STATUTES OF CALIFORNIA

REGULAR SESSION

1952

Began on Monday, March 3, 1952, and
Adjourned Tuesday, April 1, 1952

STATUTES OF CALIFORNIA

Passed at the 1952 Regular Session of the Legislature

CHAPTER 1

An act to amend Section 2895 of the Business and Professions Code, relating to fees of vocational nurses.

[Approved by Governor April 3, 1952. Filed with Secretary of State April 3, 1952.]

In effect July 1, 1952

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

SECTION 1. Section 2895 of the Business and Professions Code is amended to read:

2895. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

Vocational nurse license fees

(a) The fee to be paid upon the filing of an application by any person who is a graduate of an accredited school of nursing or accredited school of vocational nursing in the State of California, is five dollars ($5).

(b) The fee to be paid upon the filing of an application by any other person is ten dollars ($10).

(c) The renewal fee shall be fixed by the board with the approval of the director at not more than five dollars ($5) nor less than one dollar ($1). No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 2

An act to amend Section 1015.5 of the Fish and Game Code, relating to fish, and providing for a privilege tax in relation thereto, to take effect immediately.

[Approved by Governor April 3, 1952. Filed with Secretary of State April 3, 1952.]

In effect immediately

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

SECTION 1. Section 1015.5 of the Fish and Game Code is amended to read:

1015.5. Every person operating under a license as provided in this article shall, in addition to the license fee and to the tax provided in Section 1015, pay a privilege tax of two and one-half cents ($0.02½) for each hundred pounds or fraction

Privilege taxes on sardines, mackerel, and anchovies

thereof of sardines purchased, received or taken by him from the effective date of this act until December 31, 1955; provided, that during the 1952-3 Fiscal Year the tax shall be five cents ($0 05) for each hundred pounds or fraction thereof of sardines, and five cents ($0 05) for each hundred pounds or fraction thereof of Pacific mackerel, jack mackerel, and anchovies.

Said privilege tax shall be paid to the department at the same time and in the same manner as other privilege taxes provided in this article. From the money received therefrom a sum equal to 2½ percent thereof shall be paid into the Fish and Game Preservation Fund and upon executive order of the Director of Finance shall be available for support of the department.

The remainder of the money so collected shall be paid into the Fish and Game Preservation Fund. Money so deposited in the Fish and Game Preservation Fund shall be disbursed at the direction of a majority of the Marine Research Committee solely for the purpose of financing research in the development of commercial fisheries of the Pacific Ocean and of marine products susceptible to being made available to the people of California. No research project shall be authorized except by a majority of the committee. The committee may employ such technical and clerical assistants as may be necessary to carry out such research and may contract with any person or agency, public or private, including the Regents of the University of California, for the carrying on of such research projects.

Tax levy

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 3

An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, to take effect immediately.

In effect immediately

[Approved by Governor April 4, 1952. Filed with Secretary of State April 4, 1952.]

I object to the item of appropriation contained in Item 114 1 in Sec 2 of Assembly Bill No 1, and hereby reduce the amount of the appropriation contained in said item to an amount not exceeding fifty million dollars ($50,000,000). With this reduction I approve the bill.

EARL WARREN
Governor of California

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

Short title

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1952."

Budget appropriation

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1952-53 Fiscal Year beginning July 1, 1952, and ending

June 30, 1953. All such appropriations unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Special funds

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein.

Recurrent appropriations

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

Items included Support

Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Construction, etc

Whenever herein an appropriation is made for construction and improvements, it shall include equipment necessary in connection with such construction or improvements.

Variation between words and figures

Whenever herein in any item of appropriation the amount of such appropriation as set forth in words differs from the amount thereof as set forth in figures, the lesser amount, whether in words or figures, is the amount appropriated by such item.

Acquisition of real property

Whenever herein any item of appropriation is made for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

STATE OPERATIONS BUDGET

LEGISLATURE

Item	Amount	
1—For salaries of Senators	$144,000	Legislature
2—For pay of officers, clerks, and all other employees of the Senate	45,000	
3—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	2,500	
4—For expenses of Members of the Senate	67,200	
5—For contingent expenses of Senate and legislative committees thereof composed in whole or in part of Members of the Senate. To be transferred by the State Controller to the Senate Contingent Fund.	600,000	
6—For salaries of Assemblymen	288,000	
7—For pay of officers, clerks, and all other employees of Assembly	45,000	
8—For mileage of Assemblymen and statutory officers of the Assembly	5,000	
9—For expenses of Members of the Assembly	134,400	

Item		Amount
	10—For contingent expenses of Assembly and legislative committees thereof composed in whole or in part of Members of the Assembly_____ To be transferred by the State Controller to the Assembly Contingent Fund.	1,037,000
	11—For legislative printing, binding, mailing, etc., to be transferred by the State Controller to the Legislative Printing Fund_____	950,000
	12—For contingent expenses of the State Capitol Committee _____	1,500
	13—For support of Legislative Office in Alameda County _____	6,191
	14—For support of Legislative Office at Los Angeles _____	6,456
	15—For support of Legislative Office in San Diego	7,526
	16—For support of Legislative Office at San Francisco _____	6,240
Legislative Counsel	17—For support of Legislative Counsel Bureau, in accordance with the following schedule_____ and in addition thereto any amounts collected for services to other agencies which by law are available for support of said office.	340,728
	Schedule:	
	(a) Salaries and Wages _____ 330,339	
	(b) Operating Expenses _____ 30,472	
	(c) Equipment _____ 4,917	
	Total of schedule_____ 365,728	
	Less: Estimated reimbursements:	
	(d) For services to Code Commission _____ 20,000	
	(e) For services to other state agencies _____ 5,000	
	Net appropriation _____ 340,728	
Code Commission	18—For support of California Code Commission__	20,250
Commission on Uniform State Laws	19—For support of California Commission on Uniform State Laws, in accordance with the following schedule _____	11,970
	Schedule:	
	(a) Salaries and Wages _____ 6,360	
	(b) Operating Expenses _____ 5,610	
	Total of schedule_____ 11,970	

JUDICIAL

Supreme Court	20—For support of Supreme Court of California__	442,069
Judicial Council	21—For support of Judicial Council_____	87,605
	22—For additional support of Judicial Council, to be expended for extra compensation and	

Item		Amount	
	traveling expenses of judges assigned by the Judicial Council	30,000	
23	For support of the District Court of Appeal, First Appellate District	205,562	District courts of appeal
24	For support of the District Court of Appeal, Second Appellate District	309,582	
25	For support of the District Court of Appeal, Third Appellate District	112,467	
26	For support of the District Court of Appeal, Fourth Appellate District	117,037	
	EXECUTIVE		
27	For support of the Governor and of the Governor's Office (exempt from the provisions of Sections 12410, 13320, and 16003 of the Government Code)	317,029	Governor
28	For support of the Governor's residence (exempt from the provisions of Sections 12410, 13320, 16003, and 17031 of the Government Code)	12,000	
29	For special contingent expenses (secret service), Governor's Office (exempt from the provisions of Sections 12410, 13320, 16003, and 17031 of the Government Code)	7,500	
30	For support of the Office of Civil Defense, California State Disaster Council, and advisory committees	1,381,666	Office of Civil Defense
31	For processing fingerprints and verifying the identification of civil defense volunteer workers, Office of Civil Defense	50,000	
32	For salary and support of Lieutenant Governor in accordance with the following schedule	32,522	Lieutenant Governor
	Schedule:		
	(a) Salaries and Wages 23,942		
	(b) Operating Expenses 8,480		
	(c) Equipment 100		
	Total of schedule 32,522		
	GENERAL ADMINISTRATION		
33	For support of Board of Administration of the State Employees' Retirement System, in accordance with the following schedule and in addition thereto any amounts collected for services which by law are available for support of said board.	242,607	State Employees' Retirement System

Item		Amount
	Schedule:	
	(a) Salaries and Wages	429,201
	(b) Operating Expenses	74,667
	(c) Equipment	22,102
	Total of schedule	525,970
	Less: Estimated reimbursements:	
	(d) For services to contracting agencies	283,363
	Net appropriation	242,607
Commission on Interstate Cooperation	34—For support of California Commission on Interstate Cooperation	26,532
Board of Intergovernmental Relations	35—For expense of the Pacific Coast Board of Intergovernmental Relations, Department of Finance	10,000
Personnel Board	36—For support of State Personnel Board, in accordance with the following schedule and in addition thereto any amounts collected for services, which by law are available for support of said board.	1,441,662
	Schedule:	
	(a) Salaries and Wages	1,236,926
	(b) Operating Expenses	276,391
	(c) Equipment	16,015
	Total of schedule	1,529,332
	Less: Estimated reimbursements:	
	(d) For services to other state agencies and units of local government	87,670
	Net appropriation	1,441,662
Secretary of State	37—For support of Secretary of State, in accordance with the following schedule and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said office.	194,963
	Schedule:	
	(a) Salaries and Wages	154,298
	(b) Operating Expenses	44,506
	(c) Equipment	3,659
	Total of schedule	202,463
	Less: Estimated reimbursements:	
	(d) For services to other agencies	7,500
	Net appropriation	194,963
	38—For printing constitutional amendments and other ballot measures, Secretary of State	90,000

Item		Amount
39—For printing Roster of Public Officials, Secretary of State		7,000
40—For support of Division of Collection Agencies, Secretary of State's Office, payable from the Collection Agency Fund, in accordance with the following schedule		35,588
Schedule:		
(a) Salaries and Wages	21,686	
(b) Operating Expenses	13,690	
(c) Equipment	212	
Total of schedule	35,588	

Division of Collection Agencies

AGRICULTURE

41—For support of Department of Agriculture and the State Livestock Sanitary Committee, in accordance with the following schedule and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.		5,068,712
Schedule:		
(a) Salaries and Wages	3,715,008	
(b) Operating Expenses	1,533,206	
(c) Equipment	143,640	
Total of schedule	5,391,854	
Less: Estimated reimbursements:		
(d) For services rendered to activities supported from other funds	323,142	
Net appropriation	5,068,712	
42—For cooperation with the Federal Government in marketing research under the provisions of Public Law 733 (Seventy-ninth Congress) and Section 1286 of the Agricultural Code, Department of Agriculture		75,000
44—For support of Department of Agriculture, payable from the Department of Agriculture Fund, in accordance with the following schedule and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.		3,832,919

Department of Agriculture

Item		Amount
	Schedule:	
	(a) Salaries and Wages	2,620,953
	(b) Operating Expenses	1,152,448
	(c) Equipment	84,518
	Total of schedule	3,857,919
	Less: Estimated reimbursements:	
	(d) For services to activities supported out of other funds	25,000
	Net appropriation	3,832,919

44 5—For additional support of the Department of Agriculture for allocation to the Bureau of Dairy Service for the supervision and checking the correctness of milk fat and bacteriological tests and the weighing and sampling of all fluid milk delivered to distributors in accordance with the stabilization and marketing plans established pursuant to the provisions of Division 4 of the Agricultural Code payable from the Department of Agriculture Fund 7,184
which amount shall be in addition to the funds made available for this purpose by Section 737.6-2 of the Agricultural Code.

Poultry Improvement Commission

45—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund 71,562
and in addition thereto any amounts collected for services to employees which by law are available for support of said commission. Said appropriation shall be expended in accordance with the following schedule:

	Schedule:	
	(a) Salaries and Wages	35,958
	(b) Operating Expenses	34,818
	(c) Equipment	1,470
	Total of schedule	72,246
	Less: Estimated reimbursements:	
	(d) For services to employees	684
	Net appropriation	71,562

Poultry Testing Project Fund

46—For augmentation of the Poultry Testing Project Fund payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code 40,298
to be transferred by the State Controller to the Poultry Testing Project Fund.

CORRECTIONS

Item		Amount
		Department of Corrections
47—For support of Departmental Administration, and Board of Corrections, Department of Corrections, in accordance with the following schedule		318,228
and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said department		
Schedule:		
(a) Salaries and Wages	280,124	
(b) Operating Expenses	38,590	
(c) Equipment	5,434	
Total of schedule	324,148	
Less: Estimated reimbursements:		
(d) For medical services to other state agencies	5,920	
Net appropriation	318,228	
48—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons for care under provisions of Section 3300.4 of the Health and Safety Code in accordance with the provisions of Section 26749 of the Government Code		77,000
49—For expenses of returning fugitives from justice from outside the State in accordance with the provisions of Section 1557 of the Penal Code		180,000
50—For court costs and county charges, payable under Section 4700 of the Penal Code, in connection with trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		10,000
		Medical Facility
52—For support of the Medical Facility, Department of Corrections, in accordance with the following schedule		1,231,446
and in addition thereto any amounts collected for services to employees or other agencies which by law are available for support of said agency.		
Schedule:		
(a) Salaries and Wages	785,314	
(b) Operating Expenses	508,404	
(c) Equipment	6,472	
Total of schedule	1,300,190	

Item		Amount
	Less: Estimated reimbursements:	
	(d) For services to employees	29,324
	(e) For maintenance of Public Health wards	39,420
	Net appropriation	1,231,446
California Institution for Men	53—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule	2,273,415
	and in addition thereto any amounts collected for services to employees, for services to prison industries, and for services to other agencies, which by law are available for support of said institution.	
	Schedule:	
	(a) Salaries and Wages	1,500,470
	(b) Operating Expenses	1,036,380
	(c) Equipment	53,403
	(d) Inmate Pay-work Projects	50,220
	Total of schedule	2,640,473
	Less: Estimated reimbursements:	
	(e) For services to employees	36,155
	(f) For services to prison industries	53,049
	(g) For services to other agencies	2,683
	(h) For services to Division of Forestry	225,271
	(i) For services to United States Forest Service	49,900
	Net appropriation	2,273,415
State Prisons: Folsom	54—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule	2,219,792
	and in addition thereto any amounts collected for services to employees, to prison industries and other agencies, and from sale of surplus products, which by law are available for support of said prison.	
	Schedule:	
	(a) Salaries and Wages	1,296,103
	(b) Operating Expenses	973,454
	(c) Equipment	66,620
	Total of schedule	2,336,177

Item		Amount
Less: Estimated reimbursements:		
(d) For services to employees and sale of surplus products	60,905	
(e) For services to prison industries, and to the Division of Architecture	55,480	
Net appropriation	2,219,792	
55—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		3,802,454 San Quentin
and in addition thereto any amounts collected for services to employees and inmates, for services to correctional industries and other agencies, and from sale of surplus products, which by law are available for support of said prison.		
Schedule:		
(a) Salaries and Wages	2,235,424	
(b) Operating Expenses	1,970,360	
(c) Equipment	84,225	
(d) Inmate Pay-work Projects	70,800	
Total of schedule	4,360,809	
Less: Estimated reimbursements:		
(e) For services to employees and inmates and sale of surplus products	94,280	
(f) For services to correctional industries and to the Division of Architecture	32,055	
(g) For services to Division of Forestry	236,020	
(h) For services to United States Forest Service	196,000	
Net appropriation	3,802,454	
56—For support of California State Prison at Soledad, Department of Corrections, in accordance with the following schedule		1,852,147 Soledad
and in addition thereto any amounts collected for services to employees, from sale of surplus, and for services to other agencies, which by law are available for support of said agency.		
Schedule:		
(a) Salaries and Wages	1,147,871	
(b) Operating Expenses	989,137	
(c) Equipment	7,948	
(d) Inmate Pay-work Projects	45,200	
Total of schedule	2,190,156	

Item		Amount
	Less: Estimated reimbursements:	
	(e) For services to employees and sale of surplus products	45,970
	(f) For services to correctional industries	20,849
	(g) For services to Division of Forestry	156,930
	(h) For services to United States Forest Service	114,260
	Net appropriation	1,852,147
Deuel Vocational Institution	57—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule	1,092,111
	and in addition thereto any amounts collected for services to employees, and prison industries which by law are available for support of said institution.	
	Schedule:	
	(a) Salaries and Wages	721,824
	(b) Operating Expenses	375,490
	(c) Equipment	19,322
	Total of schedule	1,116,636
	Less: Estimated reimbursements:	
	(d) For services to employees	19,950
	(e) For medical services to California Institution for Women	1,775
	(f) For services to prison industries	2,800
	Net appropriation	1,092,111
Institution for Women	58—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule	463,244
	and in addition thereto any amounts collected for services to employees, from sale of surplus products, and for services to prison industries, which by law are available for support of said agency.	
	Schedule:	
	(a) Salaries and Wages	270,350
	(b) Operating Expenses	205,055
	(c) Equipment	4,944
	Total of schedule	480,349

Item		Amount
Less: Estimated reimbursements:		
(d) For services to employees and sale of surplus products	15,260	
(e) For services to prison industries	1,845	
Net appropriation	463,244	
59—For expenses of moving institution supplies and equipment, inmates, employees and their belongings (per Board of Control Rule 724) from old to new facilities, cost of temporary help necessary to prepare the new institution for occupancy and to operate both institutions during the actual time of moving, and for purchase of initial complements of supplies, California Institution for Women, Department of Corrections		30,000
60—For support of Adult Authority, Department of Corrections, in accordance with the following schedule		661,745 Adult Authority
and in addition thereto any amounts returned by paroled or discharged prisoners in repayment of cash or other assistance advanced, which by law are available for support of said agency.		
Schedule:		
(a) Salaries and Wages	513,820	
(b) Operating Expenses	135,140	
(c) Equipment	18,325	
Total of schedule	667,285	
Less: Estimated reimbursements:		
(d) From parolees for cash or other assistance advanced	5,540	
Net appropriation	661,745	
61—For support of Board of Trustees, California Institution for Women, Department of Corrections, in accordance with the following schedule		65,735 Board of Trustees, Institution for Women
and in addition thereto any amounts returned by paroled or discharged prisoners in repayment of cash assistance advanced, which by law are available for support of said agency.		
Schedule:		
(a) Salaries and Wages	44,350	
(b) Operating Expenses	20,560	
(c) Equipment	1,125	
Total of schedule	66,035	

Item		Amount
	Less: Estimated reimbursements:	
	(d) From parolees for cash assistance advanced ---------- 300	
	Net appropriation ------- 65,735	
Youth Authority	62—For support of Departmental Administration, Youth Authority, in accordance with the following schedule ----------	1,075,693
	and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said department. Schedule:	
	(a) Salaries and Wages ------- 806,451	
	(b) Operating Expenses ------- 244,840	
	(c) Equipment ---------- 24,402	
	Total of schedule ------- 1,075,693	
	63—For per diem and other necessary expenses in connection with consulting services and conferences of the California Youth Committee, created pursuant to Section 1520 of the Military and Veterans Code----------	4,000
	64—For deportation of nonresidents committed to the Youth Authority ----------	25,870
	65—For transportation of persons committed to the Youth Authority to or between its facilities, including the return of parole violators--	62,985
	66—For maintenance of persons committed to the Youth Authority and paroled to the custody of private foster homes----------	28,520
	67—For court costs and county charges, payable under Section 6005 of the Penal Code, in connection with trials of persons charged with commission of a public offense or offenses while confined in an institution under the supervision of the Youth Authority-- ----------	2,500
Youth Authority Camps	68—For support of Youth Authority Camps, Youth Authority, such sum, not to exceed $100,000, as the Director of Finance by executive order shall direct, to be transferred by the State Controller to this item from Item 208 for use in defraying expenditures of such camps pending receipt of reimbursement for services rendered to the Division of Forestry. This item shall be augmented by any amounts collected by the Youth Authority for such services rendered by such camps.	
Fricot Ranch School for Boys	69—For support of Fricot Ranch School for Boys, Youth Authority, in accordance with the following schedule ----------	284,892

Item		Amount
and in addition thereto any amounts collected for services to employees and sale of surplus products which by law are available for support of said school.		
Schedule:		
(a) Salaries and Wages	196,587	
(b) Operating Expenses	99,535	
(c) Equipment	2,730	
Total of schedule	298,852	
Less: Estimated reimbursements:		
(d) For services to employees and sale of surplus products	13,960	
Net appropriation	284,892	
70—For support of the Fred C. Nelles School for Boys, Youth Authority, in accordance with the following schedule		724,076 Fred C Nelles School for Boys
and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said school.		
Schedule:		
(a) Salaries and Wages	556,382	
(b) Operating Expenses	173,730	
(c) Equipment	13,314	
Total of schedule	743,426	
Less: Estimated reimbursements:		
(d) For services to employees and sale of surplus products	19,350	
Net appropriation	724,076	
71—For support of Paso Robles School for Boys, Youth Authority, in accordance with the following schedule		307,114 Paso Robles School for Boys
and in addition thereto any amounts collected for services to employees and sale of surplus products, which by law are available for support of said school.		
Schedule:		
(a) Salaries and Wages	213,287	
(b) Operating Expenses	97,060	
(c) Equipment	4,917	
Total of schedule	315,264	
Less: Estimated reimbursements:		
(d) For services to employees and sale of surplus products	8,150	
Net appropriation	307,114	

Item		Amount
Preston School of Industry	72—For support of Preston School of Industry, Youth Authority, in accordance with the following schedule	1,382,443
	and in addition thereto any amounts collected for services to other agencies, services to employees, and from sale of surplus products, which by law are available for support of said school.	
	Schedule:	
	(a) Salaries and Wages	1,029,083
	(b) Operating Expenses	391,670
	(c) Equipment	20,730
	Total of schedule	1,441,483
	Less: Estimated reimbursements:	
	(d) For services to employees and other agencies, and sale of surplus products	59,040
	Net appropriation	1,382,443
Los Guilucos School for Girls	73—For support of Los Guilucos School for Girls, Youth Authority, in accordance with the following schedule	430,121
	and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said school.	
	Schedule:	
	(a) Salaries and Wages	293,167
	(b) Operating Expenses	140,640
	(c) Equipment	6,229
	Total of schedule	440,036
	Less: Estimated reimbursements:	
	(d) For services to employees and sale of surplus products	9,915
	Net appropriation	430,121
Ventura School for Girls	74—For support of Ventura School for Girls, Youth Authority, in accordance with the following schedule	508,752
	and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said school.	
	Schedule:	
	(a) Salaries and Wages	385,830
	(b) Operating Expenses	131,548
	(c) Equipment	7,516
	Total of schedule	524,894

Item		Amount
Less: Estimated reimbursements:		
(d) For services to employees and sale of surplus products	16,142	
Net appropriation	508,752	

EDUCATION

75—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule		2,032,531
and in addition thereto any amounts collected for services to other activities, for sale of bulletins, and for services to local school districts, which by law are available for support of said department.		
Schedule:		
(a) Salaries and Wages	1,633,566	
(b) Operating Expenses	532,660	
(c) Equipment	73,277	
Total of schedule	2,239,503	
Less: Estimated reimbursements:		
(d) For services to other activities, for sale of bulletins, and for services to local school districts and the Federal Government	206,972	
Net appropriation	2,032,531	
76—For administration of child care centers, Department of Education, pursuant to Chapter 11, Division 9 of the Education Code		45,885
77—For administration of Sections 12105.1 and 12105.2 of the Education Code, Department of Education		65,000
78—For moving expenses, and refinishing furniture, Department of Education		27,500
79—For vocational education, Department of Education, in lieu of the appropriations made by Education Code, Sections 5705, 5706, and 9161		681,402
to be transferred to the Vocational Education Fund upon order of the State Controller. At the end of the fiscal year, any unencumbered balance of money so transferred shall revert to the General Fund to the credit of this item. Notwithstanding any other provision of law, expenditures from the appropriation made by this item are subject to the provisions of Section 18004 of the Government Code.		

Department of Education

Child care centers

Vocational education

Item		Amount
Teacher training, etc	80—For teacher training and preparation of instructional materials for related instruction in connection with apprenticeship and on-the-job training and institutional-on-farm training programs, Department of Education_____ to be transferred to the Vocational Education Fund by the State Controller on order of the Director of Finance. At the end of the fiscal year, any unencumbered balance of money so transferred shall revert to the General Fund to the credit of this item. Notwithstanding any other provision of law, expenditures from the appropriation made by this item are subject to the provisions of Section 18004 of the Government Code	18,205
Fire training	81—For fire training and fire training institutes, Department of Education _____ to be transferred to the Vocational Education Fund by the State Controller on order of the Director of Finance. At the end of the fiscal year, any unencumbered balance of money so transferred shall revert to the General Fund to the credit of this item. Notwithstanding any other provision of law, expenditures from the appropriation made by this item are subject to the provisions of Section 18004 of the Government Code.	75,824
Vocational rehabilitation	82—For vocational rehabilitation, Department of Education, in lieu of the appropriations made by Education Code Sections 5803 and 5804___ to be transferred to the Vocational Rehabilitation Fund by the State Controller. At the end of the fiscal year, any unencumbered balance of money so transferred shall revert to the General Fund to the credit of this item. This appropriation, together with any funds made available for vocational rehabilitation by the Federal Government