1935, p 1123, amended

[Approved by Governor July 18, 1945 Filed with Secretary of State July 18, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 21 of the Alcoholic Beverage Control Act is amended to read: Stats 1937, p 2126

Sec. 21. Before commencing to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence, must be posted in a conspicuous place at the entrance to such premises. Licenses will not be issued for such premises until such notice has been so posted for 15 consecutive days immediately prior to the issuance of the licenses. The notice herein specified shall be in such form as the board shall prescribe. Notice of intention to engage in sale

Upon the receipt by the board of an original application for any license, written notice thereof shall immediately be mailed by said board to the sheriff, chief of police and district attorney of such locality, to the board of supervisors of the county in which the premises are situated, if in unincorporated territory, and to the city council or other governing body of the city or county in which the premises are situated, if situated within an incorporated area. Notice to local authorities

No license shall be issued by the board until at least 15 days after the mailing by the board of the notices required by this section.

Protest and
hearing

Upon receipt by the board within such 15 days of a protest by the governing body of the city, city and county, or county to whom such notice has been mailed against the issuance of a license, the board shall not issue such license until after a public hearing is held by the board within the county, city and county or city affected.

Publication:
On-sale
applications

All applicants for on-sale licenses shall, within five (5) days after filing their application with the board, cause a notice of such application giving the name or names of the applicant and the premises where the business is to be conducted, to be published once in a newspaper of general circulation in the city in which such premises are situated, or if such premises are not in a city then such publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of such notice shall be prescribed by the board. Affidavit of publication shall be filed with the board prior to the issuance of any license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Stats 1945,
Ch 1401
Denial of
license

SEC. 2. Section 39 of said act is amended to read:

Sec. 39. A written report of a member of the board or of an employee of the board engaged in the enforcement of this act disclosing that an applicant for a license or the premises for which a license is applied are not qualified for a license under this act shall constitute grounds for the denial of an application for a license.

Immediately upon the denial of any application for a license the board shall notify the applicant thereof in writing. Within 10 days after mailing the notice the applicant may present his written petition for a license to the board.

Upon receipt by the board of a petition for a license in proper form it shall be referred to a representative of the board for hearing.

Protests may be made to the board at any time prior to the issuance of a license against either the original issuance of a license or the renewal of a license.

If a license has been issued to the applicant before receipt of the protest by the board, the protest shall be considered as a complaint against the licensee and a hearing had thereon as if a complaint had been filed.

The proceedings under this section shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Stats 1937,
p 2126

Complaints
against
licensees

SEC. 3. Section 40 of said act is amended to read:

Sec. 40. Complaints may be made to the board by any person against any licensee. Complaints must be in writing and must state a violation of Section 38e or one or more grounds

which would authorize the board to suspend or revoke the license or licenses of the licensee against whom the complaint is made.

A written report of a member of the board or of an employee of the board engaged in the enforcement of this act, or of a public officer disclosing a violation of Section 38e or one or more grounds for the suspension or revocation of the license or licenses of any licensee shall be deemed a complaint against the licensee within the meaning of this act, even though not in the form of a complaint.

The following are the grounds which constitute a basis for the suspension or the revocation of licenses : Revocation,
etc : Grounds

1. When the continuance of such license would be contrary to public welfare or morals; but proceedings under Section 40 upon this ground shall not be deemed a limitation upon the board's authority to proceed under Article XX, Section 22 of the Constitution of this State.

2. Except as limited by Section 38e hereof, the violation or the causing of the permitting of a violation by a licensee of (a) this act, (b) any rules and regulations of the board adopted under the provisions of this act, (c) any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding or mislabeling of alcoholic beverages or intoxicating liquors.

3. The misrepresentation of a material fact by any applicant in obtaining any license hereunder.

4. The plea, verdict or judgment of guilty to any public offense involving moral turpitude charged against the licensee.

SEC. 4. Section 41 of said act is repealed and a new Section 41 is added to said act, to read : Repeal
New section

Sec. 41. Any hearings held on a protest, complaint or petition for a license shall be held at the county seat of the county in which the premises or licensee are located. Except as provided in Section 40.5 and in this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the board shall have all the powers granted therein. Hearing of
protest, etc

SEC. 5. Section 46 of said act is amended to read :

Sec. 46. Subject to the provisions of Section 22, Article XX, of the Constitution, any ruling, order or decision of the board shall be subject to review as provided by law, in any court of competent jurisdiction in the county in which the person affected resides. Stats 1945,
Ch 1401
Court review
of rulings,
etc.

SEC. 6. Sections 42, 43, 44, 45, and 47 of said act are repealed. Repeals

CHAPTER 1496

An act making an appropriation for the purchase of the tract commonly known as the Mountain Home Tract in Tulare County.

In effect
September
15, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

The people of the State of California do enact as follows:

Appropriation,
Acquisition,
etc., Mountain
Home Tract in Tulare
County

SECTION 1. In keeping with the policy of the State of California as declared in Chapter 85 of Statutes of 1945 and out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of six hundred thousand dollars (\$600,000) or so much thereof as may be necessary, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years, for the acquisition, development and improvement by the Department of Natural Resources, through the Division of Forestry, for State forest purposes that certain tract of land situated in Tulare County, commonly known as and designated the Mountain Home Tract, consisting of 4,590 acres all in T. 19 S., R. 30 E., T. 19 S., R. 31 E., T. 20 S., R. 30 E., and T. 20 S., R. 31 E., M. D. B. & M., and comprising all of the land in Tulare County owned on January 1, 1943, by the Michigan Trust Company, of Muskegon, Michigan.

Use

Minimum
acreage

SEC. 2. Said Mountain Home Tract shall be preserved as nearly as possible in virgin state, and shall be devoted to multiple public use for hunting, fishing and recreation. In future acquisitions and exchanges of land in accordance with the provisions of the State statutes the acreage in State ownership shall not be reduced below 4,000 acres.

CHAPTER 1497

An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

In effect
September
15, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

The people of the State of California do enact as follows:

Appropriation,
Acquisition
of Huntington-Newport
Beach park
site

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, from the State Beach Fund the sum of three hundred ninety-nine thousand five hundred dollars (\$399,500) or so much thereof as may be necessary to be expended subject to the conditions provided in this act, for the acquisition during the Ninety-seventh and Ninety-eighth Fiscal Years for State park purposes of land in Orange County known as the Huntington-Newport Beach proposed State park site, consisting of 9,400 lineal feet more or less

of beach frontage and such acreage on the inland side of said beach frontage as may be deemed necessary or desirable, or so much of said frontage and acreage as can be purchased at a reasonable price, to be determined by appraisal and negotiation or by condemnation proceedings, said land situate, lying, and being between the city limits of the City of Huntington Beach and the city limits of the City of Newport Beach and between the ordinary highwater mark of the Pacific Ocean and State Highway No. 101 alternate, excepting therefrom such portions of said described land as are now owned by the State of California, the County of Orange, and included within existing railway rights of way; this appropriation shall be expended in the acquisition of aforesaid property and shall not be matched by like amounts, or any amounts, in money, property or lands received from private or any other sources.

SEC. 2. The State of California received from the state-owned tideland oil pool at Huntington Beach, the sum of one million three hundred twenty thousand thirty-eight dollars and seventeen cents (\$1,320,038.17) in 1943, the sum of two million nine hundred ninety-one thousand eight hundred twenty dollars and fifty-eight cents (\$2,991,820.58) in 1944, and it is estimated that in 1945 the sum will exceed three million dollars (\$3,000,000). Neither the City of Huntington Beach nor the County of Orange received any income from the State through tideland drilling operations into this pool. However, in other areas of this State, the State by legislative action has relinquished its rights to other tideland pools and, in those cases, the municipalities contiguous thereto have reaped the entire benefit therefrom, and the State has received nothing. Well over two-thirds of the money in the State Beach Fund have come from the tidelands at Huntington Beach. The Legislature believes that equity and simple justice demand that a small portion of the millions of dollars obtained from the State tideland oil pool at Huntington Beach and the County of Orange be used in the acquisition of the aforesaid described property, which is eminently suited to beach playground use, and which would prove to be of great recreational value to all the citizens in the southern counties of the State. By reason thereof, the Legislature hereby expressly declares that this appropriation constitutes a valid exception to any ^{Legislative policy} policy requiring the matching of State funds by other sources in acquiring park properties. Thus, the equities of the situation will be met, and a beautiful State beach park will be created for the enjoyment of citizens of California

CHAPTER 1498

An act to amend Sections 105, 106, 113, 116, 123, 124, and 126 of the Vehicle Code, and to repeal Sections 110 and 112 thereof, relating to the organization of the Department of Motor Vehicles.

In effect
September
15, 1945

[Approved by Governor July 18, 1945 Filed with Secretary of State
July 18, 1945]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 1511

Office of
director
created

SECTION 1. Section 105 of the Vehicle Code is amended to read:

105. Office of Director Created. The department shall be under the control of a civil executive officer to be known as the Director of Motor Vehicles, which office is hereby created. The director shall be appointed by the Governor and shall hold office at the pleasure of the Governor. He shall receive a salary of eight thousand dollars (\$8,000) per year and shall be allowed his actual and necessary traveling expenses incurred in the performance of the duties of his office. The director shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars (\$25,000).

SEC. 2. Section 106 of said code is amended to read:

Director to
appoint sub-
ordinates

106. Director to Appoint Subordinates. The director may appoint and, with the approval of the Department of Finance, fix the salaries of:

- (a) A deputy director and
- (b) Such other officers, deputies, technical experts and employees as may be necessary for the proper discharge of the duties of the department.

SEC. 3. Section 113 of said code is amended to read:

Members of
California
Highway
Patrol

113. Who Are Members of the California Highway Patrol. The Director, the Chief of the California Highway Patrol, and the assistant chief, deputy chiefs, inspectors, captains, sergeants, traffic officers and investigators appointed to the California Highway Patrol, shall constitute the members of the California Highway Patrol.

SEC. 4. Section 116 of said code is amended to read:

Permanent
ratings

116. Permanent Ratings. Every inspector, captain, sergeant, traffic officer and traffic clerk, duly appointed hereunder, shall be rated as to efficiency by the director in accordance with civil service laws.

SEC. 5. Section 123 of said code is amended to read:

Appointment
of members
for service
outside
county of
appointment

123. Assignment of Members for Service Outside County of Appointment. No member of the California Highway Patrol, appointed to serve in any county, shall be assigned for service outside said county for a longer period than one week, except:

- (1) Pursuant to a request of a member for a transfer; or
- (2) As necessitated by temporary traffic emergencies requiring an increase in the number of members in one locality or seasonal changes making expedient a decrease in the number of

members in one locality but in such latter events no assignment shall be made for disciplinary purposes.

Any such assignment, when made, shall be made by the Chief of the California Highway Patrol subject to the approval of the director.

SEC. 6. Section 124 of said code is amended to read :

124. Administration of California Highway Patrol. The director shall make adequate provision for the patrol of the highways at all times both day and night. He may :

Administra-
tion of
California
Highway
Patrol

(1) Establish a school for the training and education of the members of the California Highway Patrol in traffic regulation, their duties, and the proper enforcement of this code.

(2) Create highway patrol districts for the efficient administration and enforcement of this code.

(3) Adopt rules and regulations relative to all activities of the California Highway Patrol.

SEC. 7. Section 126 of said code is amended to read :

126. Offices and Stations. (a) The department shall maintain an office at the State Capital.

Offices and
stations

(b) The director, as and where he may deem necessary, may establish and maintain (1) branch offices and (2) stations at the State boundary line.

(c) He shall, in counties having charters other than counties of the first and second class, and may from time to time, in such localities of this State as he deems most suitable, establish headquarters or substations for the efficient performance of the duties of the California Highway Patrol and for that purpose may lease or purchase lands and buildings, in accordance with law.

SEC. 8. Sections 110 and 112 of said code are repealed.

Repeals

CHAPTER 1499

An act declaring the official designation of the lake commonly known as Lake Tahoe, also known as Lake Bigler, and repealing an act entitled "An act to legalize the name of Lake Bigler," approved February 10, 1870.

Stats 1869-
70, p 64,
repealed

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. That certain lake situated near the summit of the Sierra Nevadas, in the counties of El Dorado and Placer, commonly known as Lake Tahoe, but designated Lake Bigler by Chapter 58 of the Statutes of 1869-70, is hereby designated and shall be known as Lake Tahoe. Any reference to said lake as Lake Tahoe in any statute, document, or proceeding, whether heretofore or hereafter made, is hereby validated and declared to be a legally sufficient reference to said lake for all purposes.

Lake Tahoe

SEC. 2. Chapter 58 of the Statutes of 1869-70 is repealed.

Repeal

CHAPTER 1500

An act to add Article 6 to Chapter 2, Division 7, of the Harbors and Navigation Code, relating to county improvement, development, protection, and maintenance of harbors within the county.

In effect
September
15, 1945

[Approved by Governor July 18, 1945 Filed with Secretary of State
July 18, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Article 3, comprising Sections 4130 to 4140, is added to Chapter 2, Division 7 of the Harbors and Navigation Code, to read:

Article 6. County Harbor Improvement

"Harbor" 4130. "Harbor," as used in this article, includes any bay, inlet, or other arm of the sea in which the tides of the Pacific Ocean ebb and flow, except such as are excluded from the application of this chapter by the provisions of Section 4049 of this code.

Improving,
etc., of
harbors 4131. Any county may improve, develop, protect, and maintain one or more or all of the harbors within its boundaries, upon the conditions, in accordance with the procedure, and in the manner in this article provided.

Petition or
improvement 4132. Upon receiving a petition signed by persons who are both freeholders and electors in the county, equal in number to at least 15 per cent of the vote cast for the office of Governor at the last preceding election at which a Governor was elected, proposing that the matter of the improvement, development, protection and maintenance of one or more such harbors, naming them, be submitted to the electors of the county, the board of supervisors may appoint a harbor commission for the county in accordance with the provisions of Article 1 of this chapter, which provisions are incorporated herein to the extent that they are not inconsistent herewith.

Surveys of
harbor 4133. With all diligence, the harbor commission shall proceed with surveys of the harbor or harbors intended to be improved, developed, or protected, the preparation of plans therefor and estimates of cost thereof, and shall report to the board of supervisors thereon, with its recommendations concerning the necessity, advantage, and benefit to be derived by the improvement, development, or protection of such harbor or harbors; all as provided in Article 2 of this chapter, which provisions are incorporated herein to the extent that they are not inconsistent herewith.

Determina-
tion by board
of super-
visors 4134. Upon receiving the report and recommendations of the Harbor Commission, the board of supervisors shall consider and determine the feasibility of the project or projects submitted, may call upon the commission for further surveys and reports and shall determine (1) what harbor or harbors,

and by what specific project or projects, or parts thereof, it will be in the interest of the county to improve, develop, or protect, (2) for which thereof, if any, moneys should be provided by the issuance of bonds of the county and the amount of bonds required to be issued and sold therefor, and (3) for which thereof, if any, moneys should be raised by the levy of a special tax at a specified rate over a specified number of years not exceeding 20 years.

4135. For such a purpose, the county may incur a bonded indebtedness, upon the conditions, in the manner and in accordance with the procedure prescribed by applicable provisions of law, including Sections 4088, 4088a and 4089 of the Political Code and Article 2 of this chapter.

4136. Any tax for such a purpose may be levied only if a proposal therefor (specifying the purpose, the rate of tax, and the number of years for which the tax is to be levied) is, submitted to the qualified electors of the county, at a general or special election, and is approved by a majority of the electors voting thereon. No such tax may be levied if it operates to increase the maximum rate of taxation otherwise prescribed for the county unless the proposal therefor is approved by two-thirds of the electors voting thereon.

Any such proposal for a tax levy shall be submitted to the electors of the county, and the election thereon held, in conformity, as nearly as may be practicable, with the provisions of law applicable to the submission to the electors of a proposition for the issuance of bonds of the county and the conduct of an election thereon.

4137. The work of improving, developing or protecting the harbor or harbors, whether the moneys therefor be the proceeds of the sale of bonds of the county or of a tax levy or levies, shall be done under the control and management of the harbor commission pursuant to applicable provisions of law, including the provisions of the preceding articles of this chapter, which latter provisions are incorporated herein to the extent that they are not inconsistent herewith.

4138. When the improvement, development, or protection of a particular harbor is completed, and the board of supervisors so find and determine, the management and control of that harbor vests in the board of supervisors. Thereafter the cost of maintaining the harbor is a county charge.

4139. In managing and controlling a harbor, the board of supervisors has authority, upon such terms and conditions as the board shall prescribe, to grant franchises, permits and leases for the use of lands and facilities belonging to the county, and to prescribe the rate or rates of wharfage and other charges which are appropriate for the use of any of the facilities owned or services furnished or provided by the county. All revenues derived from such franchises, permits, leases, and charges, are available solely for payment of the cost of maintaining harbors that are under the control and management of the board of supervisors, except that the board may from time to time, out

of any surplus of such revenues, transfer to the appropriate funds of the county such sums as in its judgment may be available for payment of principal and interest of county bonds issued pursuant to the provisions of this article.

Tax levy for
maintenance

4140. In any year a tax may be levied for the maintenance of the harbor or harbors in the county at a rate calculated to raise a sum of money equal to the amount of the excess, if any, of the amount of the estimated cost of such maintenance over the estimated amount of revenues (derived from such franchises, permits, leases, and charges) that are or will become available to defray such cost. The rate of such a tax shall not in any year exceed fifteen cents (\$.15) per one hundred dollars (\$100) of the assessed valuation of all taxable property within the county, unless a proposal for a specified higher rate for a particular year is submitted to the qualified electors of the county at a general or special election and is approved by a majority of the electors voting thereon.

CHAPTER 1501

"The Santa
Barbara
County
Water
Agency Act."

An act to create a district to be called "The Santa Barbara County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion, and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting, and/or issuing and selling of bonds, the voting and/or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other

political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts, and providing for the dissolution of such agency.

[Approved by Governor July 18, 1945. Filed with Secretary of State
July 18, 1945]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. A district is hereby created to be known and designated as "The Santa Barbara County Water Agency," and the boundaries and territory of said district are as follows: all of the territory within the County of Santa Barbara.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless by the context otherwise indicated:

(a) "The agency" shall mean the Santa Barbara County Water Agency;

(b) "The county" shall mean the County of Santa Barbara of the State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "District" means any of the following lying within or partially within the agency; county water districts, water conservation districts, municipalities, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and to deliver water to users;

(g) "Member unit" shall mean any district which enters into a contract with the agency for the repayment of any of the construction costs of any works constructed by or on behalf of the agency, or for the underwriting of any such construction costs;

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State to vote in the county at general elections;

(i) "May" is permissive and "shall" is mandatory.

SEC. 3. The Santa Barbara County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 3.1. The agency shall have perpetual succession.

SEC. 3.2. The agency shall have the power to adopt a seal and to alter it at its pleasure.

SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

Eminent
domain

SEC. 3.4. The agency shall have the power of eminent domain to acquire within or outside the agency by condemnation in the manner and to the extent prescribed in Article 1, Section 14 of the Constitution and Title 7, Part 3 of the Code of Civil Procedure, as now existing or hereafter amended, all property or interests therein necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board of directors by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

Purchase of
property,
etc

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 8.2.

Contracts
etc

SEC. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board of directors of the agency may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendents as hereinafter provided.

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary to be done, that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses ^{General powers}

SEC. 4.1. Anything in this act to the contrary notwithstanding, the agency shall have the power to develop hydroelectric or other power only to the extent that hydroelectric power can be developed incidentally to the construction and operation of its projects, and only for use solely by the agency in the operation of its works. ^{Hydroelectric power}

SEC. 4.2. The agency shall have the power: to control flood and storm waters within the agency and the flood and storm waters of streams outside of the agency, which flow into the agency; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the agency; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs; and otherwise to reduce the waste of water and to protect life and property from floods within the agency; provided, that the agency may not construct or acquire any works or undertake any project for flood control purposes, except in conjunction with and as part of the construction or acquisition of works or the undertaking of projects for the purposes enumerated in Section 4 of this act. ^{Flood waters, etc}

SEC. 4.3. The agency shall have the power within or outside the agency to construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act. ^{Surface waters}

SEC. 4.4. Anything in this act to the contrary notwithstanding, the agency shall have the power to appropriate water or acquire water rights only on behalf of lands not then included within the limits of any public corporation empowered to appropriate water, and the agency shall promptly assign any such appropriation or water right to any such public corporation formed to include such lands; provided that at any time after July 1, 1946, the agency shall have the further power to appropriate water or to acquire water rights to whatever extent and for whatever purposes all member units having an interest therein or affected thereby shall have agreed to in writing. ^{Water rights}

SEC. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency. ^{Works}

SEC. 4.6. The agency shall have the power to make surveys and investigations for works and projects and of the water supply and resources of the agency, and to carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, ^{Surveys, etc}

control of flood and use of water both within and without the agency, and for these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

Pipe lines,
etc

SEC. 4.7. The agency shall have the power to construct its pipes, pipe lines, canals, flumes and tunnels and other conduits, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, water-course, railway, canal ditch or flume which the route of said pipes, pipe lines, canals, flumes, tunnels or other conduits may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property; and the agency shall restore at its own expense any such crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company, municipality or district whose right of way shall be intersected or crossed by said pipes, pipe lines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

Rights of
way on
public lands

SEC. 4.8. There is hereby granted to the agency the right of way for the location, construction and maintenance of any and all of its works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, the board of directors thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made, it shall endorse its approval upon the plat and issue to the agency a permit to use such right of way and lands.

Relocation of
streets, etc

SEC. 4.9. If by any judgment in condemnation or by agreement the agency shall be required to relocate any street, road, highway or railroad, subject or devoted to public use, the board shall have power to acquire in the name of the agency by agreement or condemnation, all rights of way and other property necessary or proper for the compliance with said agreement or judgment and thereafter, and without further authorization, to make such conveyance of such relocated street, road, highway or railroad, as may be proper to comply with said agreement or judgment.

Disposal of
water, etc.

SEC. 5. The agency shall have the power, but only as to member units, to sell, lease or otherwise dispose of water or any rights to the use of the works of the agency for the conservation, control or transportation of water, and shall have the power to fix rates and charges for such purposes.

SEC. 5.1. The agency shall have the power to enter into contracts with any member unit or with any district which thereby becomes a member unit of the agency for any of the following purposes:

1. The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

2. The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit.

3. The sale, lease or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such member unit.

4. The operation of works and the delivery of water by the agency or by such member unit; provided:

(a) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(b) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(c) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit; provided that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water; provided further that any quantity of water assigned under Section 5.6 or released under Section 5.7 by one member unit to another member unit shall be delivered to the latter.

SEC. 5.2. The agency shall have no power to sell, lease, or otherwise dispose of water or of any right to the use of the works of the agency for the conservation, control or transportation of water, except to member units and except as all member units having rights to such water or interest in such works shall grant such power by written contract; the power so granted shall be limited to the extent and by the conditions set forth in the most restrictive of such contracts.

SEC. 5.3. Anything in this act to the contrary notwithstanding, the agency shall have the power, in its discretion, to suspend delivery of water conserved by the agency to any member unit during the period which such member unit is delinquent in its payments or obligations due under any contract entered into by it with the agency.

SEC. 5.4. The liability of each member unit, as distinguished from the liability of its taxpayers for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost of construction and the operation and maintenance cost of works acquired or constructed by or on behalf of the agency which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by such member unit in accordance with the laws governing such member

unit. No such contract shall be altered or modified without the consent of the agency and the legal approval of such member unit.

Each such contract may provide among other things:

(1) The total capital obligation which the member unit agrees to bear.

(2) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(3) The quantity or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(4) The basis of allocation of operation and maintenance costs to be borne by the member unit.

Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

Reduction
of debt

SEC. 5.5. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such unit remains unchanged in respect to its obligation to pay any remaining interest.

Assignment
of obligation
to another
unit

SEC. 5.6. Any member unit may reduce its obligations under its contract with the agency by assignment to another member unit of any part of its right to receive water under its contract; provided that such assignment is legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to such assignment; provided further that the total of all payments to be made by such member units to the agency shall not be reduced by virtue of such assignment; and provided further that the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

Storage of
water

SEC. 5.7. (a) Any member unit may elect that any water to which it is entitled be held in storage in the agency's reservoirs so long as there is unfilled capacity in the reservoirs from which such water would otherwise be withdrawn for delivery to it; provided that if two or more member units desire simultaneously to store water as aforesaid and there is not sufficient capacity to accommodate such member units, the storage capacity shall be apportioned between them in accordance with the amount of capital cost of such reservoir they have respectively underwritten.

(b) Any member unit may release for the use of any other member unit any amount of water which may then be held temporarily in storage for its account, and in such event the agency shall deliver such water to such other member unit; but such delivery shall be deemed to be for the account of the member unit releasing such water.

SEC. 5.8. (a) If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of such member units to the agency as by contract may be provided, in proportion which the amount contributed by each such member unit to the cost of such capital asset is to the total cost of such capital asset. Sale of capital asset

(b) However, if any liability on the part of the agency and/or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the aforesaid sale or other disposal thereof, the agency shall have the power to apply as much of the proceeds of such sale toward the extinguishment of such liability as may be necessary. In extinguishing such liability, the proceeds of such sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

SEC. 6. The agency shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902 and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and to carry out and perform the terms of any contract so made; and for said purposes the agency shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act. Cooperation with U. S.

SEC. 6.1. (a) Each contract providing for repayment of the cost of any works, which is entered into with the United States pursuant to Section 6, shall be authorized at an election, unless, by a resolution adopted by a four-fifths ($\frac{4}{5}$) vote of the members of the board of directors, said board shall determine that all liabilities of the agency thereby incurred can be repaid and liquidated as to both principal and interest from revenues derived from taxes levied pursuant to Section 10.1 and from payments to be made to the agency by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of said cost underwritten by said member units. Upon the adoption of such resolution, the board of directors shall have the Same Cost

power on behalf of the agency, without the necessity of an election, to enter into such a repayment contract with the United States, subject to all provisions of this act applicable to such contracts except provisions requiring an election to authorize such contracts.

Electio
proceedings

(b) Except as otherwise in this act provided, proceedings at the election shall be had insofar as applicable in the manner provided in the case of the issuance of agency bonds, provided that all qualified voters of the agency shall be entitled to vote in such an election.

Notice of the election shall contain, in addition to the information required in the case of bond elections, a statement of the maximum amount of money to be payable to the United States for construction purposes and cost of water supply and acquisition of property, exclusive of penalties and interest, and a general statement of the property, if any, to be conveyed by the agency pursuant to the contract.

The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words "Contract—Yes" and "Contract—No" or "Contract and bonds—Yes" and "Contract and bonds—No", whichever may be applicable. A favorable majority of two-thirds ($\frac{2}{3}$) of the votes cast at such election shall be necessary to authorize the execution of the contract and/or issuance of the bonds.

Payments
to U. S.

SEC. 6.2. (1) All payments to the United States under any contract between the agency and the United States, including payments of interest and principal on bonds deposited with or transferred to the United States, shall be paid so far as possible from revenue other than that derived from agency taxes, unless otherwise provided by the contract or this act, and the balance, if any, of such payments shall be paid from revenue derived from annual taxes upon all taxable property within the agency assessable for agency purposes under the laws of the State, and the taxable property shall be and remain liable to be assessed and levied upon for the payments.

(2) Public land of the United States within the agency shall be subject to assessment and tax for all purposes of contracts with the United States to the extent provided for by the Act of Congress approved August 11, 1916 entitled "An act to promote reclamation of arid lands," or any other law which may hereafter be enacted by Congress in the same relation, upon full compliance therewith by the agency.

(3) All money collected in pursuance of the contract with the United States shall be paid into the county treasury to the credit of the agency and held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

Contracts
with State
and other
agencies

SEC. 6.3. The agency shall have the power to cooperate, act in conjunction and contract with the United States, State of California, municipalities, and public districts of any kind, in

the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purposes of conserving and transporting said waters for beneficial use, and for the use, operation, management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district of any kind, public corporation, any person or any number of them for the joint acquisition, disposition, or operation of any property or works of a kind which might be acquired, disposed of, or operated by the agency.

Any county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users, shall have the power:

(a) To cooperate, act in conjunction and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate, act in conjunction and contract with such districts, municipalities, and political subdivisions; (b) and to carry out the terms of such contracts.

SEC. 7. The board of supervisors of the county shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the Santa Barbara County Water Agency, and said board of directors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Each member of the board of supervisors shall serve without additional compensation for acting as a member of said board of directors, except such member shall be allowed his actual, necessary and reasonable traveling expenses. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

Board of
directors

SEC. 7.1. No director of the agency shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof, he shall be punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail of the County of Santa Barbara for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of his office; provided that this section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

Director
interested in
contract

Officers and
employees
of agency

SEC. 7.2. The county clerk, county assessor, county tax collector, county auditor, county treasurer, surveyor and district attorney of the county, their assistants, deputies, clerks and employees, shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the Santa Barbara County Water Agency, and shall respectively perform, unless otherwise provided by said board of directors, without additional compensation the same various duties for the agency as for the county in order to carry out the provisions of this act.

In the event any of the aforementioned county offices is consolidated, enlarged, abolished or changed, the duties thereof shall be performed for the agency by the holder of the office to which such duties have been transferred as a result of such consolidation, enlargement, abolishment or change, and such latter officer, his deputies, clerks, employees and assistants, shall be respectively ex officio such officer, deputies, clerks, employees and assistants of the agency.

In addition to the officers and employees herein otherwise prescribed, the board of directors may in their discretion appoint such other officers, agents and employees (including county officers, agents and employees) for said board or agency as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or positions during the pleasure of said board, provided no county officer, agent or employee shall receive additional compensation for acting as an agency officer, agent or employee except his actual and necessary traveling expenses.

Legislative
acts

SEC. 8. All ordinances, resolutions and other legislative acts for said agency shall be adopted by the board of directors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

Claims

SEC. 8.1. Claims against the agency shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

Title to
property

SEC. 8.2. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the agency, and shall be held by the agency, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of directors may determine, by resolution duly passed and entered

in their minutes that any property, real or personal, held by the agency is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties; provided that the title to real property, water rights or water works shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

SEC. 8.3. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of five thousand dollars (\$5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board of directors of the agency shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation published in the agency inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000) or the work consists of emergency work necessary in order to protect life and property, the board of directors by unanimous vote of all members present may without advertising for bids therefor have said work done by force account. The agency shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 6, or to a contract authorized by a vote of the electorate of the agency.

SEC. 9. The agency shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable; provided, that this section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose.

Aggregate
indebtedness

SEC. 9.1. The aggregate of agency indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments and the execution of contracts, shall not exceed a sum equal to: (1) That amount which can be repaid and liquidated as to both principal and interest in not to exceed forty (40) years by an annual tax at the rate of fifteen cents (\$0.15) on each one hundred dollars (\$100) of the assessed valuation of all property in the agency taxable for agency purposes, measured by the assessment roll last equalized prior to the incurring of such indebtedness; plus (2) the amount of all capital obligations underwritten by member units of the agency.

Levying taxes

SEC. 10. The agency shall have the power as provided in this act to cause taxes to be levied for the purpose of paying any obligation of the agency and to accomplish the purposes of the agency and of this act.

Ad valorem
tax

SEC. 10.1. If from any cause, the revenues of the agency shall be, or in the judgment of the board of directors are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board of directors of the agency shall have the power, in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of said agency and to carry out any of the objects, purposes or powers of this act; provided, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed fifteen cents (\$0.15) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in the agency, exclusive of any tax levied to meet the bonded indebtedness of the agency and the interest thereon duly authorized by a vote of the electors of the agency, and exclusive of any special assessment levied to meet any indebtedness or contractual liability duly authorized by vote of the electors of the agency, and exclusive of any tax levied for the payment of any portion of any indebtedness represented by capital obligations underwritten by member units.

Said taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenue derived from said taxes shall be paid into the county treasury to the credit of the agency, and the board of directors shall have the power to control and order the expenditure thereof for said purposes.

Expending
revenue

SEC. 10.2. The agency shall have the power to expend as contributions in aid of construction or of payment of the cost of works all or any part of the revenues derived from taxes levied pursuant to Section 10.1, and the agency shall expend not less than two-thirds of the revenues so derived for the purposes and in the manner provided in this section.

Such contributions in aid of construction or of payment of the cost of works shall be in proportion to and for the same purposes as payments made in the same year by each member unit in amortization of a portion of the cost of such works, unless, by a resolution adopted by a vote of four-fifths ($\frac{4}{5}$) of

the members of the board of directors, said board shall determine that facts exist which make a different allocation preferable in the best interests of the agency.

SEC. 10.3. The agency shall have the power to levy a special Special tax ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the agency by such member unit under any contract entered into by them. Such tax shall be levied only at a rate sufficient to raise an amount equal to the amount delinquent. Such tax shall be levied and collected at the same time and in the same manner as general agency taxes, and shall be paid into the county treasury to the account of the agency and shall be used only to reduce the liability of such delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay for such delinquency.

SEC. 10.4. The provisions of law of this State, prescribing Taxes Law applicable the priority, time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted for the agency and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 11. The agency shall have the power as provided in Indebtedness this act to borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

SEC. 11.1. (1) Whenever the board of directors shall deter- Bonds mine that a bonded indebtedness should be incurred to pay all or any part of the cost of acquisition or construction of any works for any of the purposes of the agency, the said board may by resolution determine and declare the respective amounts of bonds in order to raise the amount of money necessary for such work and the denomination and rate of interest of said bonds, and said resolution shall generally describe said work. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Santa Barbara County within five (5) days after its passage. From and after said filing, the said board shall be deemed vested with the authority to proceed with said bond election.

(2) Thereafter, the board of directors may call a special election at which shall be submitted to the qualified electors of the agency the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated.

(3) Said board of directors shall call such special election by ordinance and not otherwise and submit to the qualified electors

of the agency the proposition of incurring a bonded indebtedness in the agency in the amount and for the purposes stated in said resolution and shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by the board of directors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred therefor and the rate of interest thereon, and what part of such indebtedness shall be paid each and every year, which shall be not less than one-fortieth ($1/40$) of the whole amount of such principal indebtedness, and the proportion or part of such indebtedness to be underwritten by each member unit, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six per cent (6%) per annum. For the purposes of said election, the board of directors shall in said ordinance establish election precincts within the boundaries of the agency and may form election precincts by consolidating the precincts established for general election precincts in the agency.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

(4) Said board of directors shall cause a plan or plans to be prepared covering a general description of the work to be done, which said plan shall show the location of the proposed works and shall cause the said plan to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

(5) Said ordinance calling for such election shall prior to the date set for such election, be published in a newspaper of general circulation published in the agency for three consecutive times if published in a daily newspaper of general circulation published in the agency, or two times if published in a weekly newspaper of general circulation published in the agency; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in the agency for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of the agency for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 11.2. Whenever bonds have been authorized by the agency and the proceeds of the sale thereof have been expended as in this act authorized, and the board of directors shall by

resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, said board of directors may again proceed as in this act provided, and issue bonds pursuant to Section 11.4, or if said section is not applicable, submit to the qualified voters of the agency the question of issuing additional bonds in the same manner and with like procedure as in this act provided, and all the provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 11.3. (a) The board of directors may by resolution submit to the electors of the agency, a proposition for the issuance of new bonds for the purpose of refunding any or all of the bonds outstanding voted by such electors, which proposition may be voted on at any general or special election. The procedure upon such election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, and the favorable vote of a majority of the electors voting upon the proposition shall be sufficient to authorize the issuance of refunding bonds. Such refunding bonds shall not bear a higher rate of interest than the bonds to be refunded and may be issued and sold in the manner and form prescribed for an original issue of bonds and may, if the holders of bonds of an original issue and board of directors so agree, be exchanged for such original bonds, provided that the face value of the refunding bonds so exchanged shall not exceed the face value of the original bonds. The board of directors may raise money to pay principal and interest of such refunding bonds in the same manner as prescribed for the payment of bonds of an original issue. Refunding
bonds

(b) When original bonds are issued by the board of directors without a vote of the electors, the board of directors may issue refunding bonds without calling an election for that purpose. The provisions of subsection (a) hereof (except in regard to elections) shall apply to such refunding bonds issued by the board of directors.

SEC. 11.4. In the event the board of directors shall determine by a resolution duly adopted by a four-fifths ($\frac{4}{5}$) vote of the members of said board that a bonded indebtedness to pay the cost of acquisition or construction of any works for any of the purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues derived from taxes levied pursuant to Section 10.1 and from payments required to be made to the agency by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of said cost underwritten by said member units, said board shall be vested with the authority to issue bonds of the agency in such amount as can be so repaid and liquidated. Thereafter the board of directors may issue bonds without the necessity of an election, subject to all applicable provisions of this act pertaining to bonds Same

and bonded indebtedness, except provisions requiring authorization of bonded indebtedness by an election.

Bonds Form

SEC. 11.4a. The board of directors shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the said board of directors may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and said bonds shall be signed by the chairman of the board of directors, and countersigned by the auditor of the county, and the seal of the agency shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of the county by his engraved or lithographed signature. In case of any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Same
Call and
redemption

SEC. 11.5. Any bonds, original or refunding, issued by the agency, may be made callable by resolution of the board of directors adopted at or prior to the time of issuing such bonds and providing for the calling and redemption of such bonds, in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest. If any such bonds are so made callable, a statement to that effect shall be set forth on the face of the bond. Notice of any such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the agency. The first publication of such notice shall be not less than 30 nor more than 90 days prior to the date fixed for such redemption. After the date fixed for such redemption, if the agency shall have provided funds available for payment of the principal and interest of the bonds so called, interest on such bonds shall thereafter cease.

Bond,
Sale, etc

SEC. 11.6. The board of directors may issue and sell the bonds of such agency authorized as hereinbefore provided at not less than ninety-five per cent (95%) par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the agency for the uses and purposes of the said bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and said funds shall be applied exclusively to the purposes and objects for which such bonds were issued, subject to the provisions in this act contained. Payments from said funds shall

be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

Said bonds shall be sold at a public sale to the highest bidder, after notice of such sale has been given by publication at least two times in a newspaper of general circulation published in the agency at least one week prior to such sale and after such other notice as the board of directors may deem proper.

The manner of making, submitting and opening bids and conducting such sale and the terms thereof shall be determined by the board of directors. The said board is hereby given the right to reject any and all bids which in the judgment of said board are too low to be in the best interests of the agency.

SEC. 11.7. Any bonds issued under the provisions of this act and the interest on such bonds if no other funds are available shall be paid by revenue derived from the tax authorized by Section 11.9 and all the taxable property within the agency shall be and remain liable to be taxed for such payments as in this act provided until such bonds and the interest are fully paid or the liability therefor legally discharged. Payment of bonds

The accrued liability due on the bonds of any issue shall have preference in payment over the accrued liability due on the bonds of any subsequent issue.

SEC. 11.8. The repeal or amendment of this act, or the dissolution of the agency created by this act, shall not in any way affect or release any of the property in the agency from its liability on or from the obligations of any outstanding bonds or indebtedness or contracts for which such property is in any way security until all such bonds and outstanding indebtedness and contracts have been fully paid or discharged. Repeal of act, etc. Effect on indebtedness

SEC. 11.9. The board of directors shall levy a tax or assessment each year upon all the taxable property in the agency sufficient to pay such portion of the interest for that year upon bonds issued by the agency, and such portion of the principal thereof as is to become due before the time for making the next general tax levy as cannot be paid from revenue due the agency from member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of the cost underwritten by said member units of works financed by said bonds. Such tax shall be levied and collected together with and not separately from taxes for county purposes, when collected shall be paid into the county treasury of the county to the credit of the agency, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the treasurer of the county in the manner provided by law for the payment of principal and interest on bonds of said county. Annual tax

SEC. 11.10. The agency may bring at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract an action in the Superior Procedure to test validity of bonds, etc.

Court of the State of California in and for the County of Santa Barbara to determine the validity of the bonds or of the levy or of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete 10 days after the completion of the publication of summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract. If no proceedings have been brought by the agency pursuant to this section, any agency assessment or taxpayer may at any time within 30 days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the said superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within 30 days after the entry of the judgment. No contest of any thing or matter herein provided shall be made other than in the time and manner in this section provided. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

Projects
conforming
to plans

Sec. 11.11. Any works for which bonds or contracts or special assessments are authorized under the provisions of this act shall be made in conformity with the report, plans and specifications theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or any incidental part of such work be rendered contrary to the best interests of the agency by some change of conditions in relation thereto, in which event the board of directors by a four-fifths ($\frac{4}{5}$) vote may order necessary incidental changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor. In no event shall changes be made from such original plans, reports and specifications which would have any material effect on the purpose for which such works were intended or which would materially affect any obligations of or benefits to any member unit.

SEC. 11.12. The bonds of the agency shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for the State School funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in said bonds of the agency, issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school district or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, such bonds of the agency may be so used.

Bonds are legal investments

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict herewith are hereby repealed.

SEC. 11.13. All bonds issued by the agency under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the Santa Barbara County Water Agency is a district, including a reclamation and irrigation district, within the meaning of Section 13 of Article XIII and Section 13 of Article XI of the Constitution of the State of California.

Bonds tax exempt

SEC. 11.14. Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board of directors of the agency shall not for six months after such election call or order another election in the agency for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

Failure of electors to approve bond issue

SEC. 12. The agency shall have the power as provided in this act to levy special assessments for the purpose of paying any obligation of the agency or to accomplish any of the purposes of the agency.

Special assessments

SEC. 12.1. Whenever the board of directors shall determine by resolution that facts exist which make a special assessment preferable in the best interests of the agency to incurring a bonded indebtedness for paying all or any part of the cost of any work or for carrying out any contract for any purpose of the agency, the board of directors may levy special assessments as hereinafter provided. The facts making such a special assessment preferable to a bonded indebtedness shall be stated in the resolution. Such special assessments shall be payable in equal annual installments over a period of not to exceed forty (40) years, and shall be levied only after being duly authorized by a two-thirds ($\frac{2}{3}$) majority of the votes cast by the qualified electors of the agency voting at an election held for that purpose.

Same

Except as in this section otherwise provided, the procedure and requirements of this act for notices and elections for issuance of agency bonds shall apply with like effect to special assessments levied hereunder. If such special assessments are to be levied in annual installments, the ballot shall specify the number of such installments.

The funds raised by said special assessments shall be placed in the treasury of the county to the credit of the agency and said funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special assessment election. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

The provisions of this act relative to taxes for the payments of bonds and the liability of property for the payment of such taxes shall apply with like effect to payment of special assessments levied hereunder, and to the liability of property for the payment of such special assessments.

Rights of way, etc

SEC. 13. The rights of way, ditches, flumes, pipe lines and other conduits, drains, water, water rights, reservoirs, dams, franchises, works and all other property used for the purposes of the agency and belonging to it shall not be taxed nor assessed for State, county, municipal or any district purposes.

Existing rights of municipalities, etc.

SEC. 14. The establishment of the agency or anything in this act contained shall not affect, restrict nor supersede the existence, property, right or power of any municipality, public district or public agency now or hereafter established in or partially within the limits of the agency for the purpose or purposes in whole or part of flood control or for the purpose or purposes in whole or part of reclamation, conservation, storage, distribution, sale, use or development of water. The Legislature because of conditions special to the county hereby expressly declares its intent to permit within the limits of the Santa Barbara County Water Agency the existence of more than one district and/or municipality having similar powers over similar territory in regard to flood control, reclamation, water conservation, storage, distribution, sale, use and development.

Vested rights

SEC. 15. The formation of the agency or the enactment of this act shall not impair the vested right of any person, association, corporation, municipality or public district in or to water or the use thereof.

Procedure to test validity of existence of agency

SEC. 16. The agency in order to determine the legality of its existence, in addition to any other remedy it may have for that purpose, may institute a proceeding therefor in the Superior Court of the State of California in and for the County of Santa Barbara, by filing a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal district formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four successive weeks in some newspaper of general circulation published in said agency. Within 30 days after the last publication of said summons shall

have been completed, any property owner or resident or registered voter in said agency, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. Appeals may be taken from said judgment in the same manner as in other civil cases. The procedure provided by this section shall be cumulative and not exclusive.

SEC. 16.5. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter II of Division IV of the District Organization Act, and the agency shall be considered a district within the meaning of all the provisions of such chapter. Dissolution
of agency

SEC. 17. The Legislature hereby finds that water problems in the county require county-wide water conservation, development of water resources and flood control; that these problems are not general or state-wide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, and water conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply; that to adequately and feasibly conserve the water supply and control the floods of said county, it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the geography of the county is such that there are numerous noncontiguous watersheds therein, and that the county can not be supplied with water from a common source or by a common system of works; investigation having shown conditions in said county to be peculiar to it, it is hereby declared that a general law can not be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein. Legislative
declaration

SEC. 18. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect. Constitutionality

SEC. 19. This act may be designated and referred to as "The Santa Barbara County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes. Short title

CHAPTER 1502

An act to provide for refunding or crediting to veterans of World War I certain payments and interest thereon made pursuant to contracts for the purchase of farms and homes under the Veterans Farm and Home Purchase Act and Chapter 3 of Division 4 of the Military and Veterans Code.

In effect
September
15, 1945

[Approved by Governor July 13, 1945. Filed with Secretary of State
July 18, 1945.]

The people of the State of California do enact as follows:

Refund or
credit to
veterans

SECTION 1. The purpose of this act is to provide for the refund or credit of certain money collected from veterans pursuant to contracts for farm and home purchases under the Veterans Farm and Home Purchase Act enacted in 1921 and under Chapter 3 of Division 4 of the Military and Veterans Code. This money and interest thereon has been paid or agreed to be paid to the Veterans Welfare Board, hereinafter referred to as the board, because of the following:

The Veterans Farm and Home Purchase Act and its statutory successor, Chapter 3 of Division 4 of the Military and Veterans Code, provide that in the contract price to be paid by a veteran purchasing a farm or home there shall be included such sum as shall be deemed necessary to meet unforeseen contingencies.

Pursuant to such provision the board in making contracts with veteran purchasers of farms and homes added to the actual cost to the board of the property and the services incident to the sale thereof a fixed and definite amount in each contract to meet such unforeseen contingencies.

"Load
charge"

This amount so added was and is denominated the "load charge" on the contract and became a part of the principal of the contract and as such principal bore 5 per cent interest.

The purpose of the load charges on the contracts was to provide a fund to guarantee the financial soundness of the operations of the board in case of unforeseen contingencies such as a marked decline in real estate valuations, an unexpected number of defaults on purchase contracts, and similar unforeseen contingencies which would cause an eventual loss to the State.

Legislature
declaration

The Legislature hereby declares that such unforeseen contingencies have not arisen, that no such contingencies will arise that will result in any loss to the State, that the Veterans Farm and Home Building Fund is solvent, and that the total amount unpaid on all farms and homes sold by the board is so small in relation to the total security behind the contracts that no economic catastrophe which would impair the solvency of the fund is at all likely to occur.

The Legislature further declares that while the load charges upon such contracts were in form and effect legal obligations on the purchasers, such charges were and are in the nature of

a deposit in trust to secure the financial stability of the entire plan of financing purchases of farms and homes by veterans, and that the purpose for which such payments were required has ceased to exist. The Legislature further declares that such charges were not made for the purpose of providing a profit to the State upon the transactions involved, and that the Legislature disclaims any right of the State to any of the money representing such load charges and interest paid thereon which can and will be returned to the veteran purchasers or their heirs, devisees, or personal representatives, as the case may be, pursuant to this act or credited upon existing contracts pursuant to this act.

SEC. 2. The board shall repay or credit to each veteran purchaser who has heretofore entered into a contract for the purchase of a farm or home and has not so defaulted as to terminate his rights thereunder the load charge and the interest paid on such load charge as follows:

Veterans
entitled to
refund

To each veteran who has completed his contract according to its terms the board shall refund the load charge and interest thereon in cash.

To each veteran who has made payments on the principal of his contract totaling 80 per cent or more of such principal the board shall credit the amount of the load charge and interest paid thereon upon the principal of the contract, or if the amount of the load charge and interest paid thereon is more than sufficient to pay the balance remaining due upon the contract it shall apply the amount of such balance to the contract and pay the remainder in cash. In applying this provision to uncompleted contracts the board shall so apply the credits that the continuity and amount of payments now required will not be changed but so that the contract will terminate as much the sooner as the amount refunded will satisfy of the payments last provided to be made under the contract.

To each veteran who has not made payments on the principal of his contract totaling 80 per cent or more of such principal the provisions of the next preceding paragraph shall apply when such payments equal or exceed such percentage.

When necessary in order to avoid a default or for other good cause the board may apply any such credit at any time and in any manner. No refund in cash shall be made pursuant to this act unless application therefor is made within four years after the effective date of this act.

SEC. 3. No payment of cash shall be made pursuant to this act except to a veteran purchaser, his heirs, or the executor or administrator of his estate, upon application therefor. The board shall require such proof of the identity of the applicant and his eligibility to receive such payment as it may deem necessary to establish the rights of the applicant to such payment. The board shall prescribe such form of application as it deems necessary to provide it with all information required by it in relation to the contract or the veteran or his successors in interest.

Limitation
of payments

Application
for refund

SEC. 4. Upon receipt of an application the board shall determine if the applicant is eligible to receive payment as provided in the next preceding section. If the applicant is eligible the board shall determine from its records the amount of the load charge and interest paid thereon pursuant to the contract. The board shall certify the amount of such load charge and such interest to the State Controller who shall thereupon draw his warrant on the Veterans Farm and Home Building Fund for the amount so certified to him in favor of the applicant and shall deliver said warrant to the board for transmission to the applicant.

Refund as
credit

SEC. 5. When the refund is to be made by credit on the contract the application shall be in such form as the board may prescribe and shall, in effect, request the modification of the contract. The board shall ascertain the amount of the load charge and the interest paid thereon and credit it on the contract as provided in this act. Thereafter the contract shall be deemed to be modified accordingly but no new contract need be executed. When the amount of the credit exceeds the balance remaining unpaid the board shall require such evidence as to the identity and eligibility of the applicant as it deems necessary. The board shall certify the amount to be paid in cash to the controller who shall draw his warrant on the Veterans Farm and Home Building Fund in the amount so certified to him and deliver the warrant to the board for transmission to the applicant.

Successor to
rights of
veteran

SEC. 6. The provisions of this act relating to veterans shall also apply to any person upon whom the rights of any veteran under a contract have devolved pursuant to the Veterans Farm and Home Purchase Act or Section 830 of the Military and Veterans Code and to any widow of a veteran who has succeeded to the rights of a veteran pursuant to the Veterans Farm and Home Purchase Act or Section 811 of the Military and Veterans Code.

Prohibited
payments

SEC. 7. No refund of cash under this act shall be paid to any person as the assignee or attorney in fact of a person entitled to such refund, except that the board may in the case of the disability or incapacity of such person make payment to his guardian or any other person determined by the board to be suitable to accept payment on behalf of the person entitled thereto.

No person shall pay or receive any fee or charge for any service relating to applications, refunds, or credits pursuant to this act.

Appropriation

SEC. 8. There is hereby appropriated from the Veterans Farm and Home Building Fund the sum of five million eight hundred thirty-seven thousand dollars (\$5,837,000) or so much thereof as may be necessary to make the refunds provided for by this act.

Constitutionality

SEC. 9. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 1503

An act to amend Section 1648.3 of the Insurance Code, relating to insurance.

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 1648.3 of the Insurance Code is amended to read:

1648.3. Before being permitted to take the qualifying examination for license to act as an insurance broker or to qualify to exercise the brokership powers of a corporation, association or partnership, an applicant or a person named to exercise such brokership powers shall have either:

(a) Successfully completed a course or courses of study approved as to method of instruction and content by the commissioner, covering the principal branches of the insurance business and requiring not less than 50 hours of classroom work or the equivalent thereof in correspondence work; or

(b) Successfully completed a course or courses of study approved as to method of instruction, content and number of hours by the commissioner, covering the principal branches of the insurance business and given to members of the armed forces by the United States Armed Forces Institute; or

(c) Been regularly employed by an insurance company, insurance broker, or an insurance agent, or licensed under this article, for a period or periods aggregating not less than one year during the three years next preceding the date of application, in responsible insurance duties relating to classes of insurance other than life; provided, that time spent in military service shall be excluded in computing such three-year period; and he shall submit affidavits stating facts which show compliance with this requirement.

Such course or courses either (1) shall be given by a degree conferring college or university which has, when such course is taken by such individual, a curriculum or curricula approved by the commissioner, whether such course be given as part of any such curriculum or separately or (2) shall have been given by any other institution which maintains equivalent satisfactory standards of instruction, and which shall have been approved for such purpose by the commissioner.

The commissioner shall not approve any curricula, whether given by a degree conferring college or university, a correspondence school, or any other institution, unless it includes instruction in: Classes of insurance except life insurance; the fundamental characteristics of each of the types of insurers admitted to transact insurance in California; the laws of the State of California relating to the transaction of insurance by insurance agents, brokers and solicitors; and such other subjects as the commissioner finds to be necessary to qualify a

person to discharge his responsibilities as an insurance agent or broker or to exercise agency or brokership powers.

This section shall be applicable to all persons required to take the qualifying examination for a license to act as an insurance broker, or to qualify to exercise the brokership powers of a corporation, association or partnership, who make application for said licenses or so to qualify after January 1, 1944.

CHAPTER 1504

Stats 1931, p 483, amended
Stats 1931, p 1603, amended

An act to amend Section 13.01 of the Building and Loan Association Act and Section 2 of an act entitled "An act to provide for the salaries and expenses of the Building and Loan Commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants; to provide for the disposition of moneys in the 'Building and Loan Inspection Fund' created by Chapter 354 of the Statutes of 1911, as amended; and of moneys collected under the Building and Loan Association Act; and otherwise relating to the Building and Loan Commissioner, his assistants and employees, and to the regulation of building and loan associations," approved June 12, 1931, relating to the appointment and salary of the Building and Loan Commissioner.

In effect
September
15, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

The people of the State of California do enact as follows:

Stats 1933, p 2

SECTION 1. Section 13.01 of the Building and Loan Association Act is amended to read:

Building and Loan Commissioner

Sec. 13.01. In General. The Office of the Building and Loan Commissioner is hereby created, which office shall be a continuation of the Office of Building and Loan Commissioner created by Chapter 354 of the Statutes of 1911. The Building and Loan Commissioner shall be appointed by the Governor, with the consent of the Senate, and shall hold office at the pleasure of the Governor. He shall receive such compensation as shall be prescribed or authorized by law. Before entering upon the duties of his office, he shall take and subscribe an oath of office and execute an official bond in the penal sum of fifty thousand dollars (\$50,000), with sufficient surety or sureties as provided by law. The commissioner shall be charged with the administration and enforcement of this act, and of all other laws relating to or affecting the incorporation, organization, business, operation, merger, consolidation, dissolution or liquidation of associations subject to this act, and shall have and may exercise all of the powers necessary or convenient for such purposes. Except as otherwise expressly provided by this act, none of the records of the commissioner shall be deemed to be public documents nor be open to the inspection of the public, except any report made by any

association to the commissioner and the annual report made by a public accountant or accountants. If in the judgment of the commissioner, the public welfare or the welfare of any association demands that any such report or any information therein contained be not made public he may in his discretion withhold such report or such information from inspection by the public or by any investor for such time as in his judgment is necessary.

SEC. 2. Section 2 of the second act cited in the title hereof is hereby amended to read as follows: Stats 1931,
p 1603

Sec. 2. The commissioner shall receive an annual salary of ten thousand dollars (\$10,000), payable monthly out of the Building and Loan Inspection Fund in the State treasury, upon a warrant of the Controller. The commissioner's attorney, deputies, examiners, accountants, appraisers and other assistants shall receive such compensation as shall be fixed by the commissioner, with the approval of the Department of Finance, which compensation shall be paid out of the Building and Loan Inspection Fund in the State treasury. There shall also be allowed and paid the necessary traveling expenses of the commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants, incurred while traveling in the line of their duties. The commissioner shall procure and have offices in the City and County of San Francisco and in the City of Los Angeles. The commissioner shall also provide for such stationery, printing, postage and all other necessary expenditures as may be required for the proper conduct of his office. All such salaries and expenses shall be paid from the Building and Loan Inspection Fund. Salary of
commissioner

Employees

Offices, etc

The increase in salary provided herein shall be effective only as to a commissioner appointed by the Governor with the consent of the Senate.

CHAPTER 1505

An act to provide for the construction of a road in Marin County, and including its incorporation into the State Highway System, and making an appropriation.

[Approved by Governor July 18, 1945 Filed with Secretary of State July 18, 1945] In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. After the execution and approval of a contract as provided in Section 2 of this act, the Department of Public Works is hereby directed to begin construction and with all possible diligence construct, in accordance with the procedure herein specified, and maintain on the Marin County side of the Golden Gate Bridge, an approach thereto, to consist of a State highway of not less than six lanes, with a division-strip in the center. The route of said highway is from a point at or near Approach to
Golden Gate
Bridge

Waldo Point on U. S. Highway 101 to and connecting with said bridge. Said highway is hereby added to the highway system of the State.

Procedure

In the construction of said highway the Department of Public Works is directed to follow the following procedure :

(1) Immediately after the execution and approval of said contract the department shall commence the preparation of surveys for said highway and shall submit a survey, or surveys, thereof to the board of directors of the Golden Gate Bridge and Highway District within six (6) months after such execution and approval.

(2) On approval of the survey, or one of the surveys by said board the department shall immediately commence the preparation of plans and specifications for the construction of said highway and within six (6) months thereafter shall submit the same to said board for approval.

(3) Immediately after approval of the plans and specifications by said board the department shall commence the acquisition of right of way for said State highway. If the acquisition of right of way is not completed within six (6) months thereafter the department shall then report to the district on the status of right of way acquisition and with the approval of the district shall immediately file eminent domain proceedings and take possession of and clear the right of way for construction, and advertise for bids for the construction of said highway, in accordance with the approved plans and specifications.

(4) On receipt of bids the department shall notify said board and on its concurrence in the award of a contract, or contracts, shall award the contract or contracts and proceed with such construction.

The department is instructed and directed to proceed in all things connected with the surveys, plans, acquisition of right of way for, and construction of said highway with all possible diligence.

Agreement to
repay State

SEC. 2. Upon the execution of a binding contract, executed on behalf of the State of California by the Director of Finance and approved by the Attorney General, whereby the Golden Gate Bridge and Highway District agrees to repay to the State of California the sum herein specified, together with interest thereon at such rate as may be provided in said contract not in excess of 2 per cent per annum, out of the first toll revenues of the district collected after the bonded indebtedness of the district has been retired, the State Treasurer shall transfer to the State Highway Fund the sum of five million dollars (\$5,000,000), which sum is hereby appropriated out of any money in the Bond Sinking Fund of 1943 in the State treasury to be expended by the Department of Public Works for the purposes of this act.

Appropriation

When the sum hereby appropriated is repaid to the State of California as provided in this section, such sum shall be deposited in the Bond Sinking Fund of 1943 and the interest paid thereon shall be paid into the General Fund.

CHAPTER 1506

An act to amend Section 736.3 of the Agricultural Code, relating to stabilization and marketing plans.

[Approved by Governor July 18, 1945 Filed with Secretary of State July 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 736.3 of the Agricultural Code is amended to read as follows:

See also
Stats. 1945,
Ch 1217

736.3. Any stabilization and marketing plan shall contain the following provisions:

Provisions of
marketing
plan Unfair
practices

(a) Provisions for prohibiting distributors and retail stores from engaging in the unfair practices hereinafter set forth:

(1) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(2) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream business of any customer.

(3) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream of like quantity under like terms and conditions.

(4) The false or misleading advertising of fluid milk or fluid cream as defined in Section 654a of the Penal Code.

(5) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such producer or association of producers stating the amount of fluid milk to be purchased for any period; the quantity of such milk to be paid for as Class 1, and the price to be paid for all milk received, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class. The contract shall also state the date and method of payment for such fluid milk, which shall not be later than the last day of the month following the month during which the fluid milk was purchased, the charges for transportation if hauled by the distributor, and may contain such other provisions as are not in conflict with this chapter, and shall contain a proviso to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at the minimum price for fluid milk that is used for Class 4, as said class is defined in Section 735.3 of this code. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution.

(6) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream which is to be or is sold or otherwise

disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(7) The payment of a lesser price by a distributor to any producer for fluid milk or fluid cream which is distributed to any person, including agencies of the Federal, State or local government, located upon property within the geographical limits of any marketing area for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk or fluid cream for said marketing area.

Minimum
milk prices
to producers

(b) Provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers, for fluid milk in one or more of the various classes; provided, however, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid milk for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid milk over and above costs incurred in producing and marketing manufacturing milk; and provided further, the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome milk.

Permissive
provisions

Any stabilization and marketing plan may contain the following provisions:

Report of
milk
received

(c) Provisions whereby distributors shall report to each producer from whom fluid milk is secured, the volume of fluid milk received from such producer in pounds of milk, the milk fat test of such milk and the amount of fluid milk in milk fat pounds paid for in the several classes and the prices paid for the various classes for each month.

Minimum
cream prices

(d) Provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers for fluid cream; provided, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid cream for the marketing area involved to the price of manufacturing cream, taking into consideration the additional costs incurred in producing and marketing fluid cream over and above costs incurred in producing and marketing manufacturing milk; and provided further, that the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome cream.

Minimum
prices for
milk or
cream

(e) Provisions whereby the director may provide methods for the establishment of minimum prices for fluid milk or fluid milk for fluid cream received within a marketing area regardless of whether such fluid milk or fluid milk for fluid cream is subsequently sold or distributed within or without such marketing

area or within or without the jurisdiction of the State of California. Such stabilization and marketing plans may provide for the establishment of prices for fluid milk or fluid milk for fluid cream whether or not such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in another marketing area within the State of California where a stabilization and marketing plan is in effect. The stabilization and marketing plan may provide that producers shall be paid not less than the minimum prices established for the marketing area wherein such fluid milk or fluid milk for fluid cream is ultimately sold or distributed, and may further provide that in the event such fluid milk or fluid milk for fluid cream is subsequently sold or distributed in any place within the jurisdiction of the State of California where no stabilization and marketing plan is in effect, then such fluid milk or fluid milk for fluid cream may be paid by the distributor to the producer thereof at not less than the average price paid by distributors to producers for fluid milk or fluid milk for fluid cream of similar grade and quality at the plants in the vicinity where such fluid milk or fluid milk for fluid cream is so sold or distributed, as such prices are determined by the director from contracts required to be filed with him pursuant to this section.

The director may issue and make effective provisions establishing minimum prices to be paid by distributors to producer-distributors for milk which is not used by the purchasing distributor as Class 1 or Class 2 milk and which provisions may provide that such milk if used in classes other than Class 1 or Class 2 by the purchasing distributor may be paid for at the minimum prices established by the director for such other usage but which shall not be less than the prices as found by the director to be paid by manufacturing milk plants in or adjacent to the area using milk for similar purposes. Such prices shall remain in effect only for the period during which, as determined by the director, there is a surplus of producer-distributor milk.

(f) Provisions whereby the director designates or prescribes methods to provide uniform prices to be paid to all producers supplying fluid milk to distributors for pasteurization purposes in the marketing area involved by pooling the returns of all such fluid milk; provided, that no equalization pool shall be established unless the director, after hearing, determines that producers who supply distributors with not less than sixty-five (65) per cent of the total volume of fluid milk used for pasteurization purposes and who represent not less than sixty-five (65) per cent of the total number of such producers desire the establishment of such pool, but no hearing shall be necessary if said sixty-five (65) per cent, by volume and production, of such producers petition the director in writing to establish such equalization pool as a part of the plan. If the director finds that an equalization pool is necessary to carry out the provisions of this chapter he shall make provision therefor. The director may designate the local control board for the marketing area as his agency to operate the equalization pool

Equalization
pools

and may permit such local board to employ a pool manager and such other necessary personnel and to incur such expenses incidental to the operation of the pool as the director finds are necessary. The director is hereby empowered to require distributors to make reports to the pool manager at such intervals and in such detail as he finds is necessary for the operation of the pool which reports shall be kept confidential as to any individual distributor but shall be available to the director or his agents and the pool manager, and such employees of the pool as are necessary to the operation of the equalization pool.

No provision of any pooling program shall prevent any distributor from paying premiums for quality; provided, all producers supplying fluid milk of like quality to such distributor are paid similar premiums, nor shall any provision prohibit the paying of different prices to producers based on differentials in transportation, adjustments or deductions made by a cooperative association of producers to its members, including the blending of proceeds received from the sale of fluid milk by such cooperative in other markets. Distributors who purchase fluid milk from producers for pasteurization purposes shall deduct from payments due such producers at such time and in such manner such sums as the director determines are sufficient to insure uniform prices to all producers subject to the provisions of the equalization pool, irrespective of the usage of such fluid milk by the distributors. Distributors shall make, in addition to the deductions herein prescribed, such additional deductions per pound milk fat as the director finds necessary to pay all expenses incidental to the operation of the equalization pool, including the establishment of a reserve account to insure prompt payments to producers. The deductions herein prescribed are in addition to any other deductions prescribed by this chapter.

Advertising
campaigns

(g) Provision whereby sales stimulation or consumer educational programs may be formulated and administered to increase the consumption of fluid milk and fluid cream, or other dairy products; provided, that such programs shall be carried on without reference to a particular brand or trade name; and provided further, that no such sales stimulation or consumer educational program shall be carried on which shall make use of false or unwarranted claims on behalf of such products or which disparages the quality, value, sale or use of any fluid milk or fluid cream or any other agricultural commodity authorized by law to be marketed within such marketing area.

Petition

Before any stabilization and marketing plan may provide for sales stimulation and consumer educational programs, not less than sixty-five (65) per cent of the producers and who produce not less than sixty-five (65) per cent of the total volume of fluid milk consumed in any marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan. If such a program is requested by distributors it shall be necessary that not less

than sixty-five (65) per cent of the total number of distributors and who distribute not less than sixty-five (65) per cent of the total volume of fluid milk for consumption in the marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan.

The petition shall bear the signatures of petitioners their addresses and the approximate daily volume of fluid milk handled in gallons and milk-fat pounds and the type of product distributed, together with the estimated cost of the program each month and the number of months the program is to continue in operation.

A sales stimulation and consumer educational program ^{Financing} instituted by producers shall be financed by all producers supplying fluid milk to the marketing area. Such program, if instituted by distributors, shall be financed by all distributors supplying fluid milk to the marketing area. If such program is instituted by both producers and distributors, both producers and distributors shall finance the program equally.

If the program is instituted by producers the director is hereby empowered to require producers to pay assessments of not more than two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills (\$.007) for each 10 gallons of fluid milk received by distributor, including the production of distributors who are also producers.

If the program is instituted by distributors the director is hereby empowered to require distributors to pay assessments of not more than two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills (\$.007) for each 10 gallons of fluid milk received by distributors, including the production of distributors who are also producers.

If the program is instituted by both producers and distributors, the director is hereby empowered to require both producers and distributors to pay assessments for the purpose of providing funds for formulating, administering, and carrying on such program. The assessments to be paid by distributors shall not exceed two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills (\$.007) for each 10 gallons of fluid milk received by distributors including the production of distributors who are likewise producers. Assessments of not more than two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis, not more than seven mills (\$.007) for each 10 gallons of fluid milk produced by producers and received by distributors, shall likewise be paid by producers. In no instance shall the combined assessments exceed four mills (\$.004) per pound milk fat, or if the program is instituted upon a gallonage basis not more than fourteen mills (\$.014) for each 10 gallons of fluid milk received from producers and processed by distributors for distribution in the marketing area in the form

of whole milk, fluid cream, or manufactured dairy products derived from fluid milk.

Hearing

Before a program may be instituted a public hearing shall be called by the director, the procedure for which public hearing is to be the same as that required for the institution of a stabilization and marketing plan for fluid milk. At such public hearing testimony and evidence shall be taken to determine the necessity of such a program, the estimated costs of the program, the time during which the program is to be continued, and such other matters as are necessary in the institution of the program.

Order

If, after public hearing and consideration of the testimony and evidence presented at said hearing, the director finds that a sales stimulation and consumer educational program will tend to effectuate the purposes of this chapter, he shall issue an order making effective such program. Such order shall state the number of months the program shall continue in operation, the rate of assessment per pound milk fat or per gallon to be paid by those petitioning for the program, the names, addresses and business locations of the persons appointed to administer the program and such order may contain other provisions which are necessary and incidental to the operation of the program.

Adminis-
trator

The person named in the order to administer the program shall be selected by the director in the following manner and in the following number:

(a) If the program was instituted by producers the director shall name five representative producers from nominations made at the public hearing by the petitioners.

(b) If the program was instituted by distributors the director shall name five representative distributors from nominations made at the public hearing by the petitioners.

(c) If the program was instituted by both producers and distributors the director shall name three representative producers from nominations made at the public hearing by the petitioning producers and three representative distributors from nominations made at the public hearing by petitioning distributors.

(d) Distributors who are also producers shall be eligible to nomination for service on, and may be named by the director to serve on the committee to administer any program for which they will be required to pay assessments, and at least one of the persons named by the director to serve on any committee to administer any program for which distributors who are also producers will be required to pay assessments shall be a distributor who is also a producer.

All programs shall be administered by the persons named in the order of the director making the program effective, and shall be administered subject to the approval of the director. All amounts required to be paid to the director under this section by producers or distributors shall be paid to such director on or before the fifteenth day of the month following the month during which such fluid milk was received by distributors and all distributors receiving milk from producers in any area

where the provisions of this section are in effect whereby the director is empowered to require payments from producers shall deduct and pay to the director such payments provided for under this section from the payments due for such distributors to such producers for fluid milk.

Upon the termination of any program, if there are any obligations arising thereunder, the final accrual or ascertainment of which requires further acts by any producer or distributor or by the persons appointed to administer the program or by the director, the power or duty to perform such further acts shall continue, notwithstanding such termination. Termination of program

All moneys received by the director pursuant to this section shall be deposited in the Department of Agriculture Fund in the State treasury allocated to each separate marketing area from which they are collected and disbursed only for the purposes specified subject to the approval of the director.

Any money received by the director in excess of the amount required for any program shall be returned at such time as the director may determine on a pro rata basis to the persons from whom such funds were collected. Excess funds

CHAPTER 1507

An act to amend Section 488.5 of the Vehicle Code, relating to accident reports.

[Approved by Governor July 18, 1945 Filed with Secretary of State July 18, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 488.5 of the Vehicle Code is amended to read:

488.5. Use of Accident Reports. All required accident reports and supplemental reports and all reports made to the department by any peace officer, member of the California Highway Patrol, or other employee of the department, shall be immediately available for the confidential use of any division in the department needing the same, and for the confidential use of the Department of Public Works. Use of accident reports

Upon the termination of any criminal proceedings arising out of a traffic accident, or upon the determination by the proper authorities not to file any criminal charges as a result of such accident, but in all cases upon the termination of a period of six months after the date of the accident, all of the factual data gathered by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in Section 488.

CHAPTER 1508

An act to add Chapter 17, comprising Sections 9000 to 9044, inclusive, to Division 3 of the Business and Professions Code, relating to the government, examination and registration of social workers.

In effect
September
15, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 17, comprising Sections 9000 to 9044, inclusive, is hereby added to Division 3 of the Business and Professions Code, to read:

CHAPTER 17. SOCIAL WORKERS

Article 1. Administration

Social workers 9000. This chapter of the Business and Professions Code constitutes the chapter on social workers. It is a new enactment and is to be liberally construed to effect its objectives.

Board of Social Work Examiners 9001. There is established in the Department of Professional and Vocational Standards, a Board of Social Work Examiners of the State of California, which consists of seven members appointed by the Governor, with the advice and consent of the Senate.

Members of board 9002. Members of the board, except the lay members, shall be appointed only from among individuals who are registered social workers with at least five years of professional experience in social work, and who have been residents of California for at least three years preceding their appointment.

No fewer than four members of the board shall have completed at least one year of full time graduate study or the equivalent thereof in an approved school of social work. Not less than two of the members shall be lay persons.

An approved school of social work within the meaning of this section is a school which is eligible for membership in the American Association of Schools of Social Work.

Terms 9003. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members of the board first appointed under this chapter shall expire as follows: Three members, January 15, 1946; one member, January 15, 1947; one member, January 15, 1948; and two members, January 15, 1949.

Vacancies occurring shall be filled by appointment for the unexpired term.

Chairman 9004. Not later than the first of March of each calendar year, the board shall elect a chairman and a vice chairman from its membership.

9005. The board shall appoint an executive secretary, which position is hereby designated as a confidential position and exempt from civil service under subdivision (5) of Section 4 of Article XXIV of the Constitution. Secretary

The executive secretary shall have the same qualifications required of a member of the board, and shall serve at its pleasure.

9006. The executive secretary shall exercise the powers and perform the duties delegated to him by the board and vested in him by this chapter.

9007. With the approval of the Director of Professional and Vocational Standards, the board shall fix the salary of the executive secretary. Same Salary

9008. Subject to the State Civil Service Act, the board may employ such clerical, technical and other assistants as it deems necessary, within budget limitations. Employees

9009. The board shall keep an accurate record of all of its proceedings and a register of all applicants for certificates and of all individuals to whom a certificate as a registered social worker is issued. Records and register

9010. The board may conduct research in and make studies of problems involved in the maintaining of professional standards among those engaged in social service work in California and may publish its recommendations thereon. Research, etc

9011. The duty of enforcing the provisions of this chapter is vested in the board and the executive secretary subject to and under the direction of the board. Enforcement of chapter

In the performance of this duty, the board and the executive secretary have all the powers and are subject to all the responsibilities vested in and imposed upon the head of a department by Article 2, Chapter 3, Title 1, Part 3 of the Political Code.

9012. The board may make such rules and regulations as may be necessary for the enforcement of this chapter and may by rule and regulation prescribe the qualifications for registration. Rules

9013. The board shall have and use a seal bearing the words "Board of Social Work Examiners of the State of California." Seal

9014. No member of the board shall receive any compensation for his services but under the provisions of Section 352 of the Political Code and in accordance with the rules and regulations of the State Board of Control, he shall be entitled to the expenses he incurs in the performance of his duties. Board members. Compensation

9015. The board shall transmit, biennially, a full and true report to the Governor of all its activities under this chapter and shall file copies thereof with the Secretary of State and the Director of Professional and Vocational Standards. Report to Governor

Article 2. Application of Chapter

9020. Only individuals who have received a certificate under this chapter may style themselves as registered social workers and use the letters R.S.W. in connection with their names. Use of "R S W." etc.

Penalty	Every individual who styles himself a registered social worker or who uses any words or symbols indicating or tending to indicate that he is a registered social worker without holding a certificate in good standing under this chapter is guilty of a misdemeanor.
Application of chapter	9021. This chapter does not prevent any person from engaging in social work. It applies only to persons seeking to use the title of registered social worker.
Application for certificate	9022. Every applicant for a certificate under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter. Every registered social worker shall be a citizen of the United States. The application shall contain information showing that the applicant has all the qualifications required by the board for admission to the examination.
Qualifications	9023. Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take the examination.
Examination	9024. Examinations may be held at such times and places as the board may determine, provided, however, that one examination must be held during each calendar year.
Scope	9025. The examination shall be written and shall cover subjects in the field of each of the following topics: (a) Laws of the State of California and the United States pertaining to social welfare. (b) Historical and technical literature in the field of social welfare. (c) Basic information in related fields of the sciences pertaining to social welfare. (d) Current events and developments affecting social well-being.
Certificate	9026. The board shall issue a certificate to each applicant successfully passing the examination, which certificate, so long as the annual renewal fees thereon have been paid, entitles the holder thereof to use the title of registered social worker and to use the letters R.S.W. in connection with his name.
Action of board final	9027. The action of the board upon the acceptance and rejection of applicants and the grading of examinations is final and not subject to review.
Reconsideration	Every applicant whose application for a certificate has been rejected or who has failed to pass the examination may apply to the board for a reconsideration of its action at a public hearing. The application for reconsideration shall be filed with the board within 30 days after notice of the rejection or failure was received and only one application for reconsideration may be filed upon any one application for a certificate or upon any one application for an examination.
Revocation of certificate	9028. The board may, after notice and opportunity for a hearing, suspend or revoke the right of any registrant to use the title of registered social worker if: (a) He is convicted of an offense involving moral turpitude.

(b) He is proven to be an habitual drug addict.

(c) He is declared insane or incompetent.

(d) He advocates the overthrow of the Government by force and violence or other unlawful means.

9028.5. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of certificates under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the board shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail.

Same
Procedure

Stats 1945,
Ch 867

9029. Every person who wilfully makes any false statement or who impersonates any other person or permits or aids any other person to impersonate him in connection with any application or examination is guilty of a misdemeanor.

False state-
ments, etc

9030. No blind person shall be denied admission to any school of social work, training, or admission to any examination, or denied a certificate as a registered social worker, on the ground that he is blind.

Blind
Applicant

Article 3. Revenue

9035. Every registered social worker shall pay the annual renewal fee prescribed by this chapter. The annual renewal fee is due and payable on the first day of January.

Renewal fee

9036. Every registered social worker who fails to pay his annual renewal fee by the last day of February is automatically suspended and is not entitled to use the title of registered social worker until the fee is paid. The penalty for failure to pay the annual renewal fee before the last day of February shall be five dollars (\$5), which amount must be paid in addition to the renewal fee prescribed herein. Any registered social worker who fails to pay the annual renewal fee within a period of 12 months must apply to the board for reinstatement.

Failure to
pay fee

9037. Within 10 days after the beginning of each month, the board shall report to the department the amount of all collections for the month preceding, and at the same time, shall pay the amount thereof into the State treasury to the credit of the Registered Social Workers' Fund, which fund is hereby created.

Report of
collections

9038. All sums in the Registered Social Workers' Fund are appropriated to the board, to be expended by it for the purposes of this chapter.

Appropri-
ation

9039. The amount of the fees prescribed by this chapter is within the range fixed by the following schedule, the exact amount thereof to be determined annually by the board upon the basis of its needs for the proper enforcement of this chapter:

Fees

(a) The application fee is not less than five dollars (\$5) nor more than ten dollars (\$10).

(b) The annual renewal fee is not less than three dollars (\$3) nor more than eight dollars (\$8).

(c) The penalty for failure to pay the annual renewal fee on or before the last day of February shall be five dollars (\$5), and is in addition to the annual renewal fee prescribed herein.

Article 4. Temporary Provisions

Members of
board and
secretary
first
appointed

9041. Notwithstanding the provisions of Sections 9002 and 9005, members of the board and the executive secretary first appointed under this chapter need not be registered social workers but they shall be eligible for a certificate under the provisions of this article and shall have all the other qualifications prescribed by Sections 9002 and 9005.

Issuance of
certificate
without
examination

9042. Until January 1, 1947, every individual shall receive a certificate as a registered social worker without examination if he files an application therefor, accompanied by the application fee fixed by the board and is within any of the following classifications upon the effective date of this chapter:

(a) A registered social worker under the voluntary registration plan of the Department of Registration and Certification of the California Conference of Social Welfare.

(b) Was engaged in the practice of social work in California and had been so engaged for a compensation as a full-time social worker as determined by the board (see Section 9012) for at least three years within the five years preceding the effective date of this chapter.

Persons in
military
service, etc

9043. Notwithstanding Section 9042, any individual who, because of service in the armed forces of the United States or in other related war activities, is unable to file an application by January 1, 1947, shall receive a certificate as a registered social worker without examination if he files an application therefor, accompanied by the application fee fixed by the board within six months following his discharge from the armed forces of the United States or termination of employment in related war activities and is within any of the following classifications:

(a) A registered social worker under the voluntary registration plan of the Department of Registration and Certification of the California Conference of Social Welfare.

(b) Was engaged in the practice of social work in California and had been so engaged for a compensation as a full-time social worker as determined by the board (see Section 9012) for at least three years within the five years preceding his entry into the armed forces of the United States or related war activities.

Qualification
by exami-
nation

9044. Until January 1, 1947, every individual who is professionally engaged in the practice of social work for a compensation, who has resided in this State for a period of one year, and who is not eligible for a certificate under Section 9042 may receive a certificate if he successfully passes a qualifying examination given by the board.

CHAPTER 1509

An act to amend Section 5954 of the Labor Code, relating to judicial review of proceedings of the Industrial Accident Commission.

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5954 of the Labor Code is amended to read:

5954. The provisions of the Code of Civil Procedure relating to writs of review shall, so far as applicable, apply to proceedings in the courts under the provisions of this article. A copy of every pleading filed pursuant to the terms of this article shall be served on the commission and upon every party who entered an appearance in the action before the Industrial Accident Commission and whose interest therein is adverse to the party filing such pleading.

Law
applicable
Service of
copies of
pleadings

CHAPTER 1510

An act to amend Section 5003 of the Labor Code, relating to compromise and release of a compensation claim.

[Approved by Governor July 18, 1945. Filed with Secretary of State July 18, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 5003 of the Labor Code is amended to read:

5003. Every release or compromise agreement shall be in writing and duly executed, and the signature of the employee or other beneficiary shall be attested by two disinterested witnesses, or a notary public. The document shall specify:

Formalities
of execution
and contents

- (a) The date of the accident.
- (b) The average weekly wages of the employee, determined according to Chapter 1 of Part 2 of this division.
- (c) The nature of the disability, whether total or partial, permanent or temporary.
- (d) The amount paid, or due and unpaid, to the employee up to the date of the release or agreement or death, and the amount of the payment or benefits then or thereafter to be made.
- (e) The length of time such payment or benefit is to continue.

CHAPTER 1511

An act to amend Section 105 of the Vehicle Code, relating to the Director of Motor Vehicles.

In effect
September
15 1945

[Approved by Governor July 18, 1945 Filed with Secretary of State
July 18, 1945.]

The people of the State of California do enact as follows:

See also
Stats 1945,
Ch 1498

Office of
director
created

SECTION 1. Section 105 of the Vehicle Code is amended to read :

105. Office of Director Created. The department shall be under the control of a civil executive officer to be known as the Director of Motor Vehicles, which office is hereby created. The director shall be appointed by, and hold office at the pleasure of, the Governor. He shall receive a salary of nine thousand dollars (\$9,000) per year and shall be allowed his actual and necessary traveling expenses incurred in the performance of the duties of his office. The director shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars (\$25,000).

CHAPTER 1512

An act to amend Sections 595 and 1054 of the Code of Civil Procedure and Section 1050 of the Penal Code, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer, declaring the urgency thereof, to take effect immediately.

In effect
immediately

[Approved by Governor July 18, 1945. Filed with Secretary of State
July 18, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 595 of the Code of Civil Procedure is amended to read :

Postpone-
ment of
court action
Party, etc.,
member of
Legislature

595. The trial of any civil action, or proceeding in a court, or of any administrative proceeding before a State board or commission or officer, irrespective of the date of the filing thereof or when it became at issue, or the hearing of any motion, demurrer, or other proceeding, shall be postponed when it appears to the court, board, commission, or officer before which such action or proceeding is pending that either a party thereto, or any attorney of record therein (whether he became an attorney of record before or after the commencement of a legislative session or before or after his appointment to a legislative committee), or a principal witness, is a member of the Legislature of this State and that the Legislature is in session or in recess (not exceeding a recess of thirty-five (35) days) or

that a legislative interim committee of which he is a duly appointed member is meeting, or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment of the Legislature or the commencement of a recess of more than thirty-five (35) days. If a date is available during recess, continuance shall be given if possible to such earlier date. When a legislative committee is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of such period necessary following the adjournment or recess of the committee meeting as the court finds is reasonably necessary to enable the member to reach the place of trial or hearing by the ordinary mode of travel from the place of the committee meeting, unless at the expiration of that period the Legislature is to be in session; and in that case the action or proceeding shall not, without such consent, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment or the commencement of a recess of more than thirty-five (35) days. If a date is available during the recess, continuance shall be given to such earlier date.

A motion to postpone a trial on the ground of the absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed.

In all cases, the court shall postpone a trial, or the hearing of any motion or demurrer, for a period not to exceed thirty (30) days, when all attorneys of record of parties who have appeared in the action agree in writing to such postponement.

In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, underground or upon the surface of the mining claims involved in such action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work.

SEC. 2. Section 1054 of said code is amended to read:

Extending
time for
pleadings,
etc.

1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justifications of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal and of intention to move for a new trial, the time allowed by this code, unless otherwise expressly provided, may be extended, upon good cause shown, by the judge or justice of the court in which the action is pending, or by the judge or justice who presided at the trial of said action; but such extension so allowed shall not exceed thirty (30) days, without the consent of the adverse party; except that when it appears to the judge or justice of any court to whom such application is made that an attorney of record for the party applying for such extension is a member of the Legislature of this State, and that the Legislature is in session or in recess not exceeding a recess of forty (40) days or that a legislative committee of which he is a duly appointed member is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, it shall be the duty of such judge or justice to extend such time. When the Legislature is in session or in recess, extension shall be to a date not less than thirty (30) days next following the final adjournment of the Legislature or the commencement of a recess of more than thirty-five (35) days. If a date is available during recess, extension shall be to such earlier date. When a legislative committee is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, extension shall be for such period as the court finds will be reasonably necessary to enable the member to perform the act to be done in the action or proceeding, unless said extension would expire when the Legislature is to be in session; and in that case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more than thirty-five (35) days. If such act may be reasonably done by the member within such recess, continuance shall be to such earlier date.

In all cases in which the court, judge, or justice is authorized by this section to grant an extension of time, such extension of time shall be granted when all attorneys of record of parties who have appeared in the action agree in writing to such extension of time, and any extension of time previously granted by stipulation of all attorneys of record of parties who have appeared in the action shall not be included in the computation of the 30-day limitation upon extensions of time allowed by the court, judge, or justice.

SEC. 3. Section 1050 of the Penal Code is amended to read:

Time for
trial in
criminal
cases

1050. The court shall set all criminal cases for trial for a date not later than thirty (30) days after the date of entry of the

plea of the defendant. No continuance of the trial shall be granted except upon affirmative proof in open court, upon reasonable notice, that the ends of justice require a continuance. Provided that upon a showing that the attorney of record at the time of the defendant's first appearance in the superior court is a member of the Legislature of this State and that the Legislature is in session or that a legislative interim committee of which he is a duly appointed member is meeting or is to meet within the next seven days, the defendant shall be entitled to a reasonable continuance, but such continuance for such reason shall not exceed thirty (30) days. No continuance shall be granted for any longer time than it is affirmatively proved the ends of justice require. Whenever any continuance is granted, the court shall enter in its minutes the facts proved which require the continuance. Criminal cases shall be given precedence over civil matters and proceedings. If any court is unable to hear all criminal cases pending before it within thirty (30) days after the respective defendants have entered their pleas, it must immediately notify the Chairman of the Judicial Council.

SEC. 4. If any provision of Section 595 or of Section 1054 of the Code of Civil Procedure or of Section 1050 of the Penal Code, or the application thereof to any person or circumstance, is held invalid, the remainder of the section, or the application of such provision to other persons or circumstances, shall not be affected thereby. Constitutionality

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

The demands of the Legislature upon the time of its members in this critical period when many important measures require full and careful consideration, as well as the absence of many members of the legal profession in the armed services of our Country, render it impossible for lawyer members to protect fully the interests of their clients. In order that these clients be fully protected in their legal rights until the members can return to their practices and safeguard the rights of clients, it is necessary that this act take effect immediately.

CHAPTER 1513

Stats 19 7. *An act to amend Section 1 of an act entitled "An act granting
p 89. to the City of Venice the tidelands and submerged lands of
amended the State of California within the boundaries of the said
city," approved April 10, 1917, relative to grant of tide and
submerged lands to the City of Venice.*

In effect
September
17, 1945

[Approved by Governor July 18, 1945. Filed with Secretary of State
July 18, 1945.]

The people of the State of California do enact as follows:

Stats 19 7,
p 89

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Grant to
Los Angeles
of Venice
tidelands

Section 1 There is hereby granted to the City of Los Angeles, the successor to the City of Venice, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all the tidelands and submerged lands, whether filled or unfilled, and situated below the line of mean high tide of the Pacific Ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, the tide and submerged lands herein granted, being those situated in the former City of Venice, a municipal corporation, prior to its annexation to and consolidation with the City of Los Angeles, excepting any property held under, through or from a Mexican grant or patent therefor within the boundaries and jurisdiction of said former City of Venice, in trust for the uses and purposes and upon the express conditions following, to wit:

Uses and
purposes

(a) That said lands shall be used by said city and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation; for the improvement, construction and use of, and for parks, playgrounds, streets, boulevards, bathing, bathhouses, and beaches, and for any purpose herein permitted, to reclaim and fill the same; and said City of Los Angeles, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; provided, that said city, or its successors, may grant franchises thereon, for limited periods, in any event not to exceed thirty (30) years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, in any event not to exceed thirty (30) years, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the State of California;

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor

for all purposes of commerce and navigation, and the State of California shall have, at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city or by its successors;

Reserving, however, in the people of the State of California the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purpose.

Reservation
to State

CHAPTER 1514

An act declaring the public policy of the State, relating to flood waters and control, conservation and use of the State's water resources; creating the State Water Resources Board and prescribing its powers and duties; prescribing the powers and duties of the Department of Public Works and authorizing the cooperation of the State Water Resources Board and the Department of Public Works with the United States, its instrumentalities and agencies, and with counties, cities, State agencies and public districts relating to flood waters and their control, flood damage, and the washing away of river and stream banks by floods; adopting and authorizing construction of certain flood control projects and providing cooperation with the United States thereon.

"The State
Water
Resources
Act of,
1945"

[Approved by Governor July 19, 1945 Filed with Secretary of State July 19, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. It is hereby declared that the people of the State of California have a primary interest in the control and conservation of flood waters, prevention of damage by flood waters, the washing away of river and stream banks by floods, and in the determination of the manner in which such flood waters shall be controlled for the protection of life and property and the control, storage, and use of the State's water resources in the general public interest.

Legislative
declaration

SEC. 2. It is hereby declared that recurrent floods on streams and rivers, and other waterways of the State, causing loss of life and property, disruption of commerce, interruption of transportation and communications, and wasting of water, are detrimental to the peace, health, safety and welfare of the people of the State; and that the control, storage and full bene-

State inter-
est, etc

ficial use of such flood waters, and the prevention of damage by flood waters, and the washing away of river and stream banks by floods are proper functions and activities of the State, in cooperation with counties, cities, State agencies and public districts, and in cooperation with the United States, or any of its departments or agencies. It is further declared that the State should engage in the study and coordination of all water development projects, including flood control projects, undertaken by counties, cities, State agencies and public districts, and the United States or any of its departments or agencies in order that such allocations and appropriations as are made by the State Legislature for such purposes will be expended upon those projects which are most beneficial to the State, and which will bring maximum benefits to the people of the State from the expenditure of public funds, and also that the State should participate in the construction of flood control works and projects and render beneficial aid thereto, when the benefits are in excess of the estimated cost. In studying water development projects, full consideration shall be given to all beneficial uses of the State's water resources, including irrigation, generation of electric energy, municipal and industrial consumption of water and power, repulsion of salt water, preservation and development of fish and wildlife resources, and recreational facilities, but not excluding other beneficial uses of water, in order that recommendations may be made as to the feasibility of such projects and for the method of financing feasible projects. Fish and wildlife values, both economic and recreational, shall be given consideration in any flood control or water conservation program. In the design, construction, and operation of such projects, when engineering and economic features of the project make it practicable, adequate provisions shall be made for the protection of migratory fishes, and the designs for structures and facilities required for such protection shall be prepared in cooperation with the United States Fish and Wildlife Service and the California Fish and Game Commission.

State Water
Resources
Board

SEC. 3. As a means of carrying out the policies defined in Sections 1 and 2 there is hereby created in the State Government the State Water Resources Board hereinafter designated as the Water Resources Board consisting of seven members who shall be appointed by the Governor subject to the confirmation of the Senate, as provided in this act. The members of the Water Resources Board shall select one of their members to serve as chairman, who shall hold office as chairman at the pleasure of the Water Resources Board. The State Engineer shall serve as secretary and as engineer to the Water Resources Board, without additional compensation to him. The Water Resources Board may employ other technical assistants as conditions require.

Qualifica-
tions of
members

SEC. 4. The members of the Water Resources Board appointed by the Governor shall be selected and approved for appointment on the basis of their general educational and business qualifications, and their knowledge of, interest in and expe-

rience with problems relating to the control, storage and beneficial use of water. They shall be appointed in such a manner as to afford representation on the Water Resources Board of all parts of the State so far as it is practicable. In considering qualifications of members of the Water Resources Board, engineering ability and experience shall be deemed advisable.

SEC. 5. Of the members as appointed, one shall be appointed for a term expiring January 15, 1946, two for terms expiring January 15, 1947, two for terms expiring January 15, 1948, two for terms expiring January 15, 1949. Subsequent appointments shall be for terms of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur. Terms

SEC. 6. The appointments made by the Governor to membership on the Water Resources Board shall be subject to confirmation by the Senate at the next regular or special session of the Legislature and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made. Confirmation of appointments

SEC. 7. Each member of the Water Resources Board shall receive twenty dollars (\$20) for each day during which he is engaged in the performance of his official duties as such member, but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars (\$2,000). In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties. Compensation of members

SEC. 8. The Water Resources Board shall maintain its headquarters at Sacramento and shall hold meetings at such times and at such places as shall be determined by it. Headquarters and meetings

SEC. 9. Special meetings may be called at any time by the chairman or by the secretary at the request of any four members, upon notice specifying the matters to be acted upon at such meeting, but no other matters shall be acted upon at such special meetings which were not so noticed, unless all members are present and consent thereto. Special meetings

SEC. 10. Any hearing or investigation by the Water Resources Board may be conducted by any member, or by a committee of members of the Water Resources Board and such member or committee shall have and exercise such powers of the Water Resources Board as the Water Resources Board may prescribe. Conduct of hearings, etc

SEC. 11. The Water Resources Board may hold hearings and conduct investigations in any part of the State and for such purposes shall have and may exercise the powers conferred upon heads of departments of the State by Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code. Hearings and investigations

SEC. 12. At any hearing by or on behalf of the Water Resources Board any county, city, State agency, including the Fish and Game Commission, public district, association, or any person affected by or interested in flood control, including the control, storage and use of water resources, involved in the hear- Evidence, etc., by other agencies

ing may appear and present any petition, evidence, testimony, plan, data, information or opinion bearing on the subject matter of the hearing including an evaluation of loss and damage to fish and other natural resources. In determining the cost of any project damage to fish and wildlife that will probably result therefrom must be included in the amount of the cost.

Notice of
hearing

SEC. 13. Prior to any such hearing the Water Resources Board shall give such notice to the agencies or persons likely to be interested therein as the Water Resources Board deems necessary to afford every opportunity for such agencies or persons to be heard.

Matters
involving
Federal
Government

SEC. 14. As to any matter involving the United States, its departments or agencies, which is within the scope of the powers and duties of the Water Resources Board, the Water Resources Board may represent the interests of the State or any county, city, State agency or public district, and to that end may correspond, confer and cooperate with the United States, its departments or agencies, and where necessary the members of the Water Resources Board may travel either within or without the State.

Information
re Federal
activities

SEC. 15. The Water Resources Board shall keep itself informed as to any activities, requirements or procedures of the United States, its departments or agencies affecting any proposed water project within the scope of this act, including flood control, water conservation, domestic and irrigation use and power development, but not excluding other uses.

Rules, etc

SEC. 16. The Water Resources Board shall establish general policies, prescribe rules and regulations for the general administration of this act, and may require such information as it deems necessary.

Requests for
investiga-
tions, etc

SEC. 17. The Water Resources Board or the State Engineer, as engineer for said board, shall not make an investigation, study, or survey or hold any hearing, prepare any plan or estimates or make any recommendations unless said board is first requested in writing to do so by a county, city, State agency or public district. The Water Resources Board shall after investigation and hearing recommend to the Legislature water development projects, including flood control plans and projects, and shall recommend the time for constructing the same, together with the board's recommendations as to the amount of financial assistance which should be allocated and appropriated by the Legislature to the counties, cities, State agencies and public districts for such flood control purposes. Such recommendations shall be made at each regular session of the Legislature not later than March 1st and at any special or extraordinary session. The recommendations made by the Water Resources Board shall be advisory only and the Legislature shall finally determine the priorities in building such projects and the amount of aid to each project which is approved.

Recommen-
dations to
Legislature

Recommen-
dations re
financial
assistance

SEC. 18. In making recommendation to the Legislature respecting the amount of financial assistance to be given by the State, as provided for in Section 17, the Water Resources Board

shall recommend what proportion of the cost of the project, including the cost of acquiring rights of way should be paid by the State and what proportion, if any, should be paid by the county, city, State agency, or public district.

Notwithstanding all other provisions of this act, appropriations will be made by the State of California, from time to time by law, to pay for the cost of all lands, easements and rights of way necessary for the construction of flood control projects as required by the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), and by the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-seventh Congress, first session). In the event that the Congress hereafter authorizes and approves projects, wherein financial assistance is required of local agencies by the Federal Government, similar to the provisions of Public Law, Numbered 534, Seventy-eighth Congress, second session, it is the intention of the Legislature that it will be the policy of the State to pay for the cost of all lands, easements and rights of way necessary for the construction of such flood control projects, when such projects are recommended by the Water Resources Board and approved by the Legislature.

SEC. 19. As a further means of carrying out the policies defined in Sections 1 and 2 the Department of Public Works acting through the agency of the State Engineer is authorized and directed to cooperate with the Water Resources Board and shall have the following powers and duties:

- (1) Collect and file data.
- (2) Make necessary studies and surveys.
- (3) Make investigations and participate in the hearings held by the Water Resources Board.
- (4) Prepare plans and estimates of cost and benefits of all proposed water development projects.
- (5) Determine the damage created by flood waters.
- (6) Encourage the creation and development of flood control and water conservation plans and activities of the several counties, cities, State agencies and public districts.
- (7) Advise and assist the Water Resources Board in making their recommendations to the Legislature.
- (8) Cooperate with the United States or any of its departments or agencies in carrying out measures for control, storage or use of waters on streams, rivers or other waterways, and the watersheds thereof within this State which are authorized and adopted pursuant to an act of Congress of the United States, approved June 22, 1936, entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," together with legislation adopted by Congress amendatory thereof or supplemental thereto.

In performing the duties prescribed in this section the Department of Public Works acting through the agency of the State Engineer may travel either within or without the State and

shall consult and cooperate with the officials and engineers of the counties, cities, State agencies, or public districts affected.

Scope of investigations, etc

SEC. 20. It is the intention of the Legislature that the Water Resources Board shall investigate all phases of any proposed water project including flood control, water conservation, domestic and irrigation use and power development, but not excluding other uses, so that a county, city, State agency, or public district affected and the Legislature may have the benefit of investigations and recommendations of the board upon such projects in order to assure the fullest development of the water resources of the State. In a multiple type project, which includes in addition to flood control works, works and construction for other than flood control purposes only that portion of the project which is deemed by the Water Resources Board to be necessary for flood control purposes shall be eligible for financial assistance from the State in lieu of financial assistance usually required from local interests for flood control projects. In a multiple type project which includes works and construction for other than flood control purposes, and in projects which do not include any flood control works or construction, the Water Resources Board may recommend to the Legislature and to the United States, or any of its departments or agencies, the method of financing such works and construction.

Agreements with counties, etc.

SEC. 21. The Department of Public Works acting through the agency of the State Engineer may cooperate with any county, city, State agency or public district on flood control and other water problems and when requested by such county, city, State agency or public district, may enter into cooperative agreements to prepare plans and specifications, construct, or maintain and operate projects or expend money in behalf of such county, city, State agency or public district, to accomplish the purposes of this act. Neither the Department of Public Works nor the Water Resources Board shall have the authority to undertake the construction of flood control or other water projects provided for under this act nor shall have authority to obligate any county, city, State agency or public district, in any way except upon the formal request of such county, city, State agency or public district, duly and regularly taken.

Duties of counties, etc

SEC. 22. In all cases where the Federal Government does not maintain and operate projects, it is the responsibility and duty of the county, city, State agency or public district, affected to maintain and operate flood control and other works, constructed pursuant to this act, after their completion and hold and save the State and the United States free from damages.

Reports, etc

SEC. 23. The Water Resources Board in addition to the reports and recommendations made to the Legislature as provided in Section 17 may from time to time summarize the results of its investigations, studies, activities and recommendations relating to flood control and other water problems and report the same to the Governor and may publish the same in such form as it deems suitable to inform the people of the State

concerning such flood control and other water problems as come within the scope of this act.

SEC. 24. It is expressly declared that it is the intention of the Legislature that nothing in this act shall be deemed to change the policy of the State respecting that certain contract entered into between the Federal Government and the State of California made pursuant to an act of Congress of the United States, approved May 15, 1928 (Public Numbered 391, Seventy-seventh Congress, first session, 45 Statutes at Large 534, Chapter 569), and an act of the Legislature, approved May 4, 1925, (Chapter 176, Statutes of 1925, Section 8525, Water Code), nor shall anything in this act be deemed or construed to modify, limit or take away from the powers and duties vested in the Department of Public Works by any law or in the State Reclamation Board pursuant to the provisions of Part 4, Division 5, of the Water Code.

SEC. 25. The provisions of Part 2 of Division 6 of the Water Code shall be applicable to all water made available by the construction of the works of any project approved by this act. No priority under said part shall be released nor assignment made of any appropriation that will, in the judgment of the Department of Finance, deprive the county in which the appropriated water originates of any such water necessary for the development of the county.

SEC. 26. The works of improvement for the control, conservation and utilization of destructive flood waters and the reclamation and protection of lands that are susceptible to overflow by flood waters, which are hereinafter set forth and described in this act, are hereby adopted and authorized in the interest of the public welfare of the people of this State to be prosecuted substantially in accordance with the plans in the respective reports hereinafter designated in this act.

SEC. 27. The projects on the Ventura River and tributaries for flood protection at Ventura and Ojai, California, are hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 323, Seventy-seventh Congress, first session, at an estimated cost to the State of one hundred thirty-nine thousand dollars (\$139,000).

SEC. 28. The projects for the Santa Ana River Basin for the protection of Orange County, including the projects on Lytle and Cajon Creeks for flood protection at San Bernardino and Colton approved in the act of Congress approved June 22, 1936, as modified by the act of Congress approved June 28, 1938, are hereby adopted and authorized substantially in accordance with the recommendations contained in the report of the Chief of Engineers dated February 11, 1944, at an estimated cost to the State of six hundred seventy-eight thousand dollars (\$678,000).

SEC. 29. The general comprehensive plan for flood control in the basins of the Los Angeles and San Gabriel Rivers and Ballona Creek are adopted and authorized as set forth in House

Document Numbered 838, Seventy-sixth Congress, third session, and approved in the act of Congress approved August 18, 1941, at an estimated cost to the State of twenty-two million five hundred thousand dollars (\$22,500,000).

Pajaro River

SEC. 30. The plan of improvement for flood protection on the Pajaro River and tributaries is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 505, Seventy-eighth Congress, second session, at an estimated cost to the State of two hundred ninety-four thousand eight hundred forty dollars (\$294,840).

Sacramento River

SEC. 31. The projects for the control of floods and other purposes on the Sacramento River adopted by the acts of Congress approved March 1, 1917, May 15, 1928, August 26, 1937, and August 18, 1941, and adopted and authorized by the Legislature by Chapter 25, Statutes of 1911, extra session, Chapter 170, Statutes of 1913, Chapter 686, Statutes of 1915, and Chapter 176, Statutes of 1925, are hereby adopted and authorized as modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 649, Seventy-eighth Congress, second session, except as hereinafter provided, at an estimated additional cost to the State of three million three hundred twenty-six thousand dollars (\$3,326,000), or such other project as shall finally be decided upon which will accomplish the same flood control purposes as proposed by the Table Mountain Dam or any other dam across the Sacramento River in the same general vicinity, subject to modification that may hereafter be made by Congress. It is the intention of the Legislature that, if a feasible plan can be found which will provide adequate flood control in the upper Sacramento Valley without the necessity of constructing a dam across the Sacramento River at the Table Mountain site, or any other site in the same general vicinity and thereby prevent the necessity of flooding valuable agricultural land and at the same time prevent damage to the fishing resources of the Sacramento River, such alternate plan should be adopted.

Merced County Stream Group

SEC. 32. The plan of improvement for flood protection on various streams in the Merced County Stream Group in the San Joaquin Valley is hereby adopted and authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 473, Seventy-eighth Congress, second session, at an estimated cost to the State of sixty-one thousand three hundred dollars (\$61,300).

San Joaquin River, etc.

SEC. 33. The plan of improvement for flood control and other purposes on the Lower San Joaquin River and tributaries, including Tuolumne and Stanislaus Rivers, is hereby adopted and authorized in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered 2, Seventy-eighth Congress, second session, at an estimated cost to the State of eight hundred ninety-four thousand dollars (\$894,000).

SEC. 34. The plan of improvement for flood control and other purposes on the Calaveras River and Littlejohn Creek and tributaries is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 545, Seventy-eighth Congress, second session, except as hereinafter provided, at an estimated cost to the State of two hundred four thousand dollars (\$204,000), or such other project as shall be finally decided upon which will accomplish the same flood control purposes as provided by the proposed Farmington Dam across Littlejohn Creek, or any other dam across Littlejohn Creek in the general vicinity, subject to modifications that may hereafter be made by Congress. It is the intention of the Legislature that, if a feasible plan can be found which will provide adequate flood control on Littlejohn Creek without building a dam across Littlejohn Creek at the Farmington site and thereby preventing the flooding of valuable agricultural land in the general area of Farmington, such alternate plan should be adopted.

Calaveras
River and
Littlejohn
Creek

SEC. 35. The project for the Fresno County Stream Group for flood control is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 845, Seventy-sixth Congress, third session, at an estimated cost to the State of one hundred seventy-nine thousand five hundred dollars (\$179,500).

Fresno Coun-
ty Stream
Group

SEC. 36. The Ventura County Flood Control District shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress, approved December 22, 1944, (Public, Numbered 534, Seventy-eighth Congress, second session) will be furnished by Ventura County Flood Control District in connection with the flood control project adopted and authorized in Section 27 of this act.

Ventura
County Flood
Control
District

SEC. 37. It shall be the duty of the Ventura County Flood Control District, in conjunction with the War Department, to execute the plans and projects referred to in Section 27 of this act and exercise all powers granted to it in the Ventura County Flood Control Act, and said district may make modifications and amendments to said plans as may be necessary to execute the same for the purposes of this act.

Same

SEC. 38. The San Bernardino County Flood Control District shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944, (Public, Numbered 534, Seventy-eighth Congress, second session) will be furnished by the San Bernardino County Flood Control District in connection with the flood control project adopted and authorized in Section 28 of this act.

San Bernar-
dino County
Flood Con-
trol District

SEC. 39. It shall be the duty of the San Bernardino County Flood Control District, in conjunction with the War Department, to execute the plans and projects referred to in Section 28 of this act and exercise all powers granted to it in the San Bernardino County Flood Control Act, and said district may

Same

make modifications and amendments to said plans as may be necessary to execute the same for the purposes of this act.

Los Angeles
County Flood
Control
District

SEC. 40. The Los Angeles County Flood Control District shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session) and Section 2 of the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-eighth Congress, first session) will be furnished by the Los Angeles County Flood Control District in connection with the plan for flood control adopted and authorized in Section 29 of this act.

Same

SEC. 41. It shall be the duty of the Los Angeles County Flood Control District, in conjunction with the War Department, to execute the plans and projects referred to in Section 29 of this act and exercise all powers granted to it in the Los Angeles County Flood Control Act, and said district may make modifications and amendments to said plans as may be necessary to execute the same for the purposes of this act.

Watershed of
Tuolumne
River

SEC. 41a. The City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District shall give assurances satisfactory to the Secretary of War that the local cooperation required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), will be furnished by the City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District in connection with the flood control projects within the watershed of the Tuolumne River, adopted and authorized in Section 33 of this act, except insofar as said projects include channel improvement works and levees, or any thereof.

Same

SEC. 41b. It shall be the duty of the City and County of San Francisco, the Modesto Irrigation District, and the Turlock Irrigation District, in conjunction with the War Department, to execute the plans and projects within the watershed of the Tuolumne River, referred to in Section 33 of this act, except insofar as the same relate to channel improvement works and levees, or any thereof, and may exercise all powers granted to them by law, and said city and county, and said districts, may make modifications to said plans as may be necessary to execute the same for the purposes of this act.

Reclamation
Board

SEC. 42. Except as otherwise provided in this act, the Reclamation Board shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress, approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session) and Section 2 of the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-eighth Congress, first session) will be furnished by the State in connection with the flood control projects authorized and adopted in Sections 31, 32, 33, 34 and 35 of this act and on any flood control projects on any

stream flowing into or in the Sacramento Valley or the San Joaquin Valley hereafter approved and authorized by Congress.

SEC. 43. Except as otherwise provided in this act, it shall be the duty of the Reclamation Board in conjunction with the War Department to execute the plans and projects referred to in Section 42 of this act and exercise all powers granted to it in Part 4, Division 5, of the Water Code. The Reclamation Board may make modifications and amendments to said plans as may be necessary to execute the same for the purposes stated in this act.

SEC. 44. The Counties of Santa Clara, Santa Cruz, Monterey and San Benito shall give assurances satisfactory to the Secretary of War that the local cooperation required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), will be furnished by said counties in connection with the flood control project authorized and adopted in Section 30 of this act.

SEC. 45. It shall be the duty of the Counties of Santa Clara, Santa Cruz, Monterey and San Benito in conjunction with the War Department to execute the plans and projects referred to in Section 30 of this act and exercise all powers granted by law to said counties, and said counties may make modifications and amendments to said plans as may be necessary to execute the same for the purposes of this act.

SEC. 46. The project on the San Diego River for flood protection at San Diego is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 635, Seventy-seventh Congress, second session, without cost to the State.

SEC. 47. The project for the Folsom Reservoir on the American River is hereby adopted and authorized substantially in accordance with the plans contained in House Document Numbered 649, Seventy-eighth Congress, second session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, and without cost to the State.

SEC. 48. The project for the Isabella Reservoir on the Kern River for flood control and other purposes in the San Joaquin Valley is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated January 26, 1944, contained in House Document Numbered 513, Seventy-eighth Congress, second session, without cost to the State.

SEC. 49. The plan for the Terminus and Success Reservoirs on the Kaweah and Tule Rivers for flood control and other purposes in the San Joaquin Valley is hereby adopted and authorized in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered 1, Seventy-eighth Congress, second session.

SEC. 50. The project for flood control and other purposes for the Kings River and Tulare Lake Basin is hereby adopted and authorized substantially in accordance with the plans con-

tained in House Document Numbered 530, Seventy-sixth Congress, third session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable without cost to the State. The conditions of local cooperation specified in said document shall not apply.

Conn Creek
Reservoir

SEC. 51. The project for the Conn Creek Reservoir on Conn Creek for flood control and other purposes in the Napa River Basin is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 626, Seventy-eighth Congress, without cost to the State.

Los Angeles
Watershed

SEC. 52. The program on the Los Angeles River Watershed is hereby adopted and authorized substantially in accordance with the recommendation of the Under Secretary of Agriculture in House Document Numbered 426, Seventy-seventh Congress, first session, at an estimated cost to the State of one million eight hundred eighty-two thousand dollars (\$1,882,000).

Same

SEC. 53. The Los Angeles County Flood Control District shall give the necessary assurances that the local cooperation required by the United States on the program mentioned in Section 52 of this act will be furnished by said district. It shall be the duty of said district to execute said plan with the United States and exercise all powers granted to it in the Los Angeles County Flood Control Act, and said district may make modifications and amendments to said program as may be necessary to execute the same for the purposes of this act.

Santa Ynez
River
Watershed

SEC. 54. The program on the Santa Ynez River Watershed is hereby adopted and authorized substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document Numbered 518, Seventy-eighth Congress, first session, at an estimated cost to the State of thirteen thousand four hundred dollars (\$13,400).

Same

SEC. 55. The County of Santa Barbara shall give the necessary assurances that the local cooperation required by the United States on the program mentioned in Section 54 of this act will be furnished by said county. It shall be the duty of said county to execute said plan with the United States and exercise all powers granted to it by law, and said county may make modifications and amendments to said program as may be necessary to execute the same for the purposes of this act.

Consent to
acquisition
of land by
U S

SEC. 56. Consent is hereby given to the acquisition of lands by the United States for the purposes within the scope of Section 13 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), in connection with the programs adopted and authorized in Sections 52 and 54 of this act; provided, that there shall be paid annually by the United States to the county in which any land acquired may lie, a sum equal to 1 per centum of the purchase price paid for the lands, or, if not acquired by purchase, 1 per centum of their valuation at the time of their acquisition.

SEC. 57. Any county, city, State agency or public district is authorized to make agreements with the United States or any of its departments or agencies obligating them to do or perform those things which are required of them by this act and by the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), and the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-eighth Congress, first session). Agreements with U S

SEC. 58. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision, to other persons or circumstances shall not be affected thereby. Constitutionality

SEC. 59. This act shall be known and may be cited as "The State Water Resources Act of 1945." Short title

CHAPTER 1515

An act to amend Sections 4a and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes. Stats 1929, p 19, amended

[Approved by Governor July 19, 1945. Filed with Secretary of State July 19, 1945.] In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 4a of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows: Stats 1945, Ch 1300

Sec. 4a. The rate of tax on National banking associations and other banks and financial corporations mentioned in Sections 1, 2 and 4 of this act shall be a percentage equal to the percentage of the total amount of net income, allocable to this State, of every corporation taxable under subdivision (3) of Section 4 of this act, other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this State as franchise taxes according to or measured by such net income, and required to be paid to this State or its political subdivisions by such corporations as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 8 per centum. The percentage of the net income of every corporation taxable under subdivision (3) of Section 4 of this act, other than public utilities as defined in the Public Utilities Act, required to be paid to this State or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less 3.4 per centum thereof, bears to the total amount of net income of such corporation, allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required Rate of tax on banks, etc. Net income

to be paid by such corporation to this State or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

Determin-
tion by com-
missioner

Notice

The commissioner, after public hearing and opportunity given to examine the data on which his determination is based, shall determine not later than the thirty-first day of December of each year the average percentage of net income above specified, and, within 30 days after his determination, shall mail notice of his determination and the amount of tax payable on the basis of such determination to all banks and financial corporations affected thereby, which are then classified on his records as banks or financial corporations, but such determination shall not be considered a deficiency assessment within the meaning of Section 25 hereof. The data gathered by the commissioner in determining the rate, referred to herein, shall be made available to the taxpayers affected by such determination at the time and in the manner prescribed by regulations adopted by the commissioner.

If it be judicially determined that the rate of tax on any bank or corporation is higher than is authorized by law such bank or corporation shall be relieved of liability for any tax imposed by this act only to the extent of the excess beyond that legally authorized.

Stats 1937,
p 2324

Time for
payment
of tax

SEC. 2. Section 23 of the Bank and Corporation Franchise Tax Act is hereby amended to read as follows:

Sec. 23. On or before the fifteenth day of the third month following the close of the income year, as defined in Section 11 hereof, there shall be due and payable, from every National banking association, every other bank, and every financial corporation, of the classes mentioned in Sections 1, 2, and 4 of this act, as a first installment of the tax on such banks and financial corporations, a percentage of their net income as disclosed by the return, which is equal to that percentage of the net income of corporations of the classes referred to in subdivision (3) of Section 4 of this act, which is required to be paid to the State as a franchise tax according to or measured by net income; except, that the first installment of the tax on financial corporations shall not be less than the minimum of twenty-five dollars (\$25).

Stats 1915,
p. 115

On or before the fifteenth day following the mailing of notice of the commissioner's determination of the average percentage of net income of corporations of the classes referred to in subdivision (3) of Section 4 of the act, other than public utilities as defined in the Public Utilities Act, required to be paid to the State or its political subdivisions in franchise and personal property taxes as provided in Section 4a of this act, or on or before the fifteenth day of the ninth month following the close of the income year as defined in Section 11 hereof, whichever is later, there shall be due and payable from every such banking association, bank, and financial corporations, a percentage of their net

income as disclosed by the return which is equal to the percentage of the net income of corporations of the classes referred to in subdivision (3) of Section 4 of this act, other than public utilities as defined in the Public Utilities Act, required to be paid to the State or its political subdivisions as personal property taxes as determined by the commissioner; provided, however, that the sum of the first and second installments shall not exceed 8 per centum of the net income of each such banking association, bank, and financial corporation. The offset herein provided for shall be applied to such second installment.

In the case of corporations of the classes referred to in subdivision (3) of Section 4 of this act, one-half the amount of tax disclosed by the return shall be due and payable as a first installment of the tax on such corporations on or before the fifteenth day of the third month following the close of the income year, as defined in Section 11 hereof. The balance of the tax shall be due and payable as a second installment on or before the fifteenth day of the ninth month following the close of the income year. A tax imposed by this act or any installment thereof may be paid at the election of the taxpayer, prior to the date prescribed for its payment.

Where an extension of time for filing returns has been granted by the commissioner under the provisions of Section 15 of this act, the first installment shall be paid prior to the expiration of such extension.

Extension of time

All taxes and interest imposed under this act must be paid to the commissioner in the form of remittances payable to the Franchise Tax Commissioner, and he shall transmit such payments daily to the State Treasurer.

Payment to commissioner

All moneys received by the State Treasurer shall be deposited by him in a special fund in the State treasury, to be designated the Bank and Corporation Franchise Tax Fund, and moneys in said fund shall, upon the order of the State Controller, be transferred into the General Fund of the State, or drawn therefrom for the purpose of refunding to taxpayers hereunder.

Bank and Corporation Franchise Tax Fund

CHAPTER 1516

An act making an appropriation to the State Department of Education for the maintenance and operation of State cerebral palsy diagnostic and treatment centers.

[Approved by Governor July 19, 1945 Filed with Secretary of State July 19, 1945.]

In effect September 15, 1945

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of one hundred fifty-four thousand dollars (\$154,000) to the State Department of Education, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the department in contracting with The Regents of the University

Appropriation. Cerebral palsy centers

of California in northern California and with the medical school of any public or private university or hospital in southern California to operate and maintain a State cerebral palsy diagnostic and treatment center in connection with two State cerebral palsy schools, one to be established in northern California and one in southern California should such schools be authorized by the Legislature.

The State Department of Education is hereby authorized to enter into the contracts necessary to carry out the provisions of this act.

CHAPTER 1517

An act to add Chapter 18, comprising Sections 9500 to 9597, inclusive, to Division 3 of the Business and Professions Code, and to repeal Sections 13313 to 13324, inclusive, 13600 to 13608, inclusive, 13610, 13612 to 13616, inclusive, 13650 to 13652, inclusive, 13654 to 13657, inclusive, 13675 to 13677, inclusive, of the Health and Safety Code, relating to the regulation and licensing of cleaning, dyeing and pressing establishments and persons engaged therein.

In effect
September
15, 1945

[Approved by Governor July 19, 1945 Filed with Secretary of State
July 19, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 18 is added to Division 3 of the Business and Professions Code, to read :

CHAPTER 18. CLEANING, DYEING AND PRESSING

Article I. Definitions

- Definitions 9500. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.
- "Cleaning" and "dry-cleaning" 9501. "Cleaning" and "dry-cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile and inflammable product, applied either manually or by means of a mechanical appliance.
- "Dyeing" 9502. "Dyeing" means the process of coloring wearing apparel, feathers, furs, hats, fabrics, or textiles by the use of aniline dyes, mordants, acid, and steam.
- "Spotter and sponger" 9503. "Spotter and sponger" means any person who removes spots, stains, or other discolorations from wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning medium applied manually.
- "Presser" 9504. "Presser" means any person who renovates wearing apparel, feathers, furs, hats, fabrics, or textiles by means of ironing, performed either manually or by the use of a mechanical appliance.

9505. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment" means any premises, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a press shop or furrier, but excluding any clothes cleaning establishment, equipped to perform, in whole or in part, a spotting, sponging, dry-cleaning by local application, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats fabrics or textiles. "Cleaning and dyeing shop and store," etc

9506. "Private school or college of spotting, sponging, or pressing" means any establishment in which individuals are taught the operations or processes employed in the spotting, sponging, dry-cleaning by local application, or pressing or other finishing of wearing apparel, feathers, furs, hats, fabrics, or textiles, whether gratuitously, for a charge or fee, or in exchange for services. "Private school or college of spotting, etc"

9507. "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of dry-cleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent. "Clothes cleaning establishment," etc

9508. "Service outlet" means any premises, building, room, shop, store, or establishment in, upon, or through which a spotting, sponging, dry-cleaning, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles is sold or bartered, or offered for sale or barter, or made an obligation or condition of a sale or barter, directly to the public. "Service outlet"

9509. "Service inlet" means any premises, building, room, shop, store, or establishment used for collecting or receiving wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry-cleaning, or pressing or other finishing service is to be performed. "Service inlet"

9510. Any advertisement of the service of spotting, sponging, or pressing constitutes prima facie evidence that the premises, room, shop, store, or establishment in or upon which it appears, or to which it refers, is a service outlet or inlet. Advertisements

9511. "Agency" means any premises, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or second-hand clothing shop, upon, in, or through which is conducted, maintained, or operated a service outlet or inlet for a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, a clothes cleaning establishment, or a cleaning and dyeing establishment. "Agency"

9512. The ownership of an agency shall be verified under oath when required by the board. Ownership of agency

9513. "Approved" means approved by the Board of Cleaning, Dyeing and Pressing. "Approved"

9514. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants. "Operate"

9515. Any application, fee, or penalty required by or specified in this chapter shall be filed or paid at the office of the board. It shall not be incumbent upon the board to issue any notification in regard to the filing or payment.
9516. The provisions of this chapter do not apply to any store whose major business is selling merchandise and which is not engaged in cleaning, dyeing, spotting, sponging, or pressing as an occupation for gain, but which performs a process of cleaning, dyeing, spotting, sponging, or pressing only in order to renovate wearing apparel or other goods which have become soiled or stained in transit from the manufacturer, or which have subsequently become shopworn, soiled, or stained.
9517. "Employer" means any person employing labor to perform any of the operations of cleaning and/or dyeing or spotting, sponging and pressing.
9518. "The board" means State Board of Cleaners.
9519. "Wholesale plant owner" means any person fifty-one per cent (51%) or more of whose gross sales are made to retailers dealing exclusively with members of the general public or with other wholesale plant owners.
9520. "Retail plant owner" means any person fifty-one per cent (51%) or more of whose gross sales are made to members of the general public.
9521. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company, trustee, trustee in bankruptcy or receiver.
9522. "Shop owner" shall mean the operator of a retail store who does part or all of the pressing of garments he handles as distinguished from a wholesale or retail plant owner.
9523. This chapter shall not apply to "spotters and spongers" or "pressers" performing services for passengers or employees on passenger trains of corporations subject, in whole or in part, to the jurisdiction of the Interstate Commerce Commission or the State Railroad Commission, nor shall this chapter apply to paid employees who have no proprietary interest in the place for which a license is required hereunder.

Article 2. Administration

9530. There is in the Department of Professional and Vocational Standards, the State Board of Cleaners, which consists of seven members appointed by the Governor and confirmed by the Senate. The seven members of the board shall consist of one public member and the owners of two retail plants, two wholesale plants, and two shops. Each member shall be a citizen of the United States and shall have been actively engaged in his respective branch of the cleaning industry for a period of at least five years immediately prior to his appointment.
- Each member of the board shall receive a per diem of fifteen dollars (\$15) as compensation for each day spent in actual attendance at meetings of the board and at committee meetings of the members of the board, when such meetings are especially

authorized by the board or its president, and for each day actually spent performing necessary work in connection with the enforcement of this chapter.

9531. Members of the board shall be appointed for a term of ^{Terms} four years and they shall serve until the appointment and qualification of their successor. The terms of the members first appointed shall expire as follows:

Three on January 15, 1946.

Three on January 15, 1947.

One on January 15, 1949.

Terms shall expire in the same relative order as to the members first appointed. Vacancies occurring shall be filled by appointment for the unexpired term and shall be a member within the same classification as the original appointment. Before entering upon the duties of his office, each member of the board shall take and subscribe to the constitutional oath of office. A majority of the membership shall constitute a quorum for transacting any business of the board. A vacancy on the board shall not impair the right of the remaining members of the board to perform all duties and exercise the authority therein vested in the board. The Governor may remove a member for cause.

9532. The board shall enforce and administer the provisions of this chapter subject to the powers conferred upon the director by this code. The board shall have power to employ an executive secretary and such other administrative, technical and clerical employees as may be reasonably necessary for the administration of this chapter. The board shall elect officers, providing the office of president shall be for a term not to exceed one year and no member shall succeed himself as president of the board. The board shall adopt and use a common seal for the authentication of its orders and records. ^{Powers of board}

9533. The board shall establish rules and regulations governing the conduct of the industry, including plant owners, shop owners and agencies, and prescribe the qualifications for all applicants for registration certificates, to be issued to persons in the industry. In the foregoing classifications, examiners ^{Rules, etc} shall be appointed for each branch of the industry, and named. Such examiners shall have been for a period of at least five (5) years immediately preceding their appointment actively engaged in that branch of the industry which they represent. Applicants for registration certificates shall be examined by examiners representing that branch of the industry in which the applicant is engaged. ^{Examiners}

9534. The principal office of the board shall be located at Sacramento. The board shall establish branch offices at San Francisco and Los Angeles. Any investigation, inquiry or hearing which the board has power to undertake or hold may be undertaken by, or held before, any member thereof or any referee appointed by the board for that purpose, and every finding, order or decision made by any board member or referee pursuant to such investigation, hearing or inquiry, when ^{offices} ^{Investigations, etc}

approved and confirmed by the board and ordered filed in its office, shall be deemed to be the final order or decision of the board. The board may perform such other acts as are necessary and convenient for the carrying out of the provisions of this chapter.

Article 3. Licenses

License
required

9540. No person shall establish or operate a clothes cleaning establishment, a cleaning and/or dyeing shop or store, a spotting, sponging or pressing establishment, or an agency of any of the foregoing, or a school or college of cleaning and/or dyeing, spotting or pressing, without first obtaining a license so to do from the board. Before a license may be issued, such person shall file at the board's principal office, a written application, upon a form prescribed by the board, accompanied by the fee prescribed by this chapter for an investigation and examination. The applicant shall submit with his application, evidence showing that:

Application

1. He possesses competent knowledge of the particular branch of the industry in which he wishes to engage.

2. He has the character, ability and fitness therefor.

Reexami-
nation

9541. Any applicant who fails to pass the investigation and examination shall be eligible to apply for reexamination at the expiration of 45 days after notification of his failure to pass the examination. Each license shall contain the following:

Contents of
license

1. The name of the licensee.

2. If the licensee is a plant, shop, store or pressing establishment or any agency therefor, or a private school or college and which is or will be operated under a fictitious firm name, such fictitious firm name and the name of each individual owner interested therein shall appear on the license.

3. Designation of the street and number of the premises in or upon which the licensee is or will be located.

License
required

9542. No person shall establish or operate any clothes cleaning and/or dyeing plant, shop, store or pressing establishment or agency therefor, or private school or college therefor, without having a license so to do issued to him under this chapter.

License
without
examination

9543. The owner or operator of a cleaning and/or dyeing plant, shop, store or pressing establishment or agency therefor, or private school or college, therefor, who at the effective date of this chapter was so engaged, shall obtain an original license without examination or investigation upon application therefor and payment of the fee prescribed by this chapter.

Article 4. Registration

Registered
operator

9550. No person shall conduct, maintain or operate a clothes cleaning establishment, a cleaning and dyeing shop or store, a spotting, sponging or pressing establishment, or a school or college of cleaning, spotting or pressing, unless there is an operator, having a valid registration certificate in charge of such establishment at all times when any of the processes of cleaning, spotting or pressing is being done.

9551. Every person who desires to obtain a certificate of registration shall first apply to the board, upon a form prepared by the latter, for an investigation and examination. The application shall be accompanied by the examination fee prescribed by this chapter. Application

9552. Every person who, on the date this chapter becomes effective, is actually engaged as the owner or manager of a clothes cleaning establishment, a cleaning and dyeing shop, or a spotting, sponging or pressing establishment, shall be granted a registration certificate without an examination if application for such certificate is filed with the board within 90 days after such date. Existing owners, etc

9553. Every registration certificate shall expire on September 30th of each year and unless renewed within 90 days shall be declared invalid. Expiration of certificate

An applicant shall be eligible for reexamination only upon filing a new application and payment of the prescribed fee.

9554. Any applicant who fails to pass the investigation and examination shall be eligible to apply for reexamination at the expiration of 45 days after notification of his failure upon filing a new application and payment of the prescribed fee. Reexamination

9555. Persons serving in the armed forces of the United States or any of the United Nations on the effective date of this chapter shall be issued a certificate of registration under this chapter by the payment of the registration fee without examination if they register within a period of twelve (12) months from the time such person is discharged, other than dishonorably, from such service, or is retired, or relieved from active duty, whichever occurs first. Persons in military service

Article 5. Minimum Price Schedules

9560. For the purpose of this article the board shall have all the powers of the head of a department under the Political Code, Section 353. Powers of board

9561. Any member of the board or any employee of the board designated by the board for that purpose, shall at all reasonable hours have access to all places where cleaning, dyeing or pressing is being carried on for the purpose of administering this article. Access to establishments

9562. The practice and procedure of the board with respect to any investigation of the board under this article shall be in accordance with rules adopted by the board. Such rules shall provide for a 30-day notice to all persons likely to be affected by orders to be made by the board after such investigation, and for publication in a newspaper of general circulation for the information of the public for opportunity to be heard either in person or by counsel, and for opportunity to introduce testimony in their behalf at a public hearing to be held for that purpose. Practice and procedure

9563. The board may establish minimum price schedules for the various items of cleaning, dyeing and pressing services for any city or county or other area as may be determined by Minimum price schedules

the board upon the filing of a petition with it, requesting a minimum price schedule for that city or county or other area signed by seventy-five per cent (75%) or more of the persons engaged in the industry in that city or county or other area

Petition

9564. Upon receipt of a petition under this article the board shall investigate and ascertain those minimum prices which will enable cleaners, dyers, or pressers in that city or county or other area to furnish modern, proper, healthful and sanitary services, using modern appliances and equipment so as to minimize the danger to public health and safety incident to such services.

In establishing minimum price schedules, the board shall consider all conditions affecting the business of cleaning, dyeing and pressing in that city, county or other area and the relation of those conditions to the public health, welfare and safety.

Cost survey

9565. Before the board shall establish minimum price schedules pursuant hereto in any city, county or other area, the board shall cause to be conducted in such city, county, or other area a cost survey as contemplated under Division 7, Part 2, Chapter 4 of this code, to determine the cost of the various items of cleaning, dyeing and pressing service for which minimum price schedules shall be established, and in establishing such minimum price schedules the board shall not fix a price for any service at a sum less than that which is shown to be the cost price of such service in the cost survey which shall be conducted in the city, county or other area for which such price is established.

Established schedule

Such minimum price schedules, when established, shall be applicable to and be equally binding upon all persons whomsoever who shall transact or attempt to transact, in whole or in part, within the boundaries of any city, county or other area for which minimum price schedules may be established, any or part of any business herein defined, regulated or controlled, subject to the provisions hereof.

The fact that any such person shall have his principal place of business without the boundaries of any such city, county or other area for which minimum price schedules may be established, or shall have no place of business within such city, county or other area, or shall be partly or principally engaged in any other business shall not exclude such person from the operation thereof.

Establishment of schedule

9566. At the conclusion of an investigation therefor, the board may establish a reasonable and just minimum price schedule conforming to the requirements of this article. If the board, after investigations made either upon its own initiative or upon the complaint of fifty-one per cent (51%) or more of the cleaners and/or dyers and/or pressers in the city or county or other area for which the minimum price schedule is established, determine that the minimum price so established or any of them are insufficient properly to provide healthful and proper services to the public and to maintain a clean, healthful, safe and sanitary cleaning, dyeing or pressing establishment, or

that any minimum price set creates an undue hardship on any licensee under this act, the board may vary or fix anew a minimum price for any cleaning, dyeing or pressing service in that city, county or other area.

9567. Any person who violates a minimum price schedule established by the board may be enjoined by a court of competent jurisdiction upon the petition of the board. Violation of price schedule

Article 6. Revenue

9575. All funds collected pursuant to this chapter shall be transmitted to the State Treasurer for deposit in the State treasury and shall be credited to the Cleaners' Fund which fund is hereby created. The Cleaners' Fund is appropriated as follows: Cleaners' Fund
Appropriation

(1) An amount equal to seventy-five per cent (75%) of all fees collected and deposited in said fund, up to a maximum of sixty thousand dollars (\$60,000) for any fiscal year, shall be transferred by the Controller and deposited in the State Fire Marshal's Fund or, if the State Fire Marshal's Fund is abolished, in any other fund from which appropriations are made for the support of the office of the State Fire Marshal.

(2) All of the balance of said fund shall be available for expenditure for the support of the State Board of Cleaners.

9576. On the date this chapter becomes effective twenty-five per cent (25%) of all funds in the State treasury standing to the credit of the State Fire Marshal shall be credited to the Cleaners' Fund. Transfer to Cleaners' Fund

9577. Title to and possession of all examination equipment now in possession of the State Fire Marshal shall be transferred to the State Board of Cleaners. Examination equipment

Article 7. Schedule of Fees

9580. The amount of the fees prescribed by this chapter is that fixed by the following schedule: Schedule of fees

(a) An application for examination is ten dollars (\$10).

(b) The annual license fee for a wholesale or retail cleaning establishment or plant is fifty dollars (\$50), but may be reduced during any licensing period to a sum not less than thirty dollars (\$30).

(c) The annual license fee for each private pressing school or college is two hundred fifty dollars (\$250).

(d) The annual license fee for a "cleaning and dyeing shop or store," a "spotting, sponging, or pressing establishment," agency, hat renovator or fur cleaner is eight dollars (\$8), but may be reduced by the board during any licensing period to an amount not less than five dollars (\$5).

(e) The annual fee required of all employers and shop owners for a certificate of registration is two dollars (\$2).

(f) The fee for a duplicate license or certificate of registration is one dollar (\$1).

Expiration of license: 9581. All licenses issued under the provisions of this chapter shall expire on September 30th of each year, and shall be renewed on or prior to October 1st of each year. If each such license is not renewed on or before October 31st of each year, the following penalties shall attach:

(a) Fifty per cent (50%) of the annual renewal fee shall be added to and become a part of the fee due upon renewal of such license; and (b) such license shall automatically be forfeited and may subsequently be renewed only in accordance with Article 3 of this chapter.

Same: 9582. On the effective date of this chapter all licenses issued under the provisions of Chapter 2, Part 2, Division 12 of the Health and Safety Code shall expire and thereafter shall be of no force or effect.

Article 3. Penal Provisions

Violations of chapter: 9590. Unless otherwise expressly provided, any violation of this chapter is a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200). Seventy-five per cent (75%) of all fines collected shall be credited to the Cleaners' Fund.

Separate violations: 9591. Each day's violation of a minimum price schedule established by the board under this chapter constitutes a separate violation of this chapter.

Perjury: 9592. The wilful making of any false statement as to a material matter in any oath or affidavit, which is required by the provisions of this chapter, constitutes perjury and is punishable as provided in the Penal Code.

Fraudulent obtaining of license, etc: 9593. Obtaining or attempting to obtain a certificate of registration or license for money other than the required fee or any other thing of value, or by fraudulent misrepresentation is unlawful.

Revocation of license: 9594. The board may, upon 10 days' written notice to the holder of a license or registration certificate, stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, suspend or revoke any license or registration certificate under this chapter for any of the following reasons:

1. If the holder thereof has failed to comply with any written demand, ruling or regulation of the board made pursuant to and within the authority of this chapter.

2. If any fact or condition exists, which if the same had existed at the time of the original application, would have warranted a refusal of such license or registration certificate.

3. If the holder thereof has failed to pay the annual fee prescribed by this chapter.

4. The board shall have power to suspend or revoke any license should the holder thereof fail to comply with the provisions of the Health and Safety Code applicable to the cleaning and dyeing industry, or rules or regulations made pursuant thereto. Upon certification by the State Fire Marshal that such a violation has occurred, the board shall make an order

directed to the holder of such license to show cause why his license should not be suspended or revoked, and upon full investigation of the facts, with the holder of such license having the right to be heard in person or through counsel, the board shall take appropriate action.

Any decision of the board, denying, suspending or revoking any license or certificate of registration pursuant to this chapter is subject to review in accordance with law.

9595. If Chapter 5, relating to administrative procedure, is added to Part 1 of Division 3 of Title 2 of the Government Code at the Fifty-sixth Regular Session of the Legislature, proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of said Chapter 5, and the board shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail. Procedure
Stats. 1945,
Ch 867

9596. Private schools or colleges shall be prohibited from cleaning, dyeing or pressing garments belonging to members of the general public for any monetary consideration or other thing of value. Private
schools or
colleges

9597. The holder of any license or registration certificate shall submit it for inspection upon the request of the board or an employee thereof or of the State Fire Marshal or any Deputy State Fire Marshal. Inspection
of license

SEC. 2. Sections 13313 to 13324, inclusive; Sections 13600 to 13608, inclusive; Section 13610; Sections 13612 to 13616, inclusive; Sections 13650 to 13652, inclusive; Sections 13654 to 13657, inclusive; Sections 13675 to 13677, inclusive, of the Health and Safety Code are, and each of them is, hereby repealed. Repeals

CHAPTER 1518

An act to add Chapter 5.5 to Division 2 of the Education Code, relating to the recall of members of governing boards of school districts.

[Approved by Governor July 19, 1945. Filed with Secretary of State July 19, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 is added to Division 2 of the Education Code, to read:

CHAPTER 5.5. RECALL

2151. A member of any elective governing board of a school district who has held office at least six months, may be recalled at any time by the voters, by following the recall procedure set forth in this chapter. This chapter shall not, how- Recall of
member of
elective
governing
board

ever, apply in the case of any member of any board of education of a city the charter, if any, of which provides for the recall of members of such board.

Petition 2152. A petition demanding the election of a successor to the person sought to be recalled shall be filed with the county clerk. The petition shall be signed by voters equal in number to at least 20 per cent of the electors of the district. The petition shall contain a statement of the grounds on which the recall is sought, for the information of the voters. Any insufficiency of form or substance in this statement shall not affect the validity of the election and proceedings held thereunder.

Signatures 2153. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. Each separate paper shall have attached to it an affidavit made by a voter of the school district. The affidavit shall state that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant:

Contents (a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the district.

Date of signature 2154. Petitions demanding the recall of a member of the governing board of a school district shall indicate the date of each signature thereon.

Invalid petition No such petition is valid for the purpose for which it was circulated after the expiration of six months from the date the first signature was affixed thereto, unless it has been filed in accordance with the provisions of this chapter.

Examination of petition by county clerk 2155. Within 10 days from the date of filing the petition, the county clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition bearing additional signatures, may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that all the signatures to the petition are still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

Special election 2156. If the petition, together with supplementary petitions, if any, is found to be sufficient, the county clerk shall submit it to the county superintendent of schools having jurisdiction over the district without delay. The county superintendent of schools shall at once order a special election to be

held within not less than 35 nor more than 40 days after the date of the order, to determine whether the voters will recall the officer. If a regular election for the election of members of the governing board of the district is to occur not less than 35 nor more than 60 days from the date of the order calling the special election, the county superintendent of schools may, in his discretion, order the holding of the special election at the time the regular election is held.

2157. If a vacancy occurs in the office after a recall petition is filed, the election shall nevertheless proceed as provided in this article. Vacancy
after
recall

2158. One election is sufficient for the recall and election of one or more members of the governing board of a school district, but a separate petition is necessary to propose the recall of each member. Recall of
one or more
members

2159. Any qualified person may become a candidate for election at a recall election in the same manner as a qualified person may become a candidate at a regular election. Candidates

2160. Upon the sample ballot there shall be printed in not more than 200 words, the reasons set forth in the recall petition for demanding the recall of the member. Upon the same ballot in not more than 200 words, the member may justify his course in office. Statements
on sample
ballot

2161. There shall be printed on the recall ballot, as to every member whose recall is to be voted on at the election, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (+), his vote for or against the recall. Ballot
Contents

2162. On the recall ballots, under each question, there shall be printed the name of those persons who have become candidates in the manner provided by this code for such office as candidates to succeed the incumbent if he is recalled from office by the recall election. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. Same

2163. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "No," the incumbent shall continue in office. If a majority vote "Yes," the incumbent shall be deemed recalled from office, upon the qualification of his successor. Majority
vote

2164. The board of supervisors shall canvass all votes for candidates for the office and declare the result as in a regular election. If the vote recalls the member, the candidate who has received the highest number of votes for the office shall be declared elected, for the remainder of the term. If the person who received the highest number of votes fails to qualify within Canvass
of votes

10 days after receiving the certificate of election, the office shall become vacant and shall be filled according to law.

Cost of recall

2165. The cost of any recall election held under this chapter shall be borne by the school district in which such election is held.

CHAPTER 1519

An act relating to the purchase of sites, construction of buildings, improvement of grounds and purchase of equipment for two State cerebral palsy schools and making an appropriation therefor.

In effect September 15, 1945

[Approved by Governor July 19, 1945. Filed with Secretary of State July 19, 1945.]

The people of the State of California do enact as follows:

Appropriation Cerebral palsy schools

SECTION 1. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of four hundred thousand dollars (\$400,000) to the Department of Education to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the department for the purchase of sites, construction of buildings, improvement of grounds and purchase of equipment for two cerebral palsy schools to be operated and maintained in conjunction with a cerebral palsy diagnostic and treatment center to be operated by The Regents of the University of California in connection with the cerebral palsy school to be established in northern California and in conjunction with a cerebral palsy diagnostic and treatment center to be operated by the governing board of a public or private medical school of a university or hospital in southern California under a contract with the State Department of Education.

Jurisdiction of program

SEC. 2. That portion of the program of the State for the diagnosis, treatment and education of those afflicted with cerebral palsy in northern California set forth in this act shall be under the joint jurisdiction of The Regents of the University of California and the State Board of Education. such jurisdiction to be exercised in such manner and under such conditions as may be mutually agreed upon by the two agencies.

Same

SEC. 3. That portion of the program of the State for the diagnosis, treatment and education of those afflicted with cerebral palsy in southern California set forth in this act shall be under the jurisdiction of the State Board of Education.

CHAPTER 1520

An act making an appropriation for services for physically handicapped children suffering from cerebral palsy, to take effect immediately.

[Approved by Governor July 19, 1945 Filed with Secretary of State July 19, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Out of unappropriated moneys in the State treasury, the sum of eighty thousand dollars (\$80,000) is appropriated, to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years by the State Department of Public Health in accordance with the provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code for services, as in said article defined, for physically handicapped children suffering from cerebral palsy.

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall take effect immediately.

CHAPTER 1521

An act making an appropriation for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools, to take effect immediately.

[Approved by Governor July 19, 1945 Filed with Secretary of State July 19, 1945.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Out of unappropriated moneys in the State treasury, the sum of forty thousand dollars (\$40,000) is appropriated, to be expended in accordance with law during the Ninety-seventh and Ninety-eighth Fiscal Years by the State Department of Education for coordination of the education of physically handicapped minors in the public schools and in cerebral palsy schools.

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall take effect immediately.

CHAPTER 1522

Stats 1925, p. 648, amended. *An act to amend Section 11 of, and to add Sections 11d and 22.2 to, the Municipal Court Act of 1925, relative to municipal courts and attaches thereof.*

In effect September 15, 1945. [Approved by Governor July 20, 1945 Filed with Secretary of State July 20, 1945]

The people of the State of California do enact as follows:

Stats 1925, Ch. 544. SECTION 1. Section 11 of the Municipal Court Act of 1925 is amended to read:

Personnel and salaries in cities of 2^d class. Sec. 11. The municipal court in a city or city and county of the second and three-fourths class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

(a) There shall be two judges, each of whom shall receive ten thousand dollars (\$10,000) per annum, payable in equal monthly installments;

(b) There shall be one clerk, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred seventy-three dollars (\$273) monthly, with annual increments of fifteen dollars (\$15), fifteen dollars (\$15), sixteen dollars (\$16), and eighteen dollars (\$18), to a maximum of three hundred thirty-seven dollars (\$337) monthly;

(c) The clerk may appoint the following:

One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred ninety dollars (\$190) monthly, with annual increments of ten dollars (\$10), eleven dollars (\$11), ten dollars (\$10) and twelve dollars (\$12), to a maximum of two hundred thirty-three dollars (\$233) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred fifty-seven dollars (\$157) monthly, with annual increments of eight dollars (\$8), eight dollars (\$8), eight dollars (\$8) and nine dollars (\$9), to a maximum of one hundred ninety dollars (\$190) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred forty-three dollars (\$143) monthly, with annual increments of seven dollars (\$7), seven dollars (\$7), eight dollars (\$8) and eight dollars (\$8), to a maximum of one hundred seventy-three dollars (\$173) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred twenty-five dollars (\$125) monthly, with annual increments of six dollars (\$6), six dollars (\$6), six dollars (\$6) and seven dollars (\$7), to a maximum of one hundred fifty dollars (\$150) monthly.

(d) There shall be one marshal, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred eighty-eight dollars (\$288) monthly, with annual increments of fifteen dollars (\$15), sixteen dollars (\$16), eighteen dollars (\$18) and eighteen dollars (\$18), to a maximum of three hundred fifty-five dollars (\$355) monthly;

The marshal may appoint the following:

One chief deputy marshal, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of two hundred dollars (\$200) monthly, with annual increments of eleven dollars (\$11), ten dollars (\$10), twelve dollars (\$12) and thirteen dollars (\$13), to a maximum of two hundred forty-six dollars (\$246) monthly;

One deputy marshal, who shall receive a minimum salary of one hundred seventy-three dollars (\$173) monthly, with annual increments of eight dollars (\$8), nine dollars (\$9), ten dollars (\$10) and eleven dollars (\$11), to a maximum of two hundred eleven dollars (\$211) monthly;

Ten deputies (custodians) at the fee allowed by law for keeping property. The deputy marshals serving as custodians shall be paid only for their actual service as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Persons employed in the service on the effective date of this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up to the maximum rate set. Changes of title created in establishing the municipal court shall not detract from said years of prior service.

Sec. 2. Section 11d is added to said act, to read:

Sec. 11d. The municipal court in a city or city and county of the fifth class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

New section
Personnel
and salaries
in city of
5th class

(a) There shall be two judges, each of whom shall receive ten thousand dollars (\$10,000) per annum, payable in equal monthly installments;

(b) There shall be one clerk, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred seventy-three dollars (\$273) monthly, with annual increments of fifteen dollars (\$15), fifteen dollars (\$15), sixteen dollars (\$16) and eighteen dollars (\$18), to a maximum of three hundred thirty-seven dollars (\$337) monthly;

(c) The clerk may appoint the following:

One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen

dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred ninety dollars (\$190) monthly, with annual increments of ten dollars (\$10), eleven dollars (\$11), ten dollars (\$10) and twelve dollars (\$12), to a maximum of two hundred thirty-three dollars (\$233) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred fifty-seven dollars (\$157) monthly, with annual increments of eight dollars (\$8), eight dollars (\$8), eight dollars (\$8), and nine dollars (\$9), to a maximum of one hundred ninety dollars (\$190) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of one hundred forty-three dollars (\$143) monthly, with annual increments of seven dollars (\$7), seven dollars (\$7), eight dollars (\$8) and eight dollars (\$8), to a maximum of one hundred seventy-three dollars (\$173) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of one hundred twenty-five dollars (\$125) monthly, with annual increments of six dollars (\$6), six dollars (\$6), six dollars (\$6) and seven dollars (\$7), to a maximum of one hundred fifty dollars (\$150) monthly.

(d) There shall be one marshal, to be appointed by the judges of the court, who shall receive a minimum salary of two hundred eighty-eight dollars (\$288) monthly, with annual increments of fifteen dollars (\$15), sixteen dollars (\$16), eighteen dollars (\$18) and eighteen dollars (\$18), to a maximum of three hundred fifty-five dollars (\$355) monthly;

(e) The marshal may appoint the following:

One chief deputy marshal, who shall receive a minimum salary of two hundred twenty-one dollars (\$221) monthly, with annual increments of twelve dollars (\$12), thirteen dollars (\$13), thirteen dollars (\$13) and fourteen dollars (\$14), to a maximum of two hundred seventy-three dollars (\$273) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of two hundred dollars (\$200) monthly, with annual increments of eleven dollars (\$11), ten dollars (\$10), twelve dollars (\$12) and thirteen dollars (\$13), to a maximum of two hundred forty-six dollars (\$246) monthly;

One deputy marshal, who shall receive a minimum salary of one hundred seventy-three dollars (\$173) monthly, with annual increments of eight dollars (\$8), nine dollars (\$9), ten dollars (\$10) and eleven dollars (\$11), to a maximum of two hundred eleven dollars (\$211) monthly;

Ten deputies (custodians) at the fee allowed by law for keeping property. The deputy marshals serving as custodians shall be paid only for their actual service as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Persons employed in the service on the effective date of this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's

department of constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up to the maximum rate set. Changes of title created in establishing the municipal court shall not detract from said years of prior service.

SEC. 3. Section 22.2 is added to the said act, to read:

New section

Sec. 22.2. Except as herein otherwise provided, the marshals, assistants and deputies of municipal courts, excepting those designated herein as custodians, shall be allowed, in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses to be allowed at the rate per mile fixed by the county board of supervisors for the operation of automobiles actually used in performance of their business on public duty or to pay for such other mode of transportation as they may adopt.

Expenses
and mileage

CHAPTER 1523

An act to add Section 82.5 to the State Civil Service Act, and to add Section 18954 to the Government Code, relating to promotional examinations for members of the California Highway Patrol.

Stats 1935,
p 2085,
amended

[Approved by Governor July 20, 1945. Filed with Secretary of State July 20, 1945.]

In effect
September
15, 1945

The people of the State of California do enact as follows:

SECTION 1. Section 82.5 is added to the State Civil Service Act, to read:

New section

82.5. In any promotional examinations for positions in the California Highway Patrol, there shall be allowed to each competitor an additional credit for merit, efficiency and fitness of one-quarter of a point for each year which he has served in the grade next lower than that for which the examination is given.

Promotional
examina-
tions in
California
Highway
Patrol

SEC. 2. Section 18954 is added to the Government Code, to read:

18954. In any promotional examinations for positions in the California Highway Patrol, there shall be allowed to each competitor an additional credit for merit, efficiency and fitness of one-quarter of a point for each year which he has served in the grade next lower than that for which the examination is given.

Same

SEC. 3. Section 2 of this act becomes operative only if Division 5 of Title 2 of the Government Code is enacted by the Legislature at its Fifty-sixth Regular Session, and in such case, at the same time as said Division 5 takes effect; at which time Section 82.5 of the State Civil Service Act, added by this act, is repealed.

Effect

Stats 1945,
Ch 123

CHAPTER 1524

An act to add Chapter 10.5 to Title 9 of Part 1 of the Penal Code, relating to horse racing and touting and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 20, 1945 Filed with Secretary of State July 20, 1945]

The people of the State of California do enact as follows:

SECTION 2. Chapter 10.5 is added to Title 9 of Part 1 of the Penal Code, to read:

CHAPTER 10.5. HORSE RACING

Touting

337.1. Any person, who knowingly and designedly by false representation attempts to, or does persuade, procure or cause another person to wager on a horse in a race to be run in this State or elsewhere, and upon which money is wagered in this State, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting.

Penalty for touting

337.2. Any person who is a tout, or who attempts or conspires to commit touting, is guilty of a misdemeanor and is punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. For a second offense in this State, he shall be imprisoned.

Unauthorized use of name of official, etc

337.3. Any person who in the commission of touting falsely uses the name of any official of the California Horse Racing Board, its inspectors or attaches, or of any official of any race track association, or the names of any owner, trainer, jockey or other person licensed by the California Horse Racing Board as the source of any information or purported information is guilty of a felony and is punishable by a fine of not more than five thousand dollars (\$5,000) or by imprisonment in the State prison for a term of not less than one nor more than five years, or by both such fine and imprisonment.

Tout obtaining more than \$200

337.4. Any person who in the commission of touting obtains money in excess of two hundred dollars (\$200) may, in addition to being prosecuted for the violation of any provision of this chapter, be prosecuted for the violation of Section 487 of this code.

Exclusion from race tracks

337.5. Any person who has been convicted of touting, and the record of whose conviction on such charge is on file in the office of the California Horse Racing Board or in the Criminal Record Bureau of the State or of the Federal Bureau of Investigation, or any person who has been ejected from any race track of this or any other State for touting or practices inimical to the public interest shall be excluded from all race tracks in this State. Any such person who refuses to leave such track when ordered to do so by inspectors of the California Horse Racing Board, or

by any peace officer, or by an accredited attache of a race track or association is guilty of a misdemeanor.

337.6. Any credential or license issued by the California Horse Racing Board to licensees, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a race track, shall be automatically revoked whether so used on or off a race track.

Revocation
of
credential,
etc

337.7. Any person other than the lawful holder thereof who has in his possession any credential or license issued by the California Horse Racing Board to licensees and any person who has a forged or simulated credential or license of said board in his possession, and who uses such credential or license for the purpose of misrepresentation, fraud or touting is guilty of a felony and shall be punished by a fine of five thousand dollars (\$5,000) or by imprisonment in the State prison for not less than one year nor more than five years, or by both such fine and imprisonment. If he has previously been convicted of any offense under this chapter, he shall be imprisoned.

Unauthor-
ized
possession
of creden-
tial, etc

337.8. Any person who uses any credential, other than a credential or license issued by the California Horse Racing Board, for the purpose of touting is guilty of touting, and if the credential has been forged shall be imprisoned as provided in this chapter, whether the offense was committed on or off a race track.

Use of
credential,
etc

337.9. The secretary and chief investigator of the California Horse Racing Board shall coordinate a policy for the enforcement of this chapter with all other enforcement bureaus in the State in order to insure prosecution of all persons who commit any offense against the horse racing laws of this State. For such purposes the secretary and chief investigator are peace officers and have all the powers thereof.

Enforcement
of chapter

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: There is now no statute prohibiting touting as defined herein, which fact has been widely utilized by unscrupulous and vicious persons to mulct numerous persons of large sums of money. This widespread imposition on the citizens of this State has also served to undermine the confidence of the public in the sport of horse racing and is doing great harm to it. This bill is designed to curb said practices and to prevent the influx of touts from out-of-State.

Urgency

CHAPTER 1525

An act to add Section 20154 to the Education Code, relating to Hastings College of the Law.

In effect
September
15, 1945

[Approved by Governor July 20, 1945. Filed with Secretary of State
July 20, 1945.]

The people of the State of California do enact as follows:

SECTION 1. Section 20154 is added to the Education Code, to read:

Courses
conducted
at
Sacramento

20154. All courses conducted by the college at Sacramento shall be deemed to be given at the site of the college in San Francisco.

CHAPTER 1526

An act making an appropriation to The Regents of the University of California for expenditure for the Agricultural Extension Division of the College of Agriculture of said university.

In effect
September
15, 1945

[Approved by Governor July 20, 1945. Filed with Secretary of State
July 20, 1945.]

The people of the State of California do enact as follows:

Appropriation
University
of
California,
Agricultural
Extension
Division

SECTION 1. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of one hundred twenty-four thousand four hundred dollars (\$124,400) to The Regents of the University of California to be expended during the Ninety-seventh and Ninety-eighth Fiscal Years for the augmentation of the staff and services of the Agricultural Extension Division of the College of Agriculture of the University of California in order to provide additional assistance to farmers.

CHAPTER 1527

An act making an appropriation to pay the claim of the Secretary of the State Board of Control against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by Governor July 20, 1945. Filed with Secretary of State July 20, 1945] In effect immediately

I object to the item of \$315,719.43 in Section 1 of Assembly Bill 1400 and reduce the amount to \$248,054.55. With this reduction I approve the bill.

It is my intention to reduce, and I hereby reduce, the sources from which the total sum is to be paid, as follows:

Out of any money in the State treasury not otherwise appropriated, from \$115,551.79 to \$51,700.71;

Out of any money in the Agricultural Society Contingent Fund in the State treasury, from \$1,618.62 to \$68.62;

Out of any money in the State Highway Fund in the State treasury, from \$5,110.98 to \$4,110.98;

Out of any money in the State Colleges Summer Session Fund in the State treasury, from \$1,115.00 to nothing;

Out of any money in the Unemployment Administration Fund in the State treasury, from \$1,833.02 to \$1,684.22.

EARL WARREN
Governor

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred fifteen thousand seven hundred nineteen dollars and forty-three cents (\$315,719.43) is hereby appropriated to be paid as hereinafter described, to pay the claim of the Secretary of the State Board of Control against the State of California. Appropriation Claim of Secretary of State Board of Control

SEC. 2. The sum of three hundred fifteen thousand seven hundred nineteen dollars and forty-three cents (\$315,719.43) shall be paid as follows: One hundred fifteen thousand five hundred fifty-one dollars and seventy-nine cents (\$115,551.79) out of any money in the State treasury not otherwise appropriated; one thousand six hundred eighteen dollars and sixty-two cents (\$1,618.62) out of any money in the State Agricultural Society Contingent Fund in the State treasury; seven hundred eighty-seven dollars and fifty cents (\$787.50) out of any money in the Alcoholic Beverage Control Fund in the State treasury; forty dollars and sixty-seven cents (\$40.67) out of any money in the Banking Fund in the State treasury; thirty-three cents (\$0.33) out of any money in the Building and Loan Inspection Fund in the State treasury; forty-five dollars (\$45) out of any money in the Estates of Deceased Persons Fund in the State treasury; nine hundred seventy-eight dollars and twenty-seven cents (\$978.27) out of any money in the Fish and Game Preservation Fund in the State treasury; five thousand one hundred ten dollars and ninety-eight cents (\$5,110.98) out of any money in the State Highway Fund in the State treasury; one hundred three dollars and thirty-five cents (\$103.35) out of any money in the Insurance Fund in the State treasury; twenty-four dollars (\$24) out of any money in the State Lands Act Fund in the State treasury; three thousand four hundred eighteen dollars and eighty-four cents (\$3,418.84) out of any money in the Sources of funds

Motor Vehicle Fuel Fund in the State treasury; three hundred two dollars and seventy-one cents (\$302.71) out of any money in the Motor Vehicle Support Fund in the State treasury; eight thousand dollars (\$8,000) out of any money in the State Park Fund in the State treasury; one hundred seventy-six dollars and fifty-one cents (\$176.51) out of any money in the Personal Income Tax Fund in the State treasury; sixty-four dollars and eighty cents (\$64.80) out of any money in the State Printing Fund in the State treasury; three hundred twenty-one dollars and eighty-one cents (\$321.81) out of any money in the Public Health Fund in the State treasury; one hundred nineteen dollars and twelve cents (\$119.12) out of any money in the Purchases Revolving Fund in the State treasury; twenty-six dollars and eighty-three cents (\$26.83) out of any money in the Real Estate Fund in the State treasury; one hundred thirty-eight thousand two hundred eleven dollars and sixteen cents (\$138,211.16) out of any money in the Retail Sales Tax Fund in the State treasury; thirty-five thousand five hundred thirty-three dollars and eighty-four cents (\$35,533.84) out of any money in the San Francisco Harbor Improvement Fund in the State treasury; two hundred nineteen dollars and fifty-eight cents (\$219.58) out of any money in the State School Fund in the State treasury; one thousand nine hundred thirty-two dollars and fifty-two cents (\$1,932.52) out of any money in the School Land Fund in the State treasury; fifty-eight dollars and ninety-three cents (\$58.93) out of any money in the Service Revolving Fund in the State treasury; four dollars (\$4) out of any money in the Social Welfare Fund in the State treasury; one thousand one hundred fifteen dollars (\$1,115) out of any money in the State Colleges Summer Session Fund in the State treasury; ninety dollars (\$90) out of any money in the Teachers' Retirement Disbursement Fund in the State treasury; thirty dollars and twenty-five cents (\$30.25) out of any money in the Transportation Rate Fund in the State treasury; one thousand eight hundred thirty-three dollars and two cents (\$1,833.02) out of any money in the Unemployment Administration Fund in the State treasury.

Current
expenses

SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall, under the provisions of Section 1 of Article IV of the Constitution take effect immediately.

CONCURRENT AND JOINT RESOLU-
TIONS AND CONSTITUTIONAL
AMENDMENTS

FIFTY-SIXTH SESSION OF THE LEGISLATURE

1945

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE FIFTY-SIXTH SESSION OF THE
LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 3—Relative to the memory of Alden Anderson.

[Filed with Secretary of State January 11, 1945]

WHEREAS, Eternal rest came on September 25, 1944, to Alden ^{Death of} Anderson, public servant, banker, business executive and sports- ^{Alden} man; and ^{Anderson}

WHEREAS, Alden Anderson was born in Meadville, Pennsylvania, while his parents were at their old home on a visit. He grew up and received his education in California. He began to earn his living at an early age, his first occupation being that of an assistant in the fruit business conducted by his father. From 1902 until 1908, he served as vice president of the Capital National Banking and Trust Company of Sacramento. The bank was changed to a National bank in 1911 and Alden Anderson became president. In addition to organizing the Capital National Bank, he helped to organize banks in Red Bluff, Tehama County, and Redding, Shasta County. During 1909 and 1910, he was State Superintendent of Banks; and

WHEREAS, Alden Anderson further served the State. He served three terms as Assemblyman in the Legislature from 1897 to 1903, being elected from Solano County. He was Speaker of the Assembly from 1899 to 1901. In 1902 he was elected Lieutenant Governor of California, was inaugurated January 7, 1903, and served until 1907; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature by this resolution take recognition of the many outstanding achievements of Alden Anderson and express their deepest sympathy to his widow and to his daughter, Mrs. Kenneth Potts of Auburn, Placer County; and that when this Legislature today adjourns, it do so out of respect to the memory of Alden Anderson; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the widow and the daughter of Alden Anderson.

CHAPTER 2

Assembly Concurrent Resolution No. 1—Relative to the memory of Honorable Lee T. Bashore.

[Filed with Secretary of State January 11, 1945]

Death of
Lee T.
Bashore

WHEREAS, The members of the Legislature of the State of California are deeply grieved over the sudden and untimely passing on September 14, 1944, of their colleague, Lee T. Bashore while he was in St. Louis attending the National Tax Conference; and

WHEREAS, Lee T. Bashore, born on a ranch near Covina, California, July 7, 1898, was a member of a pioneer family which had lived on that ranch for more than half a century. He was educated in the Covina schools. For many years, he was an assistant safety supervisor for the Pacific Electric Company and was also a Southern California citrus fruit grower; and

WHEREAS, Lee T. Bashore enlisted in the army in 1918 and served eleven months in France during World War I. Presently, during World War II, his sons, Ensign Lee T. Bashore, Jr., and Pharmacist Mate (second class) Glenn H. Bashore, are serving in the Navy; and

WHEREAS, Lee T. Bashore served on the Glendora city council in the early 1930's. At the 1939 Regular Session of the Legislature, he began his career as a State Assemblyman. His reelection for a fourth term was assured as he won both the Republican and Democratic nominations at the primary in May, 1944. He brought intelligence, honesty, fearlessness, a vast amount of energy, and untiring efforts to his legislative work. He became a leader on taxation and public school financing. At the special session in June, 1944, he was chiefly responsible for the important measure reorganizing the State teachers' retirement system. For this work, his colleagues took the unprecedented action then of voting him special commendation for the efficient way in which he handled the complicated reorganization program. It may truly be said that Lee T. Bashore was one of the most able men in the Legislature and that he has left an indelible imprint in this, his native State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members of the Legislature of the State of California express their regret that there has been lost to the State the splendid services of Lee T. Bashore, and express further their personal sorrow in the loss of an esteemed colleague; and be it further

Resolved, That when the respective houses shall this day adjourn, they shall do so in respect to the memory of Lee T. Bashore; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to have copies of this resolution duly engrossed and presented to the widow and to the sons of Honorable Lee T. Bashore.

CHAPTER 3

Assembly Concurrent Resolution No. 2—Relative to accredited press representatives and the authentication thereof.

[Filed with Secretary of State January 11, 1945]

WHEREAS, Provision has been made in the Joint Rules of the Senate and Assembly, and in Assembly Rules and Senate Rules, for the designation of accredited press representatives to be granted press cards and privileges, and for the assignment of press seats and desks; and

Accredited
press
representatives

WHEREAS, It is deemed advisable that qualified press representatives should share and have a part in the responsibility of authenticating such accredited press representatives; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news, are hereby directed and authorized to appoint a standing committee of their own choosing for the purpose of authenticating accredited press representatives and assignment of press seats and desks in the Assembly and Senate chambers, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules in the manner set forth in the Joint Rules and Rules of the Senate and Assembly.

CHAPTER 4

Assembly Concurrent Resolution No. 4—Approving a certain amendment to the charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1944.

[Filed with Secretary of State January 15, 1945]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of that certain amendment hereinafter set forth, to the Charter of the City of Inglewood, a Municipal Corporation in the County of Los Angeles, State of California, as set forth in the following certificate of the Mayor and the City Clerk of said City, to wit:

City of
Inglewood
Charter
amendments

CERTIFICATE OF MAYOR AND CITY CLERK OF THE
CITY OF INGLEWOOD, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.
CITY OF INGLEWOOD }

Certificate

We, the undersigned, Ernest S. Dixon, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Otto H. Duellke, City Clerk of said City, do hereby certify and declare as follows:

That the City of Inglewood, a Municipal Corporation, in the County of Los Angeles, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3,500 inhabitants, but less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders' charter adopted under and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the 14th day of December, 1926, and was thereafter duly approved by the Legislature of the State of California by Assembly Concurrent Resolution No. 12 adopted by the 47th Session of said Legislature, and now found as Chapter 28 of Concurrent and Joint Resolutions of said Legislature (Statutes of 1927, page 2205) filed with the Secretary of State on the 27th day of January, 1927.

That, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the said City of Inglewood, being the legislative body thereof, on its own motion, by Resolution No. 2581 of said Council, adopted on the 8th day of August, 1944, duly and regularly proposed and submitted to the qualified electors of the said City of Inglewood, a certain proposal for the amendment of the Charter of said City, designated as "Proposed Charter Amendment No. 1", to be submitted to and voted upon by said qualified electors at a special municipal election to be held in said city on the 7th day of November, 1944.

That said election was duly and regularly called, authorized and provided for by said City Council by Ordinance No. 852, adopted on the 15th day of August, 1944, which said ordinance called said special election for the submission of said proposed amendment, to be held in said city on the 7th day of November, 1944, and that by said ordinance the said special election was duly and regularly consolidated with the general State election to be held on said date. That said election was duly and regularly called and held on said 7th day of November, 1944, which day was not less than forty nor more than sixty days after the completion of the publication and advertising of the proposed amendment aforesaid in the official newspaper.

That said proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Inglewood, on the 18th day of September, 1944, in the Inglewood Daily News, a daily newspaper of general circulation published in said City of Inglewood, and the official newspaper of said city, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than 10 point and, until the day fixed for the said election, and as required by Section 8 of Article XI of the said Constitution, and by the Charter of said city, a notice was advertised and published in said Inglewood Daily News that copies of said proposed amendment might be had upon application therefor at the office of the City Clerk of said City of Inglewood.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election.

That a copy of said proposed amendment was mailed to each of the qualified electors of said city.

That in accordance with the provisions of Section 8 of Article XI of the said Constitution, and of the Charter of said City of Inglewood, and said proceedings of the legislative body of said city, there was held in said City of Inglewood on the 7th day of November, 1944, a special election, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said charter and said proceedings, the said proposed charter amendment was submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to the charter of said city hereinafter set forth.

That in accordance with the provisions of the Charter of the City of Inglewood and with the law in such cases made and provided, the Board of Supervisors of the County of Los Angeles caused the Registrar of Voters of said County to canvass, and said Registrar of Voters did duly and regularly canvass the returns of said election, and on the 4th day of December, 1944, did certify the results of said canvass to the City Council of the City of Inglewood, and on the 12th day of December, 1944, the said City Council did duly find, determine and declare the result of said Special Election, as determined from the canvass of the returns therefor aforesaid to be that a majority of the qualified electors of said city voting on said proposed amendment had voted for and ratified said amendment. That the said amendment to the Charter so ratified by the electors of the City of Inglewood is in words and figures as follows:

PROPOSED CHARTER AMENDMENT NO. 1

That Subdivision "FIFTY-EIGHTH" of Section 4 of ARTICLE III, be amended to read as follows:

Adoption of
State
Employees'
Retirement
Act

FIFTY EIGHTH: (a) The "State Employees' Retirement Act", as now amended or as it may hereafter be amended, is hereby adopted for the City of Inglewood, and plenary authority and power is hereby vested in said City, its Council, and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Act, to enable said City to become a contracting city participating in the State Employees' Retirement System; provided, however, that the legislative body of the City may terminate any contract entered into with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City of Inglewood.

Levy and
collection
of taxes

(b) The limitations of subdivision EIGHTY-THIRD of Section 4 of this Article, with respect to the levy and collection of municipal taxes, shall not apply to any tax required to be levied to meet the obligations of the City to the State Employees' Retirement System.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Inglewood to be affixed this 29th day of December, 1944.

ERNEST S. DIXON
Mayor of the City of Inglewood.

OTTO H. DUELKE
City Clerk of the City of Inglewood.

[SEAL]

and

WHEREAS, Said proposed amendment to the charter of the City of Inglewood, ratified by the electors of said City, as aforesaid, has been and is now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendment to the charter of the City of Inglewood, as proposed to, adopted and ratified by the qualified electors of said City of Inglewood, as hereinabove fully set forth, be and the same is

hereby approved as a whole without amendment or alteration, for and as an amendment to, and a part of, the charter of the City of Inglewood.

CHAPTER 5

Assembly Concurrent Resolution No. 8—Approving three certain amendments to the charter of the City of Burbank, State of California, ratified by the electors of said city at a special municipal election held therein on the seventh day of November, 1944.

[Filed with Secretary of State January 15, 1945]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of three certain amendments to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

City of Burbank Charter amendments

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF THREE CERTAIN CHARTER AMENDMENTS.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK }

We, the undersigned, WALTER R. HINTON, President of the Council of the City of Burbank, and ADDIE J. JONES, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

Certificate

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 2584, adopted on August 29, 1944, and Resolution No. 2600, adopted on September 12, 1944, duly proposed to the qualified electors

of the City of Burbank eleven amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12, respectively, and ordered the said eleven charter amendments to be submitted to the qualified electors of said city at a special municipal election to be held in said city on the 7th day of November, 1944; and said City Council by Resolution No. 2589, adopted on the 5th day of September, 1944, found and determined that a certain initiative petition proposing a certain amendment to the charter of said city, designated as Charter Amendment No. 11, had been duly filed with said City Council and that the signatures of the registered electors of said city on said initiative petition had been duly verified and that there were a sufficient number of qualified signatures on said initiative petition to require the submission to the electors of said city of said proposed charter amendment No. 11, and did order that said proposed charter amendment be submitted to the qualified electors of said city at a special municipal election to be held in said city on the 7th day of November, 1944.

That each of said twelve proposed charter amendments was, on September 13, 1944, published and advertised in the Burbank Review, the official newspaper of said city and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and each of said proposed amendments was printed in convenient pamphlet form and in type of not less than 10-point, and copies thereof were mailed to each of the qualified electors of said city, and until the day fixed for the election upon said amendments it was advertised in said newspaper that copies thereof could be had upon application therefor at the office of the city clerk of said city;

That the said City Council did by ordinance designated as Ordinance No. 754, which was duly adopted on October 3rd, 1944, order the holding of a special municipal election in the City of Burbank, on the 7th day of November, 1944, for the purpose of submitting said twelve proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, which said ordinance was duly published in said newspaper in accordance with the provisions of the charter of said city; and that said City Clerk of the City of Burbank did, on October 5th, 1944 and on October 6th, 1944, publish in said newspaper a notice of said election, according to law,

The said special municipal election was held in said City of Burbank on the 7th day of November, 1944, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said twelve proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of said City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, by Resolution No. 2634, adopted on November 13th, 1944, duly declare the result of said special municipal election as determined from the canvass of the returns thereof;

That, as found, determined and declared by said Resolution No. 2634, at said special municipal election said proposed amendments to the Charter of the City of Burbank designated Charter Amendments Numbers 1, 2, 4, 5, 6, 7, 8, 10 and 12, respectively, and each of them, received less than a majority of the votes of the qualified electors voting thereon and said nine charter amendments were not ratified;

That, as found, determined, and declared by said Resolution No. 2634, at said special municipal election said proposed amendments to the Charter of the City of Burbank designated Charter Amendments Numbers 3, 9 and 11, respectively, and each of them, were ratified by a majority of the qualified electors of said city voting thereon;

That the said three amendments to the Charter of the City of Burbank ratified by the Qualified electors thereof, are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 3

All that portion of Section 31, of the Charter of the City of Burbank, from and after the end of subdivision (b) of said section, is hereby amended to read as follows:

“(c) The government of the schools of the City of Burbank, including a whole of the Burbank School District, shall be vested in a Board of Education composed of five persons who shall be elected at large by the electors qualified to vote at the Burbank School District election, and each of said members of the Board of Education shall have been a resident of said district for at least one year and qualified to participate in said election. Board of education

“The members of the Board of Education shall be elected at the general municipal election. Members

“Each member of the Board of Education shall serve for a term of four years from and after the first Monday in May after his election, and until his successor is elected and qualified. At the general municipal election in 1945 two members of the Board of Education shall be elected. At the general municipal election in 1947 three members of the Board of Education shall be elected. At each general municipal election thereafter members of the Board of Education shall be elected to take the place of members whose terms expire in that year. Terms

“The terms of the members elected to the Board of Education in 1940 and 1941 shall expire on the first Monday in May after the general municipal election in 1945. The terms of the members elected to the Board of Education in 1942, 1943 and 1944 shall expire on the first Monday in May after the general municipal election in 1947.

- Vacancy "Any vacancy in the board shall be filled by appointment by a majority of the board, such appointee to hold office for the unexpired term. In the event that three or more vacancies exist in said board at one time, then the County Superintendent of Schools, shall, by appointment, fill all vacancies therein necessary to give said board three members qualified to act. Such appointees shall hold office for the same length of time as appointees of the board.
- City Superintendent of Schools "(d) The Board of Education shall appoint a City Superintendent of Schools. The City Superintendent of Schools shall be the chief executive officer working under the Board of Education, and shall enforce all rules and regulations adopted by the Board.
- Rules, etc "(e) The Board of Education may make rules for governing its own procedure and that of the officials employed by the school district, subject to the general laws of the state.
- Meetings of Board "(f) The meetings of the Board of Education shall be public.
- Powers and duties "(g) The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon and enjoined on Boards of Education in city school districts by the laws of the State of California and such other powers and duties as are herein set forth.
- Compensation of members "(h) Each member of the Board of Education shall receive \$10.00 for each meeting attended, not to exceed \$60.00 per month."

CHARTER AMENDMENT NO. 9

Section 54 of the Charter of the City of Burbank is hereby amended to read as follows:

- Construction contracts "SECTION 54. Every contract, involving an expenditure of more than One Thousand Dollars (\$1,000.00), for the erection or construction of public buildings and works, for street, drainage and sewer work, for the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants, gas mains and generators, improvement and development of parks and playgrounds, and works for protection against overflow, and each separate purchase of materials or supplies for the same where the expenditure required for such purchase shall exceed the sum of One Thousand Dollars (\$1,000.00), shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which shall be at least ten (10) days before the time for opening bids, provided, that the Council may reject any and all bids presented and may readvertise in its discretion. After rejecting the bid or bids, the Council may declare and determine that in its opinion the work in question may be performed more economically or more satisfactorily by the city with its own employees, or that such materials or supplies may be purchased at a lower price, or more advantageously, in the open market, and after the adoption of a resolution to this effect by a four-fifths vote, or if no bid
- Letting of contracts

or bids are received, it may proceed to have said work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this section; and, provided further, that such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the Council to be of urgent necessity, and shall be authorized by a four-fifths vote.

“Nothing in this section shall apply to or prohibit the doing of such work or any portion thereof, by the City, with its own employees without first advertising for bids, where the estimated cost of doing such work does not exceed the sum of Twenty-five Hundred Dollars (\$2500.00).”

Work done by the city

CHARTER AMENDMENT NO. 11

Section 59 of the Charter of the City of Burbank is hereby amended to read as follows:

“EMPLOYEES’ RETIREMENT SYSTEM

“SECTION 59. (a) The “State Employees’ Retirement Act” as now amended or as it may hereafter be amended, is hereby adopted for the City of Burbank, and plenary authority and power is hereby vested in said City, its Council and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Act, to enable said City to become a contracting city participating in the State Employees’ Retirement System; provided, however, that the legislative body of the City may terminate any contract entered into with the Board of Administration of the State Employees’ Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City of Burbank; and further provided that the said contract so entered into shall provide for the participation of all full time employees of the City working under the personnel system and of all full time elective and appointive officers of the City, and the said contract shall give full credit for prior service rendered by the employees and full time elective and appointive officers to the City of Burbank prior to the effective date of said contract and shall set and fix the attainment of 55 years as the age for optional, voluntary retirement of city firemen and city policemen, and 60 years as the age for the optional, voluntary retirement of all other employees and officers, upon the completion of 20 years of service with the City of Burbank, and shall provide for compulsory retirement as in said Act provided.

Adoption of State Employees’ Retirement Act

“(b) The City Council shall, with all due diligence, enter into the aforesaid contract with the Board of Administration of the State Employees’ Retirement System, and shall each year, unless there otherwise be ample funds, levy a tax to meet the obligations of the City thereunder, and the limitations of sec-

Contract with Board of Administration

tion 42 of this Charter with respect to the levy and collection of municipal taxes, shall not apply to any tax required to be levied to meet the obligations of the City to the State Employees' Retirement System."

That the foregoing three amendments to the charter of said City of Burbank, submitted to and ratified by the electors of said city at a special municipal election held therein on the 7th day of November, 1944, have been compared by us and each of us, with the original proposals set forth in the resolutions adopted by the Council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof;

That this certificate shall be deemed to be a full and complete certification of the regularity of all proceedings had and done in connection with said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 28th day of December, 1944.

WALTER R. HINTON
President of the Council of the
City of Burbank

[SEAL]

ADDIE J. JONES
City Clerk of the City of Burbank

and

WHEREAS, The said proposed charter amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of amendment or alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that the aforementioned amendments to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as part of the charter of the City of Burbank.

CHAPTER 6

Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the tenth day of April, 1944.

[Filed with Secretary of State January 15, 1945]

City of
Albany.
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments herein-after set forth to the charter of the City of Albany, a municipal

corporation in the County of Alameda, State of California, as set out in the certificate of the President of the Council and the City Clerk of said City as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF ALBANY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } SS.
CITY OF ALBANY }

We, the undersigned, B. E. HILL, President of the Council ^{Certificate} of the City of Albany, and MYRTLE J. McLEAN, City Clerk of said City, do hereby certify and declare as follows:

The City of Albany, County of Alameda, State of California, is now and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has ever since the year 1927, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 26th day of March, 1927, in the manner, form and substance as required by law, and was thereafter duly approved by concurrent resolution of the legislature of the State of California, on the 19th day of April, 1927 (Stats. 1927, p. 2312).

The legislative body having authority of said City being a council thereof, did on its own motion, and by resolutions adopted on the 21st day of February, 1944, duly propose to the qualified electors of said City of Albany certain amendments to Section 17, Section 20 and Section 25 of the Charter of said City, which amendments are hereinafter set forth, known as "Proposal No. 2", "Proposal No. 3", and "Proposal No. 5", respectively.

The said City Council did, by resolution duly passed and adopted on the 21st day of February, 1944, proclaim and fix the 10th day of April, 1944, the date of the General Municipal Election to be held in said City of Albany, as the date upon which the said amendments so proposed be submitted to, and voted on by, the qualified electors of said City of Albany.

The said proposed amendments were published on the 25th day of February, 1944, in the "Albany Times", a newspaper of general circulation printed and published in the City of Albany, and having a general circulation therein, the said paper being the official newspaper of the City of Albany, and said publication was made at the time and in the manner prescribed in Article XI, Section 8, of the Constitution of the State of California.

The said City Council caused copies of said proposed amendments to be printed in convenient pamphlet form, and kept in the office of the City Clerk of said City of Albany, from February 25, 1944 until the date fixed for the election upon said charter amendments, and did on said February 25, 1944, advertise a notice in said "Albany Times", that said copies might be had upon application therefor at the office of the City Clerk of the City of Albany, which copies were duly provided.

The said General Municipal Election held on April 10, 1944, was not less than forty and not more than sixty days after the completion of the advertising in said official newspaper. At said election the said proposed charter amendments were voted upon by the qualified electors of the City of Albany. A majority of the qualified electors voting thereon voted in favor of and did ratify the said proposed charter amendments.

That thereafter the City Council of said City of Albany, County of Alameda, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that said amendments to said City Charter of the City of Albany known and designated as "Proposal No. 2", "Proposal No. 3", and "Proposal No. 5" were and are approved by the electors of said City of Albany, and ratified by the qualified voters voting thereon.

That said Charter amendments so ratified by the qualified voters of the City of Albany at said election are in words and figures as follows:

The last paragraph of Section 17 is amended to read as follows:

Appointment
of Clerk of
City Court

"The City Judge may appoint a Clerk of the City Court. In addition to her duties as such clerk, and when not occupied therewith, said clerk shall perform and assist with such clerical duties as may be prescribed by the Mayor or City Council. Compensation for said Clerk shall be fixed by the City Council as prescribed by Section 26 hereof".

Powers of
Health
Officer

The following paragraph is added to Section 20:

"The Health Officer shall have authority, and it is hereby made his duty to arrest persons violating any law involving health or safety as prescribed by any state law or ordinance of this city. Any person so arrested by the Health Officer may be confined in the City Prison of the City of Albany or in the County Jail of Alameda County. Said Health Officer shall further have such other powers and duties pertaining to his office as may be prescribed by the legislature of the State of California not in conflict herewith".

Expert
Accountant

"SECTION 25. EXPERT ACCOUNTANT—The Council shall employ an expert certified public accountant, established in public practice, and qualified and experienced in municipal audits and examination, to annually investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the City Treasury".

IN WITNESS WHEREOF, we have hereunto set our signatures, and caused the official seal of the City of Albany to be affixed this 24 day of April, 1944.

BERT E. HILL
President of the Council of the
City of Albany
MYRTLE J. McLEAN
City Clerk, City of Albany

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California, for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Albany as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as parts of the charter of said City of Albany. Approval

CHAPTER 7

Senate Concurrent Resolution No. 5—Approving certain amendments to the charter of the County of Alameda, State of California.

[Filed with Secretary of State January 15, 1945]

WHEREAS, The County of Alameda, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the eighteenth day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California on the eighteenth day of January, 1927; and County of
Alameda
Charter
amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the County of Alameda, to wit:

Certificate: CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE SEVENTH DAY OF NOVEMBER, 1944.

PREAMBLE.

Be it known that:

WHEREAS, the County of Alameda, State of California, has at all times mentioned herein, been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of the said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927; and

WHEREAS, on the 31st day of August, 1944, the board of supervisors of said County of Alameda, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said state duly proposed to the qualified electors of the said county by submission of an amendment to Section 37 of said charter to permit interdepartmental transfer of persons without appointment from an eligible list to be submitted to said electors at the general election held on November 7, 1944, and at the same time, said board of supervisors duly ordered said proposal to be submitted to the qualified electors of said county for ratification or rejection at said general election, and further, duly ordered that said proposals should be forthwith published for ten times in "The Oakland Tribune", a newspaper of general circulation, printed, published, and circulated in said county, and said proposed amendment was set forth in full and at length, and was, and is, in words and figures herein-after set forth; and

WHEREAS, thereafter the said proposals relating to Section 37 were duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: September 3, 4, 5, 6, 15, 17, 18, 19, 20, and 21, 1944; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS on the 5th day of September, 1944, the board of supervisors of said county of Alameda, pursuant to the provisions of Section 7½, Article 11 of the constitution of said state, duly proposed to the qualified electors of the said county by the

submission of a proposed amendment to said charter, authorizing the establishment of a system of death and disability benefits for certain county peace officers to said electors at the general election held November 7, 1944, and at the same time, said board of supervisors duly ordered said proposal be submitted to the qualified electors of said county for ratification or rejection at said general election and further duly ordered that said proposal should be forthwith published for ten times in "The Oakland Tribune", a newspaper of general circulation, printed, published, and circulated in said county, and said proposed amendments, and each of them, were set forth in full and in length, and were, and are in the words and figures hereafter set forth; and

WHEREAS, thereafter the said proposal relating to death and disability benefits was duly published in full and at length in said newspaper for ten times, and on the following dates, to wit, on September 8, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, 1944; and said general election at which said proposal was submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposal as aforesaid; and

WHEREAS, immediately subsequent to said publication, the said board of supervisors duly prescribed the form and titles to be printed on the general election ballot to be used at said general election for the submission of said proposals which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 7th, 1944, the county clerk of said county duly filed in his office a notice of election in which, among other things and in addition to all other matters required by law, it was stated that said proposals and each of them, would be submitted to the qualified electors of said county at said general election on November 7, 1944, and said clerk caused a copy of said notice to be posted in a prominent place in his office; and

WHEREAS, not more than forty days, nor less than fifteen days prior to said November 7, 1944, the county clerk of said county caused to be mailed to each qualified elector within said County of Alameda, inclosed in an envelope with a sample ballot, a pamphlet containing a complete copy of said proposed amendments, and each of them, and said pamphlet was in the form required by law and contained all matters and things required by law to be contained therein, and said pamphlet in all respects duly complied with law; and three copies of said pamphlet were kept at every polling place within the said County of Alameda while said election was in progress, so that they might be freely consulted by the voters; and

WHEREAS, at said general election said proposals, and each of them, were duly submitted to the vote of the qualified

electors of said county and appeared on the general ballot at said election in the following form, to-wit:

COUNTY

Shall Section 37 of the Charter of Alameda County which provides for interdepartmental transfers of persons in the classified civil service to positions having identical titles without certification from an eligible list be amended to permit	Yes	
2 interdepartmental transfers of persons in the said service to other positions of the same class and grade without appointment from an eligible list?	No	
Shall Section 14½ be added to the Charter of Alameda County to provide that the Board of Supervisors shall as a part of the compensation of peace officers who are employees of said	Yes	
3 County establish by ordinance a system of benefits for death or disability suffered in the line of duty, such benefits not to be less than one-half the salary of such peace officer and not to exceed the sum of \$125 per month payable to such officer or his dependents.	No	

and,

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals and each of them, were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, the returns of said general election held in the County of Alameda on the 7th day of November, 1944, at which election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the board of supervisors of the County of Alameda, and it appeared therefrom and was so declared by the said board of supervisors that ninety-one thousand seven hundred and forty-five votes were cast in favor of said proposed amendment No. 2, and that seventy-eight thousand two hundred and seven votes were cast against said proposed amendment No. 2; that one hundred fourteen thousand three hundred ninety-five votes were cast in favor of said proposed Amendment No. 3 and that sixty-one thousand nine hundred and seventy votes were cast against said proposed Amendment No. 3; and it appeared therefrom, and was so declared by said board of supervisors that a majority of the qualified electors of said County of Alameda voting thereon at said general election voted

in favor of each of said proposed amendments No. 2 and No. 3 above set forth, and thereupon ordered and declared that said proposed amendments No. 2 and No. 3 were ratified; and

WHEREAS said amendments so ratified by the electors of said County of Alameda at said general election held on November 7th, 1944, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW THEREFORE, the undersigned, Geo. A. Jaassen, Chairman of the Board of Supervisors of the County of Alameda, State of California, and G. E. Wade, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said charter of said County, and each of them, so ratified by the majority of the electors voting thereon at said general election held on the 7th day of November, 1944, as submitted to said electors, are in words and figures as follows, and are and shall, if so approved by said legislature be in the words and figures following, to-wit:

ALAMEDA COUNTY CHARTER AMENDMENT NO. 2

Section 37 of the Charter of the County of Alameda is hereby amended to read as follows:

“Sec. 37: Appointments to positions in the classified civil service shall be either regular or temporary.

Civil
service
Appoint-
ments

Whenever a position in the competitive classified civil service is to be filled by a regular appointment, the appointing authority shall notify the Commission of that fact, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, and the appointing authority shall appoint to such position one of the three persons certified to him.

If a candidate refuses three offers of a regular appointment from the same eligible list, his name shall be moved to the last place on said list, provided however that a candidate may file a written request with the Commission that his name be withheld from certification, in which event he shall not be certified until he files a written request with the Commission that his name be restored on said list if said list is then in existence.

Whenever a position in the competitive classified civil service is to be filled by a temporary appointment the appointing authority shall notify the Commission of the fact, stating the length of employment, which shall not exceed a period of five months except when employed for the duration of a leave of absence, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs,

who have filed with the Commission a written request for temporary appointments, and the appointing authority shall appoint to such position one of the three persons certified to him.

Temporary appointments cannot exceed a total period of five months for any one person in any one county department in any one fiscal year except when employed for the duration of one leave of absence.

During the time a person is occupying a position under a temporary appointment, such person shall be eligible to certification for a regular appointment in the same manner as though such person had not received a temporary appointment.

Employment under a temporary appointment, or under a temporary appointment for the duration of a leave of absence, shall give no right or preference to a regular appointment, and shall serve as no part of a period of probation.

A person in any position in the classified civil service may be appointed to another position of no higher rate of compensation in the same class and grade without certification from an eligible list with the written consent of himself, and where the appointment is to another county department then also with the written consents of the appointing authorities, such consent or consents being first filed with the County Clerk and duplicate copies thereof being filed with the Civil Service Commission.

ALAMEDA COUNTY CHARTER AMENDMENT NO. 3

Section 14 $\frac{1}{2}$ is hereby added to the Charter of the County of Alameda, which reads as follows:

Peace
officers
Death or
disability
benefits

Section 14 $\frac{1}{2}$. Anything to the contrary herein notwithstanding, the Board of Supervisors shall as a part of the compensation of peace officers who are employees of the County of Alameda establish by ordinance on or before July 1, 1945, a system of monthly benefits for death or disability suffered in the line of duty. For the purpose of this section peace officers are defined as the sheriff, undersheriff, constables, deputy sheriffs, deputy constables employed and compensated as such by the County of Alameda, radio technicians and radio operators in the office of the sheriff, inspectors in the office of the district attorney, and the persons regularly serving as traffic officers in the estuary tube. The monthly benefits for disability so provided shall not be less than one-half the salary being received by such peace officer entitled thereto when suffering such injury but in no event to exceed the sum of One Hundred Twenty-five and 00/100 Dollars (\$125.00) per month, and in the event of death the benefits so provided shall be payable to such peace officer's dependents during their dependency as determined by the Board of Administration hereinafter provided for. All funds necessary to pay such benefits shall be contributed solely by the County of Alameda. Said ordinance shall provide for a Board of Administration consisting of five members who shall be appointed for a term of four years by the Board of Supervisors to administer such system.

We further hereby certify that the facts set forth in the pre-^{Certificate}amble of this certificate preceding said amendments to said Charter are and each of them is true; and for and on behalf of said County of Alameda we being duly authorized, do hereby request the legislature of the State of California to approve said amendments to said Charter, and each of them, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 6th day of January, 1945.

GEO. A. JANSSEN

Chairman of the Board of Supervisors of the County of Alameda, State of California.

G. E. WADE

County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

[SEAL]

Attest:

G. E. WADE

County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

WHEREAS, Said proposed amendments to the charter of the County of Alameda, so ratified by the majority of the electors voting thereon at said general election held on the seventh day of November, 1944, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the ^{Approval} *Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of Alameda, and each of them, as proposed, adopted and ratified by the electors of the said County of Alameda and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the County of Alameda.*

CHAPTER 8

Senate Concurrent Resolution No. 6—Approving an amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held in said county on the seventh day of November, 1944.

[Filed with Secretary of State January 15, 1945.]

County of
Sacramento
Charter
amendments

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the first day of July, 1933, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighteenth day of February, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, during the month of May, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did, by resolution adopted the thirtieth day of August, 1944, duly propose to the qualified electors of said County of Sacramento an amendment to the charter of said county, and ordered that said proposed amendment be submitted to said qualified electors of said county at the general election to be held on the seventh day of November, 1944; and

WHEREAS, Said proposed amendment was published for 10 times in The Sacramento Union, a daily newspaper of general circulation, printed, published, and circulated in said County of Sacramento, on to wit, the following dates, September 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, 1944; and

WHEREAS, Said general election was held in said County of Sacramento on the seventh day of November, 1944, which said day was not less than 30 days nor more than 60 days after said proposed amendment to said county charter had been published for 10 times in the said Sacramento Union; and

WHEREAS, Thereafter, the board of supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the sixth day of December, 1944, did duly declare the result of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election held on said seventh day of November, 1944, said amendment was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment, so ratified by the electors of Sacramento County, is now submitted to the Legislature of the State of California, for approval or rejection as a whole without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution

of the State of California, and is in words and figures as follows, to wit:

To amend Section 79 of the Charter of the County of Sacramento to read as follows:

Section 79: COMPENSATION IN FULL FOR SERVICES. Compensation in full for services

The compensation provided to be paid to any elective or appointive county or township office, boards or commissions or employment shall, when so paid, be in full for all services rendered, and they shall accept no compensation for services for other public employment; excepting each member of the County Board of Education shall receive the compensation prescribed by law for members of County Boards of Education, in addition to any compensation received by said members in other public employment; provided that the provisions of the second sentence of Subsection (b), of Section 15. of Article V, of this Charter shall not apply to members of the County Board of Education in office, at the time this amendment becomes effective.

STATE OF CALIFORNIA }
County of Sacramento }ss

We, the undersigned, JAMES R. GARLICK, Chairman of the Board of Supervisors of the County of Sacramento, and C. C. LARUE, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of Sacramento, submitted to the electors of said County at the general election held in said County on the seventh day of November, 1944, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to the said charter is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento this 29th day of December, 1944.

JAMES R. GARLICK
Chairman of the Board of Supervisors, County of Sacramento, State of California.

[SEAL]

C. C. LARUE
County Clerk and ex-officio Clerk of the Board of Supervisors, County of Sacramento, State of California.

WHEREAS, Said proposed amendment to the charter of said County of Sacramento, so ratified by the electors thereof, has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it .

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting for adoption of this resolution, and concurring therein. That said amendment to the charter of the said County of Sacramento, as proposed, adopted, and ratified by the electors of said County of Sacramento, and as hereinbefore set forth, be and the same is hereby approved as a whole, without amendment or alteration, and as an amendment to, and as a part of the charter of the County of Sacramento, State of California.

CHAPTER 9

Senate Concurrent Resolution No 7—Approving amendments to the charter of the County of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 7, 1944.

[Filed with Secretary of State January 15, 1945]

County of
Fresno
Charter
amendments

WHEREAS, The County of Fresno, State of California, has been at all times hereinmentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the 24th day of April, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the tenth day of April, 1933, and approved by the Legislature of the State of California on the nineteenth day of April, 1933; and

WHEREAS, In accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California, the Board of Supervisors of the County of Fresno did duly adopt on the twenty-ninth day of August, 1944, resolutions submitting proposals to amend certain sections of the charter of said county, which proposals are hereinafter set forth, to the qualified electors of said county; and

WHEREAS, Said amendments so proposed were published 10 times, to wit, beginning September 4th and ending September 13, 1944, inclusive, in The Fresno Bee and Republican, a daily newspaper of general circulation in said county, printed, published and circulated in said County of Fresno; and

WHEREAS, Said proposals so submitted by the said board were duly voted upon by the qualified electors of said county at a general election held in said county on November 7, 1944; and

WHEREAS, Said Board of Supervisors after the returns of said election had been duly canvassed did find and declare that a majority of the qualified electors voting on said amendments voted in favor of each of said amendments; and

WHEREAS, Said amendments have been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, which amendments are in words and figures as follows, to wit:

AMENDMENT NO. 1 TO FRESNO COUNTY CHARTER —Repeals Section 5 of the Charter of said Fresno County and amends Section 24 of said Charter to read in its entirety as follows:

Sec. 24. The compensation of the elective officers of Fresno County shall be fixed and determined in the manner provided by the laws of the State of California. Compensation of officers

AMENDMENT NO. 2 TO FRESNO COUNTY CHARTER —Amends Section 20 of the Charter of the County of Fresno to read in its entirety when amended as follows:

Sec. 20. The Probation Committee of the County of Fresno shall be appointed and constituted in the manner provided by the laws of the State of California. Probation Committee

AMENDMENT NO. 3 TO FRESNO COUNTY CHARTER —Amends Section 14 of the Charter of the County of Fresno to read in its entirety when amended as follows:

Sec. 14. The elective County officers other than the members of the Board of Supervisors shall be: Elective county officers

- Auditor
- Assessor
- County Clerk
- Coroner
- District Attorney
- Public Administrator
- Recorder
- Sheriff
- Superintendent of Schools
- Tax Collector
- Treasurer

The Tax Collector shall be ex-officio license collector of the County.

All provisions of this Charter in conflict with the provisions of this Section are hereby repealed.

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.

We hereby certify that on the 29th day of August, 1944, the Board of Supervisors did duly adopt Resolutions to submit to the qualified electors of said County, said proposed amend- Certificate

ments to the Charter of said County; that said amendments of which the foregoing are a true copy are set forth in full in said Resolutions; that said proposals were published ten times, to-wit: September 4th to 13th, 1944, inclusive, in The Fresno Bee and Republican, a daily newspaper of general circulation, printed, published and circulated in the County of Fresno; that said proposals were duly submitted to the qualified electors of said County at the General Election held in said County on the 7th day of November, 1944; that said Board of Supervisors caused the returns of said election to be duly canvassed, and did thereafter, on the 5th day of December, 1944, find and declare that a majority of the qualified electors voting on said amendments voted in favor of each of said amendments and duly ratified the same.

DATED: December 29th, 1944.

C. TODD CLARK
Chairman of the Board of Supervisors

[SEAL]

E. DUSENBERRY, COUNTY CLERK and
ex-Officio Clerk of the Board of Super-
visors

By GEO. M. FINNEAUX
Deputy

ATTEST:

C. DUSENBERRY
County Clerk

and

WHEREAS, Said proposed amendments to the charter of said County of Fresno, so ratified by the electors thereof, have been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting for adoption of this resolution, and concurring therein, that said amendments to the charter of the County of Fresno, as proposed, adopted and ratified by the electors of said County of Fresno, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, and as amendments to, and as parts of, the charter of the County of Fresno, State of California.

CHAPTER 10

Assembly Concurrent Resolution No. 7—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of November, 1944.

[Filed with Secretary of State January 15, 1945]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

City and
County of
San
Francisco
Charter
amendments

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county seven (7) amendments; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did within fifteen (15) days of the order for submission of each of said proposals cause said seven (7) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the seventh day of November, 1944, the said seven (7) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the seventh day of November, 1944, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said the "San Francisco Chronicle" and each edition thereof as hereinbefore set forth; and

WHEREAS, The board of supervisors of said city and county did thereafter, in regular meeting assembled, by resolution duly adopted by said board and entered in the minutes thereof, direct that a canvass of said election held on the seventh day of November, 1944, be immediately begun and made by the registrar of voters of said city and county, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said election held on the seventh day of November, 1944, from each election precinct in the City and County of San Francisco in which polls were opened had theretofore been received by the said registrar of voters; and

WHEREAS, Thereafter, to wit, on the eleventh day of December, 1944, said board of supervisors duly approved the "official statement" of votes cast at the general election held in the City and County of San Francisco, State of California, on Tuesday, the seventh day of November, 1944; and

WHEREAS, At said general election so held on the seventh day of November, 1944, six (6) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments numbered twenty-eight, thirty, thirty-one, thirty-two, thirty-three and thirty-four and that the only other charter amendment submitted at said election, to wit, charter amendment numbered twenty-nine, received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

CHARTER AMENDMENT NO. 23

DESCRIBING AND SETTING FORTH TO THE QUALIFIED ELECTORS OF THE CITY AND COUNTY OF SAN FRANCISCO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY AND COUNTY BY AMENDING SECTION 163 THEREOF RELATING TO PENSIONS OF RETIRED PERSONS.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held on

November 7, 1944, a proposal to amend the Charter of said, City and County by amending Section 163, to read as follows:

PENSIONS OF RETIRED PERSONS

Section 163. (a) No Person retired for service or disability and in receipt of a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section. Service after retirement

(b) Should any retired person, except persons retired for service prior to January 8, 1932, and persons retired because of disability incurred in the performance of duty, engaged in a gainful occupation prior to attaining the age of sixty-two, the retirement board shall reduce that part of his monthly pension or retirement allowance which is provided by contributions of the city and county, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the compensation on the basis of which his pension or retirement allowance was determined.

The provisions of paragraph (b) of this section shall be inoperative during the existing war between the United States and the Axis Powers and for six (6) months after the termination of said war.

Ordered submitted—Board of Supervisors, San Francisco, August 28, 1944.

Ayes: Supervisors Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisors Brown and Colman.

I hereby certify that the foregoing Charter amendment was Certificate ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

sept 8-1t*

CHARTER AMENDMENT NO. 30

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE QUALIFIED ELECTORS OF THE CITY AND COUNTY OF SAN FRANCISCO TO AMEND THE CHARTER OF SAID CITY AND COUNTY BY AMENDING SECTION 52 THEREOF, RELATING TO THE STEINHART AQUARIUM, SO THAT THE EMPLOYEES THEREOF, WITH THE EXCEPTION OF THE DIRECTOR OF SAID AQUARIUM, THE SECRETARY OF THE BOARD IN CHARGE THEREOF, CURATORS AND OTHER SCIENTIFIC OR PROFESSIONAL PERSONNEL AND PART-TIME POSITIONS FOR WHICH

A COMPENSATION OF LESS THAN \$80.00 PER MONTH IS PROVIDED, INCLUSIVE OF ALLOWANCES FOR MAINTENANCE AND OTHER INCIDENTAL BENEFITS, SHALL BE SUBJECT TO, AND ENTITLED TO THE BENEFITS OF, THE CIVIL SERVICE PROVISIONS OF THE CHARTER, AND PROVIDING THAT COMPENSATIONS OF ALL EMPLOYEES SHALL BE SUBJECT TO STANDARDIZATION AS PROVIDED IN SECTION 151 OF THE CHARTER FOR OTHER CITY EMPLOYEES.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county, at the general election to be held on November 7, 1944, a proposal to amend the charter of said city and county by amending Section 52 thereof, so that the same shall read as follows:

STEINHART AQUARIUM

Steinhart
Aquarium

Section 52. The management, superintendence and operation of the Steinhart Aquarium shall be in charge and under the direction of the California Academy of Sciences of San Francisco. Necessary funds for the maintenance and operation of said aquarium shall be furnished by the City and County to the said California Academy of Sciences of San Francisco, subject to the budget, fiscal and salary ordinance provisions of this Charter. Except the positions of director, secretary of the board of directors, curators and other scientific or professional personnel and part-time positions for which a compensation of less than \$80 00 per month is provided, inclusive of allowance for maintenance and other incidental benefits, all positions in the Steinhart Aquarium shall be subject to the Civil Service provisions of this Charter and upon ratification of this amendment any incumbent of such position in the Steinhart Aquarium, hereby made subject to Civil Service, who shall have held such position continuously for one year prior to such ratification, shall be deemed appointed to such position under the Civil Service provisions of this Charter. Notwithstanding anything to the contrary contained in Section 151 of this Charter, compensation of all employees of said Steinhart Aquarium shall be subject to the Salary Standardization provisions of the Charter.

Nothing herein contained shall abrogate the trust under and by which said Steinhart Aquarium was accepted by the City, or under and by which it is now held.

Ordered Submitted—Board of Supervisors, San Francisco, September 5, 1944.

Ayes: Supervisors Brown, Gallagher, Gartland, Mancuso, Mead, Meyer, Sullivan, Uhl.

Noes: Supervisors Colman, Green.

Absent: Supervisor MacPhee.

I hereby certify that the foregoing charter amendment was ^{Certificate} ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY, Clerk.

sept. 6-1t*

CHARTER AMENDMENT NO. 31

RECREATION DEPARTMENT

Describing and setting forth a proposal to the electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 42 thereof, Recreation Commission, by prescribing the terms of office of members of the Recreation Commission.

The Board of Supervisors of the City and County of San Francisco hereby submits to the electors of the City and County of San Francisco at the general election to be held on November 7, 1944, a proposal to amend the Charter of said City and County by amending Section 42 thereof, so that the same shall read as follows:

RECREATION DEPARTMENT

Section 42. The recreation department shall be under the management of a recreation commission consisting of seven ^{Recreation Commission Members} members, five of whom shall be appointed by the mayor, and shall serve without compensation. Three of the members appointed by the mayor shall be men and two shall be women. The superintendent of schools and the superintendent of parks shall be members of the commission ex officio.

The term of each of the commissioners, except the ex officio ^{Terms} members of said commission, shall be four (4) years, provided that the commissioners in office on the effective date of this amendment shall be continued in their respective offices until the respective terms for which they were appointed shall have expired, subject, however, to the right of the mayor to remove any commissioner from office as provided by this Charter. Upon the expiration of the term of each commissioner, the mayor shall appoint his or her successor for a term of four (4) years. The mayor shall have the power to fill any vacancy on the commission, said appointment being for the unexpired term of the commissioner vacating his office.

The recreation commission shall appoint a superintendent, ^{Superintendent} who shall be the chief executive officer of said department, and who shall hold office at the pleasure of the commission.

The commissioners shall have the complete and exclusive control, management and direction of all playgrounds, recreation centers, and all other recreation facilities, now or hereafter placed under charge of the commission, including exclusive right to erect and to superintend the erection of buildings and structures thereon, and to construct new playgrounds and recreation centers, except as in the charter otherwise provided. ^{Control of playgrounds}

Ordered Submitted—Board of Supervisors, San Francisco, July 31, 1944.

Ayes: Supervisors Brown, Colman, Gartland, Green, MacPhee, Mancuso, Meyer, Uhl.

Absent: Supervisors Gallagher, Mead, Sullivan.

Certificate

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

sept 8-It*

CHARTER AMENDMENT NO. 32

PROPOSED CHARTER AMENDMENT AFFECTING EMPLOYEES IN OFFICES OF CITY ATTORNEY AND PUBLIC DEFENDER, EXCEPT ATTORNEYS, UNDER CIVIL SERVICE.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section thereto to be known as Section 34.1 (Employees in Offices of City Attorney and Public Defender, Except Attorneys, Under Civil Service.)

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held therein on November 7, 1944, a proposal to amend the Charter of said City and County by adding Section 34.1 thereto, to read as follows: Employees in offices of City Attorney and Public Defender, except attorneys, under Civil Service.

EMPLOYEES IN OFFICES OF CITY ATTORNEY AND PUBLIC DEFENDER, EXCEPT ATTORNEYS, UNDER CIVIL SERVICE

Attorneys.
Civil
Service

Section 34.1. Notwithstanding any other provisions of this Charter, occupants of all positions in the offices of City Attorney and the Public Defender, except assistant attorneys in the offices of the City Attorney and Public Defender, shall be subject to the Civil Service provisions of this Charter, provided that all such occupants who are actually employed, or who may be on military leave of absence from employment, on the effective date of this amendment, and who have been continuously employed for one year immediately preceding such date or such military leave, shall be continued in their respective positions as if appointed thereto after examination and certification from a Civil Service list of eligibles, and thereafter shall be governed and be subject to the Civil Service provisions of this Charter. Upon their return to service, occupants who have been on military leave shall be appointed according to priority of service.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 5, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Garland, Green, Mancuso, Mead, Meyer, Sullivan, Uhl.

Absent: Supervisor MacPhee.

I hereby certify that the foregoing charter amendment was ^{Certificate} ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A BARRY,

Clerk.

sept 8-1t*

CHARTER AMENDMENT NO. 33

REINSTATEMENT OF AND LEAVES OF ABSENCE FOR MEMBERS OF AMERICAN RED CROSS.

Describing and setting forth a proposal to the electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section thereto to be designated as Section 153.1 thereof, to provide for the reinstatement in their respective positions of all officers and employees of the City and County, as well as non-certificated employees of the Unified School District of said City and County who have resigned from, or relinquished their positions under the government of the City and County, or under the Unified School District of said City and County, to enter the service of the American Red Cross as social service worker, field director or assistant field director therein during the existing war, and providing that after the effective date of this amendment and for the duration of the existing war between the United States of America and the Axis Powers, leaves of absence shall be granted to employees of the City and County, and of the Unified School District of said City and County for service with the American Red Cross, as social service worker, field director or assistant field director therein.

The Board of Supervisors of the City and County of San Francisco hereby submits to the electors of said City and County at the general election to be held on the 7th day of November, 1944, a proposal to amend the Charter of said City and County by adding a new section thereto to be designated as Section 153.1, which shall read as follows:

REINSTATEMENT OF AND LEAVES OF ABSENCE FOR MEMBERS OF AMERICAN RED CROSS

Section 153.1. (a) Whenever any officer or employee of the City and County of San Francisco, or any non-certificated employee of the Unified School District thereof, after the 8th day of December, 1941, and during the existence of the present war between the United States of America and the Axis Powers, has resigned from or relinquished his or her position under the

Reinstatement of employees

government of the City and County, or under said Unified School District thereof, and within a period of sixty days thereafter has entered the service of the American Red Cross, as a social service worker, field director or assistant field director therein, said officer or employee after the termination of his or her service with said American Red Cross, and within the time limits prescribed by law for persons on military leave, shall be entitled to resume his or her position from which he or she resigned, or which he or she relinquished, upon presentation of proof that said person did within sixty days after resigning from, or relinquishing, his or her position with the City and County, or with the Unified School District thereof, enter the service of the American Red Cross as a social service worker, field director or assistant field director. Service with the American Red Cross as a social service worker, field director or assistant field director, during the existing war shall be deemed to be service with the City and County insofar as seniority of service and compensation are concerned, and said person so serving with the said American Red Cross shall be deemed to be on military leave, and shall be entitled to all the rights and privileges accorded to other officers and employees of said City and County who have been granted military leave to serve in the Armed Forces of the United States, or of the State of California.

The rights and privileges herein granted to former officers and employees serving as social service workers, field directors or assistant field directors with the American Red Cross shall cease at the expiration of two years after the end of the present war between the United States of America and the Axis Powers, provided, however, that any person who severs his or her connection with the American Red Cross, and who fails to seek reinstatement to his or her position with the City and County, or with the Unified School District, within the time limits prescribed for persons on military leaves as defined in Section 153 of the Charter and rules of the Civil Service Commission, shall not be entitled to reinstatement.

(b) From and after the effective date of this amendment military leave as provided in Section 153 of this Charter for those serving in the Armed Forces of the United States or of the State of California shall be granted for service with the American Red Cross as social service worker, field director or assistant field director.

Ordered Submitted—Board of Supervisors, San Francisco, August 21, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

Certificate

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

CHARTER AMENDMENT NO. 34

PROPOSED CHARTER AMENDMENT RELATING TO
 RETIREMENT OF MEMBERS OF THE POLICE DE-
 PARTMENT AND PRESCRIBING CONTRIBUTIONS
 AND CONDITIONS AND AMOUNTS OF RETIRE-
 MENT ALLOWANCES TO BE PAID.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding Section 168.1 thereto, relating to present and future members of the Police Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general election to be held on the 7th day of November, 1944, a proposal to amend the Charter of said City and County, by adding thereto a new section to be designated Section 168.1, as follows:

DEFINING RETIREMENT PROVISIONS—
 POLICE DEPARTMENT

Section 168.1. Members of the Police Department, as defined in this section, who are members of the Retirement System under Sections 165, 166 or 168 of the Charter on the effective date hereof, hereby designated as the first day of July, 1945, and persons who become members of said department after said effective date, shall be members of the Retirement System on and after said date, subject to the following provisions of this Section 168.1, in addition to the provisions contained in Sections 158 to 161, both inclusive, of this Charter notwithstanding the provisions of any other section of the Charter. Members of the said department who are members of the Retirement System under Section 166 of the Charter on said effective date, however, shall have the option to be exercised in writing on a form furnished by the Retirement System and to be filed at the office of said System not later than ninety days after the effective date hereof, of being members of the System under Section 166 instead of Section 168.1, the election under said option to be effective on said effective date. In like manner, members of the said department who are members of the Retirement System under Sections 165 or 168 of the Charter shall have the option, to be exercised in writing on a form furnished by the Retirement System, and to be filed at the office of said System not later than ninety days after the effective date hereof, of being members of the System under Sections 165 or 168, respectively, instead of Section 168.1, the election to be effective on said effective date, provided, that members who are absent by reason of service in the armed forces of the United States or by reason of any other service included in Section 161 of the Charter, on the effective date of the amendment shall

Retirement
 System
 Police
 officers

have the same option of electing to be members under Section 165, 166 or 168, as the case may be, instead of Section 168 1, until ninety days after their return to service in the Police Department. Or and after said date, the persons who affirmatively exercise said option, shall continue to be members of the System under Sections 166, 165 or 168, respectively, and shall not be subject to any of the provisions of Section 168.1.

Definitions

(A) The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

“Retirement allowance,” “death allowance” or “allowance,” shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, and continuing for life unless a different term of payment is definitely provided by the context.

“Compensation,” as distinguished from benefits under the Workmen’s Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the Police Department.

“Compensation earnable” shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the Police Department he was in the rank or position first held by him in such department.

“Benefit” shall include “allowance,” “retirement allowance,” “death allowance” and “death benefit.”

“Final compensation” shall mean the average monthly compensation earnable by a member during the three years immediately preceding his retirement, or death before retirement.

For the purpose of the Retirement System and of this section, the terms “member of the Police Department,” “member of the department” or “member,” shall mean any officer or employee of the Police Department whose employment therein began prior to January 1, 1900, or whose employment therein began or shall begin after that date, and was or shall be subject to the Charter provisions governing entrance requirements for members of the uniformed force of said department, and said terms further shall mean, for the effective date of their employment in said department, persons employed on the effective date hereof, regardless of age, or employed after said date at an age not greater than thirty-five years in the Police Department to perform the duties now performed under the titles of Criminologist, Photographer, Police Patrol Driver, Police Motor Boat Operator, Woman Protective Officer, Police Woman or Jail Matron. Any police service performed by such a member of the Police Department outside the limits of the City and

County and under orders of a superior officer of any such member. shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

“Retirement System” or “System” shall mean San Francisco City and County Employees’ Retirement System as created in Section 158 of the Charter.

“Retirement Board” shall mean “Retirement Board” as created in Section 159 of the Charter.

“Charter” shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural, and the plural the singular.

“Interest” shall mean interest at the rate adopted by the Retirement Board.

(B) Any member of the Police Department who completes at least thirty years of service in the aggregate, regardless of age, or at least twenty-five years of service in the aggregate, and attains the age of 55 years, said service to be computed under Subsection (II) hereof, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of seventy years during the twelve months ending June 30, 1946; the age of sixty-nine years during the twelve months ending June 30, 1947; the age of sixty-eight years during the twelve months ending June 30, 1948; the age of sixty-seven years during the twelve months ending June 30, 1949; the age of sixty-six years during the twelve months ending June 30, 1950, and thereafter, following the attainment of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty per cent of the final compensation of said member, as defined in Subsection (A) hereof, plus an allowance at the rate of $1\frac{2}{3}$ per cent of said final compensation, for each year of service rendered prior to attaining age 60 and after qualifying as to age and service for retirement. Any member may retire, regardless of age, after rendering twenty-five years of service in the aggregate, computed under Subsection (H), but in such event, his retirement allowance shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled at the date upon which he would qualify for retirement under the first two sentences of this paragraph, deferred to that date. Before the first payment of a retirement allowance is made, a member retired under this subsection or Subsection (C), may elect to receive the actuarial equivalent of his allowance, partly in an allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar elections by other mem- Retirement
for service

bers of the Retirement System, including the character and amount of such other benefits.

Retiremet .
for
disability

(C) Any member of the Police Department, who becomes incapacitated for performance of his duty by reason of any bodily injury received in, or illness caused by the performance of his duty, shall be retired, and shall receive a retirement allowance equal to fifty per cent of the final compensation of said member, as defined in Subsection (A) hereof, provided that if at that time, he is qualified as to age and service for retirement under Subsection (B), he shall receive an allowance equal to the retirement allowance which he would receive if retired under Subsection (B) but not less than fifty per cent of said final compensation. Any member of the Police Department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentence, and who shall have completed at least ten years of service in the aggregate, computed as provided in Subsection (H) hereof, shall be retired upon an allowance of one and one-half per cent of the final compensation of said member, as defined in Subsection (A) hereof for each year of service, provided that said allowance shall not be less than twenty-five per cent of said final compensation. The question of retiring a member under this subsection may be brought before the Retirement Board on said Board's own motion, by recommendation of the Police Commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Death
benefits

(D) If a member of the Police Department shall die before or after retirement as a result of an injury received in, or illness caused by the performance of his duty, a death allowance shall be paid, beginning on the date next following the date of death, to his surviving wife, equal to fifty per cent of the final compensation of said member as defined in Subsection (A) hereof, throughout her life or until her remarriage, provided that if the member, at the time of death, was qualified as to age and service for retirement under Subsection (B), the death allowance payable under this Subsection (D), shall be equal to the retirement allowance which the member would have received if he had been retired under Subsection (B) on the day of death but not less than fifty per cent of said final compensation, and if he be retired prior to death, the death allowance payable shall be equal to the retirement allowance of the member. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then said allowance shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents

dependent upon him for support, the parents so dependent shall collectively receive said monthly allowance during such dependency. No allowance, however, shall be paid under this subsection to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness, which results in death.

(E) That portion of any allowance payable because of the death or retirement of any member of said department which is provided by contributions of the City and County, shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits, other than medical benefits, payable to or on account of such person, under the Workmen's Compensation Insurance and Safety Law of the State of California and because of the injury or illness resulting in said death or retirement.

Workmen's
Compensation
benefits

(F) If a member of the Police Department shall die, before retirement, from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Subsection (D) preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, the sum of five hundred dollars shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar benefit upon the death of other retired members.

Death not
in the line
of duty

(G) Should any member of the department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he shall again become a member of the department, he shall redeposit in the Retirement Fund, the amount refunded to him. Contributions, with interest, which are credited because of service rendered in any other office or department and which will not be counted under Subsection (H), to any person who becomes a member of the Retirement System under this section, shall be refunded to him forthwith. Should a member of the Police Department become an employee of any other office or department, a portion of his contributions with credited interest equal to the contributions which would have accumulated to his credit if he had been employed in said other office or department at the rate of compensation received by him in the Police Department, shall remain credited to his account, and he shall receive credit for service to the extent of said accumulated contributions, and the balance of his contributions with credited interest shall be refunded to him forthwith.

Refund of
contributions

Computation
of service

(H) The following time shall be included in the computation of the service to be credited to a member of the department for the purpose of determining whether such member qualifies for retirement:

(1) Time during and for which said member is entitled to receive compensation because of services as a member of the Fire or Police Department;

(2) Time during which said member served and received compensation as a jail matron in the office of the Sheriff;

(3) Solely for the purpose of determining qualification for retirement under Subsection (C) for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member served and received compensation in any other status requisite for membership in the Retirement System;

(4) Time during which said member, while absent from a status included in paragraphs (1), (2) or (3) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Section 161 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency.

Contribu-
tions etc

(I) All payments provided under this section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The rate of contribution of each member under this section shall be based on his age taken to the next lower complete quarter year, at the date he became a member under Section 165 or 168, as a member of the Police Department, as defined in this section, in the case of persons who are members under these sections, or at the effective date of this amendment, in the case of persons who are members under Section 166, and his age taken to the next lower completed year, when he entered the Police Department, or on his age at the date he becomes a member under this section, in the case of persons who become members on or after the effective date of this amendment. The age of entrance into the Police Department shall be determined by deducting the member's service as a member of the Fire and Police Departments and as a jail matron in the office of the Sheriff, prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding. The normal rate of contribution of each such member, to be effective from the effective date of membership under this section, shall be such as, on the average for such member, will provide, assuming service without interruption, under Subsection (B) of this section, one-third of that portion of the service retirement allowance to which he would be entitled, upon first qualifying as to age and service, for retirement under that subsection, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date.

(2) There shall be deducted from each salary payment made to a member under this section, a sum determined by applying the member's rate of contribution to such salary payment. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member or his estate or beneficiary as provided in Subsections (F) and (G) of this section.

(3) Contributions based on time included in paragraphs (1), (2) and (4) of Subsection (H), and deducted prior to the effective date hereof, from compensation of persons who become members under this section, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(4) The total contributions, with interest thereon, made by or charged against the City and County and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(5) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Subsection (I), to provide the benefits payable under this section. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1), Subsection (I), shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year, to persons who are members under this section, said percentage to be the ratio of the value at the effective date hereof, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Board of Supervisors, of salaries thereafter payable to said members then in the Police Department to the value at said effective or said later date, of the benefits thereafter to be paid under this section, from con-

tributions of the City and County, less the amount of such contribution, and plus accumulated interest thereon, then held by said System to provide said benefits on account of service rendered by respective member after the date stated in the sentence next preceding. Said values shall be determined by the Actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the System.

(6) To promote the stability of the Retirement System through a joint participation in the results of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City held by the System to provide the benefits under this section, shall be a part of the fund in which all other assets of said System are included, but the accounts of said System shall be kept in such manner as to permit the segregation of assets equal to the total contributions with interest credited thereon, held by said System to provide the benefits under this section, and to permit the determination, that except for said joint participation, all payments provided under this section shall be made from the contributions provided for herein. Nothing in this section shall affect the obligations of the City and County to pay to the Retirement System any amounts which may or shall become due under the provisions of the Charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said System by debits against the City and County.

Right to
retire

(J) Upon the completion of the years of service set forth in Subsection (B) of this section as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said Subsection (B), and nothing shall deprive said member of said right.

Service
after
retirement.

(K) No person retired under this section, for service or disability and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror shall not be affected by this section.

Should any such retired person, except persons retired because of disability incurred in the performance of duty, engage in a gainful occupation prior to attaining the age of sixty-two, the Retirement Board shall reduce that part of his monthly pension or retirement allowance which is provided by contributions of the City and County, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed his compensation at the time of his retirement.

(L) Any section or part of any section in this Charter, insofar as it should conflict with this Section 168.1, or with any part thereof, shall be superseded by the contents of said Section 168.1. In the event that any word, phrase, clause or subsection of this section shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

Constitutionality

This amendment shall take effect on the first day of July, 1945.

Ordered Submitted—Board of Supervisors, San Francisco, September 5, 1944.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mancuso, Mead, Meyer, Sullivan, Uhl.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

Certificate

DAVID A. BARRY,
Clerk.

sept 8-1t.*

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO } ss.

This is to certify that we, DAN GALLAGHER, President of the Board of Supervisors of the City and County of San Francisco, and DAVID A. BARRY, Clerk of the Board of Supervisors of said City and County have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals, submitting the same to the electors of said City and County at a general election held on Tuesday, the seventh day of November, One Thousand Nine Hundred Forty-four, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

Certificate

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this 9 day of January, One Thousand Nine Hundred Forty-five.

DAN GALLAGHER
President of the Board of Supervisors
of the City and County of San Francisco

[SEAL]

DAVID A. BARRY
Clerk of the Board of Supervisors of
the City and County of San Francisco

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said

Approval

amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 11

Senate Concurrent Resolution No. 8—Relative to approving certain amendments to the charter of the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944.

[Filed with Secretary of State January 15, 1945]

County of San Bernardino Charter amendments

WHEREAS, The County of San Bernardino, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the seventh day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California, on the seventh day of April, 1913; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the county of San Bernardino, to wit:

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS.

Certificate

Certificate of County Clerk of the County of San Bernardino, State of California, and the Chairman of the Board of Supervisors of San Bernardino County, State of California, as to the adoption and ratification of certain amendments to the Charter of said County of San Bernardino, submitted to the qualified electors of said County on the 7th day of November, 1944.

Preamble.

BE IT KNOWN THAT:

WHEREAS, the County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which

charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California, on the 7th day of April, 1913; (Statutes 1913, page 1652, et seq.), and

WHEREAS, on the 14th day of August, 1944, the Board of Supervisors of said San Bernardino County, pursuant to the provisions of Section 7 $\frac{1}{2}$ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County certain amendments to the charter of said County by the submission of certain proposals for such amendments to said electors at the general election to be held November 7th, 1944, and at the same time said board duly ordered that said proposals be submitted to the qualified electors of said County for ratification or rejection at said general election, and further duly ordered that said proposal should be forthwith published ten times in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposals, said proposed amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and,

WHEREAS, thereafter, said proposals were duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: September 11th to September 20th, 1944, inclusive, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said County was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and

WHEREAS, said Board of Supervisors duly prescribed the form and title of each of said proposals to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said forms and titles are hereinafter set forth, and in which said form and under which said title each of said proposals appeared on said ballots; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 7th, 1944, the County Clerk of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposals would be submitted to the qualified electors of said County at said general election to be held November 7th, 1944, and said Clerk, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and on said notice, said proposals each appeared in the form and by the title so prescribed by said Supervisors and each in the form and by the title each of said proposals appeared upon said ballot; and,

WHEREAS, at said general election said proposals were duly submitted to the vote of the qualified electors of said County,

and appeared on the general ballot at said election in the following forms, to-wit:

“COUNTY CHARTER AMENDMENTS”

CHARTER AMENDMENT NUMBER EIGHT OF THE
COUNTY OF SAN BERNARDINO.

Shall the Charter of the County of San Bernardino be amended by amending Section 10 of Article I, to read as follows:

Supervisors
Salaries

SECTION 10. Each member of the Board of Supervisors shall receive as compensation for his services as such supervisor the salary as fixed by general law. The salary fixed by general law for the Chairman of the Board of Supervisors shall be for his services rendered as Supervisor, Chairman of the Board and County Purchasing Agent.

CHARTER AMENDMENT NUMBER NINE OF THE
COUNTY OF SAN BERNARDINO.

Shall the Charter of the County of San Bernardino be amended by amending Section 1 of Article III to read as follows:

Justices of
the Peace
and
Constables

SECTION 1. There shall be one Justice of the Peace and one Constable for each judicial township; provided, that in each township in which there is or may be established a Class A Justice's Court the number of Justices, Constables, Clerks and Attaches shall be such as are fixed by general law.

CHARTER AMENDMENT NUMBER TEN OF THE
COUNTY OF SAN BERNARDINO.

Shall the Charter of the County of San Bernardino be amended by amending Section 1 of Article VII to read as follows:

Salaries of
officers

SECTION 1. In all cases in which the Board of Supervisors is authorized by law or by this Charter to fix the compensation of any officer, such compensation shall be fixed prior to the election or appointment of such officer, and shall not be increased or diminished during the term for which such officer shall be elected or appointed.

The Board of Supervisors, by a four-fifths vote, may suspend the provision of this section prohibiting the increase in compensation of any officer after his election or appointment or during his term of office for any period for which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

And opposite each of said proposals to be voted upon, and to the right thereof, and on separate lines, were printed the words “YES” and “NO”, with voting squares thereafter and in addition thereto; said ballot contained all other matters and

things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of County charters; and,

WHEREAS, the County Clerk of said San Bernardino County mailed a printed copy of each of said proposed Amendments enclosed in an envelope with a sample ballot, to each qualified elector within said County of San Bernardino, at least ten days prior to the said 7th day of November, 1944; and,

WHEREAS, the returns of said general election held in the County of San Bernardino on the said November 7th, 1944, at which election said proposals were submitted to the vote of the qualified electors of said County, were made to and canvassed by the County Clerk of Said County of San Bernardino, as ordered by said Board of Supervisors, and duly certified to the Board of Supervisors, and it appeared therefrom and was so declared by the Board of Supervisors that 26,462 votes were cast in favor of said proposed Charter Amendment Number Eight; and that 19,297 votes were cast against said proposed Charter Amendment; and 29,261 votes were cast in favor of said proposed Charter Amendment Number Nine and that 15,254 votes were cast against said proposed Charter Amendment; and 26,953 votes were cast in favor of said proposed Charter Amendment Number Ten and that 18,324 votes were cast against said proposed Charter Amendment and it appeared therefrom that a majority of the qualified electors of the County of San Bernardino voting thereon, at such general election, voted in favor of the said proposed Amendments and said Board of Supervisors thereupon ordered and declared that said proposed amendments were ratified; and,

WHEREAS, said amendments so ratified by the electors of the County of San Bernardino, at said general election held on November 7th, 1944, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, the undersigned, Frank H. Mogle, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and HARRY L. ALLISON, County Clerk and ex-officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said Charter of said County, so ratified by the majority of the electors voting thereon at said general election held on the 7th day of November, 1944, as submitted to said electors are in the words and

figures as follows, and are and shall, if so approved by said Legislature be in the words and figures following, to-wit:

“CHARTER AMENDMENT NUMBER EIGHT

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as “County Charter Amendment Number Eight”, amending Section 10 of Article 1, of said Charter, to read as follows:

Supervisors:
Salaries

SECTION 10. Each member of the Board of Supervisors shall receive as compensation for his services as such supervisor the salary as fixed by general law. The salary fixed by general law for the Chairman of the Board of Supervisors shall be for his services rendered as Supervisor, Chairman of the Board and County Purchasing Agent.”

“CHARTER AMENDMENT NUMBER NINE

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as “County Charter Amendment Number Nine”, amending Section 1 of Article III, of said Charter, to read as follows:

Justices of
the Peace
and
Constables

SECTION 1. There shall be one Justice of the Peace and one Constable for each judicial township; provided, that in each township in which there is or may be established a Class A Justice’s Court the number of Justices, Constables, Clerks and Attaches shall be such as are fixed by general law.”

“CHARTER AMENDMENT NUMBER TEN

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as “County Charter Amendment Number Ten”, amending Section 1 of Article VII of said Charter, to read as follows:

Salaries of
officers

SECTION 1. In all cases in which the Board of Supervisors is authorized by law or by this Charter to fix the compensation of any officer, such compensation shall be fixed prior to the election or appointment of such officer, and shall not be increased or diminished during the term for which such officer shall be elected or appointed.

The Board of Supervisors, by a four-fifths vote, may suspend the provision of this section prohibiting the increase in compensation of any officer after his election or appointment or during his term of office for any period for which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.”

Certificate

AND WE FURTHER CERTIFY HEREBY that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true,

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California, to approve said amendments to said charter as a whole, and to take other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 6th day of December, 1944.

[SEAL]

FRANK H. MOGLE
Chairman of the Board of
Supervisors,
San Bernardino County,
State of California.

ATTEST: HARRY L. ALLISON
County Clerk and ex-officio
Clerk of the Board of Supervisors,
San Bernardino County,
State of California.

WHEREAS, Said proposed amendments to the charter of the County of San Bernardino, so ratified by the majority of the electors voting thereon at said general election held on the seventh day of November, 1944, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provision of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, that said amendments to the charter of the County of San Bernardino, and each of them, as proposed, adopted and ratified by the electors of the said County of San Bernardino and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the County of San Bernardino. Approval

CHAPTER 12

Senate Concurrent Resolution No. 11—Approving certain amendments to the Charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on the seventh day of November, 1944.

[Filed with Secretary of State January 15, 1945]

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body political, and a political subdivision of the State of California, and

San Diego
County.
Charter
amendments

is now and has been, since the first day of July, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on the eighth day of November, 1932, and approved by the Legislature of the State of California, on the seventeenth day of January, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution and order adopted on the twenty-second day of August, 1944, duly propose to the qualified electors of said County of San Diego, five amendments to the charter of said county, designated as proposed county charter amendments Nos. 1, 2, 3, 4 and 5, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on the seventh day of November, 1944, which date was fixed in said resolution as the date for holding said general election; and

WHEREAS, Said proposed charter amendments Nos. 1, 2, 3, 4 and 5 were, and each them was, published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in the said county, to wit, on August 31, September 1, 2, 3, 4, 5, 6, 7, 8 and 9, 1944; and

WHEREAS, Said general election was held in said County of San Diego on the seventh day of November, 1944, which said day was not less than 30 days and not more than 60 days after said five proposed amendments to said charter had been published for 10 times in the San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on the seventh day of November, 1944, at which said election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the county clerk and ex officio registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors, and the said board of supervisors of the County of San Diego did, in the manner provided by law, on the fourth day of December, 1944, duly declare and order entered on the records of said board, the result of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election held on the seventh day of November, 1944, four of the said proposed amendments were ratified by the majority of the electors of said county voting thereon, to wit: Charter amendments Nos. 1, 3, 4 and 5, and that all other such proposed amendments, to wit: No. 2, received less than a majority of the votes of such qualified electors voting thereon and said No. 2 amendment was not ratified; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, and are and shall, if so approved by the said Legislature, be in the words and figures following, to wit:

AMENDMENT NO. 1 TO THE CHARTER OF THE
COUNTY OF SAN DIEGO

That Section 42 of Article VIII be amended to read in words and figures as follows, to wit:

SECTION 42: Every officer and employee of the County shall be entitled to a vacation of not to exceed fifteen (15) days duration, excluding Sundays and holidays, with pay, during each year of continuous service. The time when such vacation shall be taken shall be determined by the appointing power of such officer or employee. The Board of Supervisors shall provide by ordinance for the regulation and accumulation of vacations and may provide for vacations for officers and employees who have been continuously employed for a period of less than one year, or who have been regularly engaged in part-time or intermittent work. Vacations

AMENDMENT NO. 3 TO THE CHARTER OF THE
COUNTY OF SAN DIEGO

That Section 78 of Article XVII be amended to read in words and figures as follows, to wit:

SECTION 78: The Civil Service of the County is hereby divided into the Unclassified and the Classified service. The Unclassified Service shall consist of: Civil
Service
Unclassified
service

(a) All officers elected by the People and their Chief Deputies and all confidential or special investigators employed by any of said elective officers.

(b) The Assistant District Attorney and the Chief Deputy District Attorney and not to exceed three confidential or special investigators in said office, to be designated by the District Attorney.

(c) The Under-Sheriff and not to exceed three confidential investigators or deputies in the office of the Sheriff, to be designated by the Sheriff.

(d) All appointive Boards and Commissions.

(e) Members of the County Board of Education.

(f) The Law Library Trustees.

(g) Members of the Civil Service Commission.

(h) Superintendents, Principals and Teachers in the public schools.

(i) All persons serving the County without compensation.

(j) All Justices of the Peace.

(k) Any officer or employee whose appointment is contingent upon approval or confirmation by the State of California.

(l) Internes and Student Nurses.

(m) Resident physicians employed no longer than two years for post-internship training.

Classified
service

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service; provided, however, that in event of the creation of a new position or in the case of a vacancy in any position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competitive examinations to qualify applicants for said position are impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended by the Commission, but no such suspension shall be general in its application to such position and all such cases of suspension shall be reported, together with the reasons therefor, to the Board of Supervisors.

AMENDMENT NO. 4 TO THE CHARTER OF THE COUNTY OF SAN DIEGO

Civil Service
examina-
tions, etc

That Section 79, subdivision (b) of Article XVIII be amended to read in words and figures as follows, to wit:

(b) For the preparation and holding of promotional and open competitive examinations in order to test the relative fitness of all applicants for appointments to the classified civil service, and to create eligible lists of all successful candidates in the order of their standing. Such lists shall remain in force for one year but the Commission may extend the period not more than two additional years. At least ten days' public notice shall be given of all such examinations. The head of the office, board or commission having the appointing power shall be consulted by the Civil Service Commission in preparing such examinations, and all questions or portions of any such examination relating to the special qualifications and knowledge required to fill any position shall be compiled by the Civil Service Commission or its Chief Examiner and in part upon such topics as shall be suggested by the head of the office, board or commission, for whose use any eligible list is to be created by any such examination.

Merit
system

That Section 83 of Article XVII be amended to read in words and figures as follows, to wit:

SECTION 83: The Commission shall provide for a merit system in all County departments and offices and covering all persons in the classified service. Any employee in the classified service whose efficiency rating is satisfactory, who has once attained permanent status therein and has not separated from the service thereafter, and who enters any competitive civil service examination shall be given a preferential credit of five (5) percent of the maximum rating for such examination, which credit shall be added to his actual rating on such examination, only if such actual rating is a passing grade. He shall

be given an additional such credit of five (5) percent upon attaining a passing grade in any examination for promotion within the department in which he is employed. Promotions shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his record of efficiency; provided, however, that no person shall be transferred, promoted or reinstated to a position in another class where higher essential qualifications or tests are required unless such qualifications and tests shall first have been met by the person so promoted, transferred or reinstated.

AMENDMENT NO. 5 TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 82 of Article XVII be amended to read in words and figures as follows, to wit:

SECTION 82: In every original examination the Civil Service Commission shall, in addition to all other credits, give a credit of five per cent (5%) of the maximum rating prescribed for such examination to any applicant, male or female, who has been engaged in the military or naval service of the United States, including service in any uniformed auxiliary of, or to, any branch of such military or naval service created or authorized as such auxiliary by the Congress of the United States, during World War II or during a war as now defined in Section 205 of the Revenue and Taxation Code of the State of California, or as said section may hereafter be amended, and who has been honorably discharged or retired from such service.

Civil Service examinations
Credit for military service, etc.

Such 5% credit shall also be given to the wife of any person who has been engaged in such service and has service-connected disability to such an extent as to prevent him from engaging in any remunerative occupation; and also to the widow of any person who has been engaged in such service, and to the widow of any person who died while in such service.

An additional five per cent (5%), or a total of ten per cent (10%) credit shall be given in any such examination to any applicant, male or female, who has been engaged in such service and has been honorably discharged or retired therefrom if such applicant has service-connected disability which has been duly established pursuant to Federal law.

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } SS

We, the undersigned, David W. Bird, Chairman of the Board of Supervisors of the County of San Diego, State of California, and J. B. McLees, County Clerk and ex officio clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

Certificate

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on the 7th day of November, 1944, have been compared by us, and each of

us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors, as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 4th day of December, 1944.

[SEAL]

DAVID W. BIRD

Chairman of the Board of Supervisors
of the County of San Diego, State of
California

J. B. McLEES

County Clerk and ex officio Clerk of the
Board of Supervisors of the County of
San Diego, State of California

ATTEST:

J. B. McLEES

County Clerk of the County of
San Diego, State of California

[SEAL]

WHEREAS, Said proposed amendments to the charter of the County of San Diego, so ratified by the majority of the electors voting thereon at said general election held on the seventh day of November, 1944, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provision of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, that said amendments to the charter of the County of San Diego, and each of them, as proposed, adopted and ratified by the electors of the said County of San Diego and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the County of San Diego.

CHAPTER 13

Senate Concurrent Resolution No. 12—Approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the seventh day of November, 1944.

[Filed with Secretary of State January 17, 1945]

WHEREAS, The County of Los Angeles, State of California, Los Angeles County Charter amendments has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the second day of June, 1913, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution adopted on the twenty-second day of August, 1944, duly propose to the qualified electors of said County of Los Angeles four amendments to the charter of said county, designated as proposed county charter amendments No. 1, 2, 3, and 4, respectively, and ordered that said amendments be submitted to said qualified electors of said county at the general election to be held in said county on the seventh day of November, 1944, which date was the day fixed by law for the holding of said general election; and

WHEREAS, Said proposed charter amendments No. 1, 2, 3, and 4 were published for 10 times in the Los Angeles Daily Journal, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit, on August 30 and 31, and September 1, 2, 4, 5, 6, 7, 8, and 9, 1944; and

WHEREAS, Said board of supervisors, by said resolution adopted on said twenty-second day of August, 1944, did order the placing of said proposed charter amendment on the ballot of said general election to be held in said County of Los Angeles on said seventh day of November, 1944, which date was not less than 30 days nor more than 60 days after said publication of such proposal, as aforesaid, for 10 times in a daily newspaper of general circulation printed, published, and circulated in said county; and

WHEREAS, Said general election was held in said County of Los Angeles on said seventh day of November, 1944; and

WHEREAS, Thereafter, the registrar of voters of said County of Los Angeles did, in the manner provided by law duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county, and

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be attested by the County Clerk and authenticated by the seal of said Board of Supervisors of the County of Los Angeles this 11th day of December, 1944.

WILLIAM A. SMITH,
Chairman, Board of Super-
visors of the County of Los
Angeles

J. F. MORONEY,
County Clerk and ex officio
Clerk of the Board of
Supervisors,

By J. F. MORONEY.

[SEAL]

ATTEST:

J. F. MORONEY,
County Clerk of the
County of Los Angeles,
State of California,

By ALICE BURKS,
Deputy

and

WHEREAS, said proposed amendment to the charter of said County of Los Angeles, so ratified by the electors thereof, has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Approval
Assembly concurring, a majority of all the members elected to each house voting for adoption of this resolution, and concurring therein, that said amendment to the charter of the County of Los Angeles as proposed by the board of supervisors of said county and as ratified by the electors of said county, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as a part of, the charter of the County of Los Angeles, State of California.

CHAPTER 14

Senate Concurrent Resolution No. 16—Approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the seventh day of November, 1944.

[Filed with Secretary of State January 18, 1945]

City of
San
Bernardino
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposed adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, as set out in the certificate of the mayor of the City of San Bernardino and the city clerk of said city, as follows, to wit:

CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
CITY OF SAN BERNARDINO } SS.

Certificate

We, the undersigned, W. C. Secombe, Mayor of the City of San Bernardino, and John H. Osborn, City Clerk of the said City, do hereby certify and declare as follows:

That the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, now is and at all times herein mentioned was a city containing a population of more than thirty-five hundred inhabitants but less than fifty thousand inhabitants, and is now, and has been, ever since the 8th day of February, 1905, organized, existing and acting under a freeholders Charter adopted under and by virtue of Section Eight of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City, at an election held for that purpose, on the 6th day of January, 1905, and approved by the Legislature of the State of California on the 8th day of February, 1905 (Statutes 1905, Page 940, et seq.).

That in accordance with the provisions of Section Eight of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Bernardino, by Ordinance No. 1722, duly and regularly submitted to the qualified electors of the said City of San Bernardino those certain proposed amendments to the Charter of the City of said City, said Charter amendments being designated as Proposed Charter Amendment Number One, Proposed Charter Amendment Number Two and Proposed Charter Amendment Number Three, to be voted upon by said qualified electors at a special election called and held for that purpose in said City on the 7th day of November, 1944, consolidating said special election

with State General election to be held in said City on the 7th day of November, 1944, and authorizing said Board of Supervisors to canvass the return for said special Charter election.

That said proposed Charter amendments were published and advertised in accordance with the provisions of Section Eight of Article XI of the Constitution of the State of California, on the 13th day of September, 1944, in the San Bernardino Daily Sun, a daily newspaper of general circulation published in said City and of general circulation therein, there being no official newspaper in said City, and in each edition thereof during said day of publication.

That said City contained a population less than fifty thousand inhabitants and, therefore, no distribution of copies of said proposed Charter amendments was necessary. However, that copies of said proposed Charter amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors of said City, in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the Office of the City Clerk of the City of San Bernardino was each day duly and regularly published in the San Bernardino Daily Sun, a newspaper of general circulation published in said City, up to and including November 7, 1944, the day of said election, all as required by Section Eight of Article XI of the Constitution of the State of California;

That copies of said pamphlet containing said proposed Charter amendments could be had upon application therefor at the Office of the City Clerk to and including the 7th day of November, 1944, the date fixed for said election.

That said City of San Bernardino is a municipal corporation of the State of California, having a population of more than thirty-five hundred inhabitants but less than fifty thousand inhabitants.

That the Common Council of said City, by an Ordinance designated "Ordinance No. 1722," did call and order the holding of a special municipal election in the City of San Bernardino on the 7th day of November, 1944, which date was not less than forty days nor more than sixty days after the completion of the publication of such proposed Charter amendments to said Charter in the San Bernardino Daily Sun, and which said Ordinance calling said election specified, ordered and ordained that said proposed Charter amendments be submitted to the qualified electors of said City, at said special election, for their ratification and rejection, and that said Common Council did by said Ordinance No. 1722 order said special election consolidated with the State General election to be held in the City of San Bernardino on said 7th day of November, 1944.

That said special municipal election was held in the City of San Bernardino on the 7th day of November, 1944, and that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify two of said proposed Charter

amendments to the Charter of said City, being Proposed Charter Amendment Number Two and Proposed Charter Amendment Number Three, which are hereinafter specifically set forth, and that the Board of Supervisors of said County of San Bernardino did in accordance with the law in such cases made and provided, duly and regularly canvass the returns of said election and did duly find, determine and declare the result of said special election, as determined from the canvass of the returns thereof, to be that a majority of the qualified electors of said City voting on said Charter amendments hereinafter set forth, and designated as Proposed Charter Amendment No. Two and Proposed Charter Amendment No. Three, voted for and ratified each of said amendments, and that the City Council of the City of San Bernardino, in accordance with the law in such cases made and provided, did duly and regularly adopt and approve the canvass so made and declared by the Board of Supervisors of the County of San Bernardino, and on the 5th day of December, 1944, Council found, determined and declared that said Proposed Charter Amendment No. Two and Proposed Charter Amendment No. Three, and each of them, were ratified by a majority of the electors of said City voting thereon, and thereafter the City Clerk and ex-officio Clerk of the Mayor and Common Council of the City of San Bernardino did enter the record thereof in the Minutes of said Mayor and Common Council.

That said Proposed Charter Amendment No. Two and Proposed Charter Amendment No. Three to the Charter of the City of San Bernardino so ratified by the electors of the City of San Bernardino are in words and figures, as follows, to-wit:

PROPOSED CHARTER AMENDMENT NO. TWO.

It is hereby proposed that Section 24-c of the City Charter of the City of San Bernardino be amended to read as follows, to-wit:

Salary of
City
Attorney

Section 24-c. The City Attorney shall receive an annual salary of \$3,000.00, payable monthly.

PROPOSED CHARTER AMENDMENT NO. THREE

It is hereby proposed that Section 140 of the City Charter of the City of San Bernardino be amended to read as follows, to-wit:

Purchase of
supplies,
etc.

Section 140: No supplies, material or other item of expenditures, for an amount exceeding Five Hundred Dollars, except for personal services or any purchases made from any other government or governmental agency, shall be ordered, or purchased by the Mayor and Common Council, or any board, or department of the City, authorized to incur any expenditure, except after first advertising for sealed proposals and awarding a contract to the lowest and best bidder. Each proposal must be accompanied by bidder's bond, certified or Cashier's check, or cash, in an amount not less than ten (10%) per cent of the

sum bid, which must be forfeited to the City upon failure of said bidder to enter into the contract awarded. All contracts awarded by the Mayor and Common Council shall be by ordinance or resolution. A sufficient bond, payable to the City, with two or more sureties, or cash, or a surety company bond, may be required to secure faithful performance of each contract awarded.

That we have compared the foregoing amendments with the original proposal submitted to the qualified electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of San Bernardino to be affixed hereto this 9th day of January, 1945.

W. C. SECCOMBE
Mayor of the City of
San Bernardino
JOHN H. OSBORN
City Clerk of the City of
San Bernardino

[SEAL]
and

WHEREAS, The said proposed amendments as ratified as herebefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, (a majority of all the members elected to each house voting therefor and concurring therein), that said amendments to the charter of the City of San Bernardino as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of San Bernardino. Approval

CHAPTER 15

Assembly Concurrent Resolution No. 16—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State January 22, 1945]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 1 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, as amended, Fred B. Wood is selected Legislative Counsel of California. Legislative
Counsel

CHAPTER 15

Assembly Joint Resolution No. 7—Relative to memorializing Congress to enact a Seamen's Bill of Rights.

[Filed with Secretary of State January 22, 1945]

Seamen's
Bill of
Rights

WHEREAS, The members of the Merchant Marine are performing a war service of vital importance, serving as an essential link between production and the battlefield, and as such are entitled to the same broad opportunities and protections afforded others engaged in similar patriotic efforts; and

WHEREAS, Upon signing the GI Bill, on June 22, 1944, President Roosevelt stated: "I trust that Congress will also soon provide similar opportunities * * * to the members of the Merchant Marine, who have risked their lives time and again during this war for the welfare of their country"; and

WHEREAS, Governor Warren has expressed the gratitude of the great maritime State of California toward these valiant merchant seamen, and the need for congressional action in their behalf, stating: "Correction of inequalities is long overdue and I hope Congress may soon find a way of affording these brave men the benefits and protections which they are so well earning"; and

WHEREAS, The courage, loyalty, and devotion of merchant seamen throughout the war has been attested to by such men as the late Wendell Willkie, the late Frank Knox, by Donald Nelson, by Generals Marshall, MacArthur, Eisenhower, Knerr, and Chennault, by Admirals King, Nimitz, Waesche and Land, by Secretary of the Navy James S. Forrestal; and

WHEREAS, No more eloquent testimony need be advanced than that proportionately the merchant seamen have lost more lives by bomb, by torpedo, by fire and privation than any branch of the armed forces; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is memorialized to enact a Seamen's Bill of Rights along the lines of the GI Bill, to remedy the existing inequities as to merchant seamen and in recognition of their outstanding service in the prosecution of the war; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the United States, and to the Senators and Representatives from California.

CHAPTER 17

Senate Joint Resolution No. 2—Relative to the commemoration of the centennial of the raising of the Bear Flag of the California Republic at Sonoma on June 14, 1846.

[Filed with Secretary of State January 22, 1945.]

WHEREAS, On June 14, 1946, California will celebrate the centennial of the "raising of the Bear Flag of the California Republic" at Sonoma, by a group of Californians whose declaration and prophecy was the freedom of California from Mexican rule and her subsequent addition as a State in the Union; and Centennial of raising of Bear Flag

WHEREAS, It is the custom of the Federal Government to issue commemorative stamps signaling and emphasizing the importance of historical events and the recognition thereof by the issuance by the United States Post Office Department of such commemorative stamps; and

WHEREAS, A group of patriotic citizens headed by the Sonoma Parlor of Native Daughters of the Golden West and Sonoma Parlor Native Sons of the Golden West with the cooperation of the leaders of both these organizations and in accord with the sentiments of many other civic and patriotic societies, have instituted a movement to secure the issuance of a commemorative Bear Flag stamp as an outstanding feature of the centennial commemoration, making Sonoma the initial place of cancellation of said stamp; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we join with the people and organizations mentioned herein and respectfully ask the President of the United States, the Congress of the United States, the Postmaster General and the Post Office Department that a commemorative stamp be issued in accordance with the commemorative centennial, to be known as the "California Bear Flag Stamp," and in further token of the fact that many years ago, the State of California adopted the Bear Flag as the official State flag of California; and be it further

Resolved, That the Secretary of the Senate forward copies of this resolution to the President of the United States, members of the California Delegation in Congress, and the Postmaster General.

CHAPTER 18

Senate Concurrent Resolution No. 1—Relative to the continuance of the Fact-Finding Committee on Agricultural and Industrial Employment, created by Resolutions Chapter 38 of the 1943 Regular Session.

[Filed with Secretary of State January 23, 1945]

Expenses of
Fact-
Finding
Committee
on
Agricultural
and
Industrial
Employment

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of three thousand eight hundred dollars (\$3,800), or so much thereof as may be necessary, is hereby made available from the contingent fund of the Senate and Assembly at this session for the expenses of the Fact-Finding Committee on Agriculture and Industrial Employment, created by Resolutions Chapter 38, 1943 Regular Session, and its members for the preparation of its report, and for any charges, expenses or claims it may incur therefor, to be paid equally from the contingent funds of the Senate and Assembly, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 19

Assembly Joint Resolution No. 9—Memorializing the Senate of the United States not to advise nor consent to a proposed treaty with Mexico, signed February 3, 1944, relating to the waters of the Colorado and Tijuana Rivers and the Rio Grande.

[Filed with Secretary of State January 26, 1945]

Treaty
with
Mexico

WHEREAS, There was signed on February 3, 1944, a treaty between the United States of America and the United Mexican States, relating to the waters of the Colorado and Tijuana Rivers and the Rio Grande and said proposed treaty was thereafter submitted to the United States Senate for its advice and consent with a protocol, signed November 14, 1944, and the matter of said proposed treaty has been set for hearing before the Senate Foreign Relations Committee, commencing January 22, 1945; and

WHEREAS, The Legislature of California did on June 8, 1944, by its joint resolution, being Chapter 10 of Resolutions of its Fourth Extra Session held in the year 1944, memorialize the Senate of the United States not to advise nor consent to said proposed treaty and therein placed its objection upon a single ground, to wit, that said proposed treaty would violate a solemn compact entered into by reciprocal legislation between the United States of America and the State of California; and

WHEREAS, This Legislature does hereby in all things reaffirm the joint resolution above mentioned, but desires to place of record more fully before the United States Senate its views in opposition to said proposed treaty; and

WHEREAS, Said proposed treaty is destructive of and dangerous to the welfare of the State of California and of the United States and said protocol does not remove the defects of said treaty; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Senate of the United States be and it is hereby requested and urged not to advise nor consent to the proposed treaty, for the following reasons:

1. The treaty is cast in unusual, vague and uncertain terms and grants to a Federal Commission the power to interpret and settle finally the meaning of such terms, free from correction by the Congress or the courts. Such extreme delegation of power is un-American and contrary to our institution of government by laws, not men;

2. It would set up in the basins of three important international rivers, constituting a large fraction of the territory of the United States, a super government consisting of one Mexican Commissioner and one American Commissioner, having hitherto unheard-of breadth of power, amenable to no control but that of the Secretary of State and beyond the control of the Congress;

3. It would, so far as the Colorado River is concerned, create such dictatorial authority on a perpetual basis, when no authority is needed, or will be needed for many years to come, if ever. If and when any Federal Administration on the Colorado River is needed, it should be created by domestic legislation at the time when the conditions causing the need are known, not by a perpetual treaty;

4. It would invade the constitutional jurisdiction of the States and federalize waters and irrigation and power works which belong to the States and State Agencies;

5. It would give the two commissioners power to enter into, carry out and enforce further agreements, with the approval of the Secretary of State and the Minister of Foreign Relations of Mexico, without the consent of Congress;

6. It would nullify the reservation attached by the United States Senate to the inter-American Arbitration Treaty of 1929, requiring the approval of the Senate of questions to be arbitrated, by enabling the Commission to settle all disputes and to formulate the "Special Agreements" defining such questions;

7. It would give to Mexico without any consideration in return for it, a guaranteed first right to more than twice her just share of Colorado River water and this largesse would cast a cloud on all water rights on the river vested in the people of the United States;

8. It would guarantee to Mexico a fixed amount from the surface flow of the river, without regard to the fluctuations of the available supply, which is wrong in principle, and, on the other hand, it would totally disregard the underground flow of the river, which Mexico would develop and use, although that is a part of the waters of the river and should be so treated ;

9. It would donate to Mexico rights in water conservation works in the United States, which must be paid for by American water and power users and which are necessary to make available the water to be delivered to Mexico, and would therefore subsidize water users in Mexico at the expense, not of the United States, but of the citizens of particular communities in the United States ;

10. It would permit Mexico to share in revenues from power development on the All-American Canal, which by Federal Law and contract belong to local public agencies in California ;

11. It would require the building by Mexico within five years of a "Main Diversion Structure" or dam across the Colorado River, which structure is not now necessary and which would create a flood and drainage menace to communities in the United States ;

12. It would violate the solemn promise of Congress that war veterans should have the preferred right to settle public lands below Boulder Dam and irrigate them with the waters conserved by that Dam ;

13. It would violate contracts for delivery of water and power from the Boulder Canyon Project, made by the United States with its own States and communities, entered into by the latter in absolute reliance upon the good faith and integrity of the United States and upon which contracts the States and communities have expended and committed themselves to expend hundreds of millions of dollars of the public funds of their taxpayers. If the treaty were ratified, the United States would thereby voluntarily disable itself from performing its own contracts with its own people, in order to make a free gift to a foreign country of one of the most precious natural resources of the State of California and of the entire southwest ; and be it further

Resolved, That the Chief Clerk of the Assembly of California is directed to transmit a certified copy of this resolution to each member of the United States Senate and to each representative of California in the Congress.

CHAPTER 20

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Legislature.

[Filed with Secretary of State January 26, 1945]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following Rules be adopted as the Joint Rules of the Senate and Assembly for the Fifty-sixth Session of the California Legislature.

JOINT RULES OF THE SENATE AND ASSEMBLY
COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the Rules of each house.

Joint Committees

2. The Rules Committees of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

BILLS AND RESOLUTIONS

Definition of Word Bill

4. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the Federal Government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they

shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article V of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

Title 7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

Sections 8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Restrictions as to Amendments

Amendments 9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

"Strikeout" and italic type 10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in strikeout type.

In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

Printing of Amendments

Printing of amendments 11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills Printing
of bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Each Member of the Senate and Assembly shall be permitted to submit a list of 10 libraries, chambers of commerce or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements. Legislative
publications

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of fifty-five dollars (\$55), nor shall more than two copies of bills or other legislative publications be distributed free to any person, office or organization except to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

Journals 14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

Contents 15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

Daily File 16. A daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

Histories 17. Each house shall cause to be printed once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

Authority for Printing Orders

18. The Superintendent of State Printing shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order. ^{Printing orders}

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the Rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

RECORD OF BILLS

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill. ^{Registers of bills}

Secretary and Chief Clerk Shall Indorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall indorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill. ^{Indorsement}

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house. ^{Bills from other house}

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered. ^{Messages}

PASSAGE AND ENROLLING OF BILLS

Passage of Bills Preceding Final Adjournment

Passage
preceding
final
adjournment

23. No Senate Bill shall be passed by the Senate, and no Assembly bill shall be passed by the Assembly within the time specified in the resolution prior to the adjournment sine die of the two houses of the Legislature at a regular session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

Enrollment

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

Amendments

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

Concurrence
in
amendment

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill)

must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

Same
Urgency
section

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairmen thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Conference shall report to both the Senate and Assembly.

Free
Conference
Committees

Report of Committee on Conference

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill.

Same
Report

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

When Conference Committee Report Is in Order

Same

30. The presentation of the report of a Committee on Conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS

Authority When Rules Do Not Govern

Mason's
Manual

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual.

Press Rules

Press
rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 94 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privileges of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the standing committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who, represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives;

and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the press room. The press room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Conference Committee.

Dispensing
with
rules

Violation
of rules

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues, to a person other than the author, an opinion as to the constitutionality, operation or effect of a pending bill, constitutional amendment, resolution or other legislative measure, he is hereby authorized and instructed to deliver a copy of the opinion to the author of such measure contemporaneously with the issuance and delivery of the original opinion.

Legislative
Counsel

Expense of Members

35. As provided in Section 23b of Article IV of the Constitution, each member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance of ten dollars (\$10) per day.

Expenses of
members

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respec-

tively, weekly or as otherwise directed by either house, and a copy of the certificates shall be printed in Journals of the respective houses. Upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

Investigating
Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or to accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of five and one-half cents ($\$0.05\frac{1}{2}$) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twelve dollars ($\$12$) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Legislative Budget Committee

37. In addition to any other committee provided for by these Rules, there shall be a Joint Committee to be known and called the Legislative Budget Committee.

Legislative
Budget
Committee

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses

thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro tempore of the Senate and one member each from the Committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, selected by the respective committees. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to an allowance of twelve dollars (\$12) per day and travel expenses which shall be deemed to be five and one-half cents ($\$0.05\frac{1}{2}$) per mile. The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Auditor for use and custody, available to the members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Auditor shall assist any member of the Legislature or any committee thereof in any matter, and to that end shall make available to such members or committees any records, documents, or other data under his control; but except as hereinabove provided, neither the Legislative Auditor nor any employee of the committee shall reveal to any person not a member of, or employed by the committee, or a member or employee of a legislative committee in conjunction with which the Legislative Budget Committee is operating, the contents or nature of any matter, except under the express direction of the Legislative Budget Committee.

Adjournment

38. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution. Adjournment

CHAPTER 21

Senate Concurrent Resolution No. 18—Relative to creating the Joint Committee on Rivers and Flood Control.

[Filed with Secretary of State January 26, 1945]

WHEREAS, It is reported that various agencies of the Federal Government have tentative plans to divert the waters of the Klamath River watershed into the Sacramento Valley which would destroy the recreational facilities of that watershed, and to change the flow of other streams and watercourses in California, and the interests of the State in these plans can not now be adequately expressed by the Legislature for lack of information concerning their authenticity and justification; now, therefore, be it

Joint
Committee
on Rivers
and Flood
Control

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Rivers and Flood Control is hereby created and appointed and authorized and directed to ascertain,

study and analyze all facts relating to the necessity or desirability of diverting the water of the rivers of California to other watersheds, and the effect of such diversion on the proper development of flood control, irrigation and recreation facilities for the people of this State, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof, and four Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, within or without the State of California but not after final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of joint rules at this session, the joint rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 22

Assembly Concurrent Resolution No. 10—Relative to the reports of the sessions of the Department Encampment of the Grand Army of the Republic.

[Filed with Secretary of State January 27, 1945]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 500 copies of the sessions of the Department Encampment of the Grand Army of the Republic for the years 1945 and 1946, together with illustrations, copies of the general orders of the department and of the official rolls, 350 copies for the use of the Assembly and 150 copies for the use of the Senate; the cost of same to be payable from the legislative printing appropriation.

Reports of
the
Grand
Army
of the
Republic

CHAPTER 23

Assembly Concurrent Resolution No. 11—Relative to the reports of the annual conventions of the Disabled American Veterans of the World War of the Department of California.

[Filed with Secretary of State January 27, 1945]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 500 copies of the report of the annual conventions of the Disabled American Veterans of the World War of the Department of California during the years 1945 and 1946, respectively, together with illustrations, copies of the general orders enacted at such conventions and the official roll, 350 copies for the use of the Assembly and 150 copies for the use of the Senate; the cost of same to be payable from the legislative printing appropriation.

Reports of
Disabled
American
Veterans
of the
World
War

CHAPTER 24

Assembly Concurrent Resolution No. 12—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

[Filed with Secretary of State January 27, 1945]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 500 copies of the report of the annual conventions of the Veterans of Foreign Wars of the Department of California during the years 1945 and 1946, together with any illustrations, copies of the general orders enacted at such conventions, and of the official roll call, 350 copies for the use of the Assembly, and 150 copies for the use of the Senate, the cost of the same to be payable from the legislative printing appropriation.

Reports of
Veterans of
Foreign
Wars

CHAPTER 25

Assembly Joint Resolution No. 13—Relative to exchange of United States and Japanese Nationals.

[Filed with Secretary of State January 27, 1945.]

Japanese
Nationals

WHEREAS, The State Department of the United States Government and the Japanese Government have been negotiating for the further exchange of nationals of the two nations interned in the two countries; and

WHEREAS, The people of this Country will be most happy to welcome the return of as many as possible of our citizens who have been held by the Japanese since the outbreak of hostilities; and

WHEREAS, The State Department has declared its desire to ensure the speedy execution of any exchange to which the Japanese Government's agreement can be obtained; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the State Department and those engaged in this work of repatriation be heartily commended for their efforts in this matter, and that the President and the State Department are hereby urged and memorialized to continue their efforts to the end that every American now held by the Japanese Government be returned to the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State and the Speaker of the House of Representatives, and to every Senator and Representative from California in the Congress of the United States.

CHAPTER 26

Assembly Concurrent Resolution No. 19—Creating the Joint Committee on Purchase of Federal Property.

[Filed with Secretary of State January 27, 1945.]

Joint
Committee
on purchase
of Federal
property

WHEREAS, The Federal Government has acquired land in California and constructed improvements and placed fixtures thereon for temporary war purposes, and has purchased and brought into California vast quantities of various types of personal property for use in connection therewith, which will be disposed of by the Federal Government as its needs permit, under the provisions of an act of the Congress passed in 1944 known as "Surplus Property Disposal Act of 1944" providing for the disposition of surplus properties of the United States and particularly under Section 13 of the act which prescribes regulations for the disposition of surplus property to the States

and their political subdivisions including abandoned Army camps and equipment used therein and connected therewith, the board administering such act to determine on the basis of need what transfers shall be made and further providing that the disposal of such surplus property under said last mentioned section to States and political subdivisions and instrumentalities to be given priority over all other disposals of property provided for in the act except transfers between Federal agencies in which act such administrative board, in fixing the price for the sale of property to the States, shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State or political subdivision and wherein it is further provided

“Surplus property shall be disposed of as to afford * * * tax supported educational institutions, charitable and eleemosynary institutions, nonprofit tax supported hospitals and similar institutions, States, their political subdivisions and instrumentalities * * * an opportunity to fulfill, in the public interest, their legitimate needs”; and,

WHEREAS, The administrative officials of the State will be aided in recommending, and the Legislature in approving, appropriations for the purchase of such real and personal property by investigations and reports by a committee of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

1. The Joint Committee on Purchase of Federal Property is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts relating to the desirability of purchase of this State of any real or personal property which is now, has been, or may be owned or leased or otherwise occupied by the Federal Government, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof, and three Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, until final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of joint rules at this Session, the joint rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5 The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, order and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(e) To make recommendations and reports from time to time to the Director of Finance and/or Property Acquisition Board as to the matters within the scope of this resolution.

6. The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 27

Assembly Concurrent Resolution No 22—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1944.

[Filed with Secretary of State January 27, 1945.]

City of
Long Beach:
Charter
amendments

WHEREAS, The City of Long Beach, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1921, and now is, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of

April, 1921 (Statutes of 1921, page 2054) and amendments thereto duly ratified by the qualified voters of said city and by resolutions of said Legislature as set out in the certificate of the mayor and city clerk of said City of Long Beach, hereinafter set forth; and,

WHEREAS, proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Long Beach, as set out in the certificate of the mayor and city clerk of said City of Long Beach, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 7TH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED FORTY-FOUR, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } SS.
 CITY OF LONG BEACH }

We, CLARENCE E. WAGNER, Mayor of the City of Long Beach, and FRANK J. BEGGS, City Clerk of the City of Long Beach, do hereby certify as follows: Certificate

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and,

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, 1921, and approved by the legislature of the State of California, on the twenty-sixth day of April, 1921, and amendments thereto duly ratified by the qualified voters of said city, and approved by resolution of said legislature and filed with the Secretary of State of the State of California the 27th day of April, 1923, (Statutes 1923, page 1624), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the eighteenth day of April, 1925, (Statutes 1925, page 1330), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fifteenth day of January, 1929, (Statutes 1929, page 1977), and amendments thereto duly ratified by the qualified

voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of March, 1929, (Statutes 1929, page 2062), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the second day of March, 1931, (Statutes 1931, page 2780), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the nineteenth day of April, 1933, (Statutes 1933, page 3006), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of April, 1935, (Statutes 1935, page 2565), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the tenth day of June, 1935, (Statutes 1935, page 2677), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twentieth day of June, 1935, (Statutes 1935, page 2698), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fourteenth day of May, 1937, (Statutes 1937, page 2921), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the 9th day of April, 1941, (Statutes 1941, page 3351), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the eleventh day of January, 1943, (Statutes 1943, page 3091); and,

That the legislative body of said city, namely, the City Council of said City, did, by motion duly adopted on the twelfth day of September, 1944, on its own motion, and pursuant to the provisions of Section Eight, of Article Eleven, of the Constitution of the State of California, duly propose to the qualified electors of said City of Long Beach six (6) amendments to the charter of said city, numbered Propositions One to Six, and ordered that said proposed amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the 7th day of November, 1944; and,

That said amendments numbered One to Six, inclusive, were, on September fifteenth, 1944, duly published in the Long Beach Sun and in each edition thereof during said day of publication; and,

That said Long Beach Sun was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, pub-

lished in said city and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said city, and was the newspaper designated by said City Council for the publication of said proposed amendments; and,

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Sun that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said city, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and,

That said City Council did, by ordinance designated as Ordinance No. C-2347, order the holding of a special municipal election in said City of Long Beach on the 7th day of November, 1944, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and which ordinance was published at least three times in the Long Beach Sun, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the twenty-fifth, twenty-sixth and twenty-seventh days of October, 1944, in the Long Beach Sun, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said city and said ordinance was posted in three conspicuous places in the City of Long Beach; and,

That pursuant to Sections 9750 and 9751 of the Elections Code of the State of California, a notice of election was published in the Long Beach Sun, the official newspaper of the City of Long Beach, at least thirty-one days before the election, to wit: On the fifth day of October, 1944; and,

That said special municipal election was held in said City of Long Beach on the 7th day of November, 1944, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in the Long Beach Sun, as aforesaid; and,

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon, voted in favor of four of said proposed charter amendments and duly ratified the same; and,

That the City Council of said City of Long Beach did, at the time and in the manner and form provided by law, to wit, on the fourteenth day of November, 1944, regularly canvass the returns of said special municipal election, and did then and there duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified four of said proposed amendments; and,

That said proposed amendments to the Charter of the City of Long Beach, ratified by the voters of said City, as aforesaid, are in words and figures as follows, to wit:

PROPOSITION NO. 1

That the Charter of the City of Long Beach be amended by adding thereto a new section, to be known and designated as Section 187.1 and to read as follows:

Repeals
Continued
rights of
members of
Fire and
Police
Departmen s

Sec. 187.1. Sections 187 and 188 of this Charter are hereby repealed; provided, however, that any member of the Fire or Police Department who shall have served in such department for twenty (20) years or more on the effective date of this amendment shall be entitled to retire at any time within five (5) years from said effective date as provided by subdivision (2) of said Section 187, and, beginning with the date of his retirement, shall be paid a pension of such percentage of his salary as he would have been entitled to receive had he been retired on the effective date of this amendment. This amendment shall take effect sixty (60) days after its approval by the Legislature of the State of California.

PROPOSITION NO. 3

That the Charter of the City of Long Beach be amended by amending Section 293 thereof to read as follows:

Contracts

Sec. 293. The City of Long Beach shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing, by order of the City Council, and signed by the City Manager or by some other person in behalf of the City authorized so to do by the City Manager; provided, that the approval of the form of the contract by the City Attorney shall be endorsed thereon before the same shall be signed on behalf of the City; but the City Council, by ordinance duly adopted, may authorize the City Manager, or any commission, board or agent of the City, with the written approval of the City Manager, to bind the City without a contract in writing or for the payment of supplies, labor or other valuable consideration furnished to the City of Long Beach in an amount not exceeding Fifteen Hundred Dollars (\$1,500.00). The Board of Harbor Commissioners and the Board of Water Commissioners may authorize contracts, in writing or otherwise, without advertising for bids, for the payment of supplies, labor or other valuable consideration furnished to the City of Long Beach in an amount not exceeding Fifteen Hundred Dollars (\$1,500.00), as if Section 229-1 and subsection (11) of Section 217 had been expressly amended to that effect.

PROPOSITION NO. 4

That the Charter of the City of Long Beach be amended by adding thereto a new section, to be known and designated as Section 294.1 and to read as follows:

Sec. 294.1. The requirements of Sections 293 and 294 of this Charter shall not apply to purchases made on behalf of the City from any governmental body, officer or agency by the City Manager, the Port Manager or the Board of Water Commissioners.

Application of Sections 293 and 294

PROPOSITION NO. 6

That the Charter of the City of Long Beach be amended by amending Section 37b thereof to read as follows:

Sec. 37b. To cooperate or join, by contract or otherwise, with other cities, states, the Federal Government, or agencies thereof, or other governmental bodies, singly, jointly or in districts or associations, for promoting or carrying out any of the powers of the City or for the acquisition, construction or operation of any works, plants or structures convenient or necessary for carrying out any of the purposes or objects authorized by this Charter; provided, however, that the powers in this section enumerated shall not be exercised except with the consent of the City Council, by vote of two thirds (2/3) of its members.

Cooperation with other governmental agencies

That the foregoing is a full, true and correct copy of said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, CLARENCE E. WAGNER, Mayor, as aforesaid, and FRANK J. BEGGS, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed, on this 15th day of December, 1944

Clarence E. Wagner

Mayor of the City of Long Beach

[SEAL]

Frank J. Beggs

City Clerk of the City of Long Beach

JMM:HIW
121144

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors

Approval

of said City of Long Beach, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach.

CHAPTER 28

Assembly Concurrent Resolution No. 13—Relative to reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans.

[Filed with Secretary of State January 27, 1945]

Reports of
United
Spanish-
American
War
Veterans

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 500 copies of the session of the Department Encampment of California of the United Spanish-American War Veterans for the year 1945, and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official roll, 350 copies for the use of the Assembly and 150 copies for the use of the Senate, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 29

Senate Concurrent Resolution No. 13—Relative to a re-examination and survey of real property transfers for the discovery of evasions and violations of the Alien Land Act, and requesting the advice of the Attorney General as to legislation necessary or desirable in furtherance thereof.

[Filed with Secretary of State January 27, 1945]

Violations
of Alien
Land Act

WHEREAS, It has long been the policy of this State to prohibit the acquisition of real property or of interests therein by aliens ineligible to citizenship, except to the extent prescribed by treaty, and the Alien Land Act of 1920 provides for the escheat of property acquired in violation of its provisions; and

WHEREAS, The studies and investigations of the Senate Fact-Finding Committee on Japanese Resettlement, created by Senate Concurrent Resolution No. 122, and the Assembly Interim Committee on the Japanese Problem, created by House Resolution No. 238, adopted at the Fifty-fifth Regular Session, indicate that there may have been numerous evasions and violations of the provisions of the Alien Land Act of 1920; and

WHEREAS, It would appear that there is need for a re-examination and survey of real property transfers, particularly in the agricultural areas of the State, with a view to discovering evasions and violations of the Alien Land Act; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Attorney General of California is requested to advise the Senate and Assembly during this session, on or before the second legislative day following the conclusion of the constitutional recess, what appropriations of money may be needed for the conduct of such an examination and survey by his department and what changes, if any, in the law may be necessary or desirable to facilitate the consummation of the survey and the prosecution of evasions and violations discovered during the course of it; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Attorney General.

CHAPTER 30

Senate Concurrent Resolution No. 14—Relative to annual reports filed by certain guardians and trustees pursuant to the provisions of the Alien Land Act, and requesting of the Secretary of State and each district attorney in the State information and data in respect thereto.

[Filed with Secretary of State January 27, 1945]

WHEREAS, The Alien Land Act of 1920 in Section 4 thereof requires each of certain guardians to file an annual report of his receipts and disbursements as guardian, serving a copy of the report upon the district attorney of the county, and in Section 5 thereof requires each of certain trustees to file with the Secretary of State an annual report describing the properties held by him and itemizing all receipts and disbursements as such trustee; and

Reports of
trustees,
etc Alien
Land Act

WHEREAS, The data contained in such reports would be informative and helpful to the Legislature and its members in ascertaining what further amendments, if any, to the Alien Land Act may be necessary or desirable in furtherance of its purposes or to facilitate its operation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Secretary of State and the district attorney of each county in the State is requested to furnish by March 15, 1945, complete data concerning such reports and copies of reports received by him and the information in such reports contained, together with such additional information as he may have and any recommendations he may wish to make concerning needed or desirable changes in the law on this subject; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Secretary of State and to the district attorney of each county in the State.

CHAPTER 31

Senate Concurrent Resolution No. 17—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State January 27, 1945.]

Constitutional recess

WHEREAS, Section 2 of Article IV of the Constitution of this State requires that, after the Legislature has been in session for a period not exceeding 30 days a recess must be taken by both houses for a period of not less than 30 days; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Fifty-Sixth Session of the Legislature of the State of California shall adjourn for said recess at 3 o'clock p.m. on January 27, 1945, and shall reassemble at 11 o'clock a.m. on March 5, 1945.

CHAPTER 32

Senate Concurrent Resolution No. 9—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

[Filed with Secretary of State January 27, 1945.]

Appointment of Controller as Accounting Officer for Legislature

WHEREAS, Each department of the Government of this State is accountable to the Federal Government for the payment of the victory tax which is deducted from the salaries of the officers and employees of such departments, and discharges its responsibility in this respect through its own fiscal officer; and

WHEREAS, There is no fiscal officer for the Legislature or either house thereof; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Controller be and he is hereby designated as the accounting officer for the Legislature and each house thereof, for the purpose of making deductions and filing returns with the Federal Government in connection with the victory tax or any other tax that may provide for salary deductions, including those of the Members of the Legislature, attaches thereof, and attaches and employees of such committees of the Legislature as may from time to time exist; and be it further

Resolved, That there is hereby appropriated and made available from the contingent funds of the Senate and Assembly, equally, a sum not to exceed four hundred dollars (\$400) per month for the purpose of defraying the expenses of the Controller in carrying out the duties imposed upon him by this resolution, to be disbursed, after approval by the Chief Clerk of the Assembly and the Secretary of the Senate, upon warrants drawn

by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall become effective February 1, 1945, and shall be of no further force or effect after January 31, 1947.

CHAPTER 33

Senate Joint Resolution No. 3—Relative to cooperation among Nations to curtail the production and traffic of opium.

[Filed with Secretary of State January 27, 1945]

WHEREAS, The tragic evil of opium addiction is age-old, and the control of opium production has been attempted through various means for many years, presently by the Permanent Central Opium Board of the League of Nations, through which 66 countries and 99 colonies cooperate to control the international drug traffic, most of which countries still report to the board in spite of the war; and

Opium
traffic

WHEREAS, Success in controlling the growth and production of opium necessarily depends upon the cooperation of the opium-growing countries; and

WHEREAS, The United States is in a position to exert pressure on some of the opium-producing countries because they are dependent on its lend-lease money and materials, and its men, in developing their railways, highways, and factories; and

WHEREAS, Since our entry into the war, American fighting men are now in countries where opium is produced and freely available, and American merchant seamen daily touch port in opium-producing countries; and

WHEREAS, The peril to addiction is great among those of our men suffering from loneliness, discouragement, and the fatigue of war, and its use would destroy the fighting efficiency of these men, thereby constituting a real threat to our war effort; and

WHEREAS, An easy opportunity is now afforded for the smuggling of opium into the United States, thereby endangering our war efforts on the home front; and

WHEREAS, Its use by criminals, who do not hesitate to kill under its influence, adds to the problems of law enforcement and to the peril of faithful law enforcement officers; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President to approach the governments of those opium-producing countries throughout the world upon which the United States can exert influence, urging upon them in the interest of protecting American citizens, and in the interest of world welfare, that they take immediate steps to limit opium growth and the production of opium and its derivatives to

the amount actually required for strictly medicinal and scientific purposes; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the office of the President of the United States and to each member of the Senate and House of Representatives in the Congress of the United States from California.

CHAPTER 34

Senate Joint Resolution No. 5—Relative to memorializing Congress to consider early return to this State of the administration and control assumed by the Federal Government as part of a nation-wide wartime employment program.

[Filed with Secretary of State January 27, 1945]

Return to
State of
adminis-
tration of
the Public
Employment
Service

WHEREAS, The State of California with an enormously expanded labor force faces severe unemployment after the war and consequences therefrom which may endanger its economic and social stability; and

WHEREAS, It is imperative the State of California be prepared with a complete and comprehensive work program, unemployment insurance program and relief program in order to minimize and temper the severity and magnitude of postwar unemployment; and

WHEREAS, The successful and effective operation by this State of the aforementioned programs for avoiding high unemployment and mitigating the evils of temporary unemployment requires a well developed and efficient employment service whose administration is coordinated with the various other State programs and State agencies; and

WHEREAS, The Public Employment Service operated by the State of California through its Department of Employment was assumed as of January 1, 1942 by the United States Employment Service as a part of a nation-wide wartime employment program; and

WHEREAS, It is indispensable that the Employment Service be returned and reestablished under State administration and control well in advance of the termination of war contracts and the occurrence of the impact of mass unemployment which will come with war contract cancellations; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the Congress of the United States be memorialized to consider the advisability of returning the Employment Service to the administration and control of the State of California at the earliest date compatible with the effective prosecution of the war; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 35

Senate Joint Resolution No. 9—Relative to memorializing the Congress of the United States to provide for the prompt removal of temporary war housing which violates local building regulations and relative to the timing and method of such removal and consultation with local legislative bodies to determine the need for retaining any such housing.

[Filed with Secretary of State January 27, 1945.]

WHEREAS, Loss of life and property has resulted from fire in Federally financed temporary war housing some of which has been constructed in violation of building regulations and minimum safety requirements of the community in which it is situated; and

Removal
of war
housing

WHEREAS, There will continue to be danger to life and property so long as such faulty housing remains available for occupancy; and

WHEREAS, The city councils or other governing boards of local communities are, by their very position, in possession of facts which should determine which temporary housing continues to be needed in the public interest; and

WHEREAS, Present Federal law provides for disposal of war housing with consideration to its "full market value" notwithstanding the fact that faulty housing does not, in fact, have true value as private housing; and

WHEREAS, Present law provides that removal of war housing shall be accomplished not later than two years after the President declares that the war emergency has ceased to exist, although in fact an armistice or truce following the defeat of the enemy may occur considerably in advance of such a declaration; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California jointly, That the Congress of the United States be memorialized to amend the Lanham Act to provide that temporary war housing, and particularly housing which violates minimum safety requirements or the building regulations of the community in which it is situated, should be removed as soon as practicable after the recognized cessation of hostilities; and, be it further

Resolved, That all such temporary war housing be removed as soon after organized hostilities cease as practicable with due consideration to the need for more adequate housing under private ownership and the public interest, and after consultation with the city council or other governing board of the respective local communities as to such housing which is still needed in the interest of the orderly demobilization of the war effort; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of California.

CHAPTER 36

Senate Joint Resolution No. 8—Relative to memorializing the Congress of the United States to provide financial assistance following the cessation of hostilities and during the period of reconversion to normal peacetime operation to those communities which have suffered deterioration of facilities owing to the impact of war industry and war-increased population.

[Filed with Secretary of State January 27, 1945.]

Federal
aid during
reconversion

WHEREAS, Ever since the United States began to meet the needs of the present war, many communities in California have suffered an influx of war industry, military installation and war-borne population which have swamped public facilities and enormously increased the burden of providing municipal services; and

WHEREAS, In the face of the inability of those communities to pay the full cost of such enormously increased demands upon their facilities and services, the Federal Government has recognized National responsibility for these burdens by providing more than a billion dollars for housing, sewers, schools, hospitals and other community facilities during the period of the war; and

WHEREAS, After the cessation of hostilities those communities will find it necessary further to restore their facilities and services which have deteriorated or become inadequate as a result of wartime demands upon them; and

WHEREAS, Increased wartime population will remain in many of those communities after the war, thus continuing the disproportionate burden upon municipal services; and

WHEREAS, Such communities do not have financial resources sufficient to meet in full these burdens; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be memorialized to consider and act upon legislation to recognize National responsibility by providing financial aid during the period of reconversion to those communities which have been forced, because of the war effort, to carry an abnormal war burden, so that they may be enabled to rehabilitate municipal facilities and services to the same level of adequacy as before the war; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of California.

CHAPTER 37

Senate Joint Resolution No. 10—Relative to memorializing Congress to appropriate additional and adequate funds annually for the maintenance and operation of the San Joaquin Experimental Range.

[Filed with Secretary of State January 27, 1945.]

WHEREAS, The present appropriation for the San Joaquin Experimental Range in the County of Madera, State of California is inadequate to properly carry on the necessary experimental work on range use and improvement; and

Federal
funds for
San Joaquin
Experimental
Range

WHEREAS, The present work is being conducted by the Forest Service of the United States Department of Agriculture largely through the employment of conscientious objectors who will not be available after the war; now, therefore, be it

Resolved by the Senate of the State of California, That the Congress of the United States be memorialized to appropriate additional and adequate funds annually for the maintenance of the San Joaquin Experimental Range; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Secretary of Agriculture, and to the Senators and Representatives from California in the Congress of the United States.

CHAPTER 38

Senate Concurrent Resolution No. 26—Approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general election held therein on the seventh day of November, 1944.

[Filed with Secretary of State January 27, 1945.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, as

City of
Albany
Charter
amendments

set out in the certificate of the president of the council and the city clerk of said city as follows, to wit :

CERTIFICATE OF MAYOR AND CITY CLERK OF THE
CITY OF ALBANY, COUNTY OF ALAMEDA,
STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } SS.
CITY OF ALBANY }

Certificate

We, the undersigned, B. E. HILL, President of the Council of the City of Albany, and MYRTLE Mc LEAN, City Clerk of said City, do hereby certify and declare as follows:

The City of Albany, County of Alameda, State of California, is now and at all times mentioned in this certificate has been, a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has ever since the year 1927, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 26th day of March, 1927, in the manner, form and substance as required by law, and was thereafter duly approved by concurrent resolution of the legislature of the State of California, on the 19th day of April, 1927. (Stats. 1927, p. 2312).

The legislative body having authority of said City being a council thereof, did on its own motion, and by resolutions adopted on the 28th day of August, 1944, duly propose to the qualified electors of said City of Albany a certain amendment to Section 49 of the Charter of said City, which amendment is hereinafter set forth, known as "Proposal No. 2".

The said City Council did, by resolution duly passed and adopted on said 28th day of August, 1944, proclaim and fix the 7th day of November, 1944, the date of the General Election to be held throughout the State of California, as the date upon which the said amendment so proposed be submitted to, and voted on by, the qualified electors of said City of Albany.

The said proposed amendment was published on the 22nd day of September, 1944 in the "Albany Times", a newspaper of general circulation printed and published in the City of Albany, and having a general circulation therein, the said paper being the official newspaper of the City of Albany, and said publication was made at the time and in the manner prescribed in Article XI, Section 8, of the Constitution of the State of California.

The said City Council caused copies of said amendment to be printed in convenient pamphlet form, and kept in the office of the City Clerk of said City of Albany, and on September 22, 1944 and September 29, 1944, did advertise a notice in said

“Albany Times”, that said copies might be had upon application therefor at the office of the City Clerk of the City of Albany, which said copies were duly provided.

The said General Election held on November 7, 1944, was not less than forty and not more than sixty days after the completion of the advertising in said official newspaper. At said election the said proposed charter amendment was voted upon by the qualified electors of the City of Albany. A majority of the qualified electors voting thereon voted in favor of and did ratify the said proposed charter amendment.

That the City Council did by resolution duly passed and adopted on the 28th day of August, 1944, request and appoint the Board of Supervisors of the County of Alameda, State of California, to canvass the returns of said election; that hereafter said Board of Supervisors of said County of Alameda, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that said amendment to said City Charter of the City of Albany known and designated as “Proposal No. 2”, was and is approved by electors of the said City of Albany and was ratified by the qualified voters voting thereon.

That said charter amendment so ratified by the qualified voters of the City of Albany at said election is in words and figures as follows:

“SECTION 49. . .

“(a) There shall be a Civil Service Board, consisting of five (5) members, who shall be appointed by the Council, and shall serve without compensation, each member of the Council to appoint one member of said board. Said Civil Service Board shall also act as the trial board referred to in paragraph (r) in this section. No person shall be eligible to hold office as a member of the Civil Service Board unless he shall have been a resident and elector of the City of Albany for at least three (3) years preceding his appointment. No officer or employee of the City of Albany shall be eligible for such appointment, unless prior thereto or simultaneously with his acceptance thereof, said person terminates his other connection with the City as such officer or employee”.

IN WITNESS WHEREOF, we have hereunto set our signatures, and caused the official seal of the City of Albany to be affixed this 8th day of January, 1944.

[SEAL]

B. E. HILL,
President of the Council
of the City of Albany.
MYRTLE J. McLEAN,
City Clerk, City of Albany.

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration

in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Albany as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as parts of the charter of said City of Albany.

CHAPTER 39

Senate Concurrent Resolution No. 31—Relative to the passing of Lucas E. Kilkenny.

[Filed with Secretary of State March 12, 1945]

Death of
Lucas E.
Kilkenny

WHEREAS, To the many in all walks of life who knew and valued the friendship of Lucas E. Kilkenny his passing on March 2, 1945, has come as a deep shock and a profound sorrow. There was about him a kindly, lovable quality—a deep understanding and a sincere affection for his fellow men—such that none could but feel it a rare privilege to have known this man.

Born at Elmira, Solano County, California, in 1875, "Luke" Kilkenny received his early education in the Solano County schools. A graduate of the University of California in 1898, he entered upon the teaching profession, for which by character and background he was ably suited. His pupils throughout this period of his life not only found inspiration in the broad horizons of learning toward which he pointed the way, but came under the fortunate influence of his idealism, his tolerance, and his warm, human qualities. He possessed that ability, so desirable in a teacher, to meet his pupils on their level and see their problems through their own eyes. His lasting love for football, his pure joy in the game, and his rich fund of factual information on the subject could but add to his stature in the eyes of the youth about him.

He first taught in the Vacaville High School from 1898 to 1900; in the Salinas High School from 1900 to 1902; in the following year he served as principal of the Cloverdale High School; from that post he resigned to become city superintendent of schools at Salinas, which post he held until 1918.

At this time, in middle years, he turned to the study of law, graduating from Boalt Hall in 1921 and entering upon private practice. From 1925 to 1927 and from 1929 to 1933 he served as Assistant United States Attorney for the Northern District of California. In the latter year he was appointed Deputy Attorney General of the State of California, which position he held at the time of his death.

An indefatigable worker, he specialized, as a Deputy Attorney General, in harbor and navigation law. The sound and thorough work performed by him in this field revealed his fine, analytical mind and the high standards which he set for himself as a lawyer. Often he gave over-generously of his time and his energy in order that these standards might be consistently maintained. He was a member of Phi Alpha Delta legal fraternity, of the Elks, and of the Commonwealth Club.

Of the lovable, honorable, human "Luke" Kilkenny it may be said in highest tribute that he was a man who judged himself but not others; he was strict as to his own principles and actions but liberal toward those of his fellow men. His many friends who now join in mutual sorrow on his passing will long cherish the memory of this fine man and the warm kindness of his nature; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That when the respective houses of the Legislature adjourn this day, they do so in respect to the memory of Lucas E. Kilkenny; and be it further

Resolved, That the Secretary of the Senate is directed to convey to Mrs. Myrtle Guidery Kilkenny, of Berkeley, California, the widow of Lucas E. Kilkenny, and to his son, John E. Kilkenny, of Bakersfield, California, this expression of our sympathy and tribute.

CHAPTER 40

Senate Concurrent Resolution No. 30—Relative to the continuance of the Joint Committee on Water Problems created by Resolutions Chapter 130 of the 1941 Regular Session.

[Filed with Secretary of State March 14, 1945]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Water Problems created by Resolutions Chapter 130 of the 1941 Regular Session and continued by Resolutions Chapter 124 of the 1943 Regular Session is continued as a joint committee at this session with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing shall be filled by appointment of the Senate Committee on Rules of this session as to Senate Members and Speaker of the Assembly of this session as to Assembly Members.

2. The committee is authorized to act during this session of the Legislature, including any recesses, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly that are applicable to such a committee, or as amended from time to time, become applicable to this committee and its members.

Joint Com-
mittee on
Water
Problems

4. The sum of one thousand five hundred dollars (\$1,500) or so much thereof as may be necessary, is hereby made available from the contingent funds of the Senate and Assembly at this session for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution to be paid from said contingent funds equally, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

The money hereby made available is less than the unused part of the moneys heretofore made available to this committee which will revert to the General Fund.

CHAPTER 41

Assembly Joint Resolution No. 24—Relative to the United Nations Conference in San Francisco.

[Filed with Secretary of State March 14, 1945]

United
Nations
Conference
in San
Francisco

WHEREAS, During the course of the tragic war still being waged representatives of the United Nations have frequently consulted among themselves with the view of establishing the principles for a better world order upon the conclusion of the war; and

WHEREAS, The hopes of all free peoples look toward the establishment of security for all nations and the prevention of aggression by any nation; and

WHEREAS, Delegates of the United Nations will meet in San Francisco, commencing April 25, 1945, further to advance these high aims toward their practical effectuation; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That, on behalf of the people of the State of California, we most sincerely and cordially welcome the delegates of the United Nations to their meetings in San Francisco and express the hope that their deliberations will result in the satisfaction of the deep hopes of all mankind; and, be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Secretary of State of the United States with the request that he arrange for conveying it to the delegates at the conference in San Francisco.

CHAPTER 42

Assembly Concurrent Resolution No. 27—Relative to the long overdue and glorious return to the United States of the heroes of Bataan.

[Filed with Secretary of State March 15, 1945]

WHEREAS, There are now returning to the shores of their homeland the heroic defenders of American principles and the American way of life during the heartbreaking struggle in defense of the territory of the Commonwealth of the Philippines immediately following the perfidious attack of the Japanese warlords; and

Return of
heroes of
Bataan

WHEREAS, The heart of every patriot in America is thrilled by the manifold glorious and valiant acts of these brave men now returning; and

WHEREAS, Their rescue from an enemy observing rules for their treatment repugnant to all civilized men was a wish dear to the heart of every American and is now come true; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature, on behalf of the people of California, wishes to express the sentiment of every citizen in this State that it is honored by being the gateway through which these brave men are returning to their homes and loved ones; and, be it further

Resolved, That it is our most sincere hope that before many days have passed the friends and comrades of these men may also be rescued and brought into our midst; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Secretary of War and to the Secretary of Navy for transmission to each of the heroes.

CHAPTER 43

Senate Joint Resolution No. 15—Relating to claim of ownership of lands by the Sovereign State of California.

[Filed with Secretary of State March 19, 1945]

WHEREAS, The people of California presented a Constitution and asked admission into the Union which Constitution was submitted to Congress by the President of the United States by message dated February 13, 1850, and which, on due examination, was found to be Republican in its form of Government, thereupon by act of Congress approved September 9, 1850, California was "admitted into the Union on equal footing with the original States in all respects whatever" and in addition thereto

Claim of
ownership
of land by
the State

it was provided in the said act of Congress "that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States without any tax, impost, or duty therefor" and further provided "that nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the Constitution of that State"; and

WHEREAS, The Constitution of the State of California referred to in the act of Congress, being the first Constitution of this State, fixed the boundaries as follows:

"The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west, along said boundary line, to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, all the islands, bays and harbors, along and adjacent to the coast"; and

WHEREAS, In the Articles of Confederation referred to in the said congressional act admitting California into the Union herein before mentioned it was provided in Article II thereof as follows: "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled." and

WHEREAS, The original States formed the Union with all the rights they had asserted and maintained as colonies of England, and as successors to the English crown; hence the original thirteen colonies at the time of confederation of States owned and kept their tidelands; and

WHEREAS, Such ownership has long been recognized by the Supreme Court of the United States of America and by other Federal departments and agencies, and has not been questioned until recently, with the result that the State of California and its grantees, both public and private, relying thereon, have expended vast sums of money in the development of such lands, including harbor facilities, reclamation and filling in, and the erection of costly structures; and

WHEREAS, In 1941 the Legislature of this State adopted Senate Joint Resolution No. 24 asserting the title of the State and its grantees in such lands within this State, copies of which resolution were transmitted to the President of the United States, the Solicitor General, and the Senators and Representatives of the State of California in Congress; and

WHEREAS, It now appears that the Department of the Interior of the United States is contemplating action which would purport to vest in various individuals or corporations, rights in and to such tidelands and submerged lands, and particularly the right to extract and take oil and gas and other minerals therefrom; and

WHEREAS, Such contemplated action appears to be intended principally, if not solely, to result in litigation against the State of California to assert a pretended Federal claim to such lands, either with or without the authorization of Congress; and

WHEREAS, Any such litigation could only result in a decision in favor of this State or its grantees, would be unjust in view of the accompanying and attendant vexation and annoyance, and would seriously impair the further development of such lands and the financing thereof until the final decision; and

WHEREAS, It is appropriate at this time for California, through its Legislature, to make a political decision by asserting in joint resolution and proclamation that California claims and asserts title to all such tidelands and submerged lands within the boundary lines of the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Sovereign State of California from the moment of the adoption of the Constitution of 1849 has, and does now, and forever shall, own in its sovereign capacity, the lands underlying the ebb and flow of its tides, and under the Pacific Ocean to its outermost boundary; that all islands including, but not thereby excluding others, the Island of Catalina and the belt of water around the said islands along and adjacent to the coast of California and the soil and subsoil thereunder; and all of the ports, harbors, bays and inlets along the coast of California; and the lands lying under its lakes and navigable streams as they existed when said Constitution was adopted, together with the fishes and other water fauna and kelp and other water flora and minerals in said waters and in and under said lands; subject only to its own lawful acts relating thereto since said time; and be it further

Resolved, That the Secretary of the Senate be and he hereby is directed to forward copies of this proclamation resolution to the President of the United States, the Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of State of the United States, to the Secretary of the Interior of the United States, to each Senator and each Member of the House of Representatives from California in the Congress of the United States and to the Attorney General of California.

CHAPTER 44

Senate Concurrent Resolution No. 36—Relative to the “Women’s Army Corps Hospital Enlistment Month” and urging participation in such program.

[Filed with Secretary of State March 20, 1945]

Women’s
Army Corps
Hospital
Enlistment
Month

WHEREAS, The War Department discloses that battle casualties are now resulting in some 30,000 wounded men being returned to this Country each month, and

WHEREAS, The War Department also discloses that if these armless, legless, sightless and otherwise maimed men are to have adequate care to return them to health and a reasonable chance for happiness, 8,000 women must be enrolled in the Women’s Army Corps for training with pay in Army hospitals as medical technicians, and

WHEREAS, Five of these Army hospitals are in California—in or near San Francisco, Sacramento, Palo Alto, Modesto and Los Angeles—are charged with working for the recovery of battle casualties; women may choose to serve in any one of these institutions so short of women to relieve the nursing shortage; and

WHEREAS, The Honorable Earl Warren, Governor of California, in his proclamation of March 2, 1945, did proclaim the month of March to be “Women’s Army Corps Hospital Enlistment Month,” stating “I do so confident that during this period hundreds of California women will respond to the urgent call now being made to staff with Californians the many hospitals to which thousands of American men are now being returned from the battlefields;” now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby endorses this campaign to enlist skilled and unskilled women for training and service as medical technicians in these Army hospitals with the Women’s Army Corps, and calls upon all agencies and individuals, public and private, in California to cooperate actively in all ways to obtain this Army hospital personnel.

CHAPTER 45

Assembly Concurrent Resolution No. 33—In memory of Charles W. Paine.

[Filed with Secretary of State March 23, 1945]

Death of
Charles W.
Paine

WHEREAS, Sorrow fills our hearts today as we record the passing of this kindly and beloved public servant who yesterday, in his sleep and with the naturalness which ever marked his life, gave himself unto his Maker.

Born at the old Paine home on Capitol Avenue near the site of the original State Fair Grounds, with which he was to become so long associated, Charles W. Paine from the first loved horses. Perhaps this was in his blood, for it was his father who was operator of the Paine Livery Stables, founded in Sacramento in 1852. As a youth, Charlie became foreman of the stables at Del Monte, then the only resort of its kind in the West. By horse team he daily traveled the famed 17-mile drive. In the nineties he became bookkeeper and paymaster for Senator James G. Fair at the latter's large holding at Knight's Landing. Back in Sacramento at the turn of the century, he served as a member of the city council and chairman of the parks and streets committee. At this time Hiram Johnson was city attorney of Sacramento. Together these two had attended the old Mary J. Watson Grammar School on the present site of the Memorial Auditorium. Governor Gage appointed him a director of the State Fair Board, and from 1914 until his retirement in 1937 he was Secretary of the State Fair. It was largely through Paine's efforts that the State Horse Show became one of the outstanding events of its kind in the Nation, and it was natural that he was selected in 1939 to manage the horse show at the Golden Gate International Exposition.

So long and ably and devotedly did he serve as Secretary of the State Fair that to California, like the Fair and with the Fair, he became, as it were, a tradition rather than a person. Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the Legislature adjourns this day it do so in respect for the memory of Charles W. Paine; and, be it further

Resolved, That the Chief Clerk of the Assembly is directed to convey to the bereaved family of Charles W. Paine this expression of our tribute.

CHAPTER 46

Assembly Concurrent Resolution No. 36—Approving certain amendments to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of March, 1945.

[Filed with Secretary of State March 23, 1945]

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for

City of
Pasadena
Charter
amendments

that purpose on the twentieth day of November, 1900, and approved by the Legislature of the State of California, on the twenty-ninth day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the chairman of the board of directors and city clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of five amendments to the charter of said City of Pasadena, as set out in the certificate of the chairman of the board of directors and city clerk of said City of Pasadena, as follows, to wit:

**CERTIFICATE OF RATIFICATION BY ELECTORS OF
THE CITY OF PASADENA OF FIVE
CHARTER AMENDMENTS**

STATE OF CALIFORNIA	}	ss
County of Los Angeles		
City of Pasadena		

Certificate

We, the undersigned C. G. Wopschall, Chairman of the Board of Directors of the City of Pasadena, State of California, and Bessie Chamberlain, City Clerk of said City, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 3815 adopted by said board on the 1st day of February, 1945, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena five certain proposals for the amendment of the charter of said city, designated as Propositions Nos. 1-5 inclusive, to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 15th day of March, 1945. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 3816 adopted on the

1st day of February, 1945, which said ordinance called said special election, for the submission of said amendments, to be held in said city on the 15th day of March, 1945, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the primary nominating election of the City of Pasadena to be held on said date. That said election was duly and regularly called and held on said 15th day of March, 1945, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendments aforesaid in the official newspaper.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Pasadena, on the 1st day of February, 1945 in The Pasadena Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and until the day fixed for the said election, and as required by Section 8 of Article XI of the Constitution and by the Charter of the City of Pasadena, a notice was advertised and published in The Pasadena Star-News and the Pasadena Post, the same being newspapers of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of Section 8 of Article XI of the Constitution and of the Charter of said City of Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on the 15th day of March, 1945, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said Charter and said ordinances the said proposed charter amendments were submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each said proposed amendment to the charter of said city hereinafter set forth.

That, in accordance with the provisions of the Charter of the City of Pasadena and with the law in such cases made and provided, the Board of Directors of the City of Pasadena met on the 19th day of March, 1945 at the time fixed by the charter and at its usual place of meeting, and did duly and regularly canvass the returns of said election, and on the 19th day of March, 1945, the said Board of Directors did duly find, determine and declare the result of said special election as deter-

mined from the canvass of the returns therefor aforesaid to be that a majority of the qualified electors of said city voting on each of said proposed amendments had voted for and ratified each of said amendments.

That the said amendments to the charter so ratified by the electors of the City of Pasadena are in words and figures as follows:

PROPOSITION NO. 1

That the Charter of the City of Pasadena be amended by adding Article 8 to said charter to be designated "ARTICLE 8. GENERAL RETIREMENT SYSTEM" to read as follows:

"ARTICLE 8

GENERAL RETIREMENT SYSTEM

Retirement
system

SECTION 1. The legislative body of the city may establish a retirement system pursuant to the State Employees' Retirement Act, as now enacted or hereafter amended, for such persons in the employ of the city as it shall determine other than those who are members of the Retirement System established by Article 6 of this charter. Obligations of the city under such system shall be paid from the General Fund, the Light and Power Fund and the Water Fund in accordance with the respective obligations of said funds. The legislative body of the city, without the approval of two-thirds of the qualified electors thereof, may levy and collect, in addition to the tax authorized in Section 15 of Article 6 of this charter, a tax not to exceed five cents on each one hundred dollars' worth of taxable property in the city as shown by the assessment roll, which tax, together with said tax authorized in said Section 15 of Article 6, shall be used for retirement purposes for the Retirement System established by Article 6 of this charter and the retirement system established pursuant to said State Employees' Retirement Act.

Authorization for said tax of five cents shall terminate as soon as all prior service obligations of the city under the retirement system authorized to be established by this Article 8 have been paid. Nothing herein provided shall be construed as limiting said tax of five cents to the payment of prior service obligations.

Any provision of this charter inconsistent herewith is hereby superseded."

PROPOSITION NO. 2

As a separate proposition that said charter be amended by adding a new section following Section 14 of Article 6 thereof to be designated "Section 14}. MILITARY LEAVE OF ABSENCE CONTRIBUTIONS AND CREDITS" to read as follows:

Military
leave of
absence
contri-
butions
and credits

"SECTION 14}. MILITARY LEAVE OF ABSENCE CONTRIBUTIONS AND CREDITS The time during which a member is or has been on military leave of absence from duty

shall be considered service for the city. Any member on or who has been on military leave of absence from duty may make payments to the Retirement Fund of all or any part of the normal and dependent contributions which would have been deducted from his compensation had he been on duty. The legislative body by ordinance shall determine how and when such payments shall be made. All such payments shall be matched by contributions of the city to the Retirement Fund and such member shall receive credit for such payments and matching contributions of the city."

PROPOSITION NO. 3

As a separate proposition that said charter be amended by adding a new section following Section 10 of Article 6 thereof to be designated "Section 10½. AGE EXCEPTION FOR TEMPORARY OR PART-TIME EMPLOYEES" to read as follows:

"SECTION 10½. AGE EXCEPTION FOR TEMPORARY OR PART-TIME EMPLOYEES. As an exception to the maximum age requirement of the preceding section, if the City Manager finds that persons under thirty-one years of age are not available for membership in either of said departments because of conditions brought about by war, he may employ a person over thirty years of age in either of said departments on a temporary or part-time basis and such person shall not be entitled to membership in the Retirement system. Authority given to the City Manager under this section shall terminate after the expiration of one year after the end of the present war on a date to be determined by the legislative body of the city."

Age exception for temporary or part-time employees

PROPOSITION NO. 4

As a separate proposition that said charter be amended by adding a new section following Section 9 of Article 10 thereof to be designated "Section 10" to read as follows:

"SECTION 10. The legislative body may authorize the City Manager or other officer of the city to purchase for the city or to enter into contracts on behalf of the city, in writing or otherwise, without advertising for bids for materials, supplies, equipment or other property offered for sale to municipalities by the United States government or any agency, department or officer thereof."

Contracts for supplies etc., with U. S.

PROPOSITION NO. 5

As a separate proposition that said charter be amended by amending Section 3 of Article 10 thereof to read as follows:

"SECTION 3. All bids must be accompanied by cash, a certificate of deposit or certified check or draft or a cashier's check or draft of or on some responsible bank in the United States, in favor of and payable at sight to the City Clerk, for an amount equal to five per cent of the bid. If the bidder to whom

Bids on contracts

the contract is awarded shall for fifteen days after such award fail or neglect to enter into the contract and file the required bond, the City Clerk shall draw the money due on such certificate of deposit or check or draft and pay the same or any cash deposited into the treasury, and under no circumstances shall it be returned to the defaulting bidder. In lieu of the foregoing, any bid may be accompanied by a surety bond in said amount furnished by a surety authorized to do a surety business in the State of California guaranteeing that said bidder will enter into the contract and file the required bond within said period."

That we have compared the foregoing amendments with the original proposals proposed by said Ordinance 3815 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy of each thereof.

Certificate

That as to said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 19th day of March, 1945.

[SEAL]

C. G. WOPSCHALL
Chairman of the Board of
Directors of the City of
Pasadena
BESSIE CHAMBERLAIN
City Clerk

WHEREAS, Said proposed amendments to the charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Pasadena.

CHAPTER 47

Senate Joint Resolution No. 11—Relative to the establishment of an Optometry Corps in the United States Army.

[Filed with Secretary of State March 29, 1945.]

WHEREAS, The California Legislature in Fifty-fifth (Fourth ^{Optometry Corps in the Army} Extraordinary) Session, on June 13, 1944, adopted Assembly Joint Resolution No. 16, endorsing the formation of an Optometry Corps in the United States Army and in the Army of the United States, and reading as follows:

Assembly Joint Resolution No. 16—Relative to the establishment of an Optometric Corps in the United States Army.

WHEREAS, For the efficient functioning of the members of the armed forces of the United States it is necessary that their visual requirements be adequately cared for; and

WHEREAS, The War Department estimates that 20 per cent of United States soldiers require correction of their visual needs by the use of eyeglasses (approximately 2,200,000 individuals); and

WHEREAS, At present the supplying of the visual needs is under the direction of the Medical Corps administered by the Surgeon General of the Army; and

WHEREAS, To help fulfill these needs the Medical Corps is using the services of approximately 1,000 optometrists; and

WHEREAS, The Surgeon General and The Adjutant General have declared that more optometrists are needed to insure adequate visual care for all members of the armed forces; and

WHEREAS, These optometrists are being drafted as privates, and only in rare instances are they permitted to attain even noncommissioned rank; and

WHEREAS, All these optometrists must be (1) Graduates of a four year professional course in optometry at an approved university or school of optometry, and (2) Licensed in one of the States of the United States; and

WHEREAS, Many optometrists have sought and obtained commissioned rank in other branches of the United States Army, so that they might attain the recognition accorded others with similar education and professional attainments; and

WHEREAS, With adequate recognition most of the optometrists who are now serving in other branches of the armed forces would transfer to an Optometric Corps and help provide the needed personnel; and

WHEREAS, Many optometrists now in private practice would join the armed forces if they were able to do so in the manner permitted to other professionals, such as physicians, dentists and nurses; and

WHEREAS, The Surgeon General has stated that optometrists can not be commissioned in the Medical Corps, as only licensed physicians can receive such commissions; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of this State indorse the

formation of an Optometric Corps in the United States Army and in the Army of the United States and request the members of Congress to enact the same into law; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that the Senators and Representatives from California are hereby respectfully urged and requested to support the establishment of the said Optometric Corps, and

WHEREAS, Legislation has been introduced into the 79th Congress to carry out the intent of this resolution, such legislation to be known as H.R. 1699 by Mr. Short, now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this State in Fifty-sixth Regular Session, endorse the formation of an Optometry Corps in the United States Army and in the Army of the United States and request the members of Congress to enact the same into law; and be it further

Resolved, That the Secretary of the Senate prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that the Senators and Representatives from California are hereby respectfully urged and requested to support the establishment of the said Optometry Corps, and particularly H.R. 1699.

CHAPTER 48

Senate Concurrent Resolution No. 37—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the twentieth day of March, 1945.

[Filed with Secretary of State April 2, 1945.]

City of
Bakersfield.
Charter
amendments

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than three thousand five hundred (3,500) inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the twentieth day of January, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which

charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifth day of May, 1914, and approved by the Legislature of the State of California, on the twentieth day of January, 1915; and

WHEREAS, On the fifth day of February, 1945, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held March 20, 1945, proposed amendments to the city charter of the City of Bakersfield, and immediately thereafter and on the fifth day of February, 1945, the city council of said City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be called and held on the twentieth day of March, 1945, and which said date was fixed by said city council of the City of Bakersfield as the time for voting on said amendments as proposed; and

WHEREAS, Said proposed amendments were published on the seventh day of February, 1945, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said election was duly called and regularly held on the twentieth day of March, 1945, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendments, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of the City of Bakersfield, and at said election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said charter, said proposed amendments so ratified being in the words and figures as follows, to wit:

ELECTION PROCLAMATION

Notice of Special Election March 20, 1945

TO WHOM IT MAY CONCERN:

KNOW YE, that pursuant to law a special election will be held in the City of Bakersfield, on Tuesday, the 20th day of March, 1945, for the purpose of submitting to the qualified electors of said City certain proposed changes and amendments to the Charter of the City of Bakersfield, which said election shall be consolidated with the Nominating Municipal Election, and the Election Precincts, Polling Places, and Voting Booths shall in every case be the same, and there shall be only one set of Election Officers in each of said precincts; and such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat.

Said proposed changes and amendments to said City Charter are in the words and figures as follows, to-wit:

PROPOSITION No. 1

That the Charter of the City of Bakersfield be and it is hereby changed and amended by amending Sections 2, 13 and 14 and adding a new section to be known as Section 19 of the Charter Amendment to the Charter of the City of Bakersfield, which is known as "Relief and Pension Fund for Members of the Fire Department of the City of Bakersfield" voted for and ratified by the electorate of the City of Bakersfield at a general State election held therein on the 4th day of November, 1930, which said Charter Amendment was thereafter ratified by Senate Concurrent Resolution No. 16, and as amended at the special election held in the City of Bakersfield on March 23, 1937, and thereafter ratified by Senate Concurrent Resolution No. 21, which said section shall read as hereinafter set out.

DEFINITIONS

Section 2.

'Final compensation'

(1) "Final Compensation" shall mean the average monthly compensation earnable by a member during the five (5) years immediately preceding his retirement, or death before retirement.

B—ALLOWANCE ON DISABILITY RETIREMENT

Section 13.

Continuing benefits to widow, etc.

(c) Upon the death of a member who has been retired by reason of disability as the result of injury or illness incurred in the performance of duty, or otherwise, the retirement allowance shall be continued, throughout life or until remarriage, to the surviving wife, to whom he was married at least one year prior to his retirement. If there be no surviving wife or if she die before any child of such deceased member shall have attained the age of eighteen years, then the allowance shall be continued to his child or children under said age collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after attaining the age of eighteen years. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of eighteen years by a child before the sum of the monthly payments made shall equal the sum of the retired member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, provided that this sentence shall be of no effect if there be no wife at the time of retirement who qualifies for the continuance of an allowance to her after the death of the said member.

C—DEATH BENEFIT

(3) An amount sufficient, when added to the amount provided in paragraph (1) of this Section to provide a monthly death benefit as provided in Section 5. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of eighteen (18) years by a child, before the sum of the monthly payments made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike. If in the opinion of the Retirement Board, death be not the result of injury or illness incurred in the performance of duty, and if said member be qualified as to service rendered at the date of death for retirement from service under subsection (A) of Section 13 of this Amendment, then, in addition to the amounts provided in said paragraphs (1) and (2)

(4) An amount sufficient, when added to the amounts provided in said paragraphs (1) and (2), but excluding his accumulated contributions, when applied according to rates and tables actuarially recommended and approved by the Retirement Board, to provide an allowance to be paid to the surviving wife to whom said member was married at least one (1) year prior to his death to be equal in amount to the allowance calculated as in Section B of Section 12 of this Amendment, which would have been payable to her if the said member had retired for service at the time of his death and had died instantly thereafter, and to continue throughout her life or until her remarriage. If there be no surviving wife, or if she die before all surviving children of such deceased member shall have attained the age of eighteen (18) years, then to his child or children under said age collectively, to continue until every such child dies or attains the age of eighteen (18) years, provided that no child shall receive any allowance after attaining the age of eighteen (18) years. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of eighteen (18) years by his surviving children before the sum of the monthly payments made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike.

Paragraph (6) of Section 13-C is hereby expressly repealed.

Section 14. That portion of any allowance or other benefit which is provided by contributions of the City and is payable by the Retirement System because of the death or retirement of a member, shall be reduced by the amount of any benefits, other than medical benefits, payable concurrently

with said portion, to or on account of the member under the Workmen's Compensation, Insurance and Safety Law of the State of California, because of his death or the disability resulting in his retirement. The beneficiary shall have no more right to the pension unpaid because of such reduction, than if the Retirement System had never existed. When payment of the benefits under the Workmen's Compensation, Insurance and Safety Law have been completed, the retirement allowance shall be paid thereafter in full, as provided by this Charter.

It is the purpose of this section to reduce the pension portion of the retirement allowance payable from the Retirement Fund by the amount of benefits due to the beneficiary concurrently with said portion, under said Compensation Law, and the payment before due date by the commutation through compromise or otherwise of such benefits shall not prevent the reduction of said portion, as provided in this section, in the amounts equivalent to the commuted amount, which would have been payable concurrently with the retirement allowance in the absence of such commutation. Benefits payable under said Compensation Law for time prior to the date the allowance starts, shall not be considered hereunder.

Section 19 Time during which a member is absent from service on leave of absence whether by reason of having been ordered on duty with the armed forces of the United States or otherwise, shall be considered as time spent in City service. Any member so absent shall contribute to the system, either during such absence or upon his return to the service, at times and in a manner fixed by the Pension Board, amounts equal to the contributions which would have been made by him to the system on the basis of his compensation allowable to the position held by him at the commencement of his leave of absence.

Proposition No. 2

That Section 15 of the Charter of the City of Bakersfield be and it is hereby amended to read as follows:

Term of Office

Councilmen.
Terms of
office

Section 15. Councilmen shall be elected for a term of four years, and shall serve until their successors are elected or appointed and have qualified, except that in the case of the Council first to take office after the adoption and ratification of this amendment four of said councilmen shall hold office for four years, and three shall hold office for two years. Said Council shall determine by lot at their first regular meeting which four members of said Council shall hold office for the four-year period.

Such election shall be held and conducted in all respects in accordance with the laws of the State of California applicable thereto.

All qualified electors of the City of Bakersfield are and each of them is hereby invited to vote at said Special Election.

BY ORDER OF THE COUNCIL OF THE CITY OF BAKERSFIELD.

ALFRED SIEMON,
MAYOR of the City of Bakersfield.

ATTEST:

V. VAN RIPER,
City Clerk and Ex-Officio Clerk of the
Council of the City of Bakersfield.

Dated this 5th day of February, 1945.

And

WHEREAS, The Council of the City of Bakersfield, County of Kern, State of California, in accordance with the law in such cases made and provided, did meet at its usual place of meeting, at the time and in the manner provided by law, and duly canvassed the returns of said election as certified by the election boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendments to the charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certifi- Certificate
cate of Alfred Siemon, Mayor of the said City of Bakersfield, and V. Van Riper, Clerk of said city, whose certificate is in words and figures as follows, to-wit:

State of California }
County of Kern } ss
City of Bakersfield }

This is to certify that we, Alfred Siemon, Mayor of the City of Bakersfield, and V. Van Riper, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at a special election held within the City of Bakersfield on March 20, 1945, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matter set forth therein are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 26th day of March, 1945.

[SEAL]

ALFRED SIEMON
Mayor of the City of Bakersfield

V. VAN RIPER
Clerk of the City of Bakersfield

And

WHEREAS, The said amendments to the charter of the City of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate, the Assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Bakersfield.

CHAPTER 49

Senate Joint Resolution No. 17—Relative to the issuance of a United States postage stamp reproducing Joe Rosenthal's photograph of the raising of the United States Flag on Iwo Jima.

[Filed with Secretary of State April 6, 1945.]

Issuing new
postage
stamp

WHEREAS, The raising of the United States Flag on Iwo Jima was an event of great and historic significance in World War II, shaping future strategy and conduct of the war in the Pacific and pointing the way toward earlier defeat of Japan; and

WHEREAS, Associated Press photographer Joe Rosenthal, by the greatest news photograph of the war, has caught the stark and costly drama and the fierce glory of the Battle of Iwo Jima, which scene should be preserved for all time and circulated throughout the world; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Postmaster General of the United States are respectfully memorialized to cause the issuance of a postage stamp reproducing Joe Rosenthal's photograph of the raising of the United States Flag on Iwo Jima and, if possible to do so prior to or at the time of the United Nations Security Conference at San Francisco, California, on April 25, 1945; and be it further

Resolved, That the Secretary of the Senate is authorized and directed to transmit copies of this resolution to the Honorable Franklin D. Roosevelt, President of the United States, and to the Honorable Frank C. Walker, Postmaster General of the United States.

CHAPTER 50

Senate Concurrent Resolution No. 38—Relative to adjournment in respect to the memory of Esther B. Phillips.

[Filed with Secretary of State April 6, 1945]

WHEREAS, The brilliant career of a remarkable woman has been brought to a close with the passing on March 30, 1945, of Assistant United States Attorney Esther B. Phillips.

Death of
Esther B.
Phillips

The State of California had long taken pride in the ability and achievements of this eminent native daughter; the United States Government long had the benefit of and valued her able services.

Born in Hanford, California, the daughter of the late Judge and Mrs. Dixon L. Phillips, Esther B. Phillips chose to follow her father's profession. At that time few women had entered the legal profession, nor can it be said that they were encouraged so to do. It took determination, courage, and a real love for the law to succeed. These qualities which Esther Phillips possessed, coupled with the brilliance and logic of her mind, caused her to become one of the outstanding lawyers of California.

A graduate of Boalt Hall School of Law at the University of California, Miss Phillips was admitted to the State Bar in 1916, becoming in 1918 the first woman editor of the University of California Law Review, and in 1929 the first woman on the Board of Governors of the San Francisco Bar Association. For the past 19 years she had served as Assistant United States Attorney for the Northern District of California, specializing in admiralty and internal revenue tax law. In addition to her heavy professional duties, she found time to serve as a member of the board of directors of the Women's City Club in San Francisco, and to hold active membership in the Women's Faculty Club and College Women's Club in Berkeley. Significant of the ability which was hers and of the recognition accorded her, Miss Phillips was retained as their assistant by three successive United States Attorneys, performing with rare ability and untiring diligence the many heavy and difficult responsibilities vested in her; and

WHEREAS, It is fitting that the memory of this brilliant public servant be perpetuated in the official records of her State in tribute to her ability and as evidence of the profound loss which her passing has occasioned and of the high regard and esteem in which she was held; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That when the respective houses of the Legislature of the State of California adjourn this day they shall do so in respect to the memory of Esther B. Phillips.

CHAPTER 51

Assembly Concurrent Resolution No. 40—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the thirteenth day of March, 1945.

[Filed with Secretary of State April 9, 1945]

City of San Diego. Charter amendment.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA, }
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO. }

Certificate

We, the undersigned, Harley E. Knox, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, now, and at all times herein mentioned, was a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at the general municipal election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 2935 (New Series), passed and adopted by said Council on the 16th day of January, 1945, duly proposed to the qualified electors of The City of San Diego eleven certain amendments to the charter of said City, designated as Propositions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, respectively, and ordered said eleven proposed charter amendments to be submitted to said qualified electors at a municipal special election called and held for that purpose in said City on the 13th day of March, 1945.

That all of said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 31st day of January, 1945, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election. That copies thereof were mailed to each of the qualified electors, as required by law.

That said proposed amendments were submitted, pursuant to the provisions of said Ordinance No. 2935 (New Series), to the qualified electors of said City at the Municipal Special Election held in said City on the 13th day of March, 1945.

The said Council did on the second day next succeeding the date of said election then and there by resolution direct the City Clerk to make the canvass of the returns of said election. That upon the completion of said canvass and the certification of the results thereof by the City Clerk to the Council, said Council did, by Resolution No. 80780, passed and adopted March 27, 1945, duly declare the result of said election from the canvass of the returns thereof.

The said Council did by said Resolution No. 80780 declare that the said proposed amendments to the Charter of The City of San Diego, designated as Propositions Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, were, and each and every one of them was, ratified by a majority of the qualified electors of said City voting thereon, and that said proposed amendment to said Charter designated as Proposition No. 1 received less than a majority of the votes of the qualified electors voting thereon, and was not ratified.

That as to each of the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City are in words and figures as follows:

PROPOSITION NO. 2.

Amend Section 94 of the Charter of The City of San Diego, so as to read as follows:

Construction,
etc
contracts

“Section 94. **CONTRACTS.** In the construction, reconstruction, or repair of public buildings, streets, utilities and other public works, and in furnishing any supplies, materials, equipment or contractual services for the same, or for other use by the City, when the expenditure therefor shall exceed the sum of one thousand dollars, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council on the recommendation of the Manager or the head of the Department in charge, if not under the Manager’s jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for six consecutive days in a newspaper of general circulation in the City for sealed proposals for the work contemplated, provided, however, that the Council upon the recommendation of the Manager and by a vote of five of its members may order the performance of any such construction and reconstruction or repair work by the appropriate City forces when the estimates submitted as part of the Manager’s recommendations indicate that the work can be done by the City force more economically than if let by contract; provided, further, that upon the recommendation of the Manager, the Council by resolution may order the purchase, without advertising for bids, of surplus commodities from the United States of America, or any agency thereof, or from any other public corporation, state or municipal, or any agency thereof.

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of five of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the City treasury and available for such purpose. All contracts before execution shall be approved as to form and legality by the City Attorney.

Each bidder shall furnish with his bid such security or deposit insuring the execution of the contract by him as shall be specified by the Council or as provided by general law.

The Council shall require each contractor under this Section to insure the faithful performance of his contract by delivering to the City a surety bond in an amount specified by the Council, executed by a surety company authorized to do business in the State of California, and in addition thereto, the retention of

sufficient payments under the contract to insure the protection of the City against labor or material liens.

The Council, on the recommendation of the Manager, or the Head of the Department not under the jurisdiction of the Manager, may reject any and all bids and re-advertise for bids. The Council may provide that no contract shall be awarded to any person, firm or corporation, if prison or alien labor is to be employed in performing such contract, or if the wage schedule for employees engaged in performing such contract are based on more than eight hours of labor per day. Any contract may be let for a gross price or on a unit basis and may provide for liquidated damages to the City for every day the contract is uncompleted beyond a specified date. It shall be competent in awarding any contract to compare bids on the basis of time completion, provided, that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided further, that for any contract awarded solely or partially on a specified time for completion the Council shall not extend such time limits unless such extension be recommended by the Manager and the Head of the Department concerned.

No officer, whether elected or appointed, of The City of San Diego shall be or become directly or indirectly interested in, or in the performance of, any contract with or for The City of San Diego, or in the purchase or lease of any property, real or personal, belonging to or taken by said City or which shall be sold for taxes or assessments or by virtue of legal process or suit of said City. Any person wilfully violating this section of the Charter shall be guilty of a misdemeanor and shall immediately forfeit his office and be thereafter forever barred and disqualified from holding any elective or appointive office in the service of the City.

All contracts entered into in violation of this Section shall be void and shall not be enforceable against said City; provided, however, that officers of a municipality may own stock in public utility service corporations and the City permitted to contract for public utility service when the rates for such service are fixed by law or by virtue of the Railroad Commission of the State of California, and in such cases such contracts shall be valid and enforceable obligations against the municipality, and the officer interested as a stockholder in such public utility corporation shall not be deemed to have an interest in such City contract within the meaning of this section of the Charter."

PROPOSITION NO. 3

Amend Section 117 of the Charter of The City of San Diego, so as to read as follows:

Administra-
tive service

“Section 117. CLASSIFICATION. The administrative service of the City is hereby divided into the unclassified and classified service, as follows:

Unclassified
service

THE UNCLASSIFIED SERVICE shall include all elective positions and the following administrative offices:

A confidential Secretary to the Mayor; City Manager, a confidential Secretary, one Assistant Manager and two Assistants to the Manager; City Clerk; City Auditor and Comptroller; Superintendent of Playgrounds and Recreation; City Librarian; Chief of Police and a confidential Secretary; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Public Works; The Hydraulic Engineer in charge of the Division of Development and Conservation, in the Department of Water; The Superintendent of Distribution of Water; Director of Public Health, and a Confidential Secretary; Director of Social Welfare; Officers and Employees of the San Diego School District; Members of all Commissions and Advisory Boards who serve the City without compensation.

Classified
service

THE CLASSIFIED SERVICE shall comprise all positions not specifically included by this Charter in the unclassified service.”

PROPOSITION NO. 4

Amend Section 150 of the Charter of The City of San Diego, so as to read as follows:

Board of
trustees of
the police
relief and
pension fund

“Section 150. BOARD OF TRUSTEES OF FUND. The Chief of Police of the San Diego Police Department, the City Treasurer of The City of San Diego, and two members of said Department who have had at least seven years of continuous service in said Department, to be elected as hereinafter provided, and their successors in office, and one appointee of the Manager, who has been a resident of The City of San Diego at least five years, shall be and they are hereby constituted and appointed as the Board of Trustees of the Police Relief and Pension Fund. The elective members of said Board shall be chosen by ballot at an election to be held within thirty days after the date this amendment becomes effective, to hold office until the first Thursday after the first Monday in April, 1946, at which time an election shall be held to choose their successors, and such an election shall be held on the first Thursday after the first Monday in April every two years thereafter, at which election all police officers in good standing in the San Diego Police Department shall be entitled to vote. Said election shall be by secret ballot at a place designated by the Board of Trustees and shall be conducted in accordance with such rules and regulations as may be prescribed by said Board of Trustees.

In the event of the death or resignation of any elective member of said Board, or in the event of said member becoming ineligible for any reason to act on said Board, his successor shall be chosen at a special election which shall be called by said Board within thirty (30) days from the time of the death or resignation of said member or of the date of his ineligibility. Said election shall be conducted in the same manner as provided for the regular election."

PROPOSITION NO. 5

Amend Section 162 of the Charter of The City of San Diego, so as to read as follows:

"Section 162. RETIREMENT FOR SERVICE.

(a) Whenever any person who shall heretofore have qualified as hereinafter provided, shall have been duly appointed, selected and sworn, and have served for twenty (20) years or more, in the aggregate, as a member or employee in any rank or capacity, in the Police Department of The City of San Diego, the Board of Trustees shall, upon the written request of such or any member or without such request and with the approval and consent of the City Manager, if it deem it for the good of the service, retire such member from further service in the Police Department and from the date of such order of retirement the service of such person shall cease and he shall thereafter, during his lifetime, be paid from the Police Relief and Pension Fund a yearly pension equal to one-half ($\frac{1}{2}$) the amount of the average yearly salary of said person for the five (5) years immediately preceding the date of his retirement, payable to him in monthly installments; provided, however, that members of the Police Department of The City of San Diego who enter the service of the Department subsequent to the 8th day of May, 1941, shall not be so retired before they reach the age of fifty (50) years, and before twenty-five (25) years of service in the aggregate.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the City Police Force, who shall have left said force for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Police Department within three months after having been honorably discharged from said military service, shall have such time counted as part of the aggregate service required for retirement pension.

(b) Upon the death of said pensioner, one-third ($\frac{1}{3}$) of the amount of his annual salary shall be paid to his widow, until she remarries, but in no case shall such pension exceed seven-hundred-fifty dollars (\$75.00) per month; and if there be no widow, each child under eighteen (18) years of age, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third ($\frac{1}{3}$) of his annual salary, not to exceed fifty dollars

(\$50.00) per month, shall be paid to his mother or father, if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

Provided, however, if such pensioner was pensioned for service for twenty years or more the widow shall not be entitled to any pension unless she was married to said pensioner at least three years previous to the time of his retirement. If the widow of a pensioner, entitled to a pension, shall refuse to provide for a dependent child or children or other dependent provided for in this Section, the Board of Trustees, upon satisfactory proof thereof, shall have the power to provide for said dependent child or children or other dependent, and to deduct such amount from the pension of said pensioner as may in the judgment of the Board be proper and necessary."

PROPOSITION NO. 6

Amend Section 173 of the Charter of The City of San Diego, so as to read as follows:

Board of
trustees of
the firemen's
relief and
pension fund

"Section 173. BOARD OF TRUSTEES OF FUND. The Chief of the San Diego Fire Department, the City Treasurer, two members of said Department with at least seven years' service in the Department, and their successors in office, and one appointee of the Manager, who has been a resident of The City of San Diego at least five years, shall be and are hereby constituted and appointed as a Board of Trustees of the Firemen's Relief and Pension Fund. The elective members of this Board shall be chosen by ballot at an election to be held within thirty days after the date this amendment becomes effective, to hold office until the third Monday in April, 1946, at which time an election shall be held to choose their successors, and such an election shall be held on the third Monday of April every two years thereafter, at which election all Firemen in good standing in the San Diego Fire Department shall be entitled to vote. The election provided for in this Section shall be under the secret ballot system, and held on the third Monday in April, at such place or places as the Board of Trustees shall direct, and under such rules and regulations as they shall prescribe. In the event of death, resignation, failure or inability of any member of said Board to act, if his position be elective, his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days of the time the vacancy is declared, and shall be conducted in the same manner as the regular election. The elective members of this Board, or either or any of them, may be recalled by a majority vote of all members of the Fire Department, and upon petition of twenty-five per cent of the members of the Department, the Board of Trustees shall call an election to recall such person or persons, and if said officer

or officers are removed from office, said Board shall call an election within ten days to fill such vacancy, and such election shall be conducted as herein provided for."

PROPOSITION NO. 7

Amend Section 179 of the Charter of The City of San Diego, so as to read as follows:

"Section 179. CONTRIBUTIONS TO FUND BY FIREMEN. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee, except temporary laborers or employees, of the Fire Department a sum equal to six per cent (6%) of the amount paid the said member or employee, and all fines imposed upon members of the Fire Department in keeping with the rules and regulations of said Department to be forthwith paid into said Firemen's Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay for any other fund." Contributions to fund by firemen

PROPOSITION NO. 8

Amend Section 180 of the Charter of The City of San Diego, so as to read as follows:

"Section 180. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, except as hereinafter provided, direct the payment annually from the General Fund of the City into the Firemen's Relief and Pension Fund for the purposes of this Article, the following moneys: Contributions to fund by council

(a) All rewards given or paid to members of the Fire Department force while in the discharge of Fire Department duties.

(b) One third (1/3) of all fines collected in the City Police Court in The City of San Diego for the violation of any law, except such fines as may be otherwise directed by the General Law of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego, where such licenses are directly under the supervision of the Police Department.

(d) A sum equal to the amount paid into the Firemen's Relief and Pension Fund by the members of the Fire Department each year, as required under Section 179 of this Article during the next preceding year, and such further sum each year as may be required for the maintenance of said Firemen's Relief and Pension Fund."

PROPOSITION NO. 9

Amend Section 184 of the Charter of The City of San Diego, so as to read as follows:

"Section 184. RETIREMENT FOR SERVICE.

(a) Whenever any person who shall have been duly appointed, selected or sworn, and shall have served for twenty years or more in the aggregate as a member in any rank or Firemen: Retirement for service

capacity of the regular constituted force, or in any department of said force provided for by this Article, the Board of Trustees shall upon the written request of any person, or his guardian, or without such request and with the approval and consent of the City Manager, if it deem it for the good of the service, retire such person from further service in the Fire Department; and from the date of making such order, the service of such person shall cease, and the person so retired shall thereafter during his lifetime be paid from the regular funds of the Firemen's Relief and Pension Fund a yearly pension equal to one-half the amount attached to the rank held by him for one year or more previous to the time of his retirement; provided, however, that members of the San Diego Fire Department who enter the service of the Department subsequent to January 1, 1936, shall not be so retired before they reach the age of fifty years, and before twenty-five (25) years of service in the aggregate.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the Fire Department who shall have left said Department for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Fire Department within three months, after having been honorably discharged from said military service, or any member having served as substitute in the San Diego Fire Department, shall have such time counted as part of the aggregate service required for a retirement pension.

(b) Upon the death of said pensioner, one-third of the amount of his annual salary shall be paid to his widow until she remarries and in no case shall such pension exceed seventy-five dollars (\$75.00) per month, and if no widow, each child under eighteen years of age, if they are not married, shall receive twenty dollars (\$20.00) per month, but in no case shall pensions exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no children, one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to a dependent mother or father; and any dependent orphaned sister or brother under eighteen years of age, and unmarried, shall receive twenty dollars (\$20.00) per month but in no case to exceed fifty dollars (\$50.00) per month for the family; provided, however, if such pensioner was pensioned under subdivision (a) of this Section or Section 186 of this Article, the widow shall not be entitled to any pension unless she was married to said pensioner three years previous to the time of such retirement. In the event of the widow receiving a pension, and refusing to provide for dependent child or children, or other dependents provided for in this section, the Board of Trustees, upon satisfactory proof, shall have the power to divide the pension as it may deem proper. In the event that

a member of the San Diego Fire Department who has been pensioned for disability shall marry after being placed on the pension list, upon the death of such member his widow shall not be entitled to any pension under the terms of this Article."

PROPOSITION NO. 10

Amend Section 141 of the Charter of The City of San Diego, so as to read as follows:

"Section 141. CITY EMPLOYEES RETIREMENT SYSTEM. The Council of The City of San Diego, State of California, is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for public employees other than policemen and firemen (who are now members of a pension system) and elective officers, and members of Commissions who serve without pay; provided, however, that in no retirement system so established shall an employee be retired before he reaches the age of sixty-two and before he has completed ten years of continuous service; except in case of disability, incapacitating the employee for the performance of his duties, or in case of involuntary separation from service without fault or delinquency on the part of the employee. Retirement shall be compulsory at the age of seventy-two."

City
employees
retirement
system

PROPOSITION NO. 11

Amend Section 143 of the Charter of The City of San Diego, so as to read as follows:

"Section 143. CONTRIBUTIONS. The retirement system herein provided for shall be conducted on the contributory plan—the City contributing jointly with the employees affected thereunder. Employees shall contribute according to the actuarial tables adopted by the Board of Administration for normal retirement allowances, except that employees may, at their option, with the approval of the Board of Administration, elect to receive allowances in excess of those normally established, at rates of contribution to be determined by the Board. The City shall contribute an equal amount except where employees elect to receive a retirement allowance at a rate in excess of that normally established; in which case the City shall contribute only the amount provided in the actuarial tables adopted by the said board for normal retirement allowances. The mortality, service, experience or other table calculated by the actuary and the valuation determined by him, and approved by the board, shall be conclusive and final, and any retirement system established under this Article shall be based thereon; provided that initial liabilities accruing under a retirement plan because of past service of employees in active service on the 7th day of April, 1925, may be covered by annual appropriations by the Council."

Contributions

Certificate

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 27th day of March, 1945.

HARLEY E. KNOX
Mayor of The City of San Diego,
California.

FRED W. SICK
City Clerk of The City of San
Diego, California.

[SEAL]

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego.

CHAPTER 52

Assembly Joint Resolution No. 5—Relative to memorializing the Congress of the United States to encourage small business and to make the fullest possible provision for jobs in private enterprise to returning veterans.

[Filed with Secretary of State April 9, 1945]

Aid to
business

WHEREAS, Business, especially small business, is indispensable to the continued growth and prosperity of this State; and

WHEREAS, Many veterans on their return to civilian life will have considerable difficulty in readjusting themselves to their environment and finding suitable employment, and many of them will undoubtedly establish their own businesses as a means of providing for themselves and their families; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That it is the sense of the Legislature that every aid be given to business, especially small business, to the end that a

maximum number of jobs be provided by private enterprise and that every encouragement be given to returning veterans to engage in small business; and be it further

Resolved, That the Congress of the United States is memorialized and respectfully urged to take all such steps as may be expedient to provide wide opportunities for gainful employment; and be it further

Resolved, That copies of this resolution be forwarded to the President and Vice President of the United States and to the Speaker of the House of Representatives and to each of the Senators and Representatives of this State in Congress.

CHAPTER 53

Assembly Joint Resolution No. 6—Relative to memorializing the Congress of the United States, to give full consideration to giving preference rights to returning veterans in sales rights to surplus commodities.

[Filed with Secretary of State April 9, 1945.]

WHEREAS, Upon the conclusion of present hostilities there will be large stocks of surplus commodities; and

WHEREAS, Subsequent to such conclusion and during a period of readjustment, there are likely to be large stocks of surplus commodities to be disposed of; and

WHEREAS, It will be greatly to the advantage of the people of the United States in the new development that such commodities be disposed of without waste and in such a manner as to betoken the grateful respect which the people of the United States have for those of their sons and daughters who are giving their all throughout the different parts of a war-torn world; and

WHEREAS, Some of our returning veterans will have become physically incapacitated and deserving of such material compensation as can be made to them; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes and respectfully urges the Congress, in all its deliberations respecting the disposition of surplus commodities to give full consideration to giving preference rights to returning veterans in sales of such surplus commodities; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President and to the Vice President of the United States, to the Speaker of the House of Representatives and to each of the Senators and Representatives of this State in the Congress.

Sale of surplus goods:
Preference rights to veterans

CHAPTER 54

Assembly Joint Resolution No. 8—Relative to memorializing Congress to enact legislation similar to S. 1100 of the Seventy-eighth Congress, Second Session, regarding promotion of officers on the retired list of the Army after specified years of service on active duty.

[Filed with Secretary of State April 9, 1945]

Promotion
of retired
Army officers

WHEREAS, Numerous retired officers of the Army have been called again to active duty and are holding advanced temporary ranks for the duration, many of whom are serving under actual combat conditions; and

WHEREAS, Under the present law it appears that these officers, when again retired, must relinquish their advanced temporary rank and revert to their permanent rank on the retired list of the Army; and

WHEREAS, The members of the Legislature of the State of California believe that in equity and in fairness to these officers, the Federal Government should make provision entitling them to promotion on the retired list of the Army; and

WHEREAS, Action along these lines was initiated at the Seventy-eighth Congress, Second Session, when Senator McNary (for Senator Johnson) introduced S. 1100, providing for promotion of officers on the retired list of the Army after specified years of service on active duty, which bill was passed by the Senate in September of last year and referred to the House Committee on Military Affairs, but on which no action was taken by said committee before the adjournment of Congress; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States be memorialized to enact legislation similar to said S. 1100 of the Seventy-eighth Congress, Second Session, in order that the inequities presently existing in regard to the permanent rank of retired officers now on active duty may be remedied; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives from California.

CHAPTER 55

Assembly Joint Resolution No. 11—Relative to memorializing the Congress of the United States to give job preference to returning veterans on all public works.

[Filed with Secretary of State April 9, 1945.]

WHEREAS, The war effort has made it necessary to defer until after the conclusion of hostilities the undertaking of extensively needed public works; and Job preference for veterans on public works

WHEREAS, It is likely that many public works will be undertaken immediately after the cessation of hostilities; and

WHEREAS, The grateful respect of the Nation for those of its sons and daughters who are giving their all in the various parts of a war-torn world to win a victorious peace, makes it uniquely fitting that they should build the muniments of such a peace and the instruments for the enjoyment of the peace; and

WHEREAS, Many of the returning veterans are likely to welcome the opportunity for such further peacetime service as a means of gainful employment; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That, the Congress of the United States be memorialized and requested, in all its deliberations, to do its utmost insofar as it may lawfully do so, to provide for job preference to returning veterans on all public works which may be undertaken; and be it further

Resolved, That copies of this resolution be sent to the President and to the Vice President of the United States and to each Senator and Member of the House of Representatives from California in the Congress of the United States.

CHAPTER 56

Assembly Joint Resolution No. 23—Relative to memorializing Congress to provide a wage readjustment for postal service employees.

[Filed with Secretary of State April 9, 1945]

WHEREAS, Employees of the United States Postal Service now are required to perform greater duties than heretofore; and Wage readjustment for postal employees

WHEREAS, Such employees have not received a permanent wage readjustment in more than a decade; and

WHEREAS, The tremendous amount of work now being done by such employees is being performed in an efficient manner and is deserving of wage readjustment; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby endorses, and respectfully memorializes Congress to

provide, a wage readjustment for postal employees in order that such employees may receive increased compensation commensurate with their present work and responsibilities; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Postmaster General of the United States.

CHAPTER 57

Assembly Concurrent Resolution No. 14—Relative to recognition of small business and the encouragement in private enterprise of returning veterans.

[Filed with Secretary of State April 9, 1945.]

Aid to
business

WHEREAS, Business, especially small business, is indispensable to the continued growth and prosperity of this State; and

WHEREAS, Many veterans on their return to civilian life will have considerable difficulty in readjusting themselves to their environment and finding suitable employment, and many of them will undoubtedly establish their own businesses as a means of providing for themselves and their families; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the sense of the Legislature that every aid be given to business, especially small business, to the end that a maximum number of jobs be provided by private enterprise and that every encouragement be given to returning veterans to engage in small business.

CHAPTER 58

Assembly Concurrent Resolution No. 21—Relative to job preference for returning veterans on all public works in the State of California.

[Filed with Secretary of State April 9, 1945.]

Job preference for
veterans on
public works

WHEREAS, The continuous growth of this State has made it necessary to embark upon a plan of public works, adequate to meet increasing needs; and

WHEREAS, Upon the conclusion of present hostilities many such works are likely to be undertaken; and

WHEREAS, It is fitting that, so far as is possible, veterans, the men and women who at the peril of their lives, will more than others have contributed to a victorious peace, should build the

public works necessary for the enjoyment of the peace their dearly bought efforts shall have secured; and

WHEREAS, Many such veterans are likely to welcome the opportunity of working on such projects; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all public agencies shall give job preference to returned veterans upon all public works, insofar as they may lawfully do so.

CHAPTER 59

Assembly Concurrent Resolution No. 26—Relative to proclamation of the United Nations Conference Week.

[Filed with Secretary of State April 9, 1945.]

WHEREAS, Thirty-six National organizations have joined in asking Governor Warren to proclaim the week of April 16th through the 22d, 1945, as the United Nations Conference Week, and to urge in that proclamation that citizens of the State of California, realizing the importance of permanent peace to them and all the American people, join in the greatest possible number of public discussions on the United Nations Conference proposals; now, therefore, be it

Proclamation
of United
Nations
Conference
Week

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California be respectfully requested to proclaim the week of April 16th through April 22d, 1945, as the United Nations Conference Week; and be it further

Resolved, That this week be concluded on Sunday, April 22d, with devotional services in all churches, with prayers for the success of the San Francisco Conference opening a few days later.

CHAPTER 60

Senate Joint Resolution No. 6—Relative to making available to the Palo Verde Mesa lands certain waters of the Colorado River.

[Filed with Secretary of State April 9, 1945]

WHEREAS, A Class A water right in Colorado River water has been allocated to the Palo Verde Mesa lands in Riverside County; and

Palo Verde
Mesa lands

WHEREAS, Said rights will be jeopardized if longer delay occurs in putting the water to beneficial use on said lands; and

WHEREAS, A project committee of the State Reconstruction and Reemployment Commission has investigated and reported favorably upon the economic possibilities of applying such

water to beneficial uses upon approximately 10,600 acres of United States land on the Palo Verde Mesa; and

WHEREAS, Said project committee believes that this land should be made available for settlement by returning war veterans and for other sound economic development; now, therefore, be it

Resolved, by the Senate and the Assembly of the State of California, jointly, That the President and the Congress of the United States be, and they hereby are, requested and urged to take such action as may be necessary to make the water of the Colorado River available for use on the land of the Palo Verde Mesa and to make such land with adequate water supply available at the earliest possible date for the use and settlement of returning war veterans and for other sound economic purposes; and be it further

Resolved, That the Secretary of the Senate shall cause copies of this resolution to be transmitted to the President of the United States, to each Senator from California, to Representative John Phillips representing the counties of Riverside, Imperial and Orange, and to each other member of the House of Representatives from California.

CHAPTER 61

Senate Joint Resolution No. 12—Relating to the establishment of the seat of government of the Allied Nations of the World, in the Redwood Empire of California.

[Filed with Secretary of State April 9, 1945.]

Seat of
government
of Allied
Nations

WHEREAS, The United Nations Conference will be held at San Francisco commencing on April 25, 1945, one of whose aims will be to frame the charter of a world security organization, to establish and insure peace among the nations of the earth; and

WHEREAS, The strategic location of our State in relation to Europe, Asia, and both North and South America already is recognized in the choice of San Francisco for the United Nations peace-designing conference; and

WHEREAS, It is the sense of this Legislature that the proximity of a redwood grove, of trees that were old when Christ was on earth, would reflect into the spirits of world statesmen the theme of peace ever-living throughout the world, and would surely impress them with a sense of their grave responsibilities to all the peoples of the earth, and of the proper humility of man before the might of the ages; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President of the United States is hereby requested to suggest to the delegates representing the United States at the United Nations Conference to urge the establishment of the permanent seat of government of the Allied Nations

of the World, in a redwood grove in the West's world-famous Redwood Empire; and, be it further

Resolved, That copies of this resolution be sent to the President of the United States, to each of the California Representatives in Congress, to the Secretary of State of the United States, and to the Governor of this State.

CHAPTER 62

Senate Concurrent Resolution No. 34—Relative to publishing appendices to the legislative journals.

[Filed with Secretary of State April 9, 1945]

WHEREAS, For many years it has been the practice to print as an appendix to the journals of the Senate and the Assembly, the reports to the Governor and the Legislature of the several State departments and agencies; and

WHEREAS, The printing of this material in the appendix results in a duplication of the printed reports of the agencies which is unjustifiable during this period of shortage of manpower and of paper; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the practice of printing the reports of State departments and agencies in the appendix to the journals of the Senate and Assembly be discontinued, and that such appendices, if published hereafter, shall contain only such material as is expressly directed by either house of the Legislature; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Director of Finance and to the State Printer.

CHAPTER 63

Senate Concurrent Resolution No. 42—Approving those certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the 19th day of March, 1945.

[Filed with Secretary of State April 12, 1945.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, as set out in the certificate of the Mayor of the

City of San Bernardino and the city clerk of said city, as follows, to wit:

CERTIFICATE

STATE OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 CITY OF SAN BERNARDINO } ss.

Certificate

We, the undersigned, W. C. Seccombe, Mayor of the City of San Bernardino, and John E. Osborn, City Clerk of the said City, do hereby certify and declare as follows:

That the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, now is and at all times herein mentioned was a city containing a population of more than thirty-five hundred inhabitants but less than fifty thousand inhabitants, and is now, and has been, ever since the 8th day of February, 1905, organized, existing and acting under a freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City, at an election held for that purpose, on the 6th day of January, 1905, and approved by the Legislature of the State of California on the 8th day of February, 1905 (Statutes 1905, Page 940, et seq.).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Bernardino, by Ordinance No. 1736, duly and regularly submitted to the qualified electors of the said City of San Bernardino those certain proposed amendments to the Charter of the City of said City, said Charter amendments being designated as Proposed Charter Amendment Number One, Proposed Charter Amendment Number Two and Proposed Charter Amendment Number Three, to be voted upon by said qualified electors at a special election called and held for that purpose in the said City on the 19th day of March, 1945, consolidating said special election with the Municipal Primary election to be held in said City on the 19th day of March, 1945.

That said Proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on the 7th day of February, 1945, in the San Bernardino Evening Telegram, a daily newspaper of general circulation published in said City and of general circulation therein, there being no official newspaper in said City, and in each edition thereof during said day of publication.

That said City contained a population less than fifty thousand inhabitants and, therefore, no distribution of copies of said proposed Charter amendments was necessary. However, that copies of said proposed Charter amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified

electors of said City, in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the Office of the City Clerk of the City of San Bernardino was each day duly and regularly published in the San Bernardino Evening Telegram, a newspaper of general circulation published in said City, up to and including March 19, 1945, the day of said election, and as required by Section 8 of Article XI of the Constitution of the State of California:

That copies of said pamphlet containing said proposed Charter amendments could be had upon application therefor at the Office of the City Clerk to and including the 19th day of March, 1945, the date fixed for said election.

That said City of San Bernardino is a municipal corporation of the State of California, having a population of more than thirty-five hundred inhabitants but less than fifty thousand inhabitants.

That the Common Council of said City, by an Ordinance designated "Ordinance No. 1736", did call and order the holding of a special municipal election in the City of San Bernardino on the 19th day of March, 1945, which date was not less than forty days nor more than sixty days after the completion of the publication of such proposed Charter amendments to said Charter in the San Bernardino Evening Telegram, and which said Ordinance calling said election specified, ordered and ordained that said proposed Charter amendments be submitted to the qualified electors of said City, at said special election, for their ratification and rejection, and that said Common Council did by said Ordinance No. 1736 order said special election consolidated with the Municipal Primary Election to be held in the City of San Bernardino on said 19th day of March, 1945.

That said special municipal election was held in the City of San Bernardino on the 19th day of March, 1945, and that at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify each and all of said proposed Charter amendments, being Proposed Charter Amendment No. One, Proposed Charter Amendment No. Two and Proposed Charter Amendment No. Three, which are hereinafter specifically set forth, and that the City Council of said City of San Bernardino, in accordance with the law in such cases made and provided, did duly and regularly canvass the returns of said election, and on the 21st day of March, 1945, found, determined and declared the result of said special election, as determined from the canvass of the returns thereof, to be that a majority of the qualified electors of said City voting on said Charter amendments hereinafter set forth, and designated as Proposed Charter Amendment No. One, Proposed Charter Amendment No. Two and Proposed Charter Amendment No. Three, voted for and ratified each and all of said amendments, and thereafter the City Clerk and ex-officio Clerk of the Mayor and Common Council of the City of San Bernardino did enter

the record thereof in the Minutes of said Mayor and Common Council.

That said Proposed Charter Amendment No. One, Proposed Charter Amendment No. Two and Proposed Charter Amendment No. Three to the Charter of the City of San Bernardino so ratified by the electors of the City of San Bernardino are in words and figures, as follows, to-wit:

PROPOSED CHARTER AMENDMENT NO. ONE

It is hereby proposed that Section 24 of the City Charter of the City of San Bernardino be amended to read as follows, to-wit:

Salary of
Mayor

Section 24. The Mayor shall receive an annual salary of \$4,800.00, payable monthly.

PROPOSED CHARTER AMENDMENT NO. TWO

It is hereby proposed that a new section be added to the City Charter of the City of San Bernardino, said section to read as follows, to-wit:

Elective
officers'
Expenses

Section 234: That elective officers shall be entitled to receive reimbursement for their necessary expenses while engaged on municipal business, including mileage in the City of San Bernardino, such expenses not to exceed the expenses authorized for other City employees or officers.

PROPOSED CHARTER AMENDMENT NO. THREE

It is hereby proposed that a new section be added to the City Charter of the City of San Bernardino, said section to read as follows, to-wit:

Compensa-
tion of elec-
tion officers

Section 11-A: That the Mayor and Common Council shall, regardless of the provisions of the foregoing section, fix the compensation for each inspector, judge, clerk, and other election officers.

That we have compared the foregoing amendments with the original proposal submitted to the qualified electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of San Bernardino to be affixed hereto this 31st day of March, 1945.

W. C. SECCOMBE
Mayor of the City of
San Bernardino.

JOHN H. OSBORN
City Clerk of the City
of San Bernardino

[SEAL]

and

WHEREAS, The said proposed amendments, ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all the members elected to each house voting therefor and concurring therein), that said amendments to the charter of the City of San Bernardino as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of San Bernardino.

CHAPTER 64

Assembly Concurrent Resolution No. 43—Relative to approving eight certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city pursuant to the provisions of Article XI, Section 8, of the Constitution of the State of California, at an election held in the City of Los Angeles on the third day of April, 1945.

[Filed with Secretary of State April 13, 1945.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of eight amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF LOS ANGELES OF EIGHT CERTAIN CHARTER AMENDMENTS.

State of California }
County of Los Angeles } ss.
City of Los Angeles }

We, the undersigned, Robert L. Burns, President of the Council of the City of Los Angeles, State of California, and Walter C. Peterson, City Clerk of said city, do hereby certify as follows:

That the City of Los Angeles, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has

ever since the first day of July, 1925, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Stats. 1925, p. 1024).

That in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Los Angeles, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Los Angeles certain proposals for amendment of the charter of said city to be voted upon by said qualified electors at an election held in said city on the 3rd day of April, 1945, which said proposals were designated as proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, and 8, respectively.

That said proposed amendments were published and advertised in accordance with section 8 of Article XI of the Constitution of the State of California on the 20th day of February, 1945, in The Los Angeles Daily Journal and The Los Angeles News, a daily newspaper of general circulation, published in said city, and the official paper of said city. That copies of said proposed amendments were printed in convenient pamphlet form and in type of ten-point, and until the date fixed for the said election and as required by law, a notice was advertised and published in said The Los Angeles Daily Journal and The Los Angeles News that such copies could be had upon application therefor at the office of the City Clerk of the City of Los Angeles.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the said election. That copies thereof were mailed to each of the qualified electors of said city as required by law.

That pursuant to the law in such cases made and provided the said proposed amendments were submitted to the qualified electors of said city for their ratification at said election and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify all of the eight proposed amendments to the charter of said city.

That the City Council of the said City of Los Angeles, in accordance with the law in such cases made and provided, did meet on the 10th day of April, 1945, at its usual time and place of meeting and duly canvassed the returns of said election with respect to the votes cast for and against said proposed charter amendments as certified by the election boards, and duly found, determined and declared that all of said eight proposed amendments to the charter of the City of Los Angeles, and each and every one of them, were ratified by a majority of the electors of said city voting thereon.

The said amendments to the charter so ratified by the electors of the City of Los Angeles are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1

Sections 6, 266 and 316 of the Charter are hereby amended to read as follows:

Sec. 6. (1) The following officers of the city shall be elected Elective officers by the electors of the City of Los Angeles, at large:

Mayor,
City Attorney,
Controller,
The Members of the Board of Education.

(2) The members of the Council shall be elected Districts by districts, as follows:

- (a) Between the dates of October 1 and December 15 of each fourth year, commencing with the year 1948, the Council shall, by ordinance, redistrict the city into fifteen (15) districts, and such districts shall be used for all elections of councilmen subsequent to such date until new districts are established. Districts so formed shall comprise as nearly as practicable equal numbers of voters, as determined by the total number of registered voters in said districts at the close of registration for the general state election to be held during the year in which such districts are to be established, and shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines. Any territory hereafter annexed to or consolidated with the City of Los Angeles shall, immediately following such annexation or consolidation, be added to an adjacent district or districts by the Council by ordinance.
- (b) The electors signing any petition for the nomination of any person to the office of member of the Council, or for the recall of any member of the Council, shall be qualified, registered voters and residents of the district from which such person seeks to be elected, or in the case of a recall petition of the district from which such member was elected; and in the case of a member of the Board of Education, electors signing any petition for the nomination of any person to the office of member of the Board of Education, or for the recall of any member of the Board of Education, shall be qualified, registered voters and residents of the Los Angeles City School District. The names of no electors not qualified, registered voters and residents of the respective district involved shall be counted in determining the sufficiency of any such petition.

Sec. 266. Primary nominating elections shall be held in Primary nominating election said city on the first Tuesday in April in every odd-numbered year, and general municipal elections shall be held in said city

on the last Tuesday in May of every odd-numbered year commencing with the year 1947, except in the event that either of said days shall be a legal holiday, in which event the election otherwise to be held on such day shall be held the following day; provided, that a general municipal election shall be held on the first Tuesday in May in the year 1945.

Same

Sec. 316. A primary nominating election shall be held biennially, at which shall be nominated the candidates for the elective offices to be voted for at the general municipal election next ensuing. Whenever possible the officers of election who shall be appointed for the primary nominating election shall be the officers of election of such general municipal election, and such general municipal election shall be held at the same places as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for primary nominating elections. All ballots, blanks and any other supplies to be used at any municipal election, and all expenses incurred in the preparation for or the conducting of such elections, shall be authorized by the City Clerk and be paid out of the Treasury of the City.

CHARTER AMENDMENT NO. 2

Section 306 of the Charter is hereby amended to read as follows:

Elections

Sec. 306. All elections shall, except as in this Charter otherwise provided, be conducted and held in accordance with the provisions of the laws of the state for the holding of general or special elections until such time as the Council by ordinance shall adopt a City Election Code. After the adoption of such City Election Code all elections, except as in this Charter otherwise provided, shall be conducted in the manner therein prescribed. The Council is hereby authorized to adopt a City Election Code, by ordinance; provided that no City Election Code shall be adopted, nor amendment made therein, during the six months immediately preceding any General Municipal Election in the City of Los Angeles, nor during the period between the ordering of any special election and the holding thereof.

CHARTER AMENDMENT NO. 3

The Charter of the City of Los Angeles is hereby amended by amending Sections 267, 273, 295, 317, 320, 323, 324 and 326 to read as hereinafter provided, and by repealing Sections 268 and 310.

Commencement of term of office

Sec. 267. The officers elected at a primary or general municipal election shall, after they have qualified, as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first day in July next succeeding their election, and shall, except as otherwise provided for in this charter, serve until their successors have been elected and qualified.

In the event of a vacancy in the office of member of the Board of Education said board shall fill the same by appointment, and in the event of a vacancy in any other elective office the Council shall fill the same by appointment. In each case the person so appointed shall hold office for the unexpired term and until his successor shall have been elected and qualified.

Vacancy
in office of
member of
board of
education

No person shall be eligible for any such appointment unless he shall possess the same residential qualifications as are required for nomination or election to such office. Any person so appointed to fill a vacancy in an elective office may be removed from office by the recall in the same manner as if he shall have been elected to said office.

Sec. 273. Any petition submitting a proposed ordinance, legislative, administrative or executive, to the Council, as provided in this article, shall be in the form, and shall be signed, filed and certified as follows:

Petition
submitting
proposed
ordinance

(a) In making such petitions, sheets of white No. 1 Sulphite, or better, paper, size $8\frac{1}{2}$ inches by 14 inches, not less than 16 pound substance, shall be used. Such petition shall consist of separate papers.

(b) Each paper shall consist of a sheet, or sheets, containing the heading in 24 point capital type; the request, followed by the names and addresses of five electors of the city, who, as a committee of petitioners, shall be officially recorded as sponsoring and filing the petition, in 10 point upper and lower case; the ordinance in 12 point type; and the balance in 8 point type.

(c) A title shall be printed on the first sheet of each individual petition and also on all succeeding sheets of each petition, but the request, ordinance, or other printed matter need be printed only on the first sheet.

(d) Each sheet, except the first, shall contain 27 signature lines of 24 point ruling to the sheet; each line numbered consecutively, starting with number one on the first sheet, all numbers indented at least one-half inch from left margin. On the bottom of all but the last sheet there shall be a line under which shall be printed in 8 point type the words "Identification Signature."

(e) All petitions shall be signed by registered, qualified electors of the city in their own proper person, in ink or indelible pencil, and opposite the signature written by each signer his precise residence address at the time of signing, giving street and number, when such designation can be given, and the date of signing. If no street or number exists, then a designation of the place of residence shall be given which shall enable the location to be readily ascertained. A petition when filed must have designated thereon the name or number of the respective precinct in which each of the signers resides. The signatures on the petition need not all be appended to one paper. In order to be acceptable for filing, the petition must on its face purport to have appended to it signatures in the required number, and all names signed to a petition must have been secured not more than six months prior to the date of filing.

Affidavit.

(f) Each individual petition shall have attached thereto at the bottom of the last sheet thereof in 10 point upper and lower case the following affidavit:

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES, } ss.

I, _____, do hereby certify that I am a qualified, registered elector of the City of Los Angeles, that my present, precise residential address is No. _____ Street, in the City of Los Angeles, County of Los Angeles, State of California; that my precinct number is _____; that the date and number of my registration is: Date _____; Registration No. _____; that each signature on these sheets is genuine and was affixed thereto, on date shown, in my presence, by a separate individual who declared himself at the time of signing to be a qualified, registered voter of the City of Los Angeles and actually residing at the address as above set forth; and that all of the sheets constituting this petition were fastened together at the time such signatures were appended thereto.

Name _____
Address _____

Subscribed and sworn to before me this _____ day of _____, A.D. _____

My commission expires _____

(g) All sheets of each petition shall be backed in manuscript cover, and color, weight to be not less than 16 pound basis, with 1 inch foldover at the top and stitched with three wire stitches, each petition to be numbered consecutively in center of cover binding edge, starting with number 1.

(h) Within twenty days from the date of the filing of such petition, the City Clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of qualified registered electors of the city by searching for the original affidavit of registration in the precinct book bearing the same number as that which was written on the petition. Signatures shall be considered valid only if an affidavit is found in said precinct book dated on or prior to the time of signing and the signature and address correspond with that on the petition. The City Clerk may discontinue the further checking of a petition after having obtained the number of names required by law.

(i) When the City Clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of electors of the city, or is not so signed, he shall certify that the same is sufficient or insufficient as the case may be. If by the certificate of the City Clerk the petition is

found to be insufficient, it may be amended by filing a supplemental petition or petitions, in form a duplicate of or ginal petition, bearing additional signatures, within ten days from the date of such certificate. No signature on a supplemental petition shall be considered valid if that signature appeared on the original petition and was previously given proper credit. The City Clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition, or any such petition as amended, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect after the expiration of six months from date of City Clerk's certificate. But if, by the certificate of the City Clerk, such petition, or such petition as amended, is shown to be sufficient, the City Clerk shall present the same to the Council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the Council.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing any petition. Supplemental petition

(j) Any signer to a petition or supplemental petition may withdraw his name by filing with the City Clerk a verified revocation of his signature before the filing of the petition or supplemental petition containing his signature, with said City Clerk. No signature can be revoked after the petition, or supplemental petition to which it is attached, has been filed. The City Clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. If any signature to such petition or supplemental petition be questioned and in the judgment of the City Clerk should be investigated, the City Clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and cite him to appear before him forthwith to answer whether such signature is genuine. If the City Clerk finds that any signature is not genuine, he shall strike the same from such petition. After an election based on any petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

(k) All petitions hereinabove referred to which have been filed with the City Clerk shall be retained by him for one year. If a contest is not commenced within one year from the date of the certificate of the City Clerk to the City Council, the City Clerk may then destroy the petition, unless it has been entered in evidence in some action or proceedings then pending, with the exception of that section marked "No. 1", to which shall be attached his certificate, and which copy shall be kept indefinitely.

Sec. 295. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nomi- Recall
election
Candidate

nated by petition, which petition shall conform to the provisions of this charter so far as applicable relating to nominating petitions at primary nominating elections. Each petition must be filed with the City Clerk not less than thirty days before such recall election. Immediately upon the presentation of any such petition the City Clerk shall ascertain and determine, in the manner hereinbefore provided in Charter Section 273, whether or not such petition is signed by the requisite number of qualified electors of the city or district. The City Clerk, within five days after filing thereof, shall attach his certificate to such petitions, showing the result of his examination. If it shall appear therefrom that any such petition is not signed by the requisite number of qualified registered electors, the same may be amended within three days from the date of such certificate by filing a supplemental petition. The City Clerk shall, within five days after such supplemental petition is filed, make like examination thereof and shall certify the result of such examination, but no further supplemental petition shall be allowed. If any such petition, as amended by a supplemental petition, be signed by the requisite number of qualified registered electors, both the petition and supplemental petition being considered together for that purpose, the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Nomination
petition

Sec. 317. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form :

We, the undersigned, qualified, registered electors of the City of Los Angeles, County of Los Angeles, State of California, do hereby petition that the following named person shall be a candidate for the office hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general municipal election.

Name of Candidate	Office	Address	
-----	-----	-----	-----
Name of Petitioner	Address	Date of Signing	Precinct
-----	-----	-----	-----
-----	-----	-----	-----

STATE OF CALIFORNIA }
 COUNTY OF LOS ANGELES, } ss.

I,-----, do hereby certify that I am a qualified, registered elector of the City of Los Angeles, that my present, precise residential address is No.-----St., in the City of Los Angeles, County of Los Angeles, State of California; that my precinct number is-----; that the date and number of my registration are: Date----- Reg. No.-----; that each signature on these sheets is genuine and

was affixed thereto, on date shown, in my presence, by a separate individual who declared himself at the time of signing to be a qualified, registered voter of the City of Los Angeles and actually residing at the address as above set forth; and that all of the sheets constituting this petition were fastened together at the time such signatures were appended thereto.

Name -----
Address -----
Subscribed and sworn to before me this
----- day of ----- A. D. -----

My commission expires -----

Sec. 320. Said nominating petition shall be filed with the City Clerk not more than sixty days and not less than forty-five days prior to the primary nominating election, and the said Clerk shall endorse thereon the date of filing. A filing fee equal to two per cent of the first year's salary shall be paid to the City Clerk by each candidate for municipal office upon the filing of said petition, less \$10.00 previously deposited by him, except that the total filing fee for a candidate for the office of member of the Board of Education shall be \$24.00. The City Clerk shall immediately pay into the city treasury all fees. The said City Clerk, upon the filing with him of a petition, shall forthwith ascertain and determine whether or not the petition is signed by the requisite number of qualified registered electors, and shall, within five days after filing of such petition with him, attach his certificate thereto showing the result of his examination.

Filing
nominating
petition

Sec. 323. Within three days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election. If upon such withdrawal, or by the death or other disqualification of any person for the nomination of whom a petition has been filed, the number of candidates remaining does not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefore not later than thirty days prior to such election, but no amendment to any such petition shall be allowed.

Withdrawal
of candidate

Sec. 324. The City Clerk shall enter the names of all persons for nomination for whom as candidates petitions have been filed as hereinbefore provided, except candidates who have withdrawn or died, or are otherwise disqualified, and shall, not later than ten days prior to the primary nominating election, certify such list as the list of names of candidates to be voted for at such primary nominating election. The City Clerk shall cause said list of names and the offices for which the several candidates were respectively nominated, together with his certificate

List of
candidates

thereof, to be published one time prior to the primary nominating election in some newspaper printed and published in the city, and posted in three places as designated in Section 303.

Ballot
Names

Sec. 326. The names of candidates for each office shall be arranged on the ballot for the primary nominating and general municipal elections in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Repeal

Sections 268 and 310 of Article XXVII of this Charter are and each of them is hereby repealed.

CHARTER AMENDMENT NO. 4

Section 7 of the Charter is hereby amended to read as follows:

Officers:
Terms of
office

Sec. 7. The Mayor, City Attorney and Controller shall hold their offices for a term of four years, the members of the City Council for a term of two years, and members of the Board of Education for a term of two or four years as hereinafter provided, and all above officials' terms shall commence on the first day of July next succeeding their election.

The term of office of members of the Board of Education shall be determined as follows:

In the event any candidate or candidates are elected at the primary nominating election, the candidate or candidates so elected shall be deemed elected to a four-year term, except that if more than three candidates are elected at the primary nominating election, then the three candidates receiving the largest number of votes shall be deemed elected to a four-year term and the other candidate elected shall be deemed elected to a two-year term. In the event that less than three candidates shall be elected at the primary nominating election, then of the candidates elected at the general municipal election, the one receiving the least number of votes shall be deemed elected to a two-year term, and the other candidate or candidates elected shall be deemed elected to a four-year term.

CHARTER AMENDMENT NO. 5

Section 65 of the Charter is hereby amended to read as follows:

Officers
Compensation

Sec. 65. The following officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments, or oftener, as the Council, by ordinance, may direct:

The Mayor shall receive \$18,000 per annum.

The City Attorney shall receive \$15,000 per annum.

The Controller shall receive \$12,000 per annum.

Each Councilman shall receive \$7,200 per annum.

All appointive officers of the city shall receive such salaries as may be in force at the time this charter takes effect, or as may thereafter be prescribed by ordinance, or otherwise in accordance with the provisions of this charter.

CHARTER AMENDMENT NO. 6

Section 426 of the Charter is hereby amended to read as follows:

Sec. 426. Every person who shall have been in the service ^{Vacations} of the city, continuously, for one year, shall be allowed a vacation of two weeks on full pay, annually; provided, however, that the Council shall, by ordinance, prescribe rules and regulations governing vacations for all officers and employees in all departments of the city and that such rules and regulations may contain such provisions as may be necessary or convenient for the efficient administration and allotment of vacations, including, but not limited to, provisions for the accumulation of vacations, the allowance of pro rata vacations for periods of service of less than one year after the initial year of service, and the allowance of cash payments for unused vacations.

CHARTER AMENDMENT NO. 7

Section 17 of the charter is hereby amended to read as follows:

Sec. 17. Notwithstanding any other provisions of this charter, every officer or employee who heretofore and subsequent to January 1, 1940, has entered the service of the ^{Military} armed forces of the United States, or who hereafter and during ^{service} the existence of any of the wars in which the United States is now engaged shall enter the service of the armed forces of ^{Leave of} the United States, shall, during the period of such service and for ^{absence} a period of six months from and after his honorable discharge or release from such service, be considered as being on leave of absence from the service of the City of Los Angeles; provided, however, that such leave of absence shall ipso facto cease and terminate in the case of any person who is dishonorably discharged from the armed forces. Such leave shall be designated as "military leave" and shall be so noted on all records of the employment of said officer or employee. Every such officer or employee returning to the service of the city from military leave within the time hereinabove designated shall be restored to the same rank and position held by him at the time of the commencement of his military leave, or to such other rank and position to which he may have been promoted during such military leave or to which he would be or would have been entitled under the provisions of section 125 of this charter in the event any change in personnel within the contemplation of said charter section has occurred during the period of his military leave, it being the intent of this provision to provide for the re-employment of persons absent on account of military leave, without prejudice on account of their absence from the city service during the period of such leave; provided that any such person is not, upon such return, either physically or mentally incapacitated from performing the duties of the office or position to which he is entitled to be restored. All military leave herein provided for shall be without pay or compensation

except to the extent that such pay or compensation is now or may hereafter be authorized and provided for by state law, this charter, by ordinance, or by resolution of the board of any department having control of its own revenue and funds.

The period of such military leave up to but not exceeding one year from the date of the cessation of hostilities between the United States and all of the nations with which the United States is now at war as fixed by Proclamation of the President of the United States or resolution of The Congress shall be counted as part of the aggregate service required for retirement purposes under any provision of this charter. Any person who while on Military leave is or becomes eligible to retire on pension or is or becomes entitled to any benefits under any pension or retirement system established by or pursuant to the provisions of this charter may exercise such right or claim such benefits while on military leave.

CHARTER AMENDMENT NO. 8

Section 140 of the Charter is hereby amended to read as follows:

Tidelands

Sec. 140. (a) All tidelands and submerged lands within the limits of the city, as the same now or may hereafter exist, whether filled or unfilled, are hereby declared to be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, and shall, except as hereinafter provided continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer, or otherwise dispose of, except as herein provided, any part of, or any interest in, the water front, tidelands, submerged lands, or appurtenances thereunto belonging, owned, controlled, possessed, or held by the City of Los Angeles; provided, that grants of such lands may be made to the State of California or to the United States of America for public purposes, when authorized by a majority vote of the qualified voters of the city voting upon the question of authorizing any such grant at an election.

(b) Of the water frontage of Los Angeles Harbor not less than ten thousand feet thereof, linear measurement, measured along the United States harbor lines, together with the necessary co-terminus and adjacent tidelands and submerged lands, as may be determined by the board, and approved by the Council by ordinance, owned or controlled by the City of Los Angeles, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the city.

(c) The Board of Harbor Commissioners, as hereinafter provided, shall have power to grant to any person, firm or corporation, franchises and permits to use the water frontage, in excess of said ten thousand feet or more as aforesaid, for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, together with the necessary co-terminus and adjacent tide or submerged lands, for periods not exceeding thirty years.

(d) Whenever it shall be determined by the board by order, approved by the Council by ordinance, that certain parts of such tide or submerged lands therein described may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the Board of Harbor Commissioners shall have power to grant leases of such tide or submerged lands, in excess of said ten thousand feet reserved by the city, for periods not exceeding thirty years, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the City of Los Angeles.

(e) All such franchises, permits and leases shall be granted subject to such terms and conditions and such rental or compensation as may be prescribed therein and to the limitations, conditions, restrictions and reservations in this charter contained. Every such grant for a definite period of time shall be made by order. Every order making any such grant for a period of five years or less shall be published once in the same manner as ordinances of said city, and shall take effect upon such publication. Every order making any such grant for a period of more than five years shall, before the same shall become effective, be submitted to the Council for its approval or disapproval. Action must be taken thereon by the Council within thirty days after such order shall have been submitted to it. If the Council shall approve the same such order shall thereupon be published once in the same manner as ordinances of said city; or, if the Council shall fail to disapprove any such order within said thirty days, such order shall thereupon be published once in the same manner as ordinances of said city. Every such order, when published shall, before the same becomes effective, be subject to the referendum provisions of this charter relating to ordinances.

Every such grant shall provide for a readjustment of the rental or compensation every ten years during the term thereby created, upon such procedure as shall be specified in such grant.

(f) No such grant shall ever be made to any one person, firm or corporation to use any such water frontage whatever in excess of three thousand feet, linear measurement, measured along United States harbor lines; provided, however, that more than three thousand feet of such water frontage, but not exceeding five thousand feet thereof, may be so granted whenever authorized by a majority of the qualified voters of the city voting upon the question of authorizing any such grant at an election; and provided, further, that, whenever authorized by an ordinance of the City of Los Angeles adopted by a two-thirds vote of the Council, more than three thousand feet of such water frontage, but not exceeding five thousand feet thereof, may be so granted for periods expiring not later than five years from and after the date of termination of the Unlimited National Emergency declared by the President of the United States of America in Proclamation No. 2487, dated May 27, 1941.

(g) Every such grant shall be made only upon the condition, whether expressed therein or not, that the construction of the works, structures or improvements, provided for therein, shall, if the same be not already constructed or made, be commenced within ninety days of the date of such grant, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.

(h) Every such grant shall provide that in case the same, or any improvement made thereunder, or any part thereof, shall be assigned, transferred or subleased, and the control thereof be given or granted to any person, firm or corporation, so that such person, firm or corporation shall then own, hold or control, under any such grant from the city, more than the length of water frontage permitted or authorized under this charter, then such grant, and all rights thereunder, shall thereupon and thereby be absolutely terminated. No assignment, transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the Board of Harbor Commissioners.

(i) Every such grant shall be subject to such rights of way over the lands embraced therein for such sewers, pipe lines, conduits, and for such telephone, telegraph, light, heat or power lines as may from time to time be determined by the Board of Harbor Commissioners, and the same shall be subject to such rights of way for such streets and other highways and for such railroads and other means of transportation as shall have been duly established or as shall be reserved in such grant. No such grant shall ever be made that shall provide for any use of the property or for the construction or placing of any structure, building or other improvement thereon that shall interfere with any plan approved or adopted by the city for harbor improvements, or for the development of facilities for the promotion and accommodation of commerce, navigation or fishery, or for providing railroad or other terminal facilities.

(j) Every such grant shall prescribe that upon the expiration thereof, all wharves, piers, docks, slips, bulkheads, sea walls and channels, constructed or maintained thereunder, shall be and become the property of the City of Los Angeles without compensation therefor to the grantee or holder thereof, and as to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of the city without compensation or upon compensation to be paid to such grantee or holder, or shall be removed by such grantee or holder at his own expense.

(k) The Board of Harbor Commissioners shall have power to declare a forfeiture of any such grant upon the neglect, failure or refusal by the grantee thereof to comply with any of the terms or conditions thereof. Upon any such forfeiture, any and all buildings, structures and improvements of whatsoever character, erected, installed or made, under, through, or because of, or pursuant to the terms thereof, shall immediately *ipso facto* become the property of the city, and every such grant shall so provide.

(1) That the certain tract in the outer harbor designated as Pier Number One, and formerly known as the Huntington concession, and all wharves and other improvements thereon or pertaining thereto now or hereafter constructed, shall never be sold, conveyed, alienated, leased or otherwise disposed of in whole or in part, in any manner to any private person, firm or corporation whatsoever, nor shall any lease, franchise, privilege or permit ever be granted to any private person, firm or corporation of, in or to said tract, wharves or other improvements, or any part thereof; but said tract, wharves and other improvements, and the whole thereof, shall be forever reserved by the City of Los Angeles for public improvements and municipal uses, to be made, constructed, operated and maintained by the City of Los Angeles; provided, however, that revocable permits, berth assignments and assignments of space in warehouses may be granted covering the use of said tract and improvements thereon in the manner elsewhere in this charter prescribed; and provided further that any municipal railroad tracks upon said property may be leased or operated as elsewhere in this charter prescribed.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct and exact copies thereof and of each of them; we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of them is true.

That as to all of said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith. Certificate

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the said City of Los Angeles to be affixed hereto this 10th day of April, 1945.

ROBERT L. BURNS,
President of the Council of the
City of Los Angeles.
WALTER C. PETERSON,
City Clerk of the City of
Los Angeles

[SEAL]

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring (a majority of all the members elected to each house voting therefor and concurring therein). That said amendments to the charter of the City of Los Angeles as proposed to, and adopted and ratified by the electors of said city, and as Approval

hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Los Angeles.

CHAPTER 65

Assembly Concurrent Resolution No. 44—Relative to inviting the Governors of the Western States to attend a joint session of the California Legislature.

[Filed with Secretary of State April 16, 1945]

Inviting
Governors
of Western
States to
attend joint
session of
Legislature

WHEREAS, The eleven Western States and Alaska form a region rich in natural resources which have made this a major production area of fish, lumber, metals, minerals, agricultural and allied products; and

WHEREAS, The tremendous water resources of the western empire, if properly developed, can contribute to the full development of the potential agricultural and industrial production of the States in this region; and

WHEREAS, The great western region's unsurpassed scenic beauty has made of it a tourist paradise unexcelled in this Nation and in the world which affords unparalleled opportunity for postwar development by mutual effort; and

WHEREAS, This western region has expanded its production of basic resources to meet the insatiable demands of a wartime economy without stint, and has built great new industrial plants during the present conflict to produce, fabricate and assemble implements of war; and

WHEREAS, Vast numbers of people have come to this western region in the past few years to participate in and contribute to this expanded wartime economy, and many of them intend to remain permanently in the west; and

WHEREAS, The many new industrial plants, the increased population, the expanded production and the technological advancement in this western region foretell the coming of a great western empire with unlimited horizons; and

WHEREAS, The Governors of the Western States, including our own Governor Earl Warren, have played a major role in joining together to study and prepare plans and projects necessary to the development of a western empire and to formulate programs to assist the western region during the period of transition; and

WHEREAS, At Reno, Nevada, on April 20th, 21st, 22d the western Governors are holding another important conference to implement further these plans for the development of the western empire; and

WHEREAS, The Legislature of the State of California is anxious to cooperate with and be of any possible assistance to the western Governors in their program and to assist in the

immediate enactment of any legislation which may be necessary thereto; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the western Governors meeting at Reno, Nevada, this month be invited to address a Joint Session of the California Legislature on Monday, April 23d, following the conclusion of their deliberations; and be it further

Resolved, That there is hereby created a Special Joint Committee on Notification composed of five members of the Assembly and five members of the Senate, who shall be delegated to invite the Governors of the Western States to attend and participate in such Joint Session; and be it further

Resolved, That the invitation to each of the Governors of the Western States be presented by the Special Joint Committee on Notification in the form of a suitably engrossed copy of this resolution.

CHAPTER 66

Senate Joint Resolution No. 14—Relative to memorializing Congress to enact H. R. 2347, Seventy-ninth Congress, First Session, relating to guayule rubber.

[Filed with Secretary of State April 19, 1945.]

WHEREAS, Guayule rubber is being successfully grown in California, Arizona, New Mexico and Texas, and the United States Bureau of Plant Industry is carrying on extensive research in crossing this plant with hardier plants so that guayule may be grown under less limited climatic conditions; and

WHEREAS, The need for a native rubber supply has been well demonstrated during this war; and

WHEREAS, The growing of guayule presents tremendous possibilities as a postwar industry; and

WHEREAS, There is now pending before Congress H. R. 2347, introduced by Congressman Poage, to provide and insure a dependable supply of domestic and natural rubber, to provide for the continuation of research work in this field, and to authorize a guaranteed floor price for rubber produced by farmers; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact H. R. 2347 of the Seventy-ninth Congress, First Session, relating to guayule rubber; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 67

Assembly Concurrent Resolution No. 48—Approving a certain amendment to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on April 10, 1945.

[Filed with Secretary of State April 20, 1945.]

City of
Glendale:
Charter
amendments

WHEREAS, The City of Glendale, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants and has been, ever since the year 1921, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-ninth day of March, 1921, and approved by the Legislature of the State of California on the eleventh day of May, 1921; and

WHEREAS, Proceedings have been concluded for the proposal, adoption and ratification of a certain amendment to said charter, as set forth in the certificate of the mayor and the city clerk of said city as follows, to wit:

“CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF GLENDALE.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS
CITY OF GLENDALE }

Certificate

We, the undersigned, Archie McWilliam, Mayor of the City of Glendale, State of California, and G. E. Chapman, City Clerk and Ex-officio Clerk of The Council of said City, do hereby certify and declare as follows:

That the legislative body of said city, namely, The Council of said city, did, pursuant to Section 8, Article XI of the Constitution of the State of California, by resolution adopted February 23, 1945, duly propose to the qualified electors of said City of Glendale an amendment to the charter of said city, designated as Charter Amendment No. 1, and ordered that said amendment be submitted to said qualified electors of said city at a special municipal election to be held in said city on the 10th day of April, 1945, which date was fixed in said resolution as the date for holding said special municipal election;

That said proposed amendment was, on March 1, 1945, published in the Glendale News-Press, the official newspaper of said city and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and said proposed amendment was printed in convenient pamphlet form and in type of not less than 10-point, and copies thereof were mailed to each of the qualified electors of said city, and until the day

fixed for the election upon said amendment it was advertised in said newspaper that copies thereof could be had upon application therefor at the office of the city clerk of said city;

That the said council of said city did by ordinance designated as Ordinance No. 2006, which was duly adopted on March 8, 1945, order the holding of a general and a special municipal election in the City of Glendale on the 10th day of April, 1945, which said date was not less than 40 days and not more than 60 days after the completion of the publication of said amendment as aforesaid, which said ordinance was approved by the mayor of said city on March 8, 1945, and was published once a week for two weeks prior to the time for the holding of said election, to wit: On March 27th and April 3rd, 1945, pursuant to the provisions of the charter of the City of Glendale, in said newspaper, and said council of said city did by said ordinance order said special municipal election consolidated with the general municipal election to be held in said city on the 10th day of April, 1945;

That said special municipal election was held in said City of Glendale on the 10th day of April, 1945, which day was not less than 40 days and not more than 60 days after said amendment to said charter had been published once in said Glendale News-Press;

That thereafter The Council of said City of Glendale did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, by resolution adopted on April 16, 1945, duly declare the result of said special municipal election as determined from the canvass of the returns thereof;

That at said special municipal election, said amendment was ratified by a majority of the electors of said city voting thereon;

That the said charter amendment so ratified by the electors of the City of Glendale is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8, of Article XI of the Constitution of the State of California, and is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1

Article XXV of the Charter of the City of Glendale is hereby amended to read as follows:

“ARTICLE XXV—EMPLOYEES’ RETIREMENT.

SECTION 1. The City shall participate in the State Employees’ Retirement System, and it shall be the duty of the Council to enter into a contract with the Board of Administration thereof providing for retirement, death and disability benefits for persons in the employ of the City, to the full extent authorized by the State Employees’ Retirement Act, as now and hereafter amended, except that credit for prior service, within the meaning of said Act, shall be limited to fifty per centum. Such participation shall become effective on the first day of July next following approval of this amendment by the Legislature

Adoption of
State
Employees’
Retirement
System

of the State of California, and be subject to termination as provided in said Act. A tax sufficient for such participation shall be levied, in addition to taxes authorized elsewhere in this Charter. All proceedings required by said Act preliminary to such participation and taken prior to the effective date of this charter amendment are hereby ratified, confirmed and validated.”

Repeal

Section 12 of Article XXIV of the Charter of the City of Glendale is hereby repealed.

That the foregoing proposed and ratified amendment to the charter of said City of Glendale, submitted to the electors of said city at a special municipal election held in said city on the 10th day of April, 1945, has been compared by us and each of us, with the proposed amendment set forth in the resolution adopted by The Council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof;

Certificate

That this certificate shall be deemed to be a full and complete certification of the regularity of all proceedings had and done in connection with said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Glendale to be affixed this 16th day of April, 1945.

ARCHIE MCWILLIAM

Mayor of the City of Glendale

G. E. CHAPMAN

City Clerk of the City of Glendale

[SEAL]

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS
CITY OF GLENDALE }

I, G. E. CHAPMAN, City Clerk of the City of Glendale, do hereby certify that on the 16th day of April, 1945, as appears from the official record of the proceedings of The Council of the City of Glendale for that date, the Mayor of the City of Glendale and the City Clerk of the City of Glendale were authorized and directed by the said council to execute and attest the foregoing Certificate of Ratification of Charter Amendment by Electors of The City of Glendale, for and on behalf of said city, and the City Attorney of said city was authorized to take such steps as might be necessary to secure the approval by the Legislature of the State of California of said charter amendment set forth in said certificate.

G. E. CHAPMAN

City Clerk of the City of Glendale”

[SEAL]

and

WHEREAS, the said proposed charter amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of amendment or alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, and a majority of all the members elected to each house voting therefor and concurring therein, that the aforementioned amendment to the charter of the City of Glendale, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Glendale.

CHAPTER 68

Senate Joint Resolution No. 16—Relative to memorializing the Congress of the United States in relation to prices for fresh fruits.

[Filed with Secretary of State April 21, 1945]

WHEREAS, The production and marketing of fresh fruits is an important part of the agricultural industry of the State of California; and

WHEREAS, The prices received by the producers of fresh fruits are established by the Office of Price Administration after consultation with advisory committees selected by that agency as representative of the particular branch of the fresh fruit and vegetable industry; and

WHEREAS, There is no requirement that producers be represented on such advisory committees and it is reported that such committees for certain products have been selected entirely from shippers or dealers to the exclusion of the producers; and

WHEREAS, There is no requirement that the producers shall be permitted to be represented at the meetings at which the price for their product is determined and it is reported that in some instances legal and technical representatives of producers have been unable to present important facts and data at such meetings; and

WHEREAS, The cost of picking and handling fruit is a major factor in the cost of production and when the price is fixed so low that it does not pay to pick the fruit the public is deprived to that extent of an essential factor in a balanced diet; and

WHEREAS, The producers of fresh fruit are the persons most directly affected by the establishment of prices for their products and are best informed as to all of the factors that enter into the establishment of such a price as will assure the maximum distribution of their products to the public; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby memorialized to consider and act upon such legislation as may be necessary to provide that members of the advisory committees of the Office of Price Administration be selected entirely from the producers of the particular agricultural products the price of which is to be fixed, and also to provide that at all hearings or meetings at which the price of any agricultural product

is to be considered the producers of such product shall be afforded an opportunity to appear by counsel or otherwise and produce all relevant testimony and evidence as to production costs and other factors necessary in the determination of a proper price; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States from California.

CHAPTER 69

Assembly Joint Resolution No. 38—Relative to memorializing Congress to adopt H. R. 2032 and H. R. 2033 in furtherance of preventing beach erosion.

[Filed with Secretary of State April 24, 1945.]

Prevention
of beach
erosion

WHEREAS There are now pending before the Congress of the United States two measures designed to aid in the protection of beaches along the shores of the United States, which measures will shortly be heard before the House Committee on Rivers and Harbors; and

WHEREAS, The first of these measures, H. R. 2032, authorizes general shore-line investigations, with a view to preventing shore erosion by waves and currents and to determining the most suitable methods for the protection, restoration, and development of bathing beaches, the cost of such investigations to be borne wholly by the United States; and

WHEREAS, The second of these measures, H. R. 2033, authorizes Federal participation in the cost of protecting the shores of publicly owned property, declaring it to be the policy of the United States to assist in the construction, but not the maintenance, of works for the improvement and protection against erosion of the shores of the United States that are owned by States, municipalities or other political subdivisions, provided that the Federal contribution toward the construction of protective works shall not in any case exceed one-third of the total cost; and

WHEREAS, The purposes sought to be accomplished by these measures are of particular interest to the coastal State of California, its political subdivisions, and its people in that thereby damage to public property may be prevented and healthful recreation may be promoted and encouraged; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the Congress of the United States to enact H. R. 2032 and H. R. 2033 of the 79th Congress, 1st Session, relating to the investigation and protection of beaches; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to Mr. J. Spencer Smith, President of the American Shore and Beach Preservation Association, 1060 Broad Street, Newark 2, New Jersey, and to Mr. Geo. P. Larsen, Executive Secretary of the Shoreline Planning Association of California, Inc., 1151 So. Broadway, Los Angeles 15, California.

CHAPTER 70

Assembly Concurrent Resolution No. 41—Relative to “Living War Memorials.”

[Filed with Secretary of State April 24, 1945]

WHEREAS, Memorials erected in the past to honor those who fought in this Country's wars too frequently failed to exemplify the spirit in which and the purpose for which fighting men served; and

“Living War
Memorials”

WHEREAS, War memorials should commemorate the courage and sacrifices of those who served and those who died; should not glorify instruments of war; should contribute to the character, health, and advancement of American citizenship; and

WHEREAS, Suggestions for “Living War Memorials” include such projects as parks, recreation centers, playgrounds, athletic facilities, swimming pools, hospitals, libraries, auditoriums, educational institutions, and other means for improvement of public welfare; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

1. That it is the sense of this Legislature that when war memorials are built to honor those who have fought the present war they shall be primarily “Living War Memorials” such as best commemorate the lives and purposes of those to whom they are dedicated; that lifeless, useless memorials shall be discouraged as they too easily permit us to forget the sacrifices which have been made in attaining victory and winning peace; and

2. That it is the sense of this Legislature that the Governor would further the welfare of this State by appointment of a commission of patriotic citizens who shall serve without compensation, to encourage the building, in all communities, of “Living War Memorials” which will serve those communities in continued contributions to the living, thus preserving forever the sacred memory of those who have made Free America secure; and

3. That the Chief Clerk of the Assembly is directed to transmit to the Governor a properly attested copy of this resolution.

CHAPTER 71

Assembly Concurrent Resolution No. 50—Approving certain amendments to the charter of the County of Butte, State of California.

[Filed with Secretary of State April 24, 1945]

Butte County, Charter amendments

WHEREAS, The County of Butte, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the twenty-seventh day of January, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the seventh day of November, 1916, and approved by the Legislature of the State of California on the twenty-seventh day of January, 1917; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the County of Butte, to wit:

CERTIFICATE

STATE OF CALIFORNIA }
County of Butte } ss.

Certificate

Certificate of the County Clerk of the County of Butte, State of California, and Chairman of the Board of Supervisors of the County of Butte, State of California, as to the adoption and the ratification of certain amendments to the Charter of said County of Butte, submitted to the qualified electors of said County on the 20th day of March, 1945, at a special election held within the County of Butte on said day.

PREAMBLE

BE IT KNOWN THAT:

WHEREAS, the County of Butte, State of California, has at all times mentioned herein been, and now is, a body politic of the State of California, and is now and has been since the 27th day of January, 1917, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 7th day of November, 1916, and approved by the Legislature of the State of California on the 27th day of January, 1917 (Statutes, 1917, page 1791 seq.); and,

WHEREAS, under the provisions of Section 7½, Article XI of the Constitution of the State of California, a petition signed

by 10 percentum of the qualified electors of the County of Butte, State of California, computed upon the total number of votes cast in said County for all candidates for Governor at the last general election at which a Governor was elected, was filed in the office of the County Clerk of the County of Butte, State of California on January 15, 1945, petitioning the Board of Supervisors thereof to submit the hereinafter referred to proposed amendments to the Charter of the County of Butte, State of California, to the qualified electors thereof; and,

WHEREAS, such petition was forthwith examined and certified by the County Clerk under date of January 29, 1945, as being signed by a requisite number of qualified electors of said County of Butte, State of California, and thereafter and on said 29th day of January, 1945, presented to the Board of Supervisors of the County of Butte, State of California by said County Clerk; and,

WHEREAS, pursuant to resolution of the Board of Supervisors of the County of Butte, State of California, dated January 29, 1945, passed and adopted in conformity with the provisions of Section 7 $\frac{1}{2}$, Article XI of the Constitution of the State of California, said proposed amendments to the Charter of the County of Butte were published for ten (10) times in the "Oroville Mercury Register", a daily newspaper of general circulation, printed, published and circulated in said County of Butte, to wit: on the 30th and 31st days of January, 1945, and on the 1st, 2nd, 3rd, 5th, 6th, 7th, 8th, 9th, and 10th days of February, 1945; and,

WHEREAS, no general election occurred in said County of Butte not less than thirty (30) days, nor more than sixty (60) days after the publication of said proposed Charter amendments as aforesaid; and,

WHEREAS, the Board of Supervisors of the County of Butte, State of California, pursuant and in conformity with the provisions of Section 7 $\frac{1}{2}$, Article XI of the Constitution of the State of California, did, on the 14th day of February, 1945, pass and adopt an ordinance ordering that a special election be held throughout the County of Butte, State of California, on the 20th day of March, 1945, for the purpose of submitting to the qualified electors of said County of Butte the said proposed amendments to the Charter of the County of Butte, State of California; being ordinance #383, and which said ordinance, together with the names of the members of the Board of Supervisors voting for and against the same was published five (5) times on successive days in the "Oroville Mercury Register", a daily newspaper of general circulation, printed, published and circulated in said County of Butte, to wit: On the 20th, 21st, 22nd, 23rd, and 24th days of February, 1945, which said ordinance took effect and was in force at the expiration of the publication of the same; and,

WHEREAS, in said ordinance aforementioned the Board of Supervisors consolidated certain precincts and established the same for the purpose of holding such general election, fixed the hours for opening and closing the polls, appointed election officers for the conduct of said special election in the several election precincts as named, selected and designated by the Board of Supervisors, directed the County Clerk to supply ballots, stationery and all other material and things necessary for the proper legal conduct for such special election, prescribed the form and titles to be printed on the election ballots to be used at said special election for the submission of said proposals, which said form and titles are hereinafter set forth and in which said form and under which said titles said proposals appeared on said ballots, and designated the manner of voting for or against each said proposal; and,

WHEREAS, the Board of Supervisors of the County of Butte, under date of March 5th, 1945, pursuant to the provisions of Section 1005 of the Elections Code, of the State of California, did pass and adopt a Proclamation that a special election be held throughout the County of Butte, State of California, on Tuesday, the 20th day of March, 1945, and published the same as provided by law, which said Proclamation set forth the proposed amendments to the Charter of the County of Butte, State of California, to be submitted to the qualified electors of said County of Butte at said election; and,

WHEREAS, subsequent to the said publication of said Ordinance aforementioned, and within the time provided by law, the County Clerk filed in his office a notice of election in which, among other things, and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said County at said special election March 20, 1945, and said Clerk caused a copy of said notice to be posted in a prominent place in his office and on said notice said proposals appeared in form and by the titles prescribed by the Board of Supervisors and in the form and by the titles said proposals appeared on said ballot; and

WHEREAS, at said special election said proposals were duly submitted to the vote of the qualified electors of said County, and appeared on the ballot at said election in the following form, to wit:

- PROPOSITION No. 1. Amending Subsection "i" of Section 6 of Article IV of the Butte County Charter fixing the salary of the Horticultural Commissioner } YES
NO

- PROPOSITION No. 2. Amending Subsection "j" of Section 6 of Article IV of the Butte County Charter fixing the salary of the Probation Officer } YES
NO

- PROPOSITION No. 3. Amending Subsection "k" of Section 6 of Article IV of the Butte County Charter fixing the salary of the Surveyor and ex-officio Road Engineer } YES
NO

- PROPOSITION No. 4. Amending Subsection "l" of Section 6 of Article IV of the Butte County Charter fixing the salary of the Superintendent of Schools } YES
NO

- PROPOSITION No. 5. Amending Subsection "m" of Section 6 of Article IV of the Butte County Charter fixing the salary of the County Librarian } YES
NO

- PROPOSITION No. 6. Amending Section 2 of Article XII of Charter of County of Butte providing that the limitations against increase or decrease of compensation of elective and appointive County and Township officials during the term of office for which he was elected or appointed shall not be applicable to any officials whose compensation has been increased by amendment to Section 6 of Article IV of Charter of County of Butte at special election in March, 1945. } YES
NO

And opposite each proposal to be voted upon and to the right thereof and on separate lines were printed the words "yes" and "no" with voting squares thereof, and in addition thereto said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with each and every provision of law relating to the amendment of County Charters; and,

WHEREAS, the County Clerk of said Butte County mailed a sample ballot or printed copy containing the form and titles of said amendments as above set forth to each qualified elector within the said County of Butte at least ten (10) days prior to the 20th of March, 1945; and,

WHEREAS, the returns of said special election held in the County of Butte on the said 20th day of March, 1945, at which election said proposals were submitted to the vote of the qualified electors of said County, were made to and canvassed by the County Clerk in accordance with the resolution adopted and entered in the minutes of the Board of Supervisors, and it appearing therefrom and was so declared by the Board of Supervisors that 2130 votes were cast in favor of said proposed amendment No. 1 and that 2316 votes were cast against said proposed amendment No. 1; that 2205 votes were cast in favor of said proposed amendment No. 2 and that 2247 votes were cast against said proposed amendment No. 2; that 2185 votes were cast in favor of said proposed amendment No. 3, and that 2280 votes were cast against said proposed amendment No. 3; that 2443 votes were cast in favor of said proposed amendment No. 4 and that 2076 votes were cast against said proposed amendment No. 4; that 2353 votes were cast in favor of said proposed amendment No. 5, and that 2158 votes were cast against said proposed amendment No. 5; that 2302 votes were cast in favor of said proposed amendment No. 6, and that 2067 votes were cast against said proposed amendment No. 6; and it appearing therefrom that a majority of the qualified electors of Butte County voting thereon at said special election voted in favor of proposed amendments Nos. 4, 5, and 6, and that a majority of the qualified electors of Butte County voting thereon at said special election voted against proposed amendments Nos. 1, 2, and 3; and,

WHEREAS, the said amendments so ratified by the electors of said County of Butte at said special election held on March 20, 1945, to wit: Amendments Nos. 4, 5, and 6, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California.

NOW, THEREFORE, the undersigned, D. B. HUGGINS, Chairman of the Board of Supervisors, County of Butte, State of California, and W. F. MATTHEWS, County Clerk, and ex-officio Clerk of the Board of Supervisors, County of Butte, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said Charter of said County so ratified and by the majority of the electors voting thereon at said special election held on the 20th day of March, 1945, as submitted to said electors are in the words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures as follows, to wit:

PROPOSITION NO. 4

That Subsection "l" of Section 6 of Article IV of the Butte County Charter be amended to read as follows:

(l) The Superintendent of Schools, Thirty Six Hundred Dollars (\$3,600.00) per annum.

Superintendent of schools: Salary

PROPOSITION NO. 5

That Subsection "m" of Section 6 of Article IV of the Butte County Charter be amended to read as follows:

(m) The County Librarian, Twenty-Four Hundred Dollars (\$2,400.00) per annum.

Librarian: Salary

PROPOSITION NO. 6

That Section 2 of Article XII of the Charter of the County of Butte be amended to read as follows:

Section 2. The compensation of any elective and appointive County or Township Officer shall not be increased or decreased during the term for which he was elected or appointed; provided that the limitations herein contained shall not be applicable to any elective or appointive County official whose compensation has been increased by amendment to Section 6 of Article IV of this Charter in the Special Election to be held in March, 1945.

Increase in compensation of officers

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter, are, and each of them, is true.

Certificate

And for, and on behalf of said County of Butte, we being hereinbefore duly authorized, do hereby require the Legislature of the State of California to approve said amendments to said Charter as ratified by the electors of the County of Butte as a whole and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of the said Board of Supervisors of Butte County, State of California, this 16th day of April, 1945.

D. B. HUGGINS
Chairman of the Board of Supervisors of Butte County, State of California.

[SEAL]

W. F. MATTHEWS
County Clerk and ex-officio Clerk of the Board of Supervisors of Butte County, State of California.

By S. JORY, Deputy

The foregoing instrument is a correct copy of the original on file and of record in this office.

Attest: April 16, 1945.

W. F. MATTHEWS
County Clerk and Clerk of the
Superior Court in and for the
County of Butte, State of Cali-
fornia.

By S. JORY, Deputy

WHEREAS, Said proposed amendments to the charter of the County of Butte, so ratified by the majority of the electors voting thereon at said special election held on the twentieth day of March, 1945, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of Butte, and each of them, as proposed, adopted and ratified by the electors of the said County of Butte and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the County of Butte.*

CHAPTER 72

Senate Concurrent Resolution No. 25—Relative to purchase of an airplane for Division of Fish and Game, Department of Natural Resources.

[Filed with Secretary of State April 24, 1945]

Purchase and
use of
airplane by
Division of
Fish and
Game

WHEREAS, One of the most effective means available for discouraging and preventing illegal hunting and fishing is the use of airplanes to fly over restricted areas, over terrain which can not be reached quickly by the usual modes of transportation, and over coastal waters; and

WHEREAS, The successful use of airplanes for such purpose has been demonstrated beyond question by the State Division of Fish and Game, not only in the apprehension of violators of the fish and game laws, but in conducting aerial surveys of big game population, concentration, and migration, and in the distribution of feed over water refuges for migratory fowl; and

WHEREAS, The Federal Government now is disposing at prices greatly below the original cost thereof airplanes fully equipped to provide an ideal facility required by the Division of Fish and Game in the enforcement and administration of the Fish and Game laws of the State; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Director of Finance is requested to make available the required funds and to authorize the Division of Fish and Game to expend the money necessary to purchase immediately an airplane, to employ the personnel, and to make other expenditures necessary to operate such airplane in order that this necessary facility for law enforcement and promotion of fish and game activities may be secured without delay; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the State Director of Finance.

CHAPTER 73

Assembly Concurrent Resolution No. 51—Approving certain amendments to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the tenth day of April, 1945.

[Filed with Secretary of State April 25, 1945.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, as set out in the certificate of the mayor and city controller and ex officio city clerk of said city, as follows, to wit:

City of San Buenaventura Charter amendments

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF SAN BUENAVENTURA OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF VENTURA } SS
CITY OF SAN BUENAVENTURA }

We, the undersigned, Edwin Lee Gardner II, Mayor of the City of San Buenaventura, California, and Grace Woodruff, City Controller and Ex-officio City Clerk of said City, do hereby certify and declare as follows:

Certificate

That the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the 26th day of January, 1933, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 7th day of January, 1932, and approved by the Legislature of the State of California, by concurrent res-

olution filed with the Secretary of State on the 26th day of January, 1933, (Statutes of 1933, p. 2870).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Buenaventura, being the legislative body thereof, by its Ordinance No. 622, duly and regularly submitted to the qualified electors of said City two certain proposals to amend the Charter of said City and to be voted on by said qualified electors at the general municipal election called and held for that purpose in said City on the 10th day of April, 1945.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of San Buenaventura, on the 27th day of February, 1945, in the "Ventura County Star-Free Press", a daily newspaper of general circulation published in said City of San Buenaventura and the official newspaper of said City, and in each edition thereof, during the day of publication; that said City of San Buenaventura has a population of less than 50,000; that on February 27th, 1945, said City Controller and Ex-officio City Clerk caused to be published in said official newspaper, "Notice of Proposed Amendments to City Charter", wherein among other things was set forth the fact that the City Council proposed the amendment of Section 18 of Article XVII, and the amendment of Section 3 of Article IX of the Charter of said City in the manner therein provided, to be voted upon at the general municipal election to be held in said City on April 10, 1945; that in accordance with the provisions of the Charter of the City of San Buenaventura, and in the manner provided by law, the said general municipal election was duly and regularly held in said City after due notice given and published, the day of election being on April 10, 1945, which day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforesaid proposed amendments in the "Ventura County Star-Free Press", the official newspaper of said City.

That thereafter said general municipal election was duly and regularly held on Tuesday, April 10, 1945, and the City Council of said City of San Buenaventura did, in the manner provided by law, duly and regularly canvass the returns of said election and did on the 16th day of April, 1945, by Resolution No. 2275 duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election a majority of the qualified electors voting on said two proposals to amend the Charter of said City of San Buenaventura voted in favor of said amendments hereinafter set out, and the said City Council of said City did by said Resolution No. 2275 find, determine and declare that the said proposed amendments to the Charter of the City of San Buenaventura were ratified by a majority of the qualified electors of said City voting thereon.

That said two amendments to the Charter so ratified by the qualified electors of the City of San Buenaventura at said general municipal election were and are in the words and figures following:

AMENDMENT NO. 1—Amend Section 18 of Article XVII of the Charter of the City of San Buenaventura to read as follows:

“Section 18. Bond Retirement Fund:

Any surplus from the income of such revenue producing public utilities remaining after providing for said Depreciation Fund and said Public Service Sinking Fund shall be used only (first) for the retirement of the bonded debt issued for the public utility producing the same, and (second) to the retirement of any other bonded debt of the City; provided, however, that any such surplus income from the Transportation System utility, remaining after providing for said funds and the retirement of the bonded debt of said utility, may be expended for general City purposes.”

AMENDMENT NO. 2—Amend Section 3 of Article IX of the Charter of the City of San Buenaventura to read as follows:

“Section 3. Powers and Duties:

The powers and duties of the Manager shall be:

Manager:
Powers and
duties

1. To see that all ordinances are enforced.
2. To appoint all heads of departments and other City officers and employees upon merit and fitness alone and except as otherwise provided in this Charter, to have general supervision and control over, and to remove such heads of departments, and, subject to the provisions of this subparagraph hereinafter contained, such other City officers and employees, at pleasure.

For the purpose of providing tenure of office and employment, such other full time officers and employees who shall have been in the employ of the City for six months or more shall be classified as “regular”, and no such other officer or employee so classified shall be removed except for cause, in the event of removal shall be entitled to a public hearing before a Board of three persons appointed by the City Council, and, for want of cause, to reinstatement without loss of pay, in conformity with rules and regulations adopted by the Council, by resolution or ordinance, referring to this subparagraph. Such resolution or ordinance shall also provide for leaves of absence or vacations, with or without pay, and such other matters deemed advisable for supervision of personnel on a merit basis.

3. To exercise general supervision over all privately owned public utilities operated within the City so far as the same are subject to municipal control.

4. To see that the provisions of all franchises, leases, contracts, permits and privileges, granted by the City, are fully observed, and to report to the Council any violation thereof.

5. To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

6. To act as purchasing agent for all departments of the City except those of Public Library and Education; and in those departments he shall assist in making purchases when requested to do so by the respective boards in control thereof. All purchases shall be made by requisition signed by the Manager.

7. To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk, or employee in any of the departments of the City government, except of the Council and Board of Education.

8. To keep the Council advised as to the needs of the City.

9. To prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including the annual report of all departments of the City.

10. To prepare, or cause to be prepared, plans and specifications for work which the Council may order, coming under his supervision; and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

11. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities, owned or operated by the City.

12. To have general supervision over all City property and its use by the public or City employees.

13. To make such recommendations to the Council or Board of Equalization regarding the annual assessment roll as he may deem advisable.

14. To devote his entire time to the discharge of his official duties.

15. To appoint such advisory boards as he may deem desirable to advise or assist him in his work, provided, the members of such board shall receive no compensation.

16. To perform such other duties as may be required by this Charter or as the Council may require of him.

17. From time to time, in order to facilitate the prompt, economical and efficient dispatch of city business, to organize the work of the departments under his control, to assign assistants, deputies and employees from any office or department of the City government to perform work or service in connection with any other office or department thereof, or to work in more than one of said offices or departments; provided that no such change shall affect the powers or duties of any elective officer of the city."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Buenaventura with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendments.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of San Buenaventura to be affixed hereto this 18th day of April, 1945.

EDWIN LEE GARDNER II
Mayor of the City of San
Buenaventura.

ATTEST:

GRACE WOODRUFF
City Controller and Ex-
officio City Clerk of the
City of San Buenave-
tura.

[SEAL]

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of San Buenaventura as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of San Buenaventura.

CHAPTER 74

Senate Concurrent Resolution No. 45—Approving certain amendments to the charter of the City of San Luis Obispo, a municipal corporation in the County of San Luis Obispo, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the second day of April, 1945.

[Filed with Secretary of State April 26, 1945.]

City of San
Luis Obispo:
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Luis Obispo, a municipal corporation in the County of San Luis Obispo, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF SAN LUIS OBISPO OF CERTAIN AMENDMENTS OF THE CHARTER OF THE CITY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO,
CITY OF SAN LUIS OBISPO. } SS

Certificate

We, F. C. Kimball, Mayor of the City of San Luis Obispo and J. E. Brown, City Clerk of the City of San Luis Obispo, do hereby certify as follows:

That said City of San Luis Obispo, in the County of San Luis Obispo, State of California, is now, and was at all times herein mentioned a city containing a population of more than three thousand five hundred inhabitants, but less than fifty thousand inhabitants, as ascertained by the last preceding census taken under authority of the Congress of the United States; and,

That said City of San Luis Obispo is now, and was at all of the times herein mentioned, organized and existing under a freeholder's charter adopted under the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the 12th day of September, 1910, and approved by the Legislature of the State of California, by Concurrent Resolution, filed with the Secretary of State, February 23, 1911 (Statutes of 1911, Page 1698); and,

That, pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative body of said city, namely: the City Council of said city did, on its own motion and pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of San Luis Obispo two amendments to the charter of said city and ordered

that said amendments be submitted to said electors at the general municipal election to be held in said city on the 2nd. day of April, 1945; and,

That said proposed amendments were, and each of them was, on the 20th. day of February, 1945, duly published in the 'Telegram-Tribune, a daily newspaper of general circulation published in said City of San Luis Obispo, and the newspaper designated by said City Council for that purpose, and in each and every edition thereof published on said day, as appears from the affidavit of publication now on file; and

That said proposed amendments were printed in convenient pamphlet form in type of not less than ten-point, and from the 20th. day of February, 1945, to the 2nd. day of April, 1945, both inclusive, a notice was published in said Telegram-Tribune that such copies could be had upon application therefor at the office of the City Clerk of said city, as appears from the affidavit of publication now on file; and,

That said City Council did, by an election proclamation and resolution which was duly adopted on the 12th. day of March, 1945, order the holding of the general municipal election and consolidated charter amendment election in said City of San Luis Obispo, on the 2nd. day of April, 1945, which date was not less than forty days and not more than sixty days after the completion of the publication of said proposals of amendment to the charter of the City of San Luis Obispo, as aforesaid, and which election proclamation and resolution was published at least once a week for two successive weeks prior to said election, in the Telegram-Tribune, a newspaper of general circulation printed and published in said city; and,

That said general municipal election and consolidated charter amendment election was held in said City of San Luis Obispo on said 2nd. day of April, 1945, and that at such election, held as aforesaid, a majority of the qualified voters of said City of San Luis Obispo voting thereon voted in favor of said two proposals of amendment to the charter of the City of San Luis Obispo, and duly ratified the same; and,

That said proposals of amendment to the charter of the City of San Luis Obispo so ratified as aforesaid, were and are amendments known as and numbered, Charter Amendment No. 1 and Charter Amendment No. 2; and,

That the City Council of said City of San Luis Obispo, after duly and regularly canvassing the return of said election, at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voting thereon voted in favor of and ratified said proposals of amendment to the charter of the City of San Luis Obispo known as charter amendment No. 1 and charter amendment No. 2; and,

That said proposals of amendment to the Charter of the City

of San Luis Obispo ratified by the electors of said city, as aforesaid, are in words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 1

That a new article be added to the charter of the City of San Luis Obispo, to be known as Article XX, containing Section No. 123, which said new article shall read as follows:

“ARTICLE XX

STATE EMPLOYEES' RETIREMENT ACT

Adoption
of State
Employees'
Retirement
Act

Sec. 123 As the legislative body of the City of San Luis Obispo, the City Council shall have power to adopt the State Employees' Retirement Act, hereinafter referred to as the "Retirement Act", for the City of San Luis Obispo. The City Council, by ordinance duly adopted, may enter into a contract with the Board of Administration of the State Employees' Retirement System, as provided in said Retirement Act, making the employees of the City members of said Retirement System. Plenary authority and power is hereby vested in the City of San Luis Obispo, its City Council, and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted or required, whereby said City, under the provisions of said Retirement Act, may become a contracting City fully participating in the State Employees' Retirement System, on the same basis as State employees, wherever and whenever said Retirement Act permits; provided, however, that the City Council, by ordinance duly adopted, may terminate any contract entered into with the Board of Administration of the State Employees' Retirement System.

The Retirement Act herein referred to is that certain act of the Legislature of the State of California (Statutes of 1931, Chapter 700), cited as the State Employees' Retirement Act, as now amended, or as the same may hereafter be amended.

The employees of the Public Library, the Judge of the Police Court and the Chief Officials of the City named in Section 26 of this Charter, except Library Trustees, shall be considered and held to be employees of the City of San Luis Obispo for the purpose of the establishment and maintenance of the retirement system hereby authorized.

The City Council, in any year, by ordinance adopted not later than the first Tuesday in September, may levy a tax sufficient to pay all costs and expenses to be paid by the City during the fiscal year then current, to enable said City to participate in the State Employees' Retirement System, and, notwithstanding anything to the contrary therein contained, the limitations of Article IX, Section 54, of the Charter of the City of San Luis Obispo, with respect to the levy and collection of municipal taxes, shall not apply to any tax authorized by this Article."

CHARTER AMENDMENT NO. 2

That Section 54 of Article IX of the Charter of the City of San Luis Obispo be amended so that the same shall be and read as follows:

Sec. 54 LIMIT OF TAX LEVY. The tax levy authorized by the council for any one year for all municipal purposes, other than for the payment of principal or interest on any bonds of the city, or for school purposes, or for public library purposes, shall not exceed eighty-five cents on each one hundred dollars worth of taxable property in said city, except as in this charter otherwise provided. The council may, however, in any year, by ordinance adopted not later than the first Tuesday in September, levy in addition to the rate in this section above authorized, a tax of not to exceed thirty cents on each one hundred dollars worth of taxable property in said city, which shall be collected at the same time and manner as other taxes levied by said city, the proceeds of which said tax shall belong and be paid to a fund designated as the Improvement Fund of said City and shall be expended only for public improvements and betterments in said city.

That the foregoing is a full, true and correct copy of said proposals of amendment to the charter of the City of San Luis Obispo, ratified by the electors of said city, as aforesaid, on file in the office of the City Clerk of said City of San Luis Obispo.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of San Luis Obispo to be hereunto affixed, on this 12 day of April, 1945.

F. C. KIMBALL
Mayor of the City of
San Luis Obispo

J. E. BROWN
City Clerk of the
City of San Luis
Obispo

[SEAL]

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, A majority of all members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of San Luis Obispo as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as parts of the charter of said City of San Luis Obispo.

CHAPTER 75

Assembly Concurrent Resolution No. 45—Relative to pledging loyalty to President Truman.

[Filed with Secretary of State April 30, 1945.]

Pledging
loyalty to
President
Truman

WHEREAS, With the untimely passing of Franklin Delano Roosevelt, the Honorable Harry S. Truman has become Chief Executive at a most crucial period in the Nation's history, when prosecution of the war nears a victorious end and the complex problems of postwar peace and economy demand careful and immediate solution; and

WHEREAS, The heavy duties and grave responsibilities devolving upon President Truman call for earnest cooperation of the citizenry and of all branches of government, working together in close unity of purpose; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the respective houses of the Legislature of California hereby pledge loyalty to President Harry S. Truman and do offer to him their full cooperation in the grave and critical work which lies before him; and be it further

Resolved, That the Chief Clerk of the Assembly is authorized and directed to convey to President Truman this expression of loyalty and support on the part of the Legislature of California.

CHAPTER 76

Assembly Concurrent Resolution No. 52—Relative to approving a certain amendment to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the ninth day of April, 1945.

[Filed with Secretary of State April 30, 1945.]

City of
Fresno:
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment herein-after set forth to the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, as set out in the certificate of the commissioner of public safety and welfare, the ex officio mayor of the City of Fresno, and the city clerk of the City of Fresno as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.
CITY OF FRESNO }

Certificate

WE, the undersigned, Z. S. LEYMEL, Commissioner of Public Safety and Welfare and ex officio Mayor of the City of

Fresno, County of Fresno, State of California, and D. E. ROUGHTON, City Clerk of said city, do hereby certify and declare as follows:

That the City of Fresno, a municipal corporation in the County of Fresno, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants, and has been ever since January 21, 1921, and is now, organized and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such city at a municipal election held for that purpose on the 2d day of November, 1920, and approved by the Legislature of the State of California by Senate concurrent resolution No. 2, filed with the Secretary of State on the 21st day of January, 1921 (Stats. 1921, page 1821).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Commission of the City of Fresno, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Fresno, a certain proposal for amendment of the Charter of said City of Fresno at a certain Special Election called and held for that purpose in said city on the 9th day of April, 1945.

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and the Charter of the City of Fresno, on the 26th day of February, 1945, in the Fresno Bee-The Republican, a daily newspaper of general circulation printed and published in said City of Fresno, and the official newspaper of said city. That copies of said proposed amendment were printed in convenient pamphlet form, and in type of not less than ten point, as required by law, and a notice that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Fresno was published daily continuously in said Fresno Bee-The Republican from and including the 27th day of February, 1945, until the 9th day of April, 1945, all as required by Section 8 of Article XI of the Constitution of the State of California. That copies thereof were mailed to each of the qualified electors of said city within the time and in the manner required by law.

That copies of said pamphlet containing said proposed amendment could be had upon application therefor at the office of the City Clerk of said city at all times, to and including the 9th day April, 1945, the date fixed for said election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the Commission of the City of Fresno consolidated said Special Election with the General Municipal Election held in said City of Fresno on the 9th day of April, 1945; that in accordance with the provisions of the

Charter of the City of Fresno and in the manner provided by law, the said consolidated elections were duly and regularly held in said city after due notice given and published, on the 9th day of April, 1945, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Fresno Bee-The Republican, the official newspaper of said city.

That thereafter the Commission of the City of Fresno did, in the manner provided by law, duly and regularly canvass the returns of said consolidated elections, and did on the 16th day of April, 1945, adopt its Resolution No. 1897 declaring the results of the canvass of the returns of said elections and the results of said election as determined from the canvass of the returns thereof; that the said Commission of said city did, by said Resolution, find, determine and declare that said proposed amendment to the Charter of the City of Fresno was ratified by a majority of the electors of said city voting thereon.

That as to said amendment to the Charter of Fresno this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendment to the Charter of the City of Fresno so ratified by the electors of said city is in words and figures as follows, to wit:

That section 89 of Article XI of the Charter of the City of Fresno be amended to read as follows:

Elective
officers

“SECTION 89. ELECTIVE OFFICERS. The Commissioner of Public Safety and Welfare, Commissioner of Finance, Commissioner of Public Works, Legislative Commissioners, and Police Judge, shall be elected by the registered, qualified electors of said city at the general municipal election to be held therein; and members of the Board of Education shall be elected at such election by the registered, qualified electors of the school districts as provided for in section 65 of this charter. As to the Legislative Commissioners it shall be deemed that there are two separate offices to be filled, one of which shall be designated as ‘Legislative Commissioner, Number One’, and the other as ‘Legislative Commissioner, Number Two’. No candidate shall file for more than one such office. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for Legislative Commissioner, Number One, shall be declared elected, and the person receiving the highest number of votes for Legislative Commissioner, Number Two, shall be declared elected. After election the designating numbers shall have no further significance. Of the candidates for the Board of Education, the number of persons equal to the number of offices to be filled receiving the highest number of votes shall be declared to be elected, and

of the candidates for the remaining elective offices, the candidates receiving the highest number of votes in each case, shall be declared to be elected. All elective officers shall hold over their terms until the election and qualifications of their successors.”

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Fresno with the original proposal submitting the same to the electors of said city, and find that the foregoing is a full, true and correct and exact copy thereof. Certificate

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the said City of Fresno to be affixed hereto, this 23rd day of April, 1945.

Z. S. LEYMEL
Commissioner of Public Safety and
Welfare and ex officio Mayor of the
City of Fresno
D. E. ROUGHTON
City Clerk of the City of Fresno

[SEAL]

and

WHEREAS, The proposed amendment to the charter of Fresno as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Fresno as proposed to and adopted and ratified by the electors of said city, and each of them, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration for and as an amendment to and as a part of, the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California. Approval

CHAPTER 77

Assembly Joint Resolution No. 31—Relative to memorializing the President and the Congress of the United States and the Federal Surplus Property Board to establish or designate a special agency to which municipalities and other public bodies may deal in the purchase of Federal surplus properties.

[Filed with Secretary of State April 30, 1945.]

By the Federal “Surplus Property Act of 1944,” an agency known as the “Surplus Property Board” was created and provision was made for the disposition of surplus property belonging to the Federal Government and its agencies.

Federal surplus property: Special agency to deal with cities, etc.

This law directs the board to designate one or more agencies to act as a disposal agency for surplus property and, so far as the board deems feasible, that it shall centralize in one disposal agency responsibility for the disposal of all property of the same type or class.

It has been shown by the experience of counties, municipalities and other public agencies in attempting to purchase Federal surplus property that the interests both of the Federal Government and its agencies and of the local bodies would be best served by setting up a separate department or agency to deal with cities and other political subdivisions and agencies with regard to the disposition of such property, more particularly of the classes of property which are likely to be in demand for the needs of such local bodies. Under the present organization, the responsibility for the disposition of such property is divided among several agencies and the resulting confusion is harmful to the interests of both the Federal Government and local political subdivisions and agencies; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the President and the Congress of the United States and the Surplus Property Board are hereby respectfully requested to designate or establish by change in the law or by administrative action a single Federal agency to deal exclusively with cities and other political subdivisions and agencies desirous of acquiring such property; and, be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, and the Senators and Members of the House of Representatives from California.

CHAPTER 78

Assembly Joint Resolution No. 35—Relative to income and resources of recipients of aid to the aged and of aid to the blind.

[Filed with Secretary of State April 30, 1945.]

Aid to aged
and blind.
Income

WHEREAS, That provision of subdivision (a) of Section 2 of Title I of the Social Security Act which provides that "a State plan for old-age assistance must . . . provide that the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming old-age assistance" and the similar provision of subdivision (a) of Section 1002 of Title X of the act, relating to aid to the blind, are construed to require that the occupancy value of a home owned and occupied by a recipient of such assistance must be regarded as income or a resource of the recipient, and deducted from the amount of assistance to which he would otherwise be entitled; and

WHEREAS, The amount of these deductions is a comparatively small sum, so that the amount of public money withheld from recipients for this reason is lost to the States and the United States Government by the increased cost of administration resulting from investigation and accounting to establish the amount of the deductions; and

WHEREAS, Consideration of the occupancy value of homes of recipients as income or resources discourages thrift leading to home ownership; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress and President of the United States are hereby urged and memorialized to enact such amendments to the Social Security Act as will insure that ownership and occupancy of a home will not be considered income or resources of recipients of old-age assistance or of aid to the blind; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 79

Assembly Joint Resolution No. 36—Relative to making President Roosevelt's Birthday, January 30, a legal holiday.

[Filed with Secretary of State April 30, 1945.]

WHEREAS, Our beloved President, Franklin Delano Roosevelt, has been called by Providence to the Great Beyond; and

WHEREAS, His birthday, January 30th, has long been a day devoted to a part of his many humanitarian efforts; and

WHEREAS, It is fitting and appropriate that January 30th should be declared a National holiday to be known as "Roosevelt's Birthday" in respect to the memory of Franklin Delano Roosevelt; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to declare January 30th a National holiday to be known as "Roosevelt's Birthday"; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Designation
of birthday
of President
Roosevelt as
holiday

CHAPTER 80

Senate Concurrent Resolution No. 47—Relative to freedom of the world press and radio.

[Filed with Secretary of State May 1, 1945.]

Freedom of
world press
and radio

WHEREAS, The Congress of the United States has by joint resolution affirmed its belief in the principle of the free exchange of news between the nations of the world with free access by press and radio to all sources of governmental news as a factor in assuring the maintenance of the future peace; and

WHEREAS, Both major political parties of the United States have endorsed this principle through planks in their national platforms; and

WHEREAS, Many editorial associations, State legislatures and other bodies of public opinion here and abroad have likewise voiced their belief that the unhindered exchange of free and untrammelled news is essential for the promotion of a better understanding among the nations and the prevention of future wars; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the sense of this Legislature that it join in this beneficent sentiment and expression of hope that all peace treaties enacted after the present wars will incorporate guarantees that the press and radio shall have free and direct access to government news in every country as a factor in preserving peace and that the foundation for the unhindered exchange of information between the peoples of the world will be laid at the Security Conference of the United Nations at San Francisco.

CHAPTER 81

Assembly Concurrent Resolution No. 49—Approving a certain amendment to the charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the electors of the City of Redondo Beach at the general municipal election held therein on April 10, 1945.

[Filed with Secretary of State May 2, 1945.]

City of
Redondo
Beach
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Redondo Beach, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor and of the city clerk of said city, as follows:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN
BY THE CITY OF REDONDO BEACH IN ADOPTING
AN AMENDMENT TO THE CHARTER OF SAID CITY
(Statutes of 1935, p. 2454).

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.
CITY OF REDONDO BEACH }

We, the undersigned, Clyde Marsh, Mayor of the City of Redondo Beach, County of Los Angeles, State of California, and C. C. Mangold, City Clerk of said city, and ex officio Clerk of the City Council of said city, do hereby certify and declare as follows:

That the undersigned, said C. C. Mangold, was at all the times herein mentioned the Clerk of the Legislative Body of the said city and City Clerk of said City of Redondo Beach; and that the undersigned, Clyde Marsh, was at all the times herein mentioned the duly elected, qualified, and acting Mayor of said city;

That at a regular meeting of the City Council of said city, which is the Legislative Body thereof, by action duly and regularly taken said City Council submitted an amendment to the charter of said city (Statutes 1935, p. 2454); and thereafter such proposal was submitted to the electors of said city at the General Municipal Election held therein on April 10, 1945; that said General Municipal Election, at which said proposal was submitted, was regularly and duly called and held;

That immediately upon ordering the said proposal so submitted the said Legislative Body of said city within fifteen days after such order, caused said proposed amendment to be published once in the official newspaper of said city and in each addition thereof during the day of publication, said newspaper being a newspaper of general circulation, namely, the South Bay Daily Breeze, on the 15th day of February, 1945; that the population of said City of Redondo Beach at the time of ordering the submission of said proposal and at the time of the holding of said General Municipal Election on April 10, 1945 was more than 3500 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and of less than 50,000 population; to-wit, 17,036.

That at said General Municipal Election so held on the 10th day of April, 1945, at which said proposal was submitted as aforesaid, a majority of the qualified voters of said city voting at said election and voting on said proposed amendment voted in favor of the adoption of said proposed amendment and therefore ratified the same;

That the election at which said proposed amendment was submitted to the voters of said city was not less than forty and not more than sixty days after the completion of the advertisement of said amendment in the official newspaper of said city.

That the said City Council of said City of Redondo Beach, at a regular meeting thereof held in the time and form and

manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed amendment and for the ratification and adoption thereof, and that the same was adopted and ratified by more than a majority of the qualified voters of the City of Redondo Beach voting thereon;

That the election above mentioned, to-wit, the General Municipal Election held on the 10th day of April, 1945, was held in accordance with the election laws of the State of California relating to and governing elections in cities of the Sixth Class within said State, so far as applicable, and in other respects in strict accordance with the General Laws of the State of California and of the charter of said city; that said City of Redondo Beach was at all the times herein mentioned, acting under a charter duly approved by the Legislature of the State of California; said charter being set forth in full in the Statutes of 1935 of California at page 2454 thereof.

That said amendment so proposed, filed, adopted and ratified as herein set forth, is in the words and figures following to-wit:

ARTICLE XXIII

DEPARTMENT OF EDUCATION.

Board of
education

SECTION 1: Board of Education. The control of the Public School Department (not including High School) of the said City of Redondo Beach, including the whole of the Redondo Beach City School District, as the same now exists, or may hereafter be charged and exist, as provided by law, shall be vested in a Board of Education, which shall consist of five members elected at large. The members of said Board shall serve for three years and without compensation.

School
elections

School elections shall be held in the same manner as is provided in the California School Code for elections of school trustees, except (a) that any person desiring to become a candidate for the office of member of the Board of Education shall, thirty days prior to the date of the election, file with the Clerk of the governing board of the Redondo Beach City School District the nomination paper as provided by said Board of Education (b) that the Board of Education shall furnish the ballots and supplies necessary for conducting the election, and that the returns of the election shall be filed with the Clerk of said board and (c) that the Board of Education shall canvass the election returns at a meeting held not less than three days nor more than ten days after the election date. The Clerk of the said Board shall immediately after the result of the election is officially declared by the Board of Education issue a certificate of election for each duly elected member and serve the same personally or by mail upon each such person.

The election of members to the Board of Education shall be held in the Redondo Beach City School District on the same date

as is provided by the Educational Code of the State of California, Section 1801, as it now exists or may later be changed.

That the said proposed amendment to the charter of said city as advertised in said South Bay Daily Breeze, the official newspaper of said city, on February 15, 1945, is contained in a clipping from said newspaper, attached hereto, marked "Exhibit A," hereby referred to and by reference made a part of this certificate.

That the said amendment as hereinbefore set forth is a full, true and correct copy of the said amendment as prepared and proposed by the said legislative body of said city and submitted to the electors of said city and ratified by the electors of said city at said General Municipal Election held April 10, 1945.

IN WITNESS WHEREOF, we have hereunto set our hands and hereto affixed the seal of said City of Redondo Beach, California, this 17th day of April, 1945.

CLYDE MARSH
Mayor of the City
of Redondo
Beach, California

C. C. MANGOLE
City Clerk of the
City of Redondo
Beach, California

[SEAL OF THE CITY]

EXHIBIT A

PROPOSED AMENDMENT TO SECTION 1 OF ARTICLE XXIII OF THE CITY CHARTER.

ARTICLE XXIII.

DEPARTMENT OF EDUCATION.

SECTION 1: Board of Education. The control of the Public School Department (not including High School) of the said City of Redondo Beach, including the whole of the Redondo Beach City School District, as the same now exists, or may hereafter be changed and exist, as provided by law, shall be vested in a Board of Education, which shall consist of five members elected at large. The members of said Board shall serve for three years and without compensation.

School elections shall be held in the same manner as is provided in the California School Code for elections of school trustees, except (a) that any person desiring to become a candidate for the office of member of the Board of Education shall, thirty days prior to the date of the election, file with the Clerk of the governing board of the Redondo Beach City School District the

nomination paper as provided by said Board of Education (b) that the Board of Education shall furnish the ballots and supplies necessary for conducting the election, and that the returns of the election shall be filed with the Clerk of said board and (c) that the Board of Education shall canvass the election returns at a meeting held not less than three days nor more than ten days after the election date. The Clerk of the said Board shall immediately after the result of the election is officially declared by the Board of Education issue a certificate of election for each duly elected member and serve the same personally or by mail upon each such person.

The election of members to the Board of Education shall be held in the Redondo Beach City School District on the same date as is provided by the Educational Code of the State of California, Section 1802, as it now exists or may later be changed.

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendment to said charter of the City of Redondo Beach, as proposed and submitted to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment for and as amendment to and as part of the charter of the said City of Redondo Beach.

CHAPTER 82

Assembly Concurrent Resolution No. 54—Approving six certain amendments to the charter of the City of Pomona, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the second day of April, 1945.

[Filed with Secretary of State May 2, 1945.]

City of
Pomona.
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of six amendments, hereinafter set forth, to the charter of the City of Pomona, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the mayor and president of the city council of the City of Pomona, and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA,
 COUNTY OF LOS ANGELES, } SS.
 CITY OF POMONA. }

We, the undersigned, James B. Petit, Mayor of and President ^{Certificate} of the City Council of the City of Pomona, State of California, and C. Harry Doremus, City Clerk of said City, do hereby certify as follows:

That the City of Pomona, a Municipal Corporation of the County of Los Angeles, State of California, is now, and at all times herein mentioned was, a City containing a population of more than Three Thousand Five Hundred inhabitants, and less than Fifty Thousand inhabitants, and has been ever since the 10th day of March, 1911, and is now, organized and acting under a freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 3rd day of November, 1910, and approved by the legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of March, 1911, and approved by the legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of March, 1911. (Statutes of 1911, Page 1913).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Pomona being the Legislative body thereof, duly and regularly submitted to the qualified electors of said City of Pomona, certain proposals to amend the Charter of said City to be voted on by said qualified electors at a general municipal election called and held in said City on the 2nd day of April, 1945, which said proposals were designated as proposed Charter Amendments Nos. 1, 2, 3, 4, 5 and 6, respectively.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California in the Pomona Progress Bulletin, a daily newspaper of general circulation, published in said City and the official paper of said City.

That in accordance with the provisions of the Charter of the City of Pomona and Ordinance No. 935 adopted by the Council of said City at its meeting on the 27 day of February, 1945, approved by the Mayor on the 27 day of February, 1945, and posted and published, as required by law and the provisions of said Charter, a general municipal election was held in said City on the 2nd day of April, 1945, and pursuant to the provisions of said Charter and Ordinances No. 935 adopted by the Council of said City at its meeting of March 27th, approved by the Mayor on March 27, 1945, and published in said Pomona Progress Bulletin, the said proposed amendments were submitted to the qualified electors of said City for their ratification at said

election, and that at said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify all of the said six proposed amendments to the Charter of said City.

That the City Council of the said City of Pomona, in accordance with the law in such cases made and provided, did meet on the 9th day of April, 1945, at its usual time and place of meeting and duly canvassed the returns of said election as certified by the election boards and duly found, determined and declared that said proposed amendments to the charter of the City of Pomona, Nos. 1 to 6 inclusive, and each and every one of them, were ratified by a majority of the electors of said City voting thereon.

The said amendments to the Charter so ratified by the electors of the City of Pomona are in words and figures as follows, to-wit:

PROPOSED CHARTER AMENDMENT NO. 1

Shall Section 92 of Article XVI of the Charter of the City of Pomona, be amended to read as follows:

General
municipal
elections

Section 92. "General municipal elections shall be held in said city on the second Tuesday of April and every two years thereafter, at which shall be elected the elective officers provided for by this Charter, who shall take office on the Tuesday next succeeding the day of such election."

PROPOSED CHARTER AMENDMENT NO. 2

Shall Section 95 of Article XVI of the Charter of the City of Pomona, be amended to read as follows:

Candidates

Section 95. "All candidates for city offices, as provided in this Charter, shall be nominated in accordance with the provision of the laws of the State of California relating to nominations of candidates for elective municipal offices in cities of the sixth class in said State, as the same now or may hereafter exist."

PROPOSED CHARTER AMENDMENT NO. 3

Shall the first sentence of Section 96 of Article XVI of the Charter of the City of Pomona, be amended to read as follows:

Primary
elections

Section 96: "A Primary election shall be held in said City of Pomona on the second Tuesday of March preceding the general municipal election, and the candidates to be voted for at the general municipal elections shall be nominated at such primary election, and no name shall be printed upon the ballot for such general municipal election other than those selected in the manner prescribed in Article XVI in said Charter."

PROPOSED CHARTER AMENDMENT NO. 4

Shall the first paragraph of Section 99 of Article XVI of the Charter of the City of Pomona, be amended to read as follows:

Section 99. "The ballots used for all elections shall be in accordance with the provisions of the laws of the State of California relating to ballots in cities of the sixth class in said State, as the same now or hereafter may exist."

PROPOSED CHARTER AMENDMENT NO. 5

Shall Section 106 of Article XVI of the Charter of the City of Pomona, be amended to read as follows:

Section 106. "At each City election each of the election officers shall receive such compensation for his services as the Council shall fix, but not to exceed the sum of ten (\$10.00) dollars."

PROPOSED CHARTER AMENDMENT NO. 6

Shall Section 110 of Article XVI of the Charter of the City of Pomona, be amended to read as follows:

Section 110. "On the first Tuesday after the election and at their usual time and place of meeting, the Council shall meet and canvass the returns and declare the result."

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Pomona to be affixed hereto this 9th day of April, 1945.

JAMES B. PETIT
President of the
Council and Mayor
of the City of
Pomona.

[SEAL]

C. HARRY DOREMUS
City Clerk of the
City of Pomona.

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been, and are now, duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Pomona as proposed to and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be, and the same are hereby, approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the City of Pomona.

CHAPTER 83

Assembly Concurrent Resolution No. 55—Relative to the United Nations Conference on World Peace.

[Filed with Secretary of State May 3, 1945]

United Na-
tions Peace
Conference

WHEREAS, The Allied Nations are now engaged in the most devastating and destructive war that the world has ever seen; and

WHEREAS, The United Nations are united in one common purpose to accept nothing less than unconditional surrender from the aggressor Axis Nations; and

WHEREAS, Many brave men and women of all the Allied powers have fought and died together in this common cause to the end that peace, predicated upon the inherent dignity of man, may be enjoyed by all nations; and

WHEREAS, The four great powers, Great Britain, Russia, China and the United States of America are sponsoring a Conference on World Peace and have honored the United States of America, and particularly the great State of California, by selecting the City of San Francisco by the Golden Gate as the host city; and

WHEREAS, The City of San Francisco is a symbol of great courage and determination, as it was only a few short years ago that overnight she was almost completely destroyed by a catastrophe and found herself in the same position as many of the cities in the battle zones that have been destroyed by the war; and like the freshness of spring San Francisco has come forth and rebuilt to become one of the finest and most beautiful cities in the world; and

WHEREAS, We deem it a great honor to have these many distinguished representatives of some 46 Allied Nations in attendance at the Conference on World Peace in San Francisco to offer their contribution to an enduring peace; and

WHEREAS, The Legislature of the State of California is in session during this conference in San Francisco and would like to have an opportunity of meeting these representatives and wishing them Godspeed in their objective for world peace; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That we extend a special invitation to the leaders of the delegation of the four sponsoring nations to meet with us in joint session of the California State Legislature; and be it further

Resolved, That we extend an invitation to the representatives of the other nations in attendance at the conference to visit the Legislature while in session; and be it further

Resolved, That we extend an invitation to the American delegation to speak before the California State Legislature; and be it further

Resolved, That a copy of this resolution be sent to all of the leaders of the delegations in attendance at the Conference on World Peace, and a copy of the resolution be printed in the Journal.

CHAPTER 84

Assembly Concurrent Resolution No. 56—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of April, 1945.

[Filed with Secretary of State May 4, 1945]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND. }

We, the undersigned, Dr. John F. Slavich, Mayor of the City of Oakland, State of California, and Charles M. Don, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551.)

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 14,385 C.M.S. passed February 27, 1945, duly and regularly proposed and submitted to the qualified electors of said City, three certain proposals designated as Propositions 1, 2 and 3, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in

said City on the 17th day of April, 1945. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned resolution, and that by said resolution said special election was duly and regularly consolidated with the Nominating Municipal Election to be held in said City on said date. That said consolidated Special Municipal Election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in manner provided by law, after due notice given and published, with the said Nominating Municipal Election, on the 17th day of April, 1945, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune," the official newspaper of said City.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 7th day of March, 1945, in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 7th day of March, 1945, and on each day thereafter to and including the 17th day of April, 1945, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposals to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Council of the City of Oakland, on the 19th day of April, 1945, at a meeting duly and regularly called and held at its usual place of meeting, duly canvassed the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on April 24, 1945, at its usual place of meeting, said Council by its Resolution Number 14545 C.M.S. duly found, determined and declared that the said proposed amendments to the Charter of the City of Oakland, designated as Propositions 1, 2 and 3, and each and every one of them, was ratified by a majority of the qualified electors of said City voting thereon; that the proposed amendments to the Charter of the City of Oakland which were so ratified by a majority of the electors of said City, are in words and figures as follows:

Add Section 130½ to the Charter to read as follows:

Surplus War Materials.

Sec. 130½. Notwithstanding the provisions of this Article or of Article XXV, the City Council or the Board of Port Commissioners, whichever may have jurisdiction thereover, may direct the purchase of surplus war materials from the United States Government, or any agency thereof, or from the State of California, or any agency thereof, without calling for competitive bids or entering into a formal contract therefor.

Amend Subdivision (3) of Section 33 of the Charter to read as follows:

Who May Be Retired.

(3) The retirement system established under this Section shall provide for voluntary retirement at age sixty-two after not less than ten years of service, and it may provide for voluntary retirement at any time after any aggregate of twenty five years' service. It shall also provide for retirement for disability after ten years of service and before age sixty-two, and for death benefits for members of the system. For the purpose of this section, the qualifying ten year periods of service shall be accumulated during any continuous periods of not more than twelve years, provided any absence from or return to actual service during such twelve year periods is approved by the Civil Service Board in the case of persons in the classified civil service, or by the City Council in the case of other persons within the retirement system.

Retirement shall be compulsory at age seventy, regardless of length of service.

Amend Section 97c of the Charter to read as follows:

Sec. 97c. Promotions in the Fire Department shall be based on ascertained merit, seniority in service and standing upon

Purchase of
surplus war
materials

Who may be
retired

Fire depart-
ment Pro-
motions, etc.

competitive examination; in all cases, where practicable, vacancies shall be filled by promotion from among such qualified members without further physical examination or agility test, as present themselves for examination for promotion. Appointment to the lowest rank in the Department shall be made from those highest on the eligible list. The order of promotion shall be as follows:

Promotion to the rank of Chief's Operator or Engineer shall be made from the rank of Hoseman.

Promotion to the rank of Lieutenant shall be made from the rank of Chief's Operator, Engineer or Hoseman.

Promotion to the rank of Captain shall be made from the rank of Lieutenant.

Promotion to the rank of Battalion Chief shall be made from the rank of Captain.

Promotion to the rank of First Assistant Chief or Second Assistant Chief shall be made from the rank of Battalion Chief.

Promotion to the rank of Superintendent of Engines shall be made from the rank of Engineer.

There shall be no promotion made from the rank of Superintendent of Engines.

In case the Fire Department is reduced for any reason, the last member or members employed in the lowest rank shall be the first laid off; then, if necessary, the last member or members who have received a promotion to a higher rank shall be returned to the position held prior to promotion and so on in like order until the reduction is complete. When the Department is increased at any time, or a vacancy occurs for any reason, any member or members previously laid off or demoted pursuant to a reduction in the number of members of the Department shall be reinstated to the position held prior to reduction in the order of their original certification.

The holders of all positions in the Fire Department are members of the said Fire Department.

Any member whose promotional appointment to a position of higher rank is terminated by reason of the return of the former occupant of such position shall be returned to the position in the rank held by such member prior to promotion.

Certificats

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 25th day of April, 1945.

DR. JOHN F. SLAVICH
Mayor of the City of Oakland

CHAS. M. DON
City Clerk of the City of Oakland

[SEAL]

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, Approval
A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Oakland.

CHAPTER 85

Assembly Concurrent Resolution No. 37—Relating to the creation of a Joint Committee to investigate prices of fresh fruits.

[Filed with Secretary of State May 7, 1945.]

WHEREAS, The production and marketing of fresh fruit is an important factor in the agricultural industry of this State; and

Joint Investigating
Committee
on Agriculture

WHEREAS, The importance of fresh fruit in the National diet necessitates the establishment of such prices to producers as will assure an adequate supply; and

WHEREAS, The Legislature requires information as to all facts and matters relating to the establishment of prices for fresh fruit in order that it may act advisedly in such manner as it deems appropriate; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

1. That the Joint Investigating Committee on Agriculture is hereby created to consist of three members of the Assembly appointed by the Speaker thereof and two members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

2. That the committee hereby created is directed to ascertain, study and analyze all facts relating to the establishment of prices for fresh fruits, and the administration of the provisions of law relating thereto, and to report thereon to the Legislature, including in its report its recommendations as to appropriate action by the Legislature.

3. That said committee is authorized to act during this session, including any recess thereof, but not after final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of seven hundred fifty dollars (\$750) or so much thereof as may be necessary is hereby made available from the contingent fund of the Senate and the contingent fund of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 86

Assembly Joint Resolution No. 33—Relative to memorializing Congress to erect a Statue of Freedom on the coast of California.

[Filed with Secretary of State May 7, 1945]

Statue of
Freedom

WHEREAS, Since she was unveiled to the world in 1886, the Statue of Liberty has stood at the Atlantic threshold of our Union as a glorious symbol of American heritage—those four great freedoms: Freedom of speech, freedom of worship, freedom from fear, and freedom from want; and

WHEREAS, To “the tired, the poor, the huddled masses,” she has brought hope and inspiration; to “the homeless and the tempest-tost she lifts her lamp beside the golden door,” pointing the way toward the peace and security of free men; and

WHEREAS, The torch she bears aloft on Bedloe Island is as a beacon of enlightenment to the troubled lands across the waters, shrouded in darkness, desolation and despair; and

WHEREAS, Similar darkness reigns across the waters of the Pacific but no such beacon lights the way; and

WHEREAS, More and more, as the present conflict proceeds toward allied victory does an awakened Asia look toward our western shores, in search and contemplation of those principles and ideals for which our Nation stands; and

WHEREAS, In these years of war, California has risen to prodigious heights as the great military and industrial center of the West—where troops embark for the Pacific, where most of the Nation's ships and planes are built, where much of the Nation's food supply is grown; and

WHEREAS, In the postwar years California will emerge as the great center of Pacific commerce and travel by air and sea—the great link between the east and west; and

WHEREAS, It is fitting that there be on the California coast a visible symbol of freedom, a sister, as it were, to her who graces New York Harbor, that Asia as well as Europe may view the essence of our great ideal and feel the impact of its promise; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That Congress is hereby respectfully memorialized to erect upon the coast of California a Statue of Freedom similar in import to that upon our Atlantic shore; and, be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 87

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California to amend Sections 2, 34 and 34a of Article IV of the Constitution of said State, relating to Legislature.

[Filed with Secretary of State May 7, 1945.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California to amend Sections 2, 34 and 34a of Article IV of the Constitution of said State so as to read as follows, respectively:

Constitution
Art. IV,
Secs. 2, 34,
and 34a

First: That Section 2 of Article IV of the State Constitution be amended to read:

Legislative
sessions

SEC. 2 The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd numbered years shall be known as general sessions.

All regular sessions in even numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, urgency measures requiring a two-thirds vote, acts calling elections, proposed constitutional amendments, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January, and shall continue for a period not exceeding 30 days thereafter; whereupon a recess of both houses must be taken for not less than 30 days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

All budget sessions shall commence at 12 m. on the first Monday in March.

Second: That Section 34 of Article IV of the State Constitution be amended to read:

State Budget

SEC. 34. The Governor shall, at each regular session of the Legislature, submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for the ensuing fiscal year, together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual and estimated expenditures for the existing fiscal year. If the proposed expenditures for the ensuing fiscal year shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided.

The Governor shall submit the budget within the first 30 days of each general session, and prior to its recess, and within the first three days of each budget session.

The Governor, and also the Governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation.

Budget Bill

The budget shall be accompanied by an appropriation bill covering the proposed expenditures, to be known as the Budget Bill. The Budget Bill shall be introduced immediately into

each house of the Legislature by the respective chairmen of the committees having to do with appropriations, and shall be subject to all the provisions of Section 15 of this article. The Governor may at any time amend or supplement the budget and propose amendments to the Budget Bill before or after its enactment, and each such amendment shall be referred in each house to the committee to which the Budget Bill was originally referred. Until the Budget Bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Senate and Assembly.

No bill making an appropriation of money, except the Budget Bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed.

In any appropriation bill passed by the Legislature, the Governor may reduce or eliminate any one or more items of appropriation of money while approving other portions of the bill, whereupon the effect of such action and the further procedure shall be as provided in Section 16 of this article.

Reduction
or elimina-
tion of items
of appro-
priation

In case of conflict between this section and any other portion of this Constitution, the provisions of this section shall govern, except that any item of appropriation in the Budget Act, other than for the usual current expenses of the State, shall be subject to the referendum.

The Legislature shall enact all laws necessary or desirable to carry out the purposes of this section, and may enact additional provisions not inconsistent herewith.

Third: That Section 34a of Article IV of the State Constitution be amended to read:

SEC. 34a. Appropriations from the General Fund of the State for any fiscal year, exclusive of appropriations for the support of the Public School System, shall not exceed by more than 5 per centum the appropriations from such fund, exclusive of such public school appropriations, for the preceding fiscal year unless two-thirds of all the members elected to each house of the Legislature vote in favor thereof; provided, that no amount appropriated in excess of such 5 per centum shall become a part of the base for determining the maximum appropriation for a succeeding fiscal year and provided that the base for the Ninety-ninth Fiscal Year shall be one-half of the base in effect for the Ninety-seventh and Ninety-eighth Fiscal Years plus 5 per centum. Should the appropriations in the Budget Act for any fiscal year exceed the limitations herein prescribed, and such Budget Act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by that percentage which the excess amount of appropriation bears to the total appropriation. Should the prescribed limit for any fiscal year be exceeded by reason of any other appropriation or appropriations from the General Fund, then the appropriation first passed by the Legislature without such two-thirds vote, which exceeds such prescribed limitation, shall be deemed

Appropriation
limitations

reduced by the amount of such excess, and all other subsequent appropriations from the General Fund not passed by such two-thirds vote shall be void. Nothing herein contained shall prevent the Governor from vetoing any bills or reducing any appropriation therein or any appropriation reduced as herein provided.

Taxes on real
property

Not more than 25 per centum of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

CHAPTER 88

Senate Concurrent Resolution No. 39—Relative to designating the year 1548 officially as Gold Discovery Centennial Year, and the year 1949 as Gold Rush Centennial Year.

[Filed with Secretary of State May 10, 1945]

Gold
Discovery
Centennial
Year, etc

WHEREAS, The year 1950 has already been designated California Centennial Year, making the one hundredth anniversary of the admission of the State of California to the Union; and

WHEREAS, The gold days of California played such a significant part in the building of California and development of the United States; and

WHEREAS, The year 1948 marks the one hundredth anniversary of the discovery of gold in California, and the year 1949 marks the one hundredth anniversary of the gold rush; and

WHEREAS, It is important to this State that an appropriate state-wide anniversary celebration take place, with all communities and sections of the State acting in concert; and

WHEREAS, It is anticipated that there will be a tremendous influx of tourists to California following the end of the war, and such celebrations will add materially to the interest of such tourists and attract visitors from all over the world; and

WHEREAS, California's heritage as depicted and publicized during such celebrations will be an influential factor in acquainting our million or more newly acquired citizens with California's past and stimulate pride in their newly adopted State; and

WHEREAS, Such celebrations will act as a natural build-up for the California Centennial Year Celebration in 1950; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the year 1948 be officially designated Gold Discovery Centennial Year, and the year 1949 be designated Gold Rush Centennial Year.

CHAPTER 89

Senate Concurrent Resolution No. 46—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 3 (Res. Ch. 20, 1945).

[Filed with Secretary of State May 12, 1945]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary is hereby appropriated from the contingent funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the contingent funds of the Senate and of the Assembly.

Legislative
Budget
Committee
Allocation
of funds

CHAPTER 90

Senate Concurrent Resolution No. 49—Relative to entertainment and dinner for members of the Legislature on May 8, 1945.

[Filed with Secretary of State May 12, 1945]

WHEREAS, Members of the Legislature and their wives were the guests at a dinner and entertainment in Sacramento, May 8, 1945, for the benefit of the American Red Cross; and

Legislative
dinner on
May 8, 1945

WHEREAS, This entertainment of the highest order was made possible through the generosity and thoughtfulness of Will H. Hays, President of the Motion Picture Producers and Distributors of America, Inc., and Edgar J. Mannix, President of the Association of Motion Picture Producers, Inc., representing the following named studios: Columbia Pictures Corporation, Samuel Goldwyn, Metro-Goldwyn-Mayer, Paramount Pictures, Inc., RKO-Radio Pictures, Inc., Republic Productions, Inc., Hal E. Roach Studio, Inc., Twentieth Century-Fox Film Corp. Universal Pictures Co., Inc., and Warner Bros. Pictures, Inc.; and

WHEREAS, The following named artists contributed most graciously to the success of the evening: Dorothy Lamour, Leo Carrillo, Jess Barker, Marion Bell, Bob Alda, Don McGuire, Vivian Blane, Rene De Marco, Kirby Grant, Dariel Jean Johnson, Lina Romay, Ernie Barron, Carlos Ramirez, Harriet Lee, Ida Koverman, Director; Earl Brent and Walter Ruick, Accompanists; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature make known by these presents and this inscription their hearty appreciation of the fine work of those participating, and of the consideration that made possible a real contribution to the

American Red Cross as an objective of this program; and be it further

Resolved, That the Secretary of the Senate be directed to forward a suitable copy of this resolution to each of the above named artists and to each of the presidents of the above named associations.

CHAPTER 91

Assembly Concurrent Resolution No. 42—Relative to the California Food and Fiber Production Council and the period of its existence and functioning.

[Filed with Secretary of State May 14, 1945]

California
Food and
Fiber
Production
Council

WHEREAS, At an Extraordinary Session especially convened for the purpose, the California Food and Fiber Production Act was adopted in March, 1943, to achieve the maximum production and availability of food and fiber possible from the farms of this State, to provide for the most effective use of existing farm labor and facilities, and to augment such labor and facilities, thus to meet and cope with a critical situation caused by wartime emergency conditions which had depleted the farm labor supply and increased the need for food and fiber to such an extent as to endanger the life and health of the State and Nation and the effectiveness of the State's participation in the war effort; and

WHEREAS, Those conditions still obtain in such degree as to demand and require the continuation of said act and the work of the California Food and Fiber Production Council; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That in continuing the duration period of said act and the work of the council, it is the firm purpose and declared intent of the Legislature that the work of the council shall not extend beyond the period of the emergency conditions described herein, and if such conditions terminate sooner than the period for which the act is extended by any statute adopted at this session the California Farm Production Council and the California Farm Production Director are hereby requested and instructed forthwith to terminate their activities, wind up their affairs, and make no further expenditures.

CHAPTER 92

Senate Concurrent Resolution No. 44—Relative to the General George S. Patton, Jr., Victory Project and War Veterans Memorial Park.

[Filed with Secretary of State May 15, 1945]

General
George S.
Patton, Jr.,
Memorial
Park

WHEREAS, General George S. Patton, Jr., through the exercise of courage and leadership above and beyond the call of duty,

has both in Africa and in Europe led the men of his command to a victory of annihilation against the enemy; and

WHEREAS, General Patton was born in the State of California in the then township of San Gabriel in the County of Los Angeles; and

WHEREAS, San Gabriel American Legion Post 442 is sponsoring the General George S. Patton, Jr., Victory Project and War Veterans War Memorial Park for the use of all veterans of all wars, commissioned and enlisted, men and women; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature wholeheartedly endorses the General George S. Patton, Jr., Victory Project and War Veterans Memorial Park.

CHAPTER 93

Assembly Joint Resolution No. 30—Relative to memorializing Congress to provide educational opportunities for war widows.

[Filed with Secretary of State May 17, 1945.]

WHEREAS, Among the most sorrowful and tragic results of war is the plight of those widows whose husbands have given their lives for their country; and

Educational
opportunities
for war
widows

WHEREAS, As fatalities mount and time elapses, their plight becomes more apparent and their need for assistance more pressing; and

WHEREAS, Often young and untrained, these widows, unless their husbands were insured, receive only a small monthly pension inadequate to support themselves or their children or to prepare for the responsibilities which lie ahead; and

WHEREAS, Moral encouragement and vocational rehabilitation is their just due; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That Congress is hereby memorialized to give serious consideration to this immediate and continuing problem and to take steps to provide educational opportunities to war widows similar to those contained in the G. I. Bill of Rights, which opportunities their husbands would have received had they lived; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 94

Assembly Joint Resolution No. 32—Relative to the San Francisco Conference of the United Nations and the World Security Organization.

[Filed with Secretary of State May 17, 1945]

United
Nations
Conference

The State of California recognizes the solemn implications of the honor bestowed upon it, in its selection as the location for the conference of representatives of the United Nations delegated to design the permanent organization for maintaining world security.

The State of California, in cooperation with the other States which constitute the Pacific frontier of the United States of America, recognizes a responsibility to provide and maintain an atmosphere which will contribute to the successful undertaking of the great task which faces the conferees of the United Nations.

The State of California desires to devote the resources of its governmental, social, and commercial institutions to the purpose of facilitating the conduct of the forthcoming deliberations of the representatives of the United Nations who will convene in the City of San Francisco on the twenty-fifth day of April in the year 1945.

The State of California contemplates the continuing responsibility of this and the other States of the Pacific slope, toward the maintenance and operation of instrumentalities for permanent world security, particularly in relation to the citizens of the countries surrounding the Pacific Ocean.

The State of California possesses and cherishes cosmopolitan traditions, and rich experiences of relationships with the peoples and cultures of all the continents of the Pacific region, traditions and experiences which have enriched the heritage of its own culture derived from the dominant European ancestry of its own people; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the State of California extend its salutations to the representatives of the United Nations, and express its confidence in the benefits to inure to the peoples of the world as the product of their deliberations; and be it further

Resolved, That the State of California extend to the representatives of the United Nations, and to their conference as an organization, all the resources at the command of the State and its people which will facilitate the activities of the conference; and be it further

Resolved, That the State of California extend to the President of the United States the assurance of its recognition of the fitness of establishing in this State the permanent headquarters of all activities related to the preservation of world security and the operation of the World Security Organization, particu-

larly in relation to the peoples of the Pacific Basin; and be it further

Resolved, That the State of California express to the President of the United States the desire of the people of the State of California to provide such appropriate lands, utilities, and facilities as may be desired for the establishment, within the territory of this State, of the permanent site of activities of the World Security Organization, and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, to the Speaker of the House of Representatives, to each Senator and Member of the House of Representatives in the Congress of the United States from California, and to each United States delegate to the United Nations Conference.

CHAPTER 95

Assembly Joint Resolution No. 34—Relative to memorializing the United States Department of Agriculture to reopen to the public the Los Padres National Forest.

[Filed with Secretary of State May 17, 1945.]

WHEREAS, The Los Padres National Forest is situate in the counties of Monterey, San Luis Obispo and Santa Barbara in the State of California; and

WHEREAS, In 1941, pursuant to declaration by the Army of a state of emergency, and as a wartime emergency measure, the Forest Service of the United States Department of Agriculture closed to the public the Los Padres National Forest; and

WHEREAS, Though it appears that such emergency has now passed and that Army restrictions incident thereto have long since been lifted, the Los Padres National Forest still remains closed to the public; and

WHEREAS, The Los Padres National Forest offers exceptional benefits for recreation, including hunting, fishing, hiking, camping, swimming, and many like activities; and

WHEREAS, In addition to these benefits and opportunities to the general public, the Los Padres National Forest offers many recreational activities to returning veterans in regaining their health, in readjusting themselves from military to civilian life, and as a source of healthful employment; and

WHEREAS, There appears to be no good reason why the Los Padres National Forest should remain closed and its many and diversified benefits and opportunities denied to the public; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States Department of Agriculture is hereby respectfully memorialized to reopen to the public the Los Padres National Forest; and be it further

Resolved, That the Chief Clerk of the Assembly is authorized and directed to transmit a copy of this resolution to the United States Department of Agriculture.

CHAPTER 96

Assembly Concurrent Resolution No. 58—Approving amendments to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the first day of May, 1945.

[Filed with Secretary of State May 21, 1945]

City of
Berkeley:
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } SS

Certificate

We, the undersigned, FITCH ROBERTSON, Mayor of the City of Berkeley, State of California, and RUTH C. KEMP, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, pg. 1208).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley being the legislative body of said City, by its Resolution No. 27.602-N.S. duly and regularly submitted to the qualified electors of said City, a certain proposal designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 1st day of May, 1945.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 19th day of March, 1945 in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 20th day of March, 1945, and on each day thereafter to and including the 30th day of April, 1945, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to including the 1st day of May, 1945, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 1st day of May, 1945, which day was not less than forty (40) days nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that all of said proposed amendments to the Charter of the City of Berkeley were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 27,733-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Berkeley so ratified by the electors of said City are in the words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 1

To amend Section 19 of Article V of the Charter of the City of Berkeley to read as follows:

“Section 19. The Councilmen shall each receive a fee of five ^{officers} _{salaries} dollars for each meeting of the Council which he shall attend;

and the Mayor shall receive a fee of ten dollars for each meeting of the Council which he shall attend; provided, that neither a Councilman nor the Mayor shall receive such fees for more than four meetings in any one calendar month.

“The Auditor shall receive such salary as may be fixed by the Council, provided however, that said salary shall not be less than \$3,600.00 per annum.

“Each School Director shall receive a fee of five dollars for each regular meeting of the Board of Education which he shall attend; provided, that no School Director shall receive more than fifteen dollars in any one month, and provided further that the fees received by the Mayor, as hereinabove provided, shall be full compensation for all services performed by him as Mayor and as School Director.

“All salaries and fees provided for in this section shall be paid out of the General Fund of the City.”

CHARTER AMENDMENT NO. 2

To amend Subdivision (7) of Section 44 of Article VIII of the Charter of the City of Berkeley to read as follows:

Expenditures “Section 44, (7). No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than one thousand (\$1,000.00) dollars; for the appropriations, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State; provided further, that an ordinance will not be required when the bid procedure provided for in Section 67 of this Charter is complied with, in the performance of work or the purchase of supplies.”

CHARTER AMENDMENT NO. 3

To amend Subdivision 40 of Section 49 of Article IX of the Charter of the City of Berkeley to read as follows:

Sale of personal property “Section 49, (40). To provide for the sale of personal property unfit or unnecessary for the use of the City either by resolution of the Council, or by public auction, after advertising for five days, or by turning in said personal property for an allowance on the purchase price when similar articles are purchased.”

CHARTER AMENDMENT NO. 4

To amend Section 67 of Article XI of the Charter of the City of Berkeley to read as follows:

Construction, etc., contracts “Section 67. In the construction, reconstruction, or repair of public buildings, streets, utilities and other public works, and in furnishing any supplies and materials for the same, or

for any other use by the City, when the expenditure required for the same exceeds the sum of one thousand (\$1,000.00) dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days, as required by this Charter. Such notice shall give a brief description of the work to be done or the supplies to be purchased. Provided, however, that if no bid is received or if the bids are deemed excessive, the Council may reject any and all bids, and readvertise for new bids, or authorize the City Manager to negotiate in the open market for a contract at a reasonable price, or authorize the City Manager to have the work performed by City employees.

CHARTER AMENDMENT NO. 5

To add a new Section to Article XI of the Charter of the City of Berkeley to be numbered Section 67.1 and to read as follows:

“Section 67.1. The provisions of Section 67 of this Charter shall not apply to any work which is being performed by City employees with City owned equipment and materials.” Work performed by city

CHARTER AMENDMENT NO. 6

To add a new Section to Article XI of the Charter of the City of Berkeley to be numbered Section 67.2 and to read as follows:

“Section 67.2. The Council may, by resolution, authorize the purchase of any personal property from the United States of America or any State, municipality or other public corporation or agency, without calling for bids as required by Section 67, and may, in said resolution, authorize any municipal officer to submit a bid for said personal property, or to make a down payment or payment in full that may be required in connection with such bidding or sale. Purchase of property from U S

“Any provisions of this Charter which are inconsistent with the provisions of this Section are suspended to the extent that such provisions are inconsistent herewith.”

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof. Certificate

IN WITNESS WHEREOF, we have hereunto set our hands, and caused the seal of the City of Berkeley to be affixed hereto, this 11th day of May, 1945.

FITCH ROBERTSON
Mayor of the City of Berkeley

[SEAL]

RUTH C. KEMP
City Clerk of the City of Berkeley

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Berkeley as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Berkeley.

CHAPTER 97

Assembly Concurrent Resolution No. 38—Relative to commending the Civil Air Patrol.

[Filed with Secretary of State May 22, 1945]

Civil Air
Patrol

WHEREAS, The Civil Air Patrol is an auxiliary of the Army Air Forces, and the essential character of its work has been attested by top-ranking commanders of the United States Army; and

WHEREAS, Its purpose is to organize public-spirited citizens of civil aviation into a volunteer, semimilitary organization; to give them supplementary training in military and allied subjects; and to supervise the utilization of their skills and equipment in the war effort; and

WHEREAS, Administered through a National headquarters staff of AAF officers, and composed of civilian volunteers who receive no pay, the Civil Air Patrol has a Wing Patrol in each of the 48 States which receives training equipment from the Federal Government and relies upon local sources for funds; and

WHEREAS, Established in December of 1941, the Civil Air Patrol has performed many useful services for the armed forces, including anti-submarine operations over the coastal shipping lanes in the eastern and Gulf sea frontiers, southern liaison patrol on the Mexican border, camouflage observations, courier missions, radar flight tests and numerous emergency operations, on which missions approximately 50,000,000 miles have been flown and over 50 of their personnel have been killed; and

WHEREAS, At present the Civil Air Patrol is conducting tow and tracking operations for anti-aircraft gunnery training; is operating for the Army Air Forces a nation-wide missing aircraft search service; and is engaged in the recruitment of aviation cadets and applicants for the Women's Army Corps

and in the preflight training of 15, 16 and 17 year old Civil Air Patrol cadets for possible future service with the armed forces or in civilian aviation ; and

WHEREAS, In addition to its services for the War Department, the Civil Air Patrol also performs emergency missions for other Federal agencies, State governments and private industries engaged in the war effort, such as the patrol of forests, pipelines and flooded areas, and the transportation of critical parts and supplies ; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Civil Air Patrol is hereby commended for its vital contribution to the war effort and for the important work it is performing in affording preflight training to the youth of America.

CHAPTER 98

Senate Concurrent Resolution No. 54—Approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the third day of April, 1945.

[Filed with Secretary of State May 23, 1945]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the charter of the city of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

City of San Mateo Charter amendments

CERTIFICATE OF ADOPTION OF CHARTER AMENDMENT

STATE OF CALIFORNIA }
County of San Mateo } ss.
City of San Mateo }

We, the undersigned, CLAUDE J. HIRSCHHEY, Mayor of the City of San Mateo, and MARY ROSE, Acting City Clerk of said City, do hereby certify and declare as follows:

Certificate

That the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, is now and at all times herein mentioned was, a city containing a population of more than 3,500 inhabitants and less than 50,000 inhabitants, and has ever since the 26th day of January, 1923, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city at an election duly

held for that purpose on the 19th day of December, 1922, and approved by the Legislature of the State of California by a concurrent resolution filed with the Secretary of State on the 26th day of January, 1923.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Mateo, being the legislative body thereof, on its own motion, duly and regularly submitted a certain proposal for the amendment of the Charter of said city, to be voted on by the qualified electors of said city at the regular municipal election to be held therein on the 3rd day of April, 1945.

That pursuant to resolution duly adopted by the City Council of said City of San Mateo, the said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

That said general municipal election was duly and regularly held on Tuesday, April 3, 1945, and the City Council of said City of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election and did on the 9th day of April, 1945, by Resolution No. 555, duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election a majority of the qualified electors voting on said proposal to amend the Charter of said City of San Mateo voted in favor of said amendment, and the said City Council of said City did by said Resolution No. 555 find, determine and declare that the said proposed amendment to the Charter of the City of San Mateo, being Proposal "A" was ratified by a majority of the qualified electors of said city voting thereon.

That said amendment to the charter so ratified by the qualified electors of the City of San Mateo, at said general municipal election, is in words and figures as follows, to-wit:

PROPOSAL "A"

Shall the charter of the City of San Mateo, California, be amended by adding thereto a new section designated as Section 37a to read as follows:

Special tax:
Retirement
system

"Section 37a. The Council of the City of San Mateo shall levy and collect annually a special tax upon the assessable property within the city in addition to, and beyond the limit of, the tax rate set forth in Section 37 hereof, in the number of cents per one hundred dollars (\$100.00) of assessable property as will be sufficient to raise the amount estimated by said council to be required to meet the obligation of the city to the retirement system under section 58c (Statutes of 1939, Chapter 927, sec. 18) and subsection (5) of section 38c (Statutes of 1939, Chapter 927, sec. 11.1, as amended) of the California State Employees' Retirement Act. (Statutes of 1931,

Chapter 700, as amended). Sums so raised by such taxation shall be set apart in a separate fund to be known as City Employees' Retirement Fund"?

And we further certify that we have compared the foregoing ^{certificate} amendment with the original proposal filed and submitted to the qualified electors of the City of San Mateo, as aforesaid, and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of said City of San Mateo to be a fixed hereto, this 14th day of May, 1945.

CLAUDE J. HIRSCHY
Mayor of the City of San Mateo

[SEAL]

MARY ROSE
Acting City Clerk of the City of San Mateo

and

WHEREAS, Said proposed charter amendment has been and is now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of a teration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now therefore, be it

Resolved, by the Senate of the State of California, the Asem-^{Approval} bly thereof concurring, A majority of all the members elected to each house voting therefor, and concurring therein, that said amendment to said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as amendment to, and as part of, the charter of said City of San Mateo.

CHAPTER 99

Senate Concurrent Resolution No. 55—Approving an amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the eighth day of May, 1945.

[Filed with Secretary of State May 23, 1945]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment hereinafter set forth in the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows, to wit:

City of
Santa Cruz
Charter
amendments

CERTIFICATE OF MAYOR AND CITY CLERK OF THE
CITY OF SANTA CRUZ, COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss.
CITY OF SANTA CRUZ }

Certificate

We, the undersigned, F. R. Fulmer, Mayor of the City of Santa Cruz, and A. J. Miller, the City Clerk of said City, do hereby certify and declare as follows:

The City of Santa Cruz, County of Santa Cruz, State of California, is now and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, and has ever since the year 1911, and is now, organized and existing under and pursuant to the provisions of a free holders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special municipal election held for that purpose on the 31st day of January 1911, in the manner, form and substance as required by law, and was thereafter duly approved by concurrent resolution of the legislature of the State of California, on the 10th. day of March 1911. (Stats. 1911, Chapter 44).

The legislative body having authority of said City being a council thereof, did on its own motion, and by resolution adopted on the 26th. day of March, 1945, duly propose to the qualified electors of said City of Santa Cruz, a certain amendment to Section 192 of the Charter of said City, which amendment is hereinafter set forth.

The said City Council did, by resolution duly passed and adopted on the 16th. day of April, 1945, proclaim and fix the 8th. day of May, 1945, the date of the General Municipal Election to be held in said City of Santa Cruz, as the date on which the said amendment so proposed be submitted to, and voted on by the qualified electors of said City of Santa Cruz.

The said proposed amendment was published on the 27th. day of March, 1945, in the Santa Cruz Sentinel-News, a newspaper of general circulation printed and published in the City of Santa Cruz, and having a general circulation therein, there being no official newspaper of the City of Santa Cruz, and said publication was made at the time and in the manner prescribed in Article XI, Section 8, of the Constitution of the State of California.

The said General Municipal Election held on May 8, 1945, was not less than forty and not more than sixty days after the completion of the advertising in said newspaper. At said election the said proposed charter amendment was voted upon by the qualified electors of the City of Santa Cruz. A majority of the qualified electors voting thereon voted in favor of and did ratify the said proposed charter amendment.

That thereafter the City Council of said City of Santa Cruz, County of Santa Cruz, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that said amendment to said City Charter of the City of Santa Cruz, was and is approved by the electors of said City of Santa Cruz, and ratified by the qualified voters voting thereon.

That said Charter amendment so ratified by the qualified voters of the City of Santa Cruz at said election is in words and figures as follows:

Section 192 is amended to read as follows:

The erection, improvement, and repair of all public build-
ings and works, all street and sewer work, and all work along
streams, bays, or the water front, for protection against over-
flow or erosion, furnishing supplies and materials for the same, Construc-
tion, etc.,
contracts
or for any use by the city, when the estimate therefor exceeds
the sum of fifteen hundred dollars, shall be done by contract,
and shall be let to the lowest responsible bidder, after advertis-
ing for sealed proposals for five consecutive days in a daily
newspaper of general circulation published in the city of Santa
Cruz. Such notice shall specifically state the work contem-
plated to be done and supplies and materials to be furnished.
The Council may reject any bid deemed excessive, and readvert-
ise or order the work to be done and the supplies and materials
purchased by the department of public works. If no bid is
received, the work shall be done and the supplies and materials
purchased by the department of public works.

IN WITNESS WHEREOF, we have hereunto set our signa-
tures, and caused the official seal of the City of Santa Cruz to
be affixed this 16th. day of May, 1945.

F. R. FULMER
Mayor of the
City of Santa
Cruz

[SEAL]

A. J. MILLER
City Clerk of the
City of Santa
Cruz

WHEREAS, The said proposed amendment as ratified as here-
inbefore set forth, has been and now is duly presented and sub-
mitted to the Legislature of the State of California for approval,
or rejection, as a whole without power of alteration in accord-
ance with Section 8 of Article XI of the Constitution of the
State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assem- Approval
bly thereof concurring, A majority of all members elected to
each house voting therefor and concurring therein, that said
amendment to the charter of the City of Santa Cruz as presented
to, and adopted, and ratified by the electors of said city and as
hereinbefore fully set forth, be and the same is hereby approved

as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of said City of Santa Cruz.

CHAPTER 100

Senate Concurrent Resolution No. 56—Approving an amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the seventh day of May, 1945.

[Filed with Secretary of State May 23, 1945.]

City of
Napa
Charter
amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as set out in the certificate of the mayor and the city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA }
County of Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA.

Certificate

We, the undersigned CHAS. F. MOFFITT, Mayor of the City of Napa, and CHARLES E. MARTIN, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on March 20, 1945, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being desig-

nated as Proposal No. 1, filed in the office of the Clerk of said City of Napa on said March 20, 1945, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 7th day of May 1945, and consolidated said special election with the General Municipal Election to be held in said City on said 7th day of May 1945.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 22nd day of March, 1945 in "The Napa Register," a daily newspaper of general circulation printed and published in said City of Napa, (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

The said special municipal election was held in said City of Napa on May 7, 1945 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 1 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that of a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

PROPOSAL NO. 1

To amend Section 17 of the Charter of the City of Napa as follows:

"Elections.

Elections

Sec. 17a. The council shall by ordinance determine the time, method and manner of holding elections under this Charter.

Voting for elective offices shall be by ballot, that is to say: for each office to be filled at any election the voter shall designate his choice by stamping a cross (X) in the proper square designating such choice.

Voting on all charter amendments, the submission of bonds, or any other matter submitted to the electors for adoption or rejection, the voter shall express his choice by stamping a cross (X) in the square after the word "YES" or "NO" on the ballot.

The candidate receiving the highest number of votes polled for the office to which he is a candidate shall be elected thereto. In the event of a tie vote for any office the Council shall decide the same by lot.

All sections of the Charter, or parts thereof, in conflict with this section are repealed.”

Certificate

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendment to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 16th day of May, 1945.

CHAS. F. MOFFITT

Mayor of the City of Napa,
State of California.

CHARLES E. MARTIN

City Clerk of the City of Napa,
State of California.

[SEAL]

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, A majority of all members elected to each house voting therefor and concurring therein, that said amendment to the charter of the City of Napa as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of said City of Napa.

CHAPTER 101

Assembly Concurrent Resolution No. 63—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of May, 1945.

[Filed with Secretary of State May 23, 1945]

City of
Long Beach:
Charter
amendments

WHEREAS, The City of Long Beach, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1921, and now is, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8,

Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of April, 1921 (Statutes of 1921, page 2054), and amendments thereto duly ratified by the qualified voters of said city, and by resolutions of said Legislature as set out in the certificate of the mayor and city clerk of said City of Long Beach, hereinafter set forth; and,

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Long Beach, as set out in the certificate of the mayor and city clerk of said City of Long Beach, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 8TH DAY OF MAY, ONE THOUSAND NINE HUNDRED FORTY-FIVE, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } SS.
 CITY OF LONG BEACH. }

We, CLARENCE E. WAGNER, Mayor of the City of Long Beach, and FRANK J. BEGGS, City Clerk of the City of Long Beach, do hereby certify as follows: Certificate

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and,

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, 1921, and approved by the legislature of the State of California, on the twenty-sixth day of April, 1921, and amendments thereto duly ratified by the qualified voters of said city, and approved by resolution of said legislature and filed with the Secretary of State of the State of California the 27th day of April, 1923, (Statutes 1923, page 1624), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the eighteenth day of April, 1925, (Statutes 1925, page 1330), and amendments thereto duly rati-

filed by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fifteenth day of January, 1929, (Statutes 1929, page 1977), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of March, 1929, (Statutes 1929, page 2062), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the second day of March, 1931, (Statutes 1931, page 2780), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the nineteenth day of April, 1933, (Statutes 1933, page 3006), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of April, 1935, (Statutes 1935, page 2565), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the tenth day of June, 1935, (Statutes 1935, page 2677), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twentieth day of June, 1935, (Statutes 1935, page 2698), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fourteenth day of May, 1937, (Statutes 1937, page 2921), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the 9th day of April, 1941, (Statutes 1941, page 3351), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the eleventh day of January, 1943, (Statutes 1943, page 3091), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-seventh day of January, 1945, (Statutes 1945, Chapter 27); and,

• That the legislative body of said city, namely, the City Council of said City, did, by motion duly adopted on the thirteenth day of March, 1945, on its own motion, and pursuant to the provisions of Section Eight, of Article Eleven, of the Constitution of the State of California, duly propose to the qualified electors of said City of Long Beach five (5) amendments to the charter of said city, numbered Propositions One to Five, and ordered that said proposed amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the 8th day of May, 1945; and,

That said amendments numbered One to Five, inclusive, were, on March twenty-second, 1945, duly published in the

Press-Telegram and Long Beach Sun and in each edition thereof during said day of publication; and,

That said Press-Telegram and Long Beach Sun was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said city and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said city, and was the newspaper designated by said City Council for the publication of said proposed amendments; and,

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Press-Telegram and Long Beach Sun that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said city, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and,

That said City Council did, by ordinance designated as Ordinance No. C-2390, order the holding of a special municipal election in said City of Long Beach on the 8th day of May, 1945, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and which ordinance was published at least three times in the Press-Telegram and Long Beach Sun, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the twenty-fifth, twenty-sixth and twenty-seventh days of April, 1945, in the Press-Telegram and Long Beach Sun, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said city, and said ordinance was posted in three conspicuous places in the City of Long Beach; and,

That said special municipal election was held in said City of Long Beach on the 8th day of May, 1945, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in the Press-Telegram and Long Beach Sun, as aforesaid; and,

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said city of Long Beach voting thereon, voted in favor of all of said five proposed charter amendments and duly ratified the same; and,

That the City Council of said City of Long Beach did, at the time and in the manner and form provided by law, to wit, on the fifteenth day of May, 1945, regularly canvass the returns of said special municipal election, and did then and there duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in

favor of and had ratified all of said five proposed amendments; and,

That said proposed amendments to the Charter of the City of Long Beach, ratified by the voters of said City, as aforesaid, are in words and figures as follows, to wit:

PROPOSITION NO. 1

That the Charter of the City of Long Beach be amended by adding a new section, to be known as Section 55b, to read as follows:

Salary of
city attorney

Sec. 55b. The City Attorney of the City of Long Beach shall receive, in full compensation for all services rendered by him, a salary of Nine Thousand Dollars (\$9,000.00) per annum. In all respects wherein this section conflicts with Section 55, the latter shall be deemed repealed.

PROPOSITION NO. 2

That the Charter of the City of Long Beach be amended by amending Section 98 thereof, to read as follows:

CIVIL SERVICE BOARD

Civil service
board

Sec. 98. (1) The Civil Service Board shall be composed of five (5) electors of the City of Long Beach, to be appointed by the City Council, and shall receive such compensation, if any, as may be fixed by ordinance by the City Council of the City of Long Beach.

(2) The electors who, on the effective date of this amendment, are members of the Civil Service Board shall constitute three (3) of the members of said Board and shall serve until the expiration of their present respective terms or until their successors are appointed and qualified. Within thirty (30) days after the effective date of this amendment the City Council shall appoint two (2) members of said Board, one for a term to expire April 21, 1948, and the other for a term to expire April 21, 1950. At the expiration of the term of each member of said Board the City Council shall appoint his successor for a term of six (6) years. If a vacancy shall occur in the membership of said Board, the City Council shall likewise appoint an elector of the City of Long Beach to fill such vacancy for the unexpired term.

(3) The members of the Civil Service Board shall not hold any other public office. The City Council may remove any member of the Board at any time upon stating in writing the reasons for such removal and allowing him an opportunity to be heard in his own defense.

PROPOSITION NO. 3

That the Charter of the City of Long Beach be amended by adding a new section, to be known as Section 101.7, to read as follows:

Sec. 101.7. Any person who has made his application for reinstatement and who is not physically qualified to perform the duties of the position formerly held by him by reason of disability which arose out of his service in the Armed Forces as provided in Section 101.5 may be appointed to fill a position in the classified service without taking a competitive examination therefor, and such person shall have prior rights to appointment over persons whose names are on eligible or priority lists; provided, however, that such person must prove to the satisfaction of the Board that he is qualified to perform the duties of the position and he must pass a physical examination based upon the duties of the position. Any such appointment shall not be complete until such person has served the probationary period provided for in this Article.

War disability Appointment to position in classified service

PROPOSITION NO. 4

That the Charter of the City of Long Beach be amended by amending Section 202b thereof to read as follows:

Sec. 202b. There is hereby created a Playground and Public Recreation Commission of nine (9) members, not more than six (6) of whom shall be of the same sex, and all of whom shall serve without compensation, except that this shall not apply to the City Manager, the Superintendent of Schools, the member of the City Council and the member of the Board of Education sitting on said Board. The City Manager, the Superintendent of Schools, a member of the City Council chosen by the City Council and a member of the Board of Education chosen by the Board of Education shall constitute four (4) of the nine (9) members of said Board and shall serve until their successors are elected, and within thirty (30) days after this amendment takes effect, said four (4) members shall appoint the other five (5) members of said Board, subject to the approval of the City Council, who shall be residents of the City of Long Beach and none of whom shall hold office as members of the Board of Education or of the City Council during their term of office on said Board. One of said five (5) members so appointed shall serve for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Upon the expiration of the term of each of said persons so appointed, his successor shall be appointed by said four (4) members i.e., the City Manager, Superintendent of Schools, member of the City Council and member of the Board of Education, for a term of five (5) years, except in case of a vacancy, in which event said four (4) members shall fill the same by appointment for the unexpired term.

Playground and public recreation commission

All appointments of said other five (5) members shall be subject to the approval of the City Council.

In case the person sitting on said Board as Superintendent of Schools is no longer such Superintendent of Schools, his position on the Board shall be taken by his successor. In the event the member sitting on the Board as member of the Board of Education by virtue of being a member of the Board of Education is no longer such member, or his term of office as a member of the Board of Education expires, his successor shall be chosen by the Board of Education. In case a person sitting on said Board as City Manager is no longer such City Manager, his position on the Board shall be taken by his successor in office as City Manager. In the event the member sitting on the Board as a member of the City Council by virtue of being a member of the City Council is no longer such member, or his term of office as a member of the City Council expires, his successor shall be chosen by the City Council.

PROPOSITION NO. 5

That the Charter of the City of Long Beach be amended by adding a new section, to be known as Section 260.5, to read as follows:

"Public
improvement
reserve
fund"

Sec. 260.5. The City Council may, from time to time, appropriate or transfer moneys to a special fund to be designated as the "Public Improvement Reserve Fund," which said fund is hereby created and established; provided, that the balance in said fund shall not at any time exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00). Such fund shall be a continuing fund and not subject to transfer at the close of the fiscal year.

The moneys appropriated or transferred to and placed in the Public Improvement Reserve Fund shall be used exclusively for payment of costs and expenses for construction or reconstruction of public improvements, including the purchase of such land, rights and properties as may be necessary therefor, and as shall not have been provided for in the budget of the City.

Moneys appropriated or transferred to and placed in said Public Improvement Reserve Fund shall be kept separate and apart from all other moneys of the City. Upon receiving consent of the City Council, by vote of two-thirds ($\frac{2}{3}$) of its members, expressed by resolution, the City Manager, subject to all the provisions of this Charter other than the provisions thereof relating to the budget of the City, shall have power to order and contract for the expenditure of moneys from said Public Improvement Reserve Fund, but only for the purposes for which said money may be used, as herein set forth, provided, that pending use for such purposes, moneys in said fund may, when and to the extent and in the manner directed by the City Council, be invested by the City Treasurer in such securities as are authorized by the general law of the State of California. Any interest or increment received on the investments of said

Public Improvement Reserve Fund shall be paid into such fund and become a part thereof.

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, CLARENCE E. WAGNER, Mayor, as aforesaid, and FRANK J. BEGGS, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed, on this 15th day of May, 1945.

CLARENCE E. WAGNER

Mayor of the City of Long Beach

[SEAL]

FRANK J. BEGGS

City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, ^{Approval} A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach.

CHAPTER 102

Assembly Concurrent Resolution No 62—Relative to approving four certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city pursuant to the provisions of Article XI, Section 8, of the Constitution of the State of California, at an election held in the City of Los Angeles on the first day of May, 1945.

[Filed with Secretary of State May 24, 1945]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of four amendments, hereinafter set forth, to the charter of the City of Los Angeles, a

City of
Los Angeles
Charter
amendments

municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF
THE CITY OF LOS ANGELES OF FOUR CERTAIN
CHARTER AMENDMENTS.

State of California	}	ss.
County of Los Angeles		
City of Los Angeles		

Certificate

We, the undersigned, Robert L. Burns, President of the Council of the City of Los Angeles, State of California, and Walter C. Peterson, City Clerk of said city, do hereby certify as follows:

That the City of Los Angeles, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has ever since the 1st day of July, 1925, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Stats. 1925, p. 1024).

That in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Los Angeles, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Los Angeles certain proposals for amendment of the charter of said city to be voted upon by said qualified electors at an election held in said city on the 1st day of May, 1945, which said proposals were designated as proposed charter amendments numbers 1, 2, 3, 4, and 5, respectively.

That said proposed amendments were published and advertised in accordance with section 8 of Article XI of the Constitution of the State of California on the 19th day of March, 1945, in The Los Angeles Daily Journal and The Los Angeles News, a daily newspaper of general circulation, published in said city, and the official paper of said city. That copies of said proposed amendments were printed in convenient pamphlet form and in type of ten-point, and until the date fixed for the said election and as required by law, a notice was advertised and published in said The Los Angeles Daily Journal and The Los Angeles News that such copies could be had upon application therefor at the office of the City Clerk of the City of Los Angeles.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the said election. That copies thereof were mailed to each of the qualified electors of said city as required by law.

That pursuant to the law in such cases made and provided the said proposed amendments were submitted to the qualified electors of said city for their ratification at said election and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify four of the proposed amendments to the charter of said city.

That the City Council of the said City of Los Angeles, in accordance with the law in such cases made and provided, did meet on the 4th day of May, 1945, at its usual time and place of meeting and duly commenced, and on the 9th day of May, 1945, completed the canvass of the returns of said election with respect to the votes cast for and against said proposed charter amendments as certified by the election boards, and duly found, determined and declared that said proposed amendments to the charter of the City of Los Angeles numbers 1, 2, 3, and 4, and each and every one of them, were ratified by a majority of the electors of said city voting thereon, and that said proposed amendment number 5 received less than a majority of the votes of the qualified electors voting thereon and was not ratified.

That said amendments to the charter so ratified by the electors of the City of Los Angeles are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1.

Section 108 of the Charter is hereby amended to read as follows:

Sec. 108. The Board of Civil Service Commissioners may by its rules provide for status and seniority for civil service employees in classes other than those for which they were examined, where (a) an employee is incapable of performing satisfactorily the duties of his position because of injury or sickness resulting from the discharge of the duties of such position or from the discharge of his duties as a member of the armed forces of the United States in time of war, or (b) an employee has served not less than an aggregate of three years in the city service, is not eligible for service retirement, and for any reason other than those specified above has become incapable of performing satisfactorily the duties of his position. Any rules adopted by the board pursuant to this section shall provide: (1) no employee may be placed in a different class unless he shall first have filed his written consent thereto; (2) no change of class status may be allowed where the same would result in a promotion; (3) no employee may be placed in a different class unless the board finds that he possesses the minimum qualifications required for such class and that he is capable of performing the duties prescribed therefor. No employee who is placed in a different class pursuant to the provisions of this section

Status and
seniority of
civil service
employees
suffering war
disability

may at the time he is placed in such class be credited with more seniority therein than he had accumulated in his former class.

CHARTER AMENDMENT NO. 2.

Sections 303, 304, 318 1 and 325 of the Charter are hereby amended to read as follows:

Election
ordinance

Sec. 303. The Council shall, by ordinance, order the holding of all elections. Every such ordinance shall specify the object and time of holding any such election. Such ordinance shall also establish election precincts, designate polling places therefor, and name officers of election for each precinct. This shall be done in said ordinance by incorporating by reference a list of election precincts, polling places, and officers of election theretofore prepared by the City Clerk. The ordinance shall also set forth the places of posting by the City Clerk of three copies of such list of election precincts, polling places and officers of election. One copy of such list shall be posted on the bulletin board of the Council; one in the City Clerk's main office; and one in the Election Division, and shall so remain until the day after election. When two or more municipal elections are consolidated by the Council, it shall not be necessary to set forth the precincts, polling places and officers of election in more than one list. In the case of a municipal election being consolidated with a state or county election, it shall not be necessary to set forth the precincts, polling places, or officers of election, but reference shall be made to the notice, resolution, or ordinance of the Board of Supervisors of Los Angeles County calling such election and fixing precincts, officers of election and polling places. Unless otherwise designated in the ordinance adopted by the Council calling an election, the voting precincts of such election shall be the precincts provided by law for the holding of state and county elections in said city. The Council may, in ordering the holding of any election, consolidate the voting precincts into consolidated precincts to a number not exceeding five for each such consolidated precinct and shall number such consolidated precincts consecutively, and each consolidated precinct so established shall, for the purposes of such election, be known by the number so designated. In ordering the holding of any primary nominating or general municipal election, the precinct board may consist of one inspector, one judge, and two clerks, except in the case of any election held in the Los Angeles School District outside of the City of Los Angeles, in which case the number of officers of election for each consolidated precinct may consist of one inspector, one judge, and one clerk; for any special municipal election the number of officers of election for each precinct or consolidated precinct may consist of one inspector, one judge, and one clerk. Such precinct boards shall be the officers of election to conduct the holding of, and make returns of, such election. Precinct board members shall be registered, qualified electors and residents of the precincts in which they serve.

The manner of the selection and appointment of officers of election shall be determined by the City Council by ordinance. No candidate who has taken out papers for nomination shall be permitted to act as an election officer, nor shall the polling place be held in his residence. All ordinances ordering the holding or consolidation of elections shall be published once in some daily newspaper printed and published in said city at least five days prior to the date of said election.

Sec. 304. The City Clerk shall provide, for every election, ^{Ballots} ballots for each election precinct or consolidated election precinct established therefor, not less than five per cent in excess of the total number of electors registered in each such election precinct or consolidated election precinct. And upon the day of any election, immediately upon the arrival of the hour when the polls are required by law to be closed, the City Clerk shall, in the presence of as many persons as may then and there assemble to witness his act, proceed to destroy every unused official ballot which shall have remained in his possession, custody or control, and forthwith make and file in his office his affidavit, in writing, as to the number of ballots so destroyed.

Sec 318 I. The City Clerk shall prepare, or cause to be prepared, ^{Nominating petitions} Nominating Petitions designating the candidate's name, address, and office, in accordance with the provisions of this charter, and shall furnish such to any prospective candidate, or, upon his written request, to his representative.

No Nominating Petition shall be furnished, circulated, received for filing, checked, or considered, except as it shall have been so prepared and furnished by the City Clerk, and at the time of taking out said petition one half the filing fee shall be paid to the City Clerk to reimburse the City Treasurer for the partial cost of handling such petition. The amount of the fee so collected shall be credited as a partial payment on the total filing fee provided for in Section 320 of this charter.

Sec. 325. The City Clerk shall cause the ^{Ballots} ballots to be printed, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with either one of the following captions:

1. PRIMARY NOMINATING ELECTION

2. GENERAL MUNICIPAL ELECTION

City of Los Angeles (inserting date thereof)

Instruction to Voters

“To vote, stamp or mark a cross (+) with ink or indelible pencil, opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross need not be made.”

The names of the offices to be filled shall be arranged on the ballots as follows: Mayor, City Attorney, Controller, Member of the Council, Members of the Board of Education, Municipal Judge.

CHARTER AMENDMENT NO. 3.

The Charter of the City of Los Angeles is hereby amended by amending Section 112 to read as hereinafter provided, and by repealing Section 161.

Discharge,
etc., of
employees

Sec. 112. (a) Any board or officer having the power of appointment of officers, members and employees in any department of the government of the city shall have the power to remove, discharge or suspend any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed, discharged or suspended except for cause, which shall be stated in writing by the board or officer having the power to make such removal, discharge or suspension, and filed with the Board of Civil Service Commissioners, with certification that a copy of such statement has been served upon the person so removed, discharged or suspended, personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Upon such filing such removal, discharge or suspension shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so removed, discharged or suspended, filed with said board within five days after service upon him of such statement, shall proceed to investigate the grounds for such removal, discharge or suspension. If after such investigation said board finds, in writing, that the grounds stated for such removal, discharge or suspension were insufficient or were not sustained, and also finds in writing that the person removed, discharged or suspended is a fit and suitable person to fill the position from which he was removed, discharged or suspended, said board shall order said person so removed, discharged or suspended to be reinstated or restored to duty. The order of said board with respect to such removal, discharge or suspension shall be forthwith certified to the appointing board or officer, and shall be final and conclusive; provided, that the order of any appointing board or officer suspending any person because of lack of funds in such department shall be final, and shall not be subject to review by said Board of Civil Service Commissioners. If the Board of Civil Service Commissioners shall order that any person removed, discharged or suspended under the provisions of this section be reinstated or restored as above provided, the person so removed, discharged or suspended shall be entitled to receive compensation from the city the same as if he had not been removed, discharged or suspended by the appointing board or officer.

Investigation

Scope of
section

(b) The provisions of this section shall not apply to those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of regular police officers, nor to those members of the Fire Department appointed under civil service rules and regulations to perform the duties of regular firemen:

notwithstanding anything contained in sections 135 and 202 of this charter, all other employees of both departments shall be subject to the provisions of this section.

Section 161 of this charter is hereby repealed.

Repeal

CHARTER AMENDMENT NO. 4.

Section 125½, a new section, is hereby added to the charter, to read as follows:

Sec. 125½. From and after the effective date of this section the provisions of section 125 shall apply to the Department of Fire and the Department of Police.

Fire and
police
departments

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct and exact copies thereof and of each of them; we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of them is true.

That as to all of said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

Certificate

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the said City of Los Angeles to be affixed hereto this 15th day of May, 1945

ROBERT L. BURNS,
President of the Council of the
City of Los Angeles

WALTER C. PETERSON,
City Clerk of the City of Los
Angeles
By A. McCOY, Deputy

[SEAL]

and

WHEREAS, The said proposed amendments as ratified as herebefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the City of Los Angeles as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Los Angeles.

Approval

CHAPTER 103

Assembly Concurrent Resolution No. 65—In tribute to the memory of Harry Chandler.

[Filed with Secretary of State May 24, 1945]

Death of
Harry
Chandler.

WHEREAS, In September of 1944, while this Legislature was in recess, there passed from this life Harry Chandler, beloved Californian and long publisher of the Los Angeles Times. Today the deep loss occasioned by his passing endures, nor would any history of Los Angeles, or indeed of California, be complete without the name of Harry Chandler and a record of his large part in the West's growth and development; and

WHEREAS, Coming as a young man to California, when it, too, was young, Harry Chandler grew with it and helped it to grow. In his span of 80 years his interests and endeavors were widespread. He aided in the promotion of the Los Angeles aqueduct to tap the water from Owens Valley. With associates he purchased the 60,000-acre Van Nuys Ranch, converting it from dry-farming to small, irrigated home sites, and instigated the building of the first paved road in California outside of a city. He was among the first to advocate a flood-control dam for the Colorado River. The Los Angeles Civic Center and the Union Railroad Station were, at their inception, Chandler ideas. For years he was a director of the Los Angeles Merchants and Manufacturers Association, a member of the Board of Trustees of Stanford University and of the California Institute of Technology, and one of the principal Los Angeles supporters of the Salvation Army; and

WHEREAS, He held the earnest but bitterly contested belief that industrial peace and stability were to be attained through the open shop—that only thereby would a square deal be afforded both employer and employed. Though others might differ from him in this view, none could rightfully question the sincerity of his convictions nor the high motives which actuated them; and

WHEREAS, Many institutions—business, civic, educational and philanthropic—bear the stamp of his influence. Yet above all these interests and nearest to his heart was the Los Angeles Times, with which his name in time became synonymous. On its pages throughout the years he strove to achieve the highest ideals of his profession, editing and publishing it, not as a private enterprise, but in the nature of a public trust, championing whatever cause he deemed to be just and holding steadfastly to the principles in which he believed; and

WHEREAS, It is fitting that there be perpetuated in the official records of this State a tribute to the memory of Harry Chandler, one of California's truly great; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the Legislature this day adjourns it shall do so in respect to the memory of Harry Chandler; and be it further

Resolved, That the Chief Clerk is directed to convey to the bereaved family of Harry Chandler this sincere expression of tribute from the Legislature of the State of California.

CHAPTER 104

Senate Joint Resolution No. 19—Relative to memorializing Congress to maintain the existing gold reserve ratios and to enact legislation to increase the monetary value of gold.

[Filed with Secretary of State May 26, 1945]

WHEREAS, The State of California is the leading gold-mining State in the Union, producing over forty-five million dollars (\$45,000,000) in virgin gold during the last year of unrestricted operation before the war, with many of its communities existing because, and dependent upon, this industry; and

WHEREAS, Any Congressional action in regard to gold reserve ratios or gold valuation is of vital and special interest to California, particularly when cost of labor, materials and equipment makes gold mining less profitable; and

WHEREAS, There is now pending before Congress S. 510, by Senator Wagner, to reduce the gold reserve ratios provided by the Federal Reserve Act of 1913, in order that currency may be expanded; and

WHEREAS, As an alternative to such action, Representative Engle has introduced H. R. 2343 and Senators McFarland and Scrugham have introduced S. 649, to continue existing gold reserve ratios required to be maintained against Federal Reserve notes in actual circulation and Federal Reserve bank deposits, by increasing the monetary value of gold; and

WHEREAS, By the latter proposal the dollar value of gold will be increased in precisely the same proportion and permit issuance of the same amount of currency as would be possible by reducing the reserve requirement, but without the inflationary dangers presented by the Wagner plan, and will at the same time benefit the gold-mining industry and do no harm in the international field; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature hereby expresses its opposition to S. 510 of the 79th Congress, 1st Session, and its approval of H. R. 2343 and S. 649 of said Congress, and hereby respectfully memorializes the President and the Congress of the United States to so act that the purpose sought to be achieved by H. R. 2343 and S. 649 may be effected; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Reserve Board.

CHAPTER 105

Senate Joint Resolution No. 25—Relative to memorializing the officers and agencies of the Federal Government to take immediate action for the conversion of the Kaiser Steel Plant at Fontana, California, to a peacetime industry.

[Filed with Secretary of State May 28, 1945]

Kaiser steel
plant at
Fontana

WHEREAS The construction of the Fontana Steel Mill by the Kaiser Company was authorized to meet an urgent wartime need, and has been accomplished under the handicaps of wartime conditions as to cost, available materials and financial provisions; and

WHEREAS, The rapid construction and operation of said plant have enabled it to contribute materially to the war effort; and

WHEREAS, This plant represents an important addition to the industrial facilities of the entire West and a basic addition to the facilities within our State; and

WHEREAS, It is of vital importance to the achievement of economic stability and full employment in the postwar years that this facility be operated for the benefit of Western industry, consumers, and workers; and

WHEREAS, It appears that the contribution of this plant to the war effort will be completed in the near future; and

WHEREAS, Early decisions are needed as to the method by which this plant can be converted from its distinct status as a vital war facility to the status of an enterprise capable of competing successfully in the peacetime economy; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly:

1. That the prompt conversion of the Fontana Steel Plant to uses which will serve the peacetime industrial needs of California and the Western States is vital to the effort to achieve orderly postwar adjustment and full employment;

2. That agencies and officers of the Federal Government concerned with policies affecting this plant be urged to give early and thorough consideration, in such policies, to those which will create for this plant a normal and permanent status in our economy;

3. That full consideration be given by such agencies and officers to insuring the operation of this plant under reasonable competitive conditions, and under management policies which will give adequate consideration of the needs of Western industrial development;

4. That in the reconversion of this, as well as other Western war industries, the fullest consideration be given to programs which contemplate the continued operation of these plants by those who pioneered them, not only as a recognition of what they have done to balance our economy, but also as additional assurance to the people in interdependent enterprises that a

determined effort will be made here in peacetime to perpetuate and expand the opportunities which they have created;

5. That the Federal Government act immediately on a conversion policy for the Fontana Plant and other basic Western industry;

6. That the Secretary of the Senate and the Chief Clerk of the Assembly are directed to transmit copies of this resolution to the Honorable Harry S. Truman, President of the United States, and to all members of the Senate and House of Representatives of the Congress of the United States from California, and to the Honorable John Snyder, Federal Loan Administrator.

CHAPTER 106

Assembly Concurrent Resolution No. 66—Relative to inviting President Harry S. Truman to be the guest of the California Legislature.

[Filed with Secretary of State May 31, 1945]

WHEREAS, June 6, 1945, the first anniversary of the now Invitation to President Truman to be guest of Legislature victorious invasion of Europe, has been set tentatively as the date of the final plenary session of the United Nations Conference at San Francisco, at which the drafting of a charter for world security is hoped to be completed; and

WHEREAS, President Truman has announced his intention to be present at this last session of the historic conference and to address the delegates upon the conclusion of their earnest endeavors; and

WHEREAS, The people of the State of California, through the Legislature, desire to extend official welcome to the Honorable Harry S. Truman upon his first visit to California as President of the United States and to evidence their faith and confidence in him as the Nation's Chief Executive at this crucial period of history; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of California hereby extends to President Truman a cordial invitation to be the guest of the Legislature, in joint meeting assembled, at such time during his presence in California as he may select; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit to the Honorable Harry S. Truman a copy of this resolution.

CHAPTER 107

Senate Concurrent Resolution No. 59—Approving certain amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the fourteenth day of May, 1945.

[Filed with Secretary of State May 4, 1945]

City of
Richmond
Charter
amendment:

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments herein-after set forth to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF
THE CITY OF RICHMOND OF THREE CERTAIN
CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA } ss.
CITY OF RICHMOND

Certificate

We, the undersigned, ROBERT D. LEE, Mayor of the City of Richmond, California, and A. C. FARIS, City Clerk of said City, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has been, ever since the year 1909, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909. (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolutions numbered 3536 and 3550, duly and regularly submitted to the qualified electors of said City two certain proposals to amend the Charter of said City, and to be voted upon by said qualified electors at the general municipal election called and held for that purpose in said City on the 14th day of May, 1945;

That in accordance with the said provisions of the Constitution of the State of California, a petition signed by more than fifteen per cent (15%) of the registered electors of said City was duly and regularly filed, proposing a certain amendment to the Charter of said City; that the signatures upon said petition were thereafter duly verified according to law, and the said proposal for amendment of the said Charter was ordered to be submitted to the electors of said City at the regular General Municipal Election in said City on the 14th day of May, 1945, by Resolution No. 3549, duly and regularly adopted by said City Council.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Richmond; that two of said proposed amendments were published as aforesaid on the 21st day of March, 1945; that the third of said proposed amendments was published as aforesaid on the 28th day of March, 1945; that each of said proposed amendments was published as aforesaid in the "Richmond Record-Herald", a daily newspaper of general circulation published in the said City of Richmond and the official newspaper of said City, and in each edition thereof, during the said days of publication; that said City of Richmond has a population of less than fifty thousand (50,000); that on the 21st and 28th days of March, 1945, said City Clerk caused to be published in said official newspaper "Notice to Voters", wherein, among other things, was set forth the proposals that had been made for amendment of the Charter of said City in the manner therein set forth, to be voted upon at the general municipal election to be held in said city on the 14th day of May, 1945; that in accordance with the provisions of the Charter of the City of Richmond, and in the manner provided by law, the said general municipal election was duly and regularly held in said City after due notice given and published, the day of election being on May 14, 1945, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforesaid proposed amendments in the "Richmond Record-Herald", the official newspaper of said City.

That thereafter, said general municipal election was duly and regularly held on Monday, May 14, 1945, and the City Council of said City of Richmond did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 21st day of May, 1945, by Resolution No. 3580, duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election, a majority of the qualified electors voting on said three proposals to amend the Charter of the City of Richmond voted in favor of said amendments hereinafter set out, and the said City Council of said City did by said Resolution No. 3580 find, determine and declare

that the said proposed amendments to the Charter of the City of Richmond were ratified by a majority of the qualified electors of said City voting thereon.

That said three amendments to the Charter so ratified by the qualified electors of the City of Richmond at said general municipal election were, and are, in words and figures as follows:

AMENDMENT NO. 1. Amend Paragraph 3, Section 3, Article III, Section 3, Article V, and Section 4, Article V of the Charter of the City of Richmond to read as follows:

Paragraph 3, Section 3, Article III.

Election of
Councilmen

“On the second Tuesday in May, 1947, and thereafter, on the second Tuesday in May of each odd-numbered year, an election shall be held for the election of three Councilmen to succeed the three members of the City Council whose terms expire on the first day of July next following; also to elect Councilmen for any unexpired terms that may exist.”

Section 3, Article V.

Petition for
nomination

“Petitions shall be filed in the office of the City Clerk for the nomination of Councilmen, or with the Clerk of the Board of Education for the nomination of members of said Board, not earlier than the ninetieth day nor later than 12 o'clock noon on the sixtieth day prior to the day fixed for the election of the same, asking that the person named therein be a candidate for the office of _____ (naming it) and giving the residence of said person within the City of Richmond. Such petition shall be signed by qualified and registered voters equal in number to at least three per centum of the votes cast at the preceding election for officers for which the nomination is asked. The requirements as to signatures (other than the number thereof), the verification of the petition and certification thereof, provided in Section 1 of Article III for petitions for recall, shall apply to petitions for nominations for public office.”

Section 4, Article V.

Primary
election

“If petitions asking for nominations to the number of more than twice the number of officers to be elected at such election are filed, then a primary election shall be held four weeks prior to the date fixed in the Charter, or date of special election if such election is called, for the election of such officers. If less than such number of petitions are filed, then no such primary election need be held, but the persons named in such petitions shall be deemed candidates for the office named, at the election to be held for election of such officers and the names of such candidates shall be printed on the official ballot to be used at such election or indicated on ballot machines, if such machines shall be used.”

AMENDMENT NO. 2. Amend Sections 2, 3, 5(a), 5(b), 5(c), and 18, Article XI, of the Charter of the City of Richmond to read as follows:

Section 2, Article XI.

“Any member of the police or fire departments who shall have served in either such department for a minimum period of twenty-five (25) years in the aggregate in any capacity or rank whatsoever, shall, on his petition as hereinafter prescribed, or by order of the Pension Board if it be deemed for the good of the department, be retired from further service in such department, and shall thereafter, during his lifetime, be paid in equal monthly installments from said Fund, a yearly pension equal to one-half ($\frac{1}{2}$) of the annual salary attached to the rank or position held by him in such department one (1) year prior to the date of such petition, or such order of said Board; provided, that in case of any change in salary at any time after such retirement for such rank or position, the pension shall after each and every such change, be one-half ($\frac{1}{2}$) of such salary as changed. No involuntary removal of a member from the department shall deprive him of the benefits of this section after said twenty-five (25) years' service except such removal be for habitual drunkenness, notorious insubordination, conviction of a felony, or crime involving moral turpitude, and then only if the Pension Board shall in its discretion order that such removal operate to deprive such member of said benefits.”

Retirement
of police
and firemen

Section 3, Article XI.

“In determining the period of service necessary to render any member eligible for a pension under the provisions hereof aggregate service only shall be considered, dating from the date when the member was actually confirmed as a member of either the police or fire departments. Such service need not be continuous and may be as a member of either said departments, and any rights acquired by service shall not be lost by reason of resignation or withdrawal from either said departments, except as otherwise expressly provided.”

Same Period
of service

“All time served by any member of either said departments, who leaves the service of either department to enter the armed forces of the United States, while the United States is engaged in war, or immediately prior thereto, as well as after the termination of hostilities of all wars in which the United States is engaged, shall be included in the aggregate service of such member; provided that such member must apply for employment in either said departments within ninety (90) days after discharge under honorable conditions. This shall apply to all wars involving the United States, past, present and future.”

Section 5, Article XI.

Retirement
for disability

(a) "Should any member of the police or fire departments, by reason of bodily injury received in, or sickness resulting from the discharge of his duties in his department, become so physically disabled as to render necessary his retirement from active service, the Pension Board shall order and direct that such person so retired be thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board as hereinafter provided, a yearly pension equal to one-half ($\frac{1}{2}$) the amount of the salary attached to the rank or position held by him in such department at the date of such retirement; provided, that in case of any change of salary at any time after the date of such retirement for such rank or position, the pension shall after each and every such change be one-half ($\frac{1}{2}$) of such salary as changed."

Retirement
for service

(b) "After twenty (20) years' service any member of the police or fire departments may apply to said Pension Board for retirement, or may by the Pension Board on its own motion, be retired on a limited annual pension equal to such proportionate share of one-half ($\frac{1}{2}$) of the annual salary attached to the rank or position held by such applicant one (1) year prior to the filing of such application, as the number of years actually served bears to twenty-five (25) years. For example, if said service has been for twenty-two (22) years, said pension shall be twenty-two twenty-fifths ($\frac{22}{25}$ ths) of said one-half ($\frac{1}{2}$) of said annual salary; provided, that in the event of a subsequent change of the salary of such rank or position, said pension provided for in this Section 5(b), shall be said fractional portion of the salary as changed from time to time."

"Upon the receipt of such application it shall be the duty of the Pension Board to investigate the same and in its discretion to grant or deny such application; provided, that any denial of such application shall be without prejudice to the rights of such applicant. Provided further, that no removal of a member from the department after twenty (20) years' service shall operate to deprive him of the benefits of this section except when such removal be for habitual drunkenness, notorious insubordination, conviction of a felony, or crime involving moral turpitude, and then only in the event the Pension Board in its discretion orders that such removal operate to deprive such member of the benefits hereof."

Disability
pension to
cease on
termination
of disability

(c) "Any pension granted to any member of the police or fire departments for disability as provided for in this section, shall cease when the disability ceases and such person shall, subject to department rules and the provisions of the charter governing the employment of city employees, be restored to active service in the department of which he was a member at the time of retirement, and the time he is not in active service shall be computed in calculating his aggregate service for all purposes under the provisions hereof."

Section 18, Article XI.

“If any member of the police or fire departments shall become separated from the service, either voluntarily or involuntarily, then and in that event one-half ($\frac{1}{2}$) of all moneys, exclusive of interest, paid into said Fund by such member shall be returned to him; and in the event that he shall thereafter re-enter the service as a member of either said police or fire departments, he shall repay into said Fund, upon such re-entry, an amount equal to the sum returned to him at the time of his separation from the service, and neither he nor members of his family shall be entitled to any benefits hereunder until said amount has been repaid into said Fund. ^{Refund of contributions}

“If any member of either said police or fire departments shall die under circumstances not mentioned in Section 9, without having served in either said departments for a minimum period of twenty (20) years in the aggregate in any capacity or rank whatsoever, then and in that event all moneys, exclusive of interest, paid into said Fund by such member, shall be returned to his estate; or, if he shall die under such circumstances after having served twenty (20) years, and shall leave surviving him a widow or other dependents mentioned in Section 9, the Pension Board shall grant a limited pension upon such death equal to such proportionate share of one-half ($\frac{1}{2}$) of the annual salary attached to the rank or position held by the decedent one (1) year prior to his death, as the number of years actually served bear to twenty-five (25) years, to be paid to such dependents in the order of succession set forth in Section 9; provided, that in the event of a subsequent change of the salary of such rank or position, said pension provided for in this Section 18 shall be said fractional portion of the salary as changed from time to time.”

AMENDMENT NO. 3. Amend Sections 1, 2, and 3, Subsection 3, Article VI, of the Charter of the City of Richmond to read as follows:

Section 1, Article VI.

“The School Department of the City of Richmond and of Richmond School District of the County of Contra Costa, State of California, shall be under the management and control of a Board of Education.

“The Board of Education shall be composed of five (5) ^{Board of education} members who shall have been citizens of the United States of America and residents of the Richmond School District for at least one year next preceding the date of their election, and their terms of office shall be six years from and after the first day of July next succeeding their election, except as herein otherwise provided.

“Elections for members of the Board of Education shall be held on the day fixed in the California School Code for the election of school trustees. Elections shall be held in each even numbered year.

“At the next regular meeting of the existing Board of Education following the approval of this amendment, the Board shall appoint two additional members and fix their terms of office. The terms of office shall be so arranged that two members shall be elected in 1946, two members in 1948, and one member in 1950. The members of the Board of Education shall serve without compensation.”

Section 2, Article VI.

Existing
board

“Until the appointment and qualification of the two additional members of the Board of Education as herein provided, the present Board of Education shall be and constitute the Board of Education of the City of Richmond and of Richmond School District of the County of Contra Costa, State of California, and shall exercise the powers as provided in the Charter of the City of Richmond.”

Section 3, Subsection 3, Article VI.

Powers of
board

“To appoint a Superintendent of Schools for a term of four (4) years and fix his compensation. To appoint such assistant superintendents and deputy superintendents of schools as it may deem necessary.”

Certificate

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Richmond with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendments.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Richmond to be affixed hereto this 25th day of May, 1945.

ROBERT D. LEE
Mayor of the City of Richmond

Attest:

A. C. FARIS
Clerk of the City of Richmond

[SEAL]

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring. A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Richmond as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for a full as amendments to and as part of the charter of the said City of Richmond.

CHAPTER 108

Assembly Concurrent Resolution No. 57—Relative to congratulating Stanley Parmisano upon his oratorical ability.

[Filed with Secretary of State June 4, 1945]

WHEREAS, Stanley Parmisano, of Daly City, California, has won the National Championship in the James Monroe National Collegiate Oratorical Competition for 1945, conducted by the Hearst newspapers in New York City from competing students drawn from every State in the United States; and

Oratorical
ability of
Stanley
Parmisano

WHEREAS, The State of California and the San Francisco Bay Region have been greatly honored in that the young man's primary education was received in San Francisco and Daly City, and his secondary education with the Christian Brothers at St. Mary's College in Moraga Valley; and

WHEREAS, This young man was undaunted by a speech defect in his youth, which he has successfully overcome; and

WHEREAS, In his previous endeavor in the annual Sullivan Memorial Oratorical Contest at San Francisco in November, 1944, in competition with other schools in the Bay Region and Santa Clara Valley, he was accorded not even honorable mention; and

WHEREAS, Such persistence in the face of a physical handicap, and such diligent endeavor in spite of successive defeats should certainly be commended as being representative of the true American spirit of "Never Say Die"; and

WHEREAS, The State of California having once again been made preeminent among the 48 States by the victorious achievement of this young man, Stanley Parmisano; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby commends and congratulates Stanley Parmisano for the high recognition accorded him, the Christian Brothers of St. Mary's College at Moraga for the outstanding achievement of a student, as well as Mr. William Randolph Hearst, the San Francisco Call-Bulletin and other Hearst newspapers for once again calling nation-wide attention to the exemplary youth of the San Francisco Bay Region and the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably engrossed copies of this resolution to the esteemed winner of this National honor, at his home in Daly City, California, and to St. Mary's College, Moraga Valley, California.

CHAPTER 109

Assembly Concurrent Resolution No. 60—Relative to inviting General George S. Patton to address the California Legislature.

[Filed with Secretary of State June 4, 1945]

Invitation
to General
George S.
Patton

WHEREAS, It is reported that California's own General George S. Patton is expected shortly to return here, prior to his next, undisclosed assignment; and

WHEREAS, But a few days ago General Patton was engaged in the last of his magnificent drives through Europe which contributed so substantially to the annihilation of Nazidom and to the great victory which is now ours; and

WHEREAS, General Patton is widely acclaimed as one of America's greatest fighting generals, whose courage and dramatic leadership above and beyond the call of duty have won for him the adoration of his men and the heartfelt admiration of a Nation; and

WHEREAS, California takes special pride in this great military leader of World War II who was born in the County of Los Angeles in 1885; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California, on behalf of the people thereof, hereby extends to General George S. Patton a most enthusiastic welcome on his return from the battlefields of Europe, congratulating him in sincere but insufficient words for the great work he has done; and be it further

Resolved, That General Patton is cordially invited to be the guest of, and to address, the Legislature of the State of California, in joint meeting assembled, at such time as he may select; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit to General George S. Patton a copy of this resolution.

CHAPTER 110

Senate Concurrent Resolution No. 60—Relative to the one hundredth anniversary of the raising of the Bear Flag, and requesting the Governor to proclaim June 14, 1946, as a legal State holiday in commemoration thereof.

[Filed with Secretary of State June 4, 1945]

Bear Flag
centennial
day as
holiday

WHEREAS, On June 14, 1846, the historic Bear Flag was raised at Sonoma, California, by 24 Americans in protest against what they deemed to be military despotism and as a declaration of independence from Mexican rule; and

WHEREAS, This incident foreshadowed the end of the Spanish era in California and the beginning of the new and glorious period which was to follow; and

WHEREAS, The Bear Flag became and remains the official Flag of California, symbolical of the rugged individualism of its people; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is hereby requested at an appropriate time prior thereto to designate and proclaim June 14, 1946, a legal holiday in California in commemoration of the one hundredth anniversary of the raising of the Bear Flag at Sonoma; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Honorable Earl Warren, Governor of California.

CHAPTER 111

Senate Joint Resolution No. 24—Relative to memorializing Congress to enact remedial legislation to provide members of the armed forces with wage credits on their social security accounts for the period of their military service.

[Filed with Secretary of State June 5, 1945.]

WHEREAS, By the close of the war there will be approximately 15,000,000 men and women in the armed forces of the United States, of which group California's share will be approximately 1,000,000; and

Social security Wage credits for servicemen

WHEREAS, Most of these men and women will have lost one to four years or longer from employment covered by the Federal Social Security Act; and

WHEREAS, The benefits to be received under the Federal Social Security Act are computed from contributions by both employee and employer, with the time spent in the armed forces exempt, thereby lowering forever the average monthly wage from which benefits are determined; and

WHEREAS, It is the feeling of the people of the State of California, as manifested and expressed in the Legislature, that the returning veteran justly deserves and is entitled to fair and generous consideration; and

WHEREAS, The old age and survivors feature of the Social Security Law is a wholly Federal program; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to consider the enactment of remedial legislation to provide members of the armed forces with wage credits on their social security accounts for the period of their military service; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, to the Senators and Representatives from California in the Congress of the United States, and to the Federal Social Security Board.

CHAPTER 112

Senate Concurrent Resolution No. 52—Relative to the diversion of water from Donner Lake.

[Filed with Secretary of State June 5, 1945]

Diversion of
water from
Donner Lake

WHEREAS, Donner Lake constitutes an important asset of recreational and historical value to this State as well as being both presently and potentially a valuable source of water supply for this State; and

WHEREAS, The waters of Donner Lake, which belong to the people of this State, are being unlawfully diverted for use in the State of Nevada, threatening the existence of Donner Lake for all purposes; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Attorney General is requested to take such action, including the commencement and prosecution of necessary litigation, as will protect the interest of the people of this State in the waters of Donner Lake; and be it further

Resolved, That the Attorney General is further requested to advise the Legislature during its present session of any legislation necessary to protect the interest of the people of California in the waters of Donner Lake; and be it further

Resolved, That the Secretary of the Senate is directed to furnish the Attorney General with copies of this resolution.

CHAPTER 113

Senate Concurrent Resolution No. 53—Relative to adjournment sine die of the Fifty-sixth Session of the Legislature of the State of California.

[Filed with Secretary of State June 7, 1945]

Adjournment
sine die

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Fifty-sixth Session of the Legislature of the State of California shall adjourn sine die at 3 p.m., Saturday, June 16, 1945; and be it further

Resolved, That on or after Saturday, June 9, 1945, neither house shall pass any bill originating in such house except upon recommendation of the presiding officer and with the permission to consider and vote on such bill being granted by a three-fourths vote of the members elected to the house.

CHAPTER 114

Senate Concurrent Resolution No. 61—Relative to commending Lieutenant (j.g.) Perry S. Wood of the United States Naval Reserve.

[Filed with Secretary of State June 8, 1945.]

WHEREAS, With deep satisfaction and special pride the Legislature of the State of California has learned that Lieutenant (j.g.) Perry S. Wood, U. S. N. R., son of our Legislative Counsel, Fred B. Wood, and Mrs. Alice S. Wood, has been awarded the Silver Star Medal by the Commander in Chief of the United States Fleet in the name of the President, for gallantry and intrepidity in action in the performance of his duties as Communication Officer in a United States submarine; and

WHEREAS, The citation issued by Admiral Nimitz in tendering such award stated that Lieutenant Wood's "calm manner, skillful supervision, and coordination of communications throughout his ship, and inspiring leadership of personnel assisted his commanding officer considerably in sinking 33,000 tons and damaging 10,000 tons of enemy shipping"; and

WHEREAS, Assigned to Pacific duty in the summer of 1944 following training at New London, Connecticut, Lieutenant Wood has accompanied his submarine on several successive missions, in the course of which numerous enemy ships have been sunk or damaged; and

WHEREAS, A native son of California, educated in the public schools of Berkeley, and a graduate of the University of California in the Class of 1943, Lieutenant Wood, at the age of 23 years, has revealed courage and character in keeping with the highest traditions of the United States Navy, performing meritorious service in behalf of his country, of which his own State of California is justly proud; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That we, the Members of the Legislature hereby express to Lieutenant (j.g.) Perry S. Wood, and to his parents, Mr. and Mrs. Fred B. Wood, our congratulations upon the high recognition accorded him, our pride in his skillful and inspiring conduct as an officer of the United States Navy, our heartfelt good wishes for continued success in the vital work in which he is engaged, and our earnest prayer for an early victory that he may return soon to safety, home, and the good things of life he so richly deserves; and be it further

Resolved, That the Secretary of the Senate is directed to transmit engrossed copies of this resolution to Lieutenant Perry S. Wood and to his proud parents, Mr. and Mrs. Fred B. Wood, that each and all of them may be apprised of this expression of tribute to Lieutenant Wood from the Legislature of California.

Commending
Lt. (j.g.)
Perry S.
Wood

CHAPTER 115

Assembly Joint Resolution No. 45—Relative to memorializing the President, the Secretary of State, and the Congress to retain full control over Japanese owned or mandated islands in the Pacific which heretofore have been, or hereafter may be, captured by the United States in the course of the war.

[Filed with Secretary of State June 15, 1945]

Control of
Japanese
owned or
mandated
islands

WHEREAS, Numerous Japanese owned or mandated islands in the Pacific have been or hereafter will be captured by the United States in the course of the war; and

WHEREAS, Efforts are being made by influences detrimental to the best interests of our Country to transfer said islands, taken by us from the Japanese at bloody cost, to a so-called trusteeship dominated by foreign powers, thus depriving the United States of exclusive control of said islands; and

WHEREAS, It would be detrimental to the interests of the United States to allow the Pacific islands to be under the control of any foreign group; and

WHEREAS, The American people are demanding that these islands be retained as our outer line of defense and strongly resent any proposal to place these islands under foreign control; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of California hereby respectfully urges the representatives of the United States to stand firm for American rights so that no foreign power or group of powers may intervene in the management or control of said Japanese owned or mandated islands and that the United States retain full control thereof for the protection of our Country against the aggression of any foreign power or group of powers in the future; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the Secretary of State, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 116

Senate Concurrent Resolution No. 28—Relative to commemorating members and volunteers of war price and rationing boards.

[Filed with Secretary of State June 15, 1945]

Commemo-
rating
members and
volunteers of
war price and
rationing
boards

WHEREAS, Due to wartime conditions, rationing and price control are essential to the maintenance of a just and equitable distribution of scarce commodities and the prevention of inflation, the spiraling of prices, and profiteering; and

WHEREAS, Members and volunteer workers of war price and rationing boards have materially contributed to the war effort and civilian morale; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That thanks be extended to the 11,600 volunteers of 342 war price and rationing boards in California for their three years of faithful service in seeing to it that their local communities get a fair share of all products made available to civilians. By their efforts, they have built up morale on the home front and have helped protect the soldier on the battle-front from worrying about his family at home.

By giving countless hours of work, these volunteers have won the gratitude of all citizens on the third anniversary of their service with the Office of Price Administration. Only the United States, of all warring nations, has put its trust in a rationing and price control program, 77 per cent administered by volunteers, and as a tribute to these volunteers on the home front this resolution is adopted by the Legislature of the State of California.

CHAPTER 117

Senate Concurrent Resolution No. 41—Relating to the problem of the care, training and education of the blind.

[Filed with Secretary of State June 15, 1945.]

WHEREAS, It is the desire of the Legislature to provide, in every way possible, for the care of blind residents within the State of California, through the means of aid to the needy blind, aid to the partially self-supporting blind, the vocational rehabilitation of the blind, the providing of education and training for the blind in occupations which will tend to make them self-supporting citizens, and to provide books and periodicals for the blind and instruction in reading the same; and

WHEREAS, In making provision for aid to the blind, the care, training, education and services for the blind, it may be deemed desirable for the Legislature to establish an agency of State Government to supervise and perform all functions of this State pertaining to its blind citizens; or it may be desirable for the Legislature to establish an agency or board to supervise and control the various training centers, shops, vocational rehabilitation, and resident homes for the blind; and

WHEREAS, It is necessary in making such provision for the blind that the Legislature be fully informed on the problems relating to the services now provided for the blind citizens of this State as well as any further services which might be required for the care and advancement of the blind citizens of this State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Education is hereby requested and directed to investigate the problem of the blind residents of this State, having particular reference to the services performed for the blind by the various agencies of this State, the number of blind persons in the State of California requiring aid, as well as the number who may be benefited by vocational training or employment in workshops or other manufacturing establishments so as to provide for this class of citizens the greatest possible amount of security; and, be it further

Resolved, That the Departments of Social Welfare, Institutions, Public Health and any other department of this State having functions pertaining to the welfare of the blind, cooperate in making the investigation, and that each department be given full access to the findings of the other, and that each department report to the Fifty-seventh Session of the Legislature the result of its investigation and make recommendations as to the need, education, care and rehabilitation of such blind citizens, together with recommendations for the coordination of the work for the blind performed by the State of California; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the Governor, to the Department of Education, to the Department of Social Welfare, to the Department of Institutions, to the Department of Public Health and to the State Library, and to any other State agency authorized by law to perform service for blind citizens of this State.

CHAPTER 118

Senate Joint Resolution No. 20—Relative to endorsing and urging the passage of H.R. 2081, to permit the use of live decoys in the taking of ducks.

[Filed with Secretary of State June 15, 1945]

Use of live
decoys in
taking ducks

WHEREAS, Wild ducks are doing damage to agriculture in California, such damage to rice, lettuce and other farm crops amounting to more than one million dollars (\$1,000,000) per year; and

WHEREAS, If duck hunters were allowed to use live or other decoys from blinds, the chance of obtaining a few birds would be made at least possible; and

WHEREAS, There is now pending before Congress H.R. 2081, to permit the use of six live decoys to each blind in the taking of ducks; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we do hereby endorse and urge the passage of H.R. 2081 of the Seventy-ninth Congress, First Session, and respectfully request the Senators and Representatives from California in the Congress of the United States to give their support to this bill; and, be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Senate to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, the United States Fish and Wild Service of the Department of the Interior, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 119

Senate Joint Resolution No. 23—Relative to memorializing the President and Congress of the United States and the Surgeon Generals of the United States Army and Navy to consider the advisability of, and the special advantages to be derived from, establishing one or more military hospitals in mineral spring areas of California, and urging that affirmative action be taken in regard thereto.

[Filed with Secretary of State June 15, 1945]

WHEREAS, As World War II continues, it becomes increasingly evident that American casualties to soldiers and sailors will be in excess of one million; and

Military hospitals in mineral springs areas of State

WHEREAS, Soldiers and sailors who have received wounds or have been otherwise physically or mentally disabled are being returned in increasing numbers to the United States for convalescent and rehabilitation treatment, to make possible their return to the armed forces or to civilian life; and

WHEREAS, Medical experience, during many years, has demonstrated the great value of mineral spring or properly conducted spa treatment for patients suffering from nervous and other physical and mental disorders; and

WHEREAS, California possesses many areas easy of access, with climatic and environmental conditions of highest order, in which treatment procedures such as those carried on in Saratoga Springs in New York and in Hot Springs National Park in Arkansas could be easily established; and

WHEREAS, Additional governmental hospitals are still being authorized and erected by the military authorities; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, at this Fifty-seventh Regular Session of the Legislature, That the President and Congress of the United States and the Surgeon Generals of the United States Army and United States Navy are hereby respectfully memorialized to consider the advisability of, and the special advantages to be derived from, establishing one or more military hospitals in mineral spring areas in the State of California, where in healthful surroundings and with appropriate spa-structures and equipment, the convalescence, health and rehabilitation of large numbers of invalided soldiers and sailors could be more effectively promoted and their return to useful military or civilian life be more definitely assured; and be it further

Resolved, That as a result of such considerations, affirmative action be taken to accomplish the foregoing purposes; and be it further

Resolved, That the attention of the President and Congress of the United States and of the Surgeon Generals of the Army and Navy is hereby called and re-directed to Senate Joint Resolution No. 12, unanimously adopted by the Fifty-fifth California Legislature (Cal. Stats. 1943, Res. Ch. 52), on this same subject, copies of which resolution were transmitted to them upon its adoption; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution, and of the Senate Joint Resolution of the Fifty-fifth Legislature hereunto annexed, to the President of the United States, the Surgeon Generals of the United States Army and the United States Navy, to the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States; and that the Senators and Representatives from California be respectfully requested to urge such action.

CHAPTER 120

Senate Concurrent Resolution No. 57—Relative to the providing of human blood and its derivatives to the people of this State.

[Filed with Secretary of State June 16, 1945]

Making
human blood
and
derivatives
available
throughout
State

WHEREAS, It is the desire of the Legislature to provide in every way possible for the provision of human blood and derivatives of human blood throughout the State to the end that these products be made readily available to all the people of the State; and

WHEREAS, It is necessary in making such provision that the Legislature be fully informed on the problems relating to the provision of such products; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Health is hereby requested and directed to investigate the problem of provision of human blood and derivatives of human blood to the people of the State and that the State Department of Public Health shall report to the Fifty-seventh Session of the Legislature the results of its investigation and make recommendations as to a program for making such products available, together with facilities required for such purposes and the cost thereof; and be it further

Resolved, That the Governor and the State Reconstruction and Reemployment Commission be requested to include a study of such as a part of postwar planning; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, to the Department of Public Health, and the State Reconstruction and Reemployment Commission.

CHAPTER 121

Senate Concurrent Resolution No. 67—Relative to adding Section 37.5 to the Joint Rules of the Senate and Assembly relative to the Legislative Budget Committee.

[Filed with Secretary of State June 16, 1945]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule 37.5 of the Joint Rules of the Senate and Assembly be amended to read :

“Vacancies in Budget Committee

37.5. Any vacancies occurring between sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.”

CHAPTER 122

Senate Joint Resolution No. 22—Relative to amendment of the Federal Social Security Act in respect to old-age assistance.

[Filed with Secretary of State June 16, 1945]

WHEREAS, The present provisions of the Federal Social Security Act governing grants to States for old-age assistance are in need of reconsideration and liberalization, particularly that provision which requires the State agency, in determining need, to take into consideration any other income and resources of an individual claiming such assistance, including his earnings, and which is interpreted and applied to require the deduction of earnings of the recipient from the grant of assistance which he would otherwise be eligible to receive; and

WHEREAS, It is the consensus of the people and the Legislature of the State of California that recipients of old-age assistance ought to be permitted to supplement that assistance by their labor to a reasonable extent without deduction of their earnings, to the amount of twenty dollars (\$20) per month, from the aid or assistance provided to them; that such permission would not only improve the economic condition of the recipients, but afford them a share of the happiness and enhanced self-respect which results from participation in honest and needed work; and that it would make available, at this time when manpower is so sorely needed, an additional substantial working force; and

WHEREAS We are informed that the Committee on Ways and Means of the House of Representatives in the Congress of the United States is presently engaged in a extensive social security study, and that numerous bills have been introduced in Congress directed to the liberalization of the Social Security Act in this and other desirable respects, including H. R. 65 by Mr. Lane, H. R. 637 by Mr. Wickersham, H. R. 2582 by Mr. Burkner, and H. E. 2964 by Mr. Anderson; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California hereby urges and memorializes Congress to continue the study of needed amendments to the Social Security Act, and to enact such amendments to that act as may be necessary to permit recipients of old-age assistance to earn up to twenty dollars (\$20) monthly without deduction of such earnings from the amount of assistance to which they would otherwise be entitled; and be it further

Resolved, That the Legislature of the State of California does hereby endorse those proposals now before Congress looking to the liberalization of the Social Security Act, and urges their favorable consideration; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 123

Senate Joint Resolution No. 26—Relative to the destruction of agricultural crops by wild ducks.

[Filed with Secretary of State June 16, 1945.]

Destruction
of crops by
wild ducks

WHEREAS, The number of wild ducks in the State of California has been rapidly increasing in recent years, and because of the vigorous efforts of associations of wildlife conservationists such as "Ducks, Unlimited" will probably continue to increase; and

WHEREAS, Concurrently with the increase in the wild duck population the number of ducks killed in California has decreased, due to the absence of many men in the armed forces or in war industries, to the shortage of transportation, and to other causes connected with the war effort; and

WHEREAS, Wild ducks annually destroy great quantities of valuable foodstuffs by eating young and growing plants with the result that the loss of food values because of the destruction of growing plants which are not allowed to mature greatly exceeds the food values actually consumed by the wild ducks; and

WHEREAS, Federal regulations prohibit the feeding of wild ducks by the spreading of grain or similar means although it would be far less expensive to feed the ducks on harvested grain than to permit them to destroy growing crops in an immature state; and

WHEREAS, The regulations prohibiting the feeding of wild ducks are not suitable to presently existing conditions and result in an enormous direct loss to California agriculture and to the National war effort because of the reduction of the National food supply; and

WHEREAS, There exist in California numerous organizations of farmers and others who would be willing to feed large numbers of wild ducks and thus prevent the continuation of the loss being suffered by the farmers of the State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby urgently requests that the regulations of the United States which prohibit the feeding of wild ducks be rescinded or suspended until such time as the number of wild ducks is reduced so as not to constitute a menace to California agriculture, and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Fish and Wildlife Service of the United States Department of Interior and to each Senator and Member of the House of Representatives in the Congress of the United States from California.

CHAPTER 124

Senate Joint Resolution No. 27—Relative to current movements for a lenient peace with Japan, and memorializing the President and Congress to insist upon complete and unconditional surrender.

[Filed with Secretary of State June 16, 1945]

WHEREAS, Rumors are now prevalent that preliminary peace overtures by Japan are in progress by way of sounding out neutral governments and, in one reported instance, by approaching an American diplomat in a neutral capital for the purpose of discussing peace possibilities; and

Unconditional
surrender
of Japan

WHEREAS, There are further indications that Japan, in its efforts to obtain a more lenient peace, is attempting to sow seeds of disunity and suspicion between the United States and Great Britain on the one hand, and our great ally, Russia, on the other, by intimations that Great Britain and the United States will need a buffer against communist Russia, and that Russia will require a like buffer against the capitalistic nations, which role Japan would be willing to assume in the so-called interests of world peace; and

WHEREAS, Observers have detected an undertone of Japanese propaganda surrounding the United Nations Conference on International Organization, manifesting itself in the nationalistic movements and economic hopes of Asiatic contingents who are reluctant to merge with Western civilization and still harbor resentment at old wrongs from Caucasian overlords; and

WHEREAS, These contingents, desiring freedom both from Japanese militarism and from prewar Caucasian influence, have expressed hopes of a Japan which is subdued militarily but left with industrial strength to serve as a guide for their own economic progress and as a chief source of trade; and

WHEREAS, If compromise terms of conditional surrender are acceded to and Japan is enabled to maintain the remnants of her economic and political strength, she will be in a position to recover quickly from the ravages of war she has instituted; and

WHEREAS, Unless Japan is utterly crushed and broken in this war and her power to make war forever destroyed, the Japanese people will regard defeat as a temporary set-back and, in accordance with their fanatical faith that they are destined by their gods to conquer the world, will begin once again to build for another ruthless attempt at world conquest; and

WHEREAS, Heretofore the United States Government has been adamant in its demand for a decisive and conclusive victory upon terms of unconditional surrender, so essential to the future well being of the world; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reject any compromise peace proposals which may be offered by or in behalf of Japan, and to insist upon complete and unconditional surrender; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 125

Senate Joint Resolution No. 28—Relative to memorializing Congress to enact H. R. 2536, Seventy-ninth Congress, First Session, relating to the regulation of transportation companies.

[Filed with Secretary of State June 16, 1945]

Transportation
company
regulation

WHEREAS, The National Congress in the Transportation Act of 1940 specifically declared a National transportation policy to provide for fair and impartial regulation of rail, water and highway carriers and declared that the Interstate Commerce Commission should recognize and preserve the inherent advan-

tages of each method of transportation and should promote safe, adequate, economical and efficient common carrier services, foster sound economic conditions in transportation and maintain reasonable rates without unjust discrimination, undue preferences or unfair, competitive practices; and

WHEREAS, The welfare of the State of California in a large measure depends upon the several modes of transportation thus regulated to transport from this State to eastern markets the products of its fields, fisheries, mines and factories, and this State is therefore vitally interested in the effective administration by the Interstate Commerce Commission of the National transportation policy of Congress; and

WHEREAS, The specialized nature of California's productive capacities, both industrial and agricultural, can only find outlet in markets beyond the boundaries of this State; and

WHEREAS, Some confusion and uncertainty exists as to how and by whom Federal regulations of rates and services of common carriers should be administered and whether or not common carriers and shippers, both producers and consumers may consult and confer with regard to coordinated and efficient through transportation rates and practices; and

WHEREAS, There has been introduced in the Congress of the United States, H. R. 2536, which will unequivocally confer upon the Interstate Commerce Commission complete jurisdiction to supervise, approve, reject and otherwise control all joint and cooperative arrangements and agreements between common carriers and between common carriers and shippers, and between joint agencies and associations of common carriers respecting the rates and services of all such common carriers; and

WHEREAS, The enactment of said H. R. 2536 will remove and set at rest the confusion and uncertainty presently existing with regard to the powers of the Interstate Commerce Commission under said National transportation policy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States of America to enact H. R. 2536 in order that the powers and authority of the Interstate Commerce Commission may be clarified and confirmed without further unnecessary delay or confusion; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the office of the President of the United States and to each member of the Senate and House of Representatives in the Congress of the United States from California

CHAPTER 126

Senate Joint Resolution No. 31—Relative to memorializing Congress to enact legislation to enable California to extend its State Unemployment Insurance Act to cover employees in Federal war plants and agencies.

[Filed with Secretary of State June 16, 1945]

Unemploy-
ment insur-
ance for
employees
in Federal
war plants
and agencies

WHEREAS, Many inhabitants of the State of California are engaged in employment with large war plants operated by the United States Government; and

WHEREAS, The employment of these industrial workers in Government yards will undoubtedly terminate shortly before or after the end of the war; and

WHEREAS, By reason of their employment by the Federal Government, these workers are excluded from benefits under the Unemployment Insurance Act of this State, with the result that, though employment in private war plants is protected by the California Unemployment Insurance Act, the same type of employment in Government plants in the same locality is without such protection; and

WHEREAS, Failure to extend unemployment insurance coverage to these workers and to the 250,000 employees in Federal war agencies in California will create a serious social and economic problem in this State during the reconversion period; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully memorialized to reconsider enacting Federal legislation to make such appropriations as are necessary to permit the State of California to extend its Unemployment Insurance Act to cover employees in Federal war plants and agencies; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the President Pro Tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 127

Assembly Joint Resolution No. 16—Relative to memorializing Congress to enact legislation to establish permanent military and naval academies on the Pacific and Gulf Coasts.

[Filed with Secretary of State June 16, 1945]

Establish-
ment of
military and
naval acad-
emies on
Pacific and
Gulf Coasts

WHEREAS, The facilities of West Point Military Academy and Annapolis Naval Academy have reached the limit of expansion at their present sites and have been entirely inadequate for the needs of the present war, as the great but temporary officer

training establishments now in operation throughout the Country attest; and

WHEREAS, The postwar military and naval training program is not likely to recede to the proportions of the prewar program and in fact may be one of tremendous expansion should universal training legislation be enacted by Congress; and

WHEREAS, World conditions and the war have made it advisable that cadets and midshipmen be familiar with the Pacific and Gulf Coasts as well as with the Atlantic Coast, and it is to the interest and advantage of the Nation that officer training facilities be permanently established within the areas of the Nation's greatest and most vital military and naval concentrations; and

WHEREAS, There are many miles of coast along the Pacific and Gulf which would afford the Country ideal locations for both military and naval academies; and

WHEREAS, Senator Theodore G. Bilbo of Mississippi has introduced at this Session of Congress a bill to establish permanent military and naval academies on the Pacific and Gulf Coasts, supplementing the existing institutions at West Point and Annapolis; and

WHEREAS, The Legislature of the State of California believes that legislation along such lines is in the best interest and to the utmost advantage of the Nation; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the President and Vice President of the United States and the Senate and House of Representatives of the United States be memorialized to enact at this session legislation to establish permanent military and naval academies on the Pacific and Gulf Coasts; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives from California.

CHAPTER 128

Assembly Joint Resolution No. 27—Relative to memorializing Congress to enact legislation providing for the prompt return to their homes of runaway, transient, or vagrant children of juvenile age, going from one State to another without proper legal consent, through the use of funds appropriated under the provisions of the Social Security Act for aid to dependent children.

[Filed with Secretary of State June 16, 1945]

WHEREAS, The prevention of juvenile delinquency is a matter of utmost concern to the Legislature and people of the State of California; and

Funds for
return of
vagrant, etc.,
children

WHEREAS, The wandering of children from State to State without proper supervision and control has in the past been a major contributing factor in the creation of delinquent and criminal careers; and

WHEREAS, It is appropriate that provision be made for the return to their own homes and communities of such children as a part of the child welfare program of the Federal Government; and

WHEREAS, A bill is now pending in the Congress, introduced February 2, 1945, by the Hon. Pat Cannon, of the Fourth Congressional District of the State of Florida, as H. R. 1935, which proposes to achieve this purpose; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is memorialized to enact legislation similar to H. R. 1965 now pending in Congress, to provide necessary funds for the return to their homes of runaway, transient, or vagrant children of juvenile age, through the use of funds appropriated under the provisions of the Social Security Act for aid to dependent children; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 129

Assembly Joint Resolution No. 48—Relative to memorializing the President and Congress to enact S. 807, providing for increases in compensation to Federal employees.

[Filed with Secretary of State June 16, 1945]

Increase in
compensation
for Federal
employees

WHEREAS, Members of the Federal service represent a highly loyal and efficient group of public employees; and

WHEREAS, These employees, though confronted with greater duties than heretofore, longer working hours and a rise in the cost of living, have continued to perform their work in the same diligent, faithful and efficient manner as in the past; and

WHEREAS, To remedy these inequities there is now pending before Congress S. 807, to improve salary and wage administration in the Federal service, to provide pay for overtime and for night and holiday work, to increase the basic rates of pay for Federal employees, and for other and related purposes; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature hereby endorses S. 807 of the Seventy-ninth Congress, First Session, and respectfully memorializes Congress to enact this meritorious measure at as early a date as possible; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States, and that the Senators and Representatives from California are respectfully urged to give full support to such legislation.

CHAPTER 130

Assembly Joint Resolution No. 49—Relative to commencing the general intent and purposes of the Servicemen's Readjustment Act of 1944 and urging early enactment by Congress of pending legislation to remedy incidental defects in said act and to remove initial administrative difficulties thus far encountered.

[Filed with Secretary of State June 16, 1945.]

WHEREAS, Considerable criticism has been voiced concerning the Servicemen's Readjustment Act of 1944, the so-called G. I. Bill, under which returning World War II veterans are provided with Federal aid for their readjustment in civilian life; and

Amendment
of Service-
men's Read-
justment
Act of 1944

WHEREAS, Said act is a new type of legislation, broader in scope and of necessity more administratively complex than the legislation providing benefits to World War I veterans; and

WHEREAS, Early experience under said act has revealed certain incidental defects in its provisions and initial difficulties in its administration, for which remedial legislation, as proposed and supported by the American Legion and the Veterans of Foreign Wars, is now pending before Congress; and

WHEREAS, The general intent and purposes of the Servicemen's Readjustment Act are meritorious, with which the Legislature of California is in sympathy and accord; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That Congress is hereby respectfully memorialized to give early consideration to pending remedial legislation, as proposed and supported by the American Legion and the Veterans of Foreign Wars, in respect to the Servicemen's Readjustment Act of 1944, to the end that early enactment of said legislation may be had and cause for existing criticism removed; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 131

Assembly Concurrent Resolution No. 25—Relative to California, the Pacific, and the postwar world, creating a Joint Legislative Committee and defining its powers and duties in respect thereto.

[Filed with Secretary of State June 16, 1945.]

California
Legislative
Committee
on Pacific
Relations

An epoch-making conference of the United Nations will soon convene in California to consider and formulate plans and policies for the postwar world.

The Pacific Ocean and nations bordering upon it will become of ever increasing significance in the trade marts of the world and in international transactions and activities of every kind and nature.

California, as a State that has over a thousand miles of Pacific Coast line, through whose ports and air bases a varied traffic will flow in ever increasing volume, including raw materials and agricultural and manufactured products of every kind and nature produced within her borders, has a vital interest and concern in the plans and policies about to be formulated. Thus situate, this State has an intimate knowledge and awareness of the needs and of the means best adapted to the meeting of the needs of State and Nation in the fostering and development of our natural resources, agricultural and manufacturing industries, trade and commerce, and transportation facilities, all of which imposes upon California a responsibility to provide an official agency of the State to assemble and make available to the appropriate officers and agencies of the United States all pertinent facts and information, with recommendations, cooperating with them in every way in the attainment of these vital objectives of mutual interest and concern, and to attend the forthcoming conference and such other similar conferences that may later be held, in such manner and capacity as may be meet and proper.

There is the greater occasion and need for California thus to render her services to the Nation in this important undertaking in view of the absence of western or Pacific Coast representation, insofar as presently indicated, upon this Country's delegation selected to attend the United Nations' Conference, and the practical difficulty of acquiring complete information upon the part of persons removed from the scene as demonstrated by the recent negotiation, without such representation and without the aid or counsel of State officials, of a treaty that would directly and seriously affect the water resources of a number of the States, including California.

There is pending in the Legislature a bill for the creation of a State Commission on World Security Organization Facilities, and making an appropriation thereto, to investigate the possibility of establishing in the State of California the permanent site of the central administrative and legislative activities of such World Security Organization as may be established by

action of the United Nations, and to take other measures which would facilitate the establishment of such a world capital in this State. Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

1. The California Legislative Committee on Pacific Relations is hereby created and appointed, authorized and directed to ascertain, study, and analyze all facts in any way relating to or bearing upon the subject or any phase of the subject of this resolution, and from time to time to report thereon with its recommendations, presenting the views of California to the appropriate officers and agencies of the United States, attending the United Nations' Conference at San Francisco and other similar conferences to such extent, in such manner and in such capacity as may be meet and proper, and to report also to this Legislature thereon, including in the latter reports the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subject hereof.

2. The committee shall consist of three Members of the Assembly appointed by the Speaker thereof and three Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To meet any place, within or without the State.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The committee shall regularly consult with and advise the State Commission on World Security Organization Facilities and cooperate with said commission in carrying out the purposes of this resolution, report to the Senate and Assembly from time to time, and recommend legislation to facilitate the establishment in this State of the permanent central headquarters of the World Security Organization. If the State Commission on World Security Organization Facilities should not be created, the committee created by this resolution shall nevertheless continue to function, and, so far as it can, carry out the purposes of the proposed commission, and exercise the powers conferred and the duties enjoined upon the committee, as herein set forth.

7. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 132

Assembly Joint Resolution No. 41—Relative to Indian claims for lands taken from them by the United States without compensation.

[Filed with Secretary of State June 16, 1945]

*Claims of
Indians of
California*

WHEREAS, The real claim of the Indians of California against the United States is for compensation for their rights of occupancy in an estimated area of 75,000,000 acres in California taken from them by the United States without compensation; and

WHEREAS, The law, known as the California Indians' Jurisdictional Act of 1928 (45 Stat. 602) which affords the sole measure of relief available to the Indians today, provided that no surviving California Indian was to receive any direct individual benefit or per capita distribution from any judgment ultimately obtained; and further provided for "offsets" of benefits to all Indians from value of lands, articles and services for Treaty Indians, who comprised only from one-third to one-half of the total Indian population of California in 1851-2; and

WHEREAS, It appears obvious to the people of the State of California and their representatives in the Legislature that the rigid formula of recovery provided for in the Jurisdictional Act is purely arbitrary and artificial, making it impossible for the Court of Claims to do complete justice and equity to the Indians of California in their claim against the United States for compensation for the lands taken from them by the United States without compensation; and

WHEREAS, The total value of the lands, articles and chattels promised in the treaties is seventeen million fifty-three thousand nine hundred forty-one dollars and ninety-eight cents (\$17,053,941.98) and the total offsets amount to twelve million twenty-nine thousand ninety-nine dollars and sixty-four cents (\$12,029,099.64), leaving a settlement of only five million twenty-four thousand eight hundred forty-two dollars and thirty-four cents (\$5,024,842.34), on the basis of the Treaty Indians only, and

WHEREAS, The estimated value of lands for which no compensation was made, computed at the minimum rate of one dollar and twenty-five cents (\$1 25) per acre, is ninety-three million seven hundred fifty thousand dollars (\$93,750,000); now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is hereby urged and memorialized to amend the Jurisdictional Act of 1928 to repeal the provision against a per capita payment of claims to the Indians of California, and to provide that payments shall be made on a per capita basis to all the Indians in the State of California, and to the children of Indians deceased since the enactment of the Jurisdictional Act of 1928; and be it further

Resolved, That the Congress of the United States is hereby further urged and memorialized to make an immediate appropriation of five million twenty-four thousand eight hundred forty-two dollars and thirty-four cents (\$5,024,842.34) for the payment of the settlement, with the understanding that such settlement is accepted as a token payment only and that this Legislature sustains the viewpoint of the Attorney General of the State of California that such settlement is entirely insufficient, unjust, and inadequate to meet the present needs of the Indians of California; and be it further

Resolved, That the Congress of the United States is hereby further urged and memorialized to enact legislation to appropriate in further settlement of the claims of the Indians of California the amount necessary in order to effect a complete, just and final settlement of all claims of the Indians of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives in the Congress of the United States, to each Senator and Representative from California in the Congress of the United States, and to the chairman of each of the respective committees of the Senate and of the House on Indian Affairs.

CHAPTER 133

Senate Concurrent Resolution No. 27—Relative to the creation of a Joint Fact-Finding Committee on Highways, Streets and Bridges and the allocation of costs for the construction, maintenance and improvement thereof.

[Filed with Secretary of State June 16, 1945]

Joint
Fact-Finding
Committee
on Highways,
Streets, and
Bridges

WHEREAS, The public highways, streets and bridges of California are useful, necessary and indispensable arteries of travel and commerce and have been constructed and improved at great public expense; and

WHEREAS, Such facilities have been built and are maintained by the use of funds derived from taxes on property, from Federal aid, and from registration fees, gasoline taxes and other fees collected as compensation for road use; and

WHEREAS, The demands of war have subjected the streets and highways of this State to unusual and destructive burdens while limiting the materials and manpower available for necessary maintenance, reconstruction and expansion; and

WHEREAS, It is recognized that pavements and other highway improvements are not permanent, but must be rebuilt, resurfaced and modernized, indicating the need of foresight in the treatment of financial problems in connection with the inevitable postwar program of reconstruction; and

WHEREAS, The planning and construction of highways, streets and bridges in California has not included a complete analysis of all the problems involved, including the fullest economic development of the State by opening up underdeveloped areas to economic opportunity and to provide proper transportation to meet changing economic and industrial conditions; and

WHEREAS, No adequate study has been made to determine whether the funds contributed for highway, street and bridge construction and maintenance have been levied equitably either on property or business in relation to its benefits or upon the users in direct proportion to their use; and

WHEREAS, There is inadequate information available to the Legislature as to the actual annual cost of roads and streets and the fair apportionment of such cost between those who use them; and to that end the Legislature is in need of data as to the total mileage of roads and streets, the capital investment therein, the total sum which should be collected each year in road use charges or other fees in order to maintain, replace and modernize the same, and the proper amount which should be paid each year by users of public thoroughfares to meet the total annual cost of all public roads and streets; and,

WHEREAS, The Legislature is in need of an adequate report on the foregoing matters, including (a) the present status of the highway system, State, county and local, (b) existing deficiencies therein to meet present demands, (c) a schedule

of progressive improvements necessary to keep abreast of future demands, (d) a schedule of maintenance to keep the capital investment up to standard, (e) a schedule of improvements necessary to develop areas of the State that should be opened up to economic opportunity, (f) special problems relating to highways and matters incidental thereto, (g) the financing of highways and the administration of the highway system, (h) the interrelationship between State and local governments in relation to the foregoing and the interrelationship of the State and Federal Government, and (i) the control of traffic on the highways in the interest of safety, which report should include so far as feasible both present needs and future needs for a period of at least 10 years; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly hereof concurring, as follows:

1. The Joint Fact-Finding Committee on highways, streets and bridges is hereby created and appointed and authorized and directed to ascertain, study and analyze all facts and matters relating or pertaining to the subjects set forth in the foregoing recitals, including but not limited to all facts relative to the cost of constructing, maintaining and improving public highways, streets and bridges in the State, the need and cost for bringing them up to acceptable standards, the cost of maintaining them in such condition, and the need and cost of expanding the highway system of the State to meet the increasing demands for travel, the demands arising and changing economic and industrial conditions, and the opening up of undeveloped areas, the use now and hereafter to be made of such highways, streets and bridges, and the proper distribution and allocation of the cost and burden of construction and maintenance in proportion to benefits both to users and to property as demonstrated by impartial engineering studies, and also including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of the President pro tempore of the Senate, the Speaker of the Assembly, six members of the Senate appointed by the Rules Committee thereof, and six members of the Assembly appointed by the Speaker thereof. Three of the Senate members and three of the Assembly members shall be appointed from the area included within the counties comprising Group 1 as defined in Section 187 of the Streets and Highways Code, and three of the Senate members and three of the Assembly members shall be appointed from the area included within the counties comprising Group 2 as defined in said section. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with

authority to file its final report not later than the fifteenth legislative day of the next regular session. The committee may prepare and submit a preliminary report containing such information and data as then may be available to it to be submitted to the Legislature at any extraordinary session which is convened to act upon postwar problems.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. An Advisory Council to the committee is hereby created, to consist of nonlegislative members, but which shall include representatives of major statewide public and private agencies and organizations having a primary interest in streets and highways, as may be determined and appointed by the committee, which council shall aid and advise the committee in the studies conducted by the latter in carrying out the purposes of this resolution. The Advisory Council shall have and exercise powers and duties as shall be defined from time to time by the committee within the scope of the powers and duties committed to the latter by this resolution.

7. The sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its employees, and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

8. No part of the sum above referred to in Paragraph 7 shall be used for charges, expenses or claims incurred or expended for traveling, living or other expenses outside the limits of the State of California.

CHAPTER 134

Senate Concurrent Resolution No. 50—Relative to the timing and correlation of public works and public services projects with private employment, and requesting the State Reconstruction and Reemployment Commission to engage upon a continuing study of such subject and to furnish to public agencies information and advice in respect thereto.

[Filed with Secretary of State June 16, 1945]

WHEREAS, The construction of needed public works that will be built by agencies of the Federal, State and local governments during the transition from war to peace, and thereafter, will provide employment for large numbers of workers both at the site of the work and in the manufacture and transportation of materials and construction equipment; and

Timing and correlation of construction of public works

WHEREAS, It is important that the employment to be provided by such public works projects and by projects for providing needed public services be timed and correlated with private employment so that such public employment will have the largest and most beneficial effects in stimulating private construction work and private enterprise generally; and

WHEREAS, There now exists no central clearing house for dissemination of current data that would provide public agencies with information concerning the best timing, sequence and distribution of projects for public works and public services after the war; and

WHEREAS, The State Reconstruction and Reemployment Commission is continually assembling information and data concerning economic resources and trends of population, employment, incomes and other economic factors in the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Reconstruction and Reemployment Commission be requested to engage upon a continuing study of the timing, distribution by areas, sequence of operations and other factors required in determining effective timing and correlation of public works projects of all kinds to supplement private employment in the State; and be it further

Resolved, That the State Reconstruction and Reemployment Commission is hereby authorized to furnish such information to public agencies and officials of the Federal, State and local governments and to confer and advise with such public agencies and officials concerning the timing and coordination of public works and public service projects in this State; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to Colonel Alexander R. Heron, Director of the State Reconstruction and Reemployment Commission.

CHAPTER 135

Senate Joint Resolution No. 21—Relative to memorializing Congress to support H. R. 2867 and S. 868, authorizing annual payments to States, for the benefit of their local political subdivisions, based on the fair value of the National forest lands situated therein.

[Filed with Secretary of State June 16, 1945]

National
forest lands,
etc

WHEREAS, Stable income is essential to the efficient conduct of local functions of government; and

WHEREAS, The contributions to costs of local governments by National forest lands as presently authorized by Section 500 of Title 16 of the United States Code are fluctuating by reason of the basis upon which such contributions are calculated and determined; and

WHEREAS, Inadequacies in such contributions exist where National forest lands yield little or no current revenues pending their restoration to economic productivity or because deferment of utilization of their natural resources is necessitated by sound principles of resource management and economy; and

WHEREAS, To promote stability of local income and to avert such fluctuations and inadequacies there are now pending before Congress H. R. 2867, by Representative Colmer of Mississippi, and a companion bill, S. 868, by Senator Cordon of Oregon, authorizing annual payments to States, for the benefit of their local political subdivisions, based on the fair value of the National forest lands situated therein; and

WHEREAS, Under such proposal the annual payments by the United States to the States, for distribution to counties, by reason of the existence therein of areas of National forest land, would be at the rate of 2 per centum of the fair value of the National forest lands as determined and certified by the Secretary of Agriculture in the manner therein provided, such fair value as initially determined to be subject to annual adjustments, with a redetermination of fair value to be made by him at 10-year intervals; and

WHEREAS, It is desirable that such proposal should include authorization for similar payments based on the fair market value of National parks and other lands owned by the Federal Government and so situated; and

WHEREAS, Such proposal, if amended to authorize similar payments on National parks and other lands owned by the Federal Government, would embody an equitable, stable and practicable basis of contribution and would avert substantially fluctuations and inadequacies in contributions as presently determined and authorized; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That Congress is hereby respectfully memorialized to support H. R. 2867 and S. 868 of the Seventy-ninth Congress, First Session, with suitable amendments to authorize

similar payments on National parks and other lands owned by the Federal Government, to the end that the purposes therein sought to be accomplished may be enacted into law; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each Senator and Congressman from California in the Congress of the United States, and to the Honorable Claude R. Wickard, Secretary of Agriculture of the United States.

CHAPTER 136

Senate Joint Resolution No. 32—Relative to memorializing the Congress of the United States to investigate through its appropriate committee the proposed construction by the War Department of an ammunition loading facility in the County of Marin and to demand of the War Department that activities in connection with the said proposal be discontinued pending such investigation.

[Filed with Secretary of State June 16, 1945.]

WHEREAS, The War Department of the United States is contemplating the construction of major ammunition storage and loading depots in the Central San Francisco Bay Area; and

Investigation
of ammunition
storage
and loading
facilities in
Bay Area

WHEREAS, It is planned specifically that an ammunition loading depot with facilities for the loading of four large ammunition ships at one time, will be located at California Point in the County of Marin, and that a magazine storage area will be located on 101 highway opposite Hamilton Field Army Air Base in the said county, requiring the condemnation of 3,603 acres of the finest residential sites and 2,299 acres of the most desirable dairying lands in the State; and

WHEREAS, Explosions such as occurred at Port Chicago, Halifax, and Calcutta, have demonstrated that such operations should be located as far as possible from major centers of population and industry; and

WHEREAS, The proposed location would be within two miles of San Quentin State Prison, within three and one-half miles of major gasoline loading docks at Pt. Richmond, within four miles of the Navy's gasoline and oil storage depot at Point Molate, within six miles of major shipyards and oil refineries in Richmond, within nine miles of Treasure Island where are stationed over 70,000 Navy personnel, within nine miles of the San Francisco-Oakland Bay Bridge, within five miles of the Golden Gate Bridge, and within less than two miles of the Marin ship plant constructing Navy tankers at Sausalito, and would adjoin two important Navy installations at California City; and

WHEREAS, Over 100,000 people reside within a radius of six miles of the proposed ammunition loading site, and over 500,000 within 12 miles of the site, in addition to the war plant, transportation and armed forces facilities mentioned above; and

WHEREAS, Claims were paid for damage resulting from the Port Chicago disaster involving the explosion of but one ship, as far as 2½ miles away, and it is plain that a major explosion at the loading sites contemplated would paralyze the Central Bay Area with tremendous property damage and possibly great loss of life; and

WHEREAS, The Marin Municipal Water District, the public agency supplying the only available water for domestic use of the 78,000 population of Marin County, has by official action after thorough study notified the Army that the water necessary for the personnel and other use of such bases can not be furnished; and

WHEREAS, The appropriation of approximately 10 square miles of residential and potential residential areas in this suburban district would, without considering the hazard involved, constitute a blight upon this area; and

WHEREAS, It has been demonstrated that other more appropriate, more convenient and more practical sites in less hazardous locations are available, and whereas the present facilities at Benicia are accessible to three transcontinental railroads and to deep water channels while the proposal contemplated would involve the transportation of munitions directly past the Benicia facilities and over an additional 50 miles of single track railway on which are located two tunnels and which involve various lateral railway connections; and

WHEREAS, It is apparent that the construction contemplated can not be completed in less than one year's time and therefore is not essential to the immediate demands of the war in the Pacific and seems to bear closer relationship to the permanent intentions of the War Department upon this subject; now, therefore, be it

Resolved, by the Senate and the Assembly of California, jointly, That the Congress of the United States is hereby memorialized to cause through its House Committee on Military Affairs, or any other appropriate committee, the immediate investigation of the proposed facilities and the reasons and need therefor and the comparative availability of other sites for the purposes contemplated, whether they be for the immediate prosecution of the war in the Pacific or for a long term program of Army preparedness; and be it further

Resolved, That the Congress, or the California representatives therein or the appropriate committee which may undertake such investigation, be and it is hereby requested to make demand upon the Secretary of War that further activity in the matter of the aforementioned ammunition storage and loading facilities be discontinued pending such investigation; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, to the Honorable Clarence F. Lea, representative from the First California District, and to every Senator and Representative from California in the Congress of the United States, and to the Honorable Andrew J. May, chairman of the said House Committee on Military Affairs.

CHAPTER 137

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 6 of Article IX and Section 15 of Article XIII thereof, relating to the support of the Public School System.

[Filed with Secretary of State June 16, 1945]

Resolved by the Senate, the Assembly concurring, That the Constitution Legislature of the State of California, at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of all the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

First: That Section 6 of Article IX be amended to read: Art IX, Sec 6

SEC. 6. The Public School System shall include day and evening elementary schools, and such day and evening secondary schools, technical schools, kindergarten schools and State colleges, as may be established by the Legislature, or by municipal or district authority. Public School System

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for distribution in each school year in such manner as the Legislature shall provide an amount not less than eighty dollars (\$80) per pupil in average daily attendance in the day and evening elementary schools in the Public School System during the next preceding school year. Elementary school and

The Legislature shall provide a State High School Fund from the revenues of the State for the support of day and evening secondary and technical schools, which for each school year, shall provide for distribution in such manner as the Legislature shall provide an amount not less than ninety dollars (\$90) per pupil in average daily attendance in the day and evening secondary and technical schools in the Public School System during the next preceding school year. Secondary and technical school and

The Legislature shall provide for the levying of school district taxes by the board of supervisors of each county, and city and county, for the support of public elementary schools secondary schools, technical schools, and kindergarten schools, or Taxes

for any other public school purpose authorized by the Legislature.

Teachers' salaries

Not less than sixty-eightieths of the amount of money provided by the State for the support of the elementary schools, and not less than sixty-six ninetieths of the money provided by the State for the support of the secondary and technical schools shall be applied exclusively to the payment of public school teachers' salaries.

The revenues provided for the Public School System for the school year ending June 30, 1947, shall not be affected by this amendment except as the Legislature may provide.

Art. XIII,
Sec. 15

Second: That Section 15 of Article XIII be amended to read:

Support of
Public
School
System
and State
University

SEC. 15. Out of the revenue from State taxes for which provision is made in this article, together with all other State revenues, there shall first be set apart the moneys to be applied by the State to the support of the Public School System and the State university.

County
revenue
deficiencies

If the Legislature limits the amount of revenue which may be raised from taxes upon the real and personal property according to the value thereof in pursuance of its power so to do under Section 20 of Article XI of this Constitution, then the Legislature shall provide for the raising of revenue by any form of taxation not prohibited by this Constitution in amounts sufficient to apportion and shall apportion to each county and city and county an amount equal to the deficiency in the revenues thereof resulting from such limitation, as such deficiency shall be determined by law; provided, however, that no tax shall be levied by the Legislature in pursuance of this section upon property in proportion to the value thereof in excess of the limitation for which provision is made in Section 34a of Article IV of this Constitution with reference to taxes for State purposes on real and personal property and further provided that no taxes upon property in proportion to the value thereof shall be levied in pursuance of this section for the support of any county or city and county government.

Collection
of tax

No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State, or any officer thereof, to prevent or enjoin the collection of any tax levied under the provisions of this article; but after payment thereof action may be maintained to recover, with interest, in such manner as may be provided by law, any tax claimed to have been illegally collected.

CHAPTER 138

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 3.3 to Article IX of said Constitution, relating to county boards of education.

[Filed with Secretary of State June 16, 1945]

Resolved by the Senate, the Assembly concurring, That the Constitution, Art. IX, Sec 3 3
 Legislature of the State of California, at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of all members elected to each of the two houses voting in favor thereof, hereby proposes that the Constitution of the State be amended by adding Section 3.3 to Article IX of said Constitution, to read :

SEC. 3.3. It shall be competent to provide in any charter framed for a county under any provision of this Constitution, or by the amendment of any such charter, for the election of the members of the county board of education of such county and for their qualifications and terms of office. County board of education

CHAPTER 139

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article I thereof, relating to the ratification of certain amendments to an act entitled, "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by the electors November 2, 1920.

[Filed with Secretary of State June 16, 1945]

WHEREAS, The initiative act hereinafter referred to was adopted by the vote of the electors and for that reason is not constitutionally subject to amendment except by a vote of the electors, unless otherwise provided in the measure; and

WHEREAS, Said measure provides that the Legislature may amend it in furtherance of its purpose and to facilitate its operation, and the acts of the Legislature hereinafter referred to were enacted in furtherance of said aims; and

WHEREAS, The question whether the acts or any of them are or are not in furtherance of the purpose of said initiative act or to facilitate its operation, might be raised in attempts to defeat the purposes of said acts and of said initiative measure, and for that reason it is desirable that the validity of said amending acts be established beyond question; now, therefore, be it

Constitution,
Art. I,
Sec. 17

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that Section 17 of Article I of the Constitution of the State of California be amended to read as follows:

Ownership
of property
by aliens

SEC. 17. Foreigners of the white race or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; provided, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; and provided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise.

The provisions of an act entitled "An act to amend an act entitled 'An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith,' submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, by amending Sections 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11 thereof," approved June 20, 1923, and of an act entitled "An act to amend Section 8 and to repeal Sections 4 and 10 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled 'An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith,' approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein,

defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty," approved June 8, 1943, are hereby confirmed, ratified and declared to be fully and completely effective. Nothing in this section shall be construed to affect the right of the Legislature to amend said initiative act approved by the electors November 2, 1920, as amended by said subsequent acts, in furtherance of its purpose and to facilitate its operation.

CHAPTER 140

Senate Concurrent Resolution No. 40—Relative to the creation of a Joint Committee on Insurance Regulation.

[Filed with Secretary of State June 16, 1945.]

WHEREAS, The United States Supreme Court has declared that insurance is commerce and that when transacted across State lines it is interstate commerce; and

Joint
Committee
on Insurance

WHEREAS, This decision has raised serious questions as to the extent to which the State may regulate and tax insurance and the Congress of the United States has enacted legislation partially exempting insurance from certain Federal statutes until January 1, 1948, and qualifiedly exempting insurance from such statutes to the extent that insurance is regulated by State law thereafter; and

WHEREAS, This State is vitally interested in the regulation of insurance for the purpose of protecting the insurance buying public and for the further reason that the State tax revenues from insurance are in excess of eleven million dollars (\$11,000,000) annually; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring;

1. The Joint Committee on Insurance is hereby created. The committee shall consist of three members of the Senate appointed by the Committee on Rules thereof, and three members of the Assembly, appointed by the Speaker thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is hereby authorized and directed to ascertain, study, and analyze all facts and legal problems relating to the regulation of insurance, the permissible area within which State regulation may function, the need or desirability of additional regulation or the revision of the existing laws regulating insurance, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of all agencies, public and private, interested in the matter within the scope of this resolution.

(c) To contract with such agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports of the committee as will best assist it to carry out the purposes for which it is created.

(d) To meet at any and all places in this State, in public or executive session, and to take all necessary means to procure testimony and to compel the attendance of witnesses.

(e) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the contingent fund of the Senate and the contingent fund of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 141

Senate Concurrent Resolution No. 51—Relative to a fact-finding committee on agriculture and livestock problems.

[Filed with Secretary of State June 16, 1945]

Joint Com-
mittee on
Agriculture
and Live-
stock
Problems

WHEREAS, The termination of the war will present serious problems of readjustment for agriculture and for the livestock and dairying industries by reason of the return to a peacetime economy and the cessation of wartime demands, and also will

revive all of those problems affecting agriculture and the livestock and dairying industries with which they were confronted prior to the commencement of hostilities; and

WHEREAS, Legislative action designed to meet and solve such problems should be predicated on a thorough and impartial investigation by a competent and active legislative committee; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Legislative Committee on Agriculture and Livestock Problems is hereby created and appointed, and authorized and directed to ascertain, study and analyze all facts directly or indirectly relating to or in any manner affecting agriculture, the livestock industry and dairying, and any and all matters incidental or pertaining thereto, and in all their several phases, with a view to formulating plans and preparing and submitting such legislative measures as will enable the State to meet and solve all problems connected therewith or affected thereby. Without limitation by reason of the specification thereof, the committee is particularly authorized and directed to include in its study and analysis all facts relating to

(1) Problems affecting agriculture and the livestock industry by reason of the readjustment involved in the conversion from wartime to peacetime economy, and including all social and economic phases thereof;

(2) All matters affecting agriculture, the livestock industry and dairying by reason of State, Federal and local governmental activities in connection therewith;

(3) Problems in the field of education affecting the foregoing, including the need for additional facilities for education in agriculture, the scope and activity of existing facilities, the need for the establishment of facilities to provide training in these matters for both war veterans and civilians, and the adequacy of existing facilities and need for additional facilities for research in these fields;

(4) Present and contemplated activities of State institutions operating farms, dairies or similar facilities;

(5) The recruitment and availability of agricultural labor, and problems incidental thereto;

(6) Brand laws and stray laws;

(7) The activities of State, Federal, or local governmental agencies in connection with agriculture, the livestock industry, and dairying;

including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of six Members of the Senate appointed by the Committee on Rules thereof, and six Members of the Assembly, appointed by the Speaker thereof. Vacancies

occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 142

Senate Concurrent Resolution No. 62—Relative to a Joint Committee on Water Problems, creating the committee and defining its powers and duties.

[Filed with Secretary of State June 16, 1945]

Joint
Committee
on Water
Problems

WHEREAS, The conservation and utilization of the water resources of our State is of paramount importance, including particularly flood control and river flow control and equitation; and

WHEREAS, Much State legislation is pending and contemplated for consideration for the purpose of making the maximum possible beneficial use of the waters of the State; and

WHEREAS, There is much Federal legislation now pending and in contemplation for enactment which would provide for various Federal activities in connection with the solution of our water development and conservation problems, and there is much confusion as to just how California and the Federal Government may best cooperate in solving these problems, and a comprehensive plan should be carefully worked out for such cooperation between them; and

WHEREAS, It is a question also how rapidly the water resources of the State should be developed to meet the increasing economic demands of the State and to keep pace therewith, including the decision as to which watersheds should be developed first and in what order, or if all should be developed concurrently; and

WHEREAS, There is the as yet unsolved problem of carrying on this development without foreclosing the future development of the mountain areas in which these waters originate and have their source; and

WHEREAS, There is doubt and uncertainty concerning the means best adapted to avoid injury to fish life and other wild life, in fostering the maximum beneficial use of water; and

WHEREAS, The recreational needs of the State must also be taken into consideration; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Water Problems is hereby created and appointed, authorized and directed, to ascertain, study and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution, particularly including but not limited to any and all phases of flood control, river flow control and equitation, domestic use, irrigation, reclamation, and power development of water, including the bearing thereof upon the economic, recreational and other needs of the people of the State and the relation thereof to the wild life and other natural resources of the State, and the best means of cooperation with Federal, local and other governmental agencies, and the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subjects of this resolution; and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee consists of five Members of the Senate appointed by the Senate Committee on Rules, and five Members of the Assembly appointed by the Speaker. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with

authority to file its final report not later than the fifteenth legislative day of the next regular session.

4. The committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary, is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 143

Senate Concurrent Resolution No 66—Relative to the creation of a Joint Fact-Finding Committee on Un-American activities in California to investigate the activity of persons and groups known or suspected to be foreign dominated or controlled and to recommend legislation for their regulation.

[Filed with Secretary of State June 16, 1945]

Joint
Fact-Finding
Committee
on Un-American
Activities

WHEREAS, These are yet times of public danger. Subversive persons and groups are endangering our domestic unity so as to leave us unprepared to resist attack from without and within. Under color of the protection afforded by the Bill of Rights these persons and groups seek to destroy our freedom by force, violence, threats, undermining and sabotage, and to subject us to the domination of foreign powers and ideologies; and

WHEREAS, There is danger that the ordeal through which the country has suffered to keep the pursuit of its ideals free may be in vain; and

WHEREAS, Persons and groups, motivated by hatred of American ideals, our republican form of government and democratic processes, some bound together by allegiance to foreign powers, are even now seeking to achieve by subversion what we have so valiantly fought to sustain from force; and

WHEREAS, California, as one of the laboratories of this great Nation, may profitably study the problem within its boundaries, and enact pertinent legislation therein, if facts are available therefor; and

WHEREAS, State legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Fact-Finding Committee on Un-American Activities is hereby created, authorized, appointed and directed to investigate, ascertain, collate, appraise, study and analyze all facts directly or indirectly relating to the foregoing, including any facts causing or constituting interference with the National defense program or the war effort in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially.

2. In addition to other duties imposed upon the committee, the committee shall investigate and study the activities of groups and organizations whose membership include persons who are members of organizations who have as their objectives, or part of their objectives, the overthrow of the governments of the State of California or of the United States by force and violence or other unlawful means; to investigate and study all organizations known or suspected to be dominated or controlled by a foreign power which activities affect the conduct of this State in National defense or in its war effort, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by public funds, or any political program, or which may affect the conversion of the State from a wartime economy to a peacetime economy or affect the economic and social problems incidental thereto, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature.

3. In addition to the foregoing, the Joint Fact-Finding Committee on Un-American Activities is authorized and directed to ascertain, study and analyze all facts relating to the activities of persons and groups known or suspected to be dominated or controlled by a foreign power, and who owe allegiance thereto because of religious, racial, political, ideological, philosophical,

or other ties, including but not limited to the influence upon all such persons and groups of education, economic circumstances, social positions, fraternal and casual associations, living standards, race, religion, political, ancestry and the activities of paid provocation and any other factors which may account for their conduct or condition their action, as well as the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

4. The committee consists of four Members of the Senate appointed by the Senate Committee on Rules, and four Members of the Assembly appointed by the Speaker. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

5. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until final adjournment of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session.

6. The committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

7. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership, and to employ and fix the compensation of a secretary and such clerical, investigative, expert and technical assistants as it may deem necessary.

(b) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purposes of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

(c) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee.

(f) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony.

(g) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies, and also civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(h) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(i) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

8. The committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths.

9. Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created.

10. The sum of twenty thousand dollars (\$20,000), or as much thereof as may be necessary, is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 144

Senate Concurrent Resolution No. 68—Relative to creating an Interim Committee on Remodeling the State Capitol.

[Filed with Secretary of State June 16, 1945]

WHEREAS, The postwar reconstruction program which most directly affects the Legislature is the proposed remodeling of the State Capitol in order to provide necessary space for the Legislature, its committees, members, attaches, the Legislative

Joint Com-
mittee on
Remodeling
the Capitol

Counsel Bureau, and the fiscal and other agencies of the State whose duties are closely related to the work of the Legislature; and

WHEREAS, The requirements of the Legislature can be provided for in plans to be drawn when the Legislature is not in session only by a committee of the Legislature authorized to consult with and advise the Departments of Finance and of Public Works as to those requirements; and

WHEREAS, The State Capitol, and particularly the portions thereof set aside for the members and committees of the Legislature and the Legislative Counsel Bureau are so small and crowded that the work incident to a legislative session can be performed only under great handicaps, and it is necessary that these conditions be remedied as soon as possible, now, therefore be it,

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. There is hereby created a joint committee to be designated the Joint Committee on Remodeling the Capitol, to consist of the President pro tempore of the Senate and two Members of the Senate appointed by the Committee on Rules thereof, and the Speaker of the Assembly and two Members of the Assembly appointed by the Speaker thereof, which committee is hereby authorized and directed to investigate, study, and analyze, accurately and in detail, all matters pertaining to the subject of this resolution, and to advise and confer with the Department of Finance, the Department of Public Works and the appropriate officers or agencies of either thereof to the end that any plan or plans prepared or to be prepared in relation to remodeling the State Capitol shall contain adequate provision for the Legislature, its committees, members, attaches, the Legislative Counsel Bureau, and the fiscal and other agencies of the State whose duties are closely related to the work of the Legislature, to consider and prepare such new legislation or revision of existing legislation as may in any way bear upon or relate to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee is authorized to act during this session of the Legislature and after final adjournment thereof, until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

3. The committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

4. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(c) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

5. The sum of one thousand five hundred dollars (\$1,500), or as much thereof as may be necessary, is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 145

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California to amend Section 22 of Article XII of the Constitution of the State, relating to the organization and powers of the Public Utilities Commission.

[Filed with Secretary of State June 16, 1945.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its Fifty-sixth Regular Session, commencing on the eighth day of January, 1945, two-thirds of all the members elected to each house voting therefor, hereby proposes to the people of the State of California that Section 22 of Article XII of the Constitution thereof be amended to read as follows:

SEC. 22. The Railroad Commission is continued in existence as the Public Utilities Commission, which shall consist of five members. The commission shall be appointed by the Governor from the State at large; provided, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; and provided further that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of

Constitution,
Art. XII,
Sec. 22

Railroad
Commission
Continued
as Public
Utilities
Commission

whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of the members elected to the Senate, except that if a vacancy occurs when the Legislature is not in session, the Governor may issue an interim commission which shall expire on the last day of the next regular or special session of the Legislature. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Public Utilities Commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of Public Utilities Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Powers of
commission

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send

for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Public Utilities Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Public Utilities Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in the whole or in part any existing law not inconsistent herewith, and the "Railroad Commission Act" of this State approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein.

Whenever in this Constitution or the laws of this State "Railroad Commission" is used, it shall be deemed to refer to the Public Utilities Commission.

CHAPTER 146

Senate Concurrent Resolution No 19—Relative to providing for a full year state-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a joint committee to plan for the celebration.

[Filed with Secretary of State June 16, 1945]

WHEREAS, The year 1950 will mark the one hundredth anniversary of the admission of the State of California to the Union; and

Joint Cen-
tennal and
World's Fair
Committee

WHEREAS, By the year 1950 it is confidently hoped and expected that the world will be in an era of peace and unprecedented prosperity; and

WHEREAS, In the era of peace and prosperity to come, the Pacific Coast of the United States and particularly the State of California will be the meeting ground of the markets and the culture of the east and the products and the culture of the west; and

WHEREAS, The State of California will be the focal point of all the forces that will lead to the establishment of peaceful and prosperous communion between the east and the west as is demonstrated by the fact that those forces planning for the time of peace to come are even now at work within the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1 The year 1950 is hereby designated the California Centennial and World's Fair year.

2 The joint Centennial and World's Fair Committee is hereby created and appointed and authorized and directed to make comprehensive plans for a full year, state-wide celebration of the one hundredth anniversary of the admission of California into the Union, the Days of Gold Centennial, and the return of the world to a state of peace; and to make such plans and conduct such investigations as may be necessary to provide for the holding of a World's Fair in California in the year 1950, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

3. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the fifteenth legislative day of the next regular session.

5 The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of joint rules at this session, the joint rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. An advisory committee to the Joint Centennial and World's Fair Committee is hereby created, to consist of 15 nonlegislator members appointed by the chairman of the Joint Centennial and World's Fair Committee, to advise, aid and counsel the Joint Centennial and World's Fair Committee in the duties carried out by the latter in connection with this resolution and that the advisory committee shall have and exercise such powers and duties as shall be defined from time to time by the Joint Centennial and World's Fair Committee, within the scope of the powers and duties committed to the latter by this resolution.

8. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses of claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 147

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution, adding Section 1b thereto, relative to the amendment or repeal of initiative measures adopted by the people.

[Filed with Secretary of State June 16, 1945.]

WHEREAS, The Constitution, in Section 1 of Article IV, appropriately declares that no act adopted by the people at the polls under the initiative provisions of that section may be amended or repealed except by a vote of the electors unless otherwise provided in said initiative measure, and it is reasonably inferable therefrom, though not expressly stated, that such an amendment may be submitted to the people by the Legislature as well as by initiative petition, and it is desirable that such intent be more clearly expressed, to resolve any doubt there otherwise might be; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes that the Consti-

Constitution,
Art. IV,
Sec. 1b

tution be amended by adding Section 1b to Article IV thereof, to read:

Legislative
amendment
or repeal
of initiative
act

SEC. 1b. Laws may be enacted by the Legislature to amend or repeal any act adopted by vote of the people under the initiative, to become effective only when submitted to and approved by the electors unless the initiative act affected permits the amendment or the repeal without such approval. The Legislature shall by law prescribe the method and manner of submitting such a proposal to the electors.

CHAPTER 148

Assembly Concurrent Resolution No. 47—Relative to adding Rule 36.5 of the Joint Rules of the Senate and Assembly, relating to legislative investigating committees.

[Filed with Secretary of State June 16, 1945]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule 36.5 of the Joint Rules of the Senate and Assembly is added to read:

Transportation for Interim Committees

Transportation
for
interim
committees

36.5. The Department of Motor Vehicles, or any other department having the facilities, may upon request of any investigating committee, or the chairman thereof, provide transportation for the committee or for any of its members when on committee business, when normal transportation facilities are not available or for any reason are not adequate or satisfactory, and when in the opinion of the director of the department such transportation facilities can be made available without serious interference with the normal functions of the department. The department shall charge to the committee the actual cost of any such transportation as hereinabove provided.

CHAPTER 149

Assembly Concurrent Resolution No. 71—Relative to reports of the 1945 and 1946 annual conventions of the Military Order of the Purple Heart.

[Filed with Secretary of State June 16, 1945]

Printing
proceedings
of Order of
Purple Heart
conventions

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 300 copies of the report of the proceedings of the 1945 and 1946 annual conventions of the Military Order of the Purple Heart together with illustrative copies of all general orders enacted at such conventions and of the official roll, 150 copies for the use of the Assembly and 150 copies for the use of the Senate; the cost of the same to be payable out of the legislative printing appropriation.

CHAPTER 150

Assembly Constitutional Amendment No. 39—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending Section 1 of Article VI thereof and by adding Sections 4d and 4e to said article, relating to a Court of Tax Appeals.

[Filed with Secretary of State June 16, 1945]

Resolved by the Assembly, the Senate concurring, That the Constitution
Legislature of the State of California at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of all members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows :

First—That Section 1 of Article VI be amended to read : Art VI,
Sec 1

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, a Court of Tax Appeals, superior courts, such municipal courts as may be established in any city or city and county, and such inferior courts as the Legislature may establish in any incorporated city or town, township, county or city and county. Judicial power of the State

Second—That Section 4d be added to Article VI, to read Art VI,
Sec 4d

SEC. 4d. The Court of Tax Appeals shall consist of three justices, one of whom shall be the presiding justice thereof, and as such shall be nominated, appointed, and elected, as the case may be. Court of Tax Appeals

The justices of the court shall be nominated, appointed, and elected in the same manner as are the justices of the Supreme Court and shall serve for the same terms of office, except that when the court is first established, the term of office of one justice shall be four years, of another justice, eight years, and of the third justice, 12 years. When he nominates each justice upon the establishment of the court, the Governor shall designate the term of office for which the appointment is proposed. For the purpose only of determining the expiration of each such term, each term shall be deemed to commence on the first day of January, 1947.

Justices of the Court of Tax Appeals shall be subject to impeachment as provided in Section 18 of Article IV of this Constitution. The provisions of Sections 4, 4c, 10, 10a, 12, 16, 18, 21, 23, and 24 of Article VI of this Constitution shall be applicable to the Court of Tax Appeals and to the justices thereof to the same extent and in the same manner as said provisions are applicable to the District Courts of Appeal and the justices thereof.

The salaries of the justices shall be the same as the salaries of the justices of District Courts of Appeal and shall be paid at the same time and in the same manner.

The presence of two justices shall be necessary for the transaction of any business by the court except such as may be done

in chambers and the concurrence of two justices shall be necessary to pronounce a judgment.

In cases wherein the presiding justice is not acting, the other justices shall designate one of their number to perform the duties and exercise the powers of presiding justice.

Third—That Section 4e be added to Article VI, to read:

Art. VI,
Sec. 4e

Jurisdiction
of Court of
Tax Appeals

SEC. 4e. The Court of Tax Appeals shall have appellate jurisdiction on appeal from the superior courts in all causes involving the legality, imposition or collection of taxes and assessments in which the superior courts are given original jurisdiction, notwithstanding any other provision of law. In addition to any of its powers prior to the adoption of this section, the Legislature shall have power unrestricted by other provisions of this Constitution to provide that the determination of any public officer or board of state-wide jurisdiction involving the legality, imposition or collection of taxes or assessments shall be reviewed in the first instance by the Court of Tax Appeals and to establish the nature and extent of such review.

The Court of Tax Appeals shall also have jurisdiction in all cases, matters, and proceedings pending before the Supreme Court or District Courts of Appeal that may be ordered by the Supreme Court to be transferred to the Court of Tax Appeals for hearing and decision. The Court of Tax Appeals shall have the power to issue all writs necessary or proper to the complete exercise of its jurisdiction.

No appeal taken to the Court of Tax Appeals shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All laws allowing, providing for or regulating appeals to the Supreme Court and District Courts of Appeal, including rules made in pursuance thereof, shall apply to the Court of Tax Appeals insofar as such laws and rules are consistent with the provisions of this Constitution pertaining to the Court of Tax Appeals until the Legislature shall provide otherwise. If the Legislature authorizes proceedings in the Court of Tax Appeals for the review in the first instance by said court of the determination of any public officer or board of state-wide jurisdiction involving the legality, imposition or collection of taxes or assessments, such proceedings shall be in accordance with rules of procedure specially provided for that purpose.

CHAPTER 151

Assembly Concurrent Resolution No. 73—Relative to the publication and distribution of a State Blue Book.

[Filed with Secretary of State June 16, 1945]

State Blue
Book

WHEREAS, The State Printer has been authorized to compile, publish and distribute a State Blue Book by Chapter 774 of the

Statutes of 1945, and to include therein material pertaining to the Legislature which shall be compiled under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly as pertaining to their respective houses; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Blue Book referred to above shall be compiled, published and distributed as a public document, and that the cost thereof shall be payable out of the legislative printing appropriation.

CHAPTER 152

Assembly Concurrent Resolution No. 75—Relating to the feasibility of acquiring Donner Lake for a State park.

[Filed with Secretary of State June 16, 1945.]

WHEREAS, A stirring part of the panorama of California history is the epic of the Reed-Donner party which crossed the plains from Illinois, many of whom perished at Donner Lake in the high Sierras in the winter of 1846-47, and whose survivors became part of the sturdy pioneer life of California; and

Desirability
of acquiring
Donner Lake
as a State
park

WHEREAS, This century-old story of death and heroism deserves to be kept green in the memory of all Californians; and

WHEREAS, Donner Lake, the scene of the tragedy, with its beautiful natural setting of mountain and forest is eminently suitable for acquisition as a State park; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Park Commission consider and investigate the desirability and feasibility of acquiring Donner Lake and the surrounding region as a State park.

CHAPTER 153

Assembly Concurrent Resolution No. 76—Relative to extending birthday greetings to Fred B. Wood.

[Filed with Secretary of State June 16, 1945]

TODAY, June 15, 1945, is the fifty-seventh birthday of "The Little Giant."

Birthday of
Fred B
Wood

BY THIS TERM Fred B. Wood has long been known to the Legislature of California. It was thus he was described some years ago by an inspired member, and so apt was the phrase, so indicative of the feeling of all members, that it sprang quickly into legislative usage and remains in effect to this day.

THE TERM conveys our great pride in him. It bespeaks the unquestioned confidence, the deep respect and the sincere affection which each and every member has bestowed upon Fred B. Wood as our Legislative Counsel. We use it here today in that sense and do perpetuate it in our official records.

NO ONE will question that Fred B. Wood is the guiding light of the California Legislature—not as to what it does, but as to how it does it. To him, more than to any one other, is due credit for the quality of the Statutes of California—for the careful draftsmanship which they evidence, for the thorough legal analysis apparent therefrom, and for the infrequency with which any of them, if attacked, is adjudged unconstitutional by the courts.

IT IS HE, in fact, who, upon request of the members, has written or expeted the great bulk of our statutory law. This, in strict compliance with the dictates of his office, he has done impartially, with studied detachment, neither proposing or opposing the measure at hand, concerning himself not with questions of policy, but devoting his time and specialized knowledge to drafting a measure which will contain a clear expression of that policy, provide for its efficient administration or enforcement and avoid constitutional pitfalls.

WITHIN THESE LIMITS and subject to the demands of 120 legislators, Fred Wood works. He works long and hard. He works fairly and conscientiously. He works honestly and impartially. And he works with a feel, a flair, a talent, a genius—call it what you will—for legislative law. Though his responsibilities are heavy and the demands upon his time and energy are great, he not once has been too weary to attack a new problem, to draft another bill, to solve an unprecedented legislative riddle, or to bring another session through to final adjournment. "The Little Giant" he is—a vital and indispensable link in our legislative process—but withal a most unassuming one; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That we, the 120 members of the Fifty-sixth Legislature, do hereby pay tribute to Fred B. Wood, Legislative Counsel of California, on this, his fifty-seventh birthday, conveying to him our sincere and heartfelt good wishes upon the occasion and saying to him, as we do, that "The Little Giant," California's gift to its Legislature, bears out the saying that sometimes the finest and best gifts come in small packages; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to convey to Fred B. Wood this expression of the affection and esteem of the Legislature of California.

CHAPTER 154

Assembly Concurrent Resolution No. 77—Relative to appointing a joint legislative committee to extend official welcome to President Truman.

[Filed with Secretary of State June 16, 1945]

Committee
to Welcome
President
Truman

WHEREAS, President Truman has announced that he plans to be in San Francisco for the closing session of the United Nations Conference on International Organization; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That a committee of three Members of the Assembly appointed by the Speaker and the Speaker to be a member thereof, and three Members of the Senate, appointed by the Rules Committee, and the President pro tempore to be a member thereof, is hereby created and authorized and directed to meet President Truman upon his arrival in California, whether before or after final adjournment of the Fifty-sixth Session of the State Legislature, to extend to him official welcome by the State of California and the people thereof, and to escort him to the United Nations Conference; and be it further

Resolved, That the sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Assembly and of the Senate for any charges, expense or claims the committee may incur under this resolution, to be paid equally from the said contingent funds.

CHAPTER 155

Assembly Joint Resolution No. 52—Relating to the report and recommendations of the Association of Land-Grant Colleges and Universities on postwar agricultural policy, and urging various Federal, State and private agencies to study and implement the objectives therein set forth.

[Filed with Secretary of State June 16, 1945]

WHEREAS, The Association of Land-Grant Colleges and Universities, through its Committee on Postwar Agricultural Policy, has made a comprehensive report and recommendations on postwar agricultural policy; and Land-grant colleges

WHEREAS, The Assembly of the State of California believes that the conclusions and recommendations made in this report are of vital interest to the State of California and to the Nation, and that, therefore, every means should be developed to implement and carry out these recommendations; and

WHEREAS, In recognizing that large-scale readjustments in agriculture are inevitable in the postwar period, said report includes in its findings and recommendations substantially the following:

1. The specialized knowledge and broad experience available from the 48 State agricultural colleges would be distinctly helpful in guiding agricultural readjustments in the postwar period;
2. The majority of the citizens of this Nation believe strongly in retaining all possible initiative and responsibility in private hands rather than expanding governmental functions;
3. The special responsibilities of agriculture are: (a) to provide consumers with foods and fibers at reasonable prices, and (b) to maintain the productivity of basic land resources;

4. The objectives of rural people are to obtain (a) an income to provide a peacetime standard of living comparable to that of other large productive groups; (b) freedom of opportunity; (c) that degree of income security which will make for stability of family and community life;

5. Too often the attempt has been to promote special interests at the expense of others, and that the interests of industry, labor and agriculture may each best be served through cooperation and understanding between these groups;

6. The government must check the action of powerful groups that would restrict economic opportunity and instead design public policies to permit maximum initiative and resourcefulness;

7. High level employment in nonagricultural pursuits means much more to farmers than does any "farm program";

8. Enlightened self-interest for all economic groups makes it essential that they continuously promote employment and production;

9. The establishment of industrial plants and commercial agencies in rural areas, when conditions are such that they can operate economically, has the advantage of combining non-agricultural employment with rural residence, while also giving stability to a rural labor force;

10. Trade barriers many times exist within the United States in the form of State and local restrictions which work against the best interests of farmers and the public;

11. In many instances, freight rates are discriminatory, working to the disadvantage of one rural area as against another;

12. An adequate and well-balanced National nutrition program would provide an outlet for increased farm production;

13. It is deemed desirable to provide an adequate crop insurance program financed largely through assessments levied on participating farmers;

14. Greater efficiency must be attained in the physical distribution of products and in the better operation of the pricing process; and

15. The wide spread between prices paid by consumers and prices realized by farmers calls for a study of the possibilities of simplification of marketing services and of more efficient distribution practices;

16. Self-interest should insure full cooperation of industry and labor with farmers to develop a sound policy toward productive employment;

17. Worthy and capable farmers should be protected against loss of their farm properties during periods of severe price declines by the enactment of State laws to prevent injustices in foreclosures;

18. A satisfactory plan for farm laborers to be included in social security programs for old age and survivors insurance and in unemployment compensation programs, and migratory workers should be provided with good living quarters and educational opportunities;

19. Soil conservation programs and laws relating thereto are necessary and should be modified where modification would insure better results;

20. Rural electrification is not merely a convenience but actually a necessity for efficient farming and living; and

WHEREAS, These and the other constructive findings and recommendations contained in said report merit careful consideration and study by all interested groups and persons in order that a sound postwar agricultural policy may be developed; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of California does hereby recommend and urge that the United States Department of Agriculture, representatives of the land-grant colleges and universities, and the various National farm organizations proceed, as soon as may be, with the study and implementation of the objectives set forth in the report of the Committee on Postwar Agricultural Policy of the Association of Land-Grant Colleges and Universities; and be it further

Resolved, That the California Joint Legislative Committees on Agriculture and on Agricultural and Industrial Employment, the State Department of Agriculture and the State Reconstruction and Reemployment Commission are requested and directed to proceed immediately with such study and implementation of the objectives set forth in said report, and the adoption, in cooperation with the other agencies named above, of a basic postwar program for California agriculture; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Secretary of Agriculture of the United States, to the various land-grant colleges and universities, to National farm organizations, to the Chairmen of the Joint Legislative Committees above named, to the Director of Agriculture of the State of California and to the Director of the State Reconstruction and Reemployment Commission.

CHAPTER 156

Assembly Joint Resolution No. 54—Relative to release by the Federal Government of agricultural land in California for settlement by returning veterans.

[Filed with Secretary of State June 16, 1945]

WHEREAS, Veterans are already being discharged in considerable numbers from the armed forces of the United States, and that this number will undoubtedly increase at an accelerated rate as the end of hostilities approaches, and there will be returning to California approximately 700,000 veterans of California and the many thousands of veterans of other States who have determined to make their future home in California; and

WHEREAS, Many of these veterans will desire to undertake agricultural pursuits; and

Release of
Federal
agricultural
lands in
Owens Valley
for settle-
ment by
veterans

WHEREAS, Substantially all that part of the public domain susceptible to agricultural improvement has been taken up or withheld from entry, and

WHEREAS, The need for production of large quantities of food to feed our own citizens and aid in feeding peoples of other countries will apparently continue for years after the termination of the present hostilities; and

WHEREAS, The Owens Valley was once a productive agricultural area and can again be made productive by restoration of water to the area; and

WHEREAS, It appears from studies made by legislative committees that there are excess waters in the Owens Valley not required for domestic purposes in the Los Angeles area and which may not be required for many years, if ever; and

WHEREAS, There are lands in the Owens Valley susceptible to irrigation which have been withdrawn from entry and which, if released for entry, could be developed into large fertile agricultural areas which would provide farms for returning veterans and produce large amounts of additional food to help feed the people in the crucial period which will undoubtedly follow the termination of hostilities; therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the members of the Senate and House of Representatives from California be urged to undertake immediately to secure the repeal of Public Act No. 864 of the Seventy-first Congress which withdrew such land from settlement, and undertake what other steps may be necessary to release Federal lands in the Owens Valley susceptible to irrigation for settlement by returning veterans; and be it further

Resolved, That copies of this resolution be sent by the Chief Clerk of the Assembly to the United States Senators from California, all members of the House of Representatives from California, and to the Secretary of Agriculture.

CHAPTER 157

Assembly Joint Resolution No. 55—Relative to investigation of conditions and making needed corrections at veterans' hospitals.

[Filed with Secretary of State June 16, 1945]

Veterans'
hospitals

WHEREAS, During recent weeks many persons and organizations have severely condemned certain conditions in veterans' hospitals in various parts of the country, including particularly the veterans' hospitals at Livermore and Sawtelle, California, as being inadequate to accommodate the demands upon them, or poor in quality of facilities, or for having incompetent professional staffs or personnel; and

WHEREAS, For some time to come the number of veterans requiring hospital treatment will probably increase, and it is imperative that any inadequacy in the facilities for the treatment of such veterans be corrected as soon as possible; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States be and it is urged to make an immediate investigation of conditions in the several veterans' hospitals throughout the country, including more particularly the hospitals at Livermore and Sawtelle, California, and determine whether the facilities in any of said hospitals are adequate for the present and future demands that will certainly be made upon them, whether the hospitals are competently administered and whether the personnel and professional staff thereof are adequate in number and competent, and take such steps as may be necessary to insure to our sick and wounded veterans treatment which will be entirely adequate to their needs; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 158

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to Section 16 of Article V of the Constitution of said State, relating to succession to the powers and duties of the office of Governor.

[Filed with Secretary of State June 16, 1945]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California to amend Section 16 of Article V of the Constitution to read as follows:

SEC. 16. In case of vacancy in the office of Governor, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, and the Lieutenant Governor so acting as Governor shall receive the salary and perquisites of Governor. In case of vacancy in the office of Governor and in the office of Lieutenant Governor, the powers and duties of the office of Governor shall devolve upon the last duly elected President pro tempore of the Senate; or if there be none, then upon the last duly elected Speaker of the Assem-

Constitution,
Art. V.
Sec. 16

Succession
to office of
Governor

bly, or if there be none, then upon the Secretary of State; or if there be none, then upon the Attorney General; or if there be none, then upon the Treasurer; or if there be none, then upon the Controller. In case of vacancy in the office of Governor and in the office of Lieutenant Governor, the persons upon whom the powers and duties of the office of Governor devolve shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election and such person upon acting as Governor shall receive the salary and perquisites of Governor. In case of the impeachment of the Governor or officer acting as Governor, his absence from State, or his other temporary disability to discharge the powers and duties of office, then the powers and duties of the office of Governor devolve upon the same officer as in the case of vacancy in the office of Governor, but only until the disability shall cease.

CHAPTER 159

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 3.1 to Article IX of said Constitution, relating to county superintendents of schools.

[Filed with Secretary of State June 16, 1945]

Constitution,
Art IX,
Sec 3 1

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of all members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 3.1 to Article IX thereof, to read:

County
superin-
tendents of
schools

SEC. 3.1. Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools and shall fix their salaries, and for these purposes shall classify the several counties in the State.

CHAPTER 160

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Section 12 of Article XIII thereof, relating to the levy and collection of an annual educational poll tax.

[Filed with Secretary of State June 16, 1945]

Constitution,
Art XII,
Sec 12

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of all the members elected to each of the two houses of

the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by repealing Section 12 of Article XIII ^{Repeal} thereof.

CHAPTER 161

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 2.1 to Article IX of said Constitution, relating to Deputy and Associate Superintendents of Public Instruction.

[Filed with Secretary of State June 16, 1945]

Resolved by the Assembly, the Senate concurring, That the ^{Constitution,} Legislature of the State of California, at its Fifty-sixth ^{Art. IX,} Regular Session commencing on the eighth day of January, 1945, ^{Sec. 2.1} two-thirds of all members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding to Article IX thereof a new section, to be numbered 2.1, to read as follows:

SEC. 2.1. The State Board of Education, on nomination of ^{Appointment} the Superintendent of Public Instruction, shall appoint one ^{of Deputy} Deputy Superintendent of Public Instruction and three ^{and Associate} Associate Superintendents of Public Instruction who shall be exempt ^{Superintendents} from State civil service and whose terms of office shall be ^{of Public} four ^{Instruction} years.

This section shall not be construed as prohibiting the appointment, in accordance with law, of additional Associate Superintendents of Public Instruction subject to State civil service.

CHAPTER 162

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article V thereof, relating to the compensation of State officers.

[Filed with Secretary of State June 16, 1945]

Resolved by the Assembly, the Senate concurring, That the ^{Constitution,} Legislature of the State of California, at its Fifty-sixth ^{Art. V,} Regular Session commencing on the eighth day of January, 1945, ^{Sec. 22} two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the

people of the State of California that Section 22 of Article V of the Constitution of this State be amended to read as follows:

Compens-
tion of State
officers

SEC. 22. Notwithstanding anything contained elsewhere in this Constitution, the compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars (\$10,000) per annum, for the Governor, and not less than five thousand dollars (\$5,000) per annum for each of the other State officers named herein. Except by an act passed at the Fifty-seventh Regular Session of the Legislature, the compensation of no State officer named herein shall be increased nor diminished during his term of office.

CHAPTER 163

Assembly Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by re-wording the fourth proviso in the first sentence of Section 31 of Article IV thereof, relating to loans to veterans.

[Filed with Secretary of State June 16, 1945]

Constitution,
Art. IV,
Sec. 31

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its Fifty-sixth Regular Session commencing on the eighth day of January, 1945, two-thirds of all members of each of the two houses thereof voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by re-wording the fourth proviso in the first sentence of Section 31 of Article IV thereof, to read:

Use of State
money or
credit for
loans to
veterans

“Provided, further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation.”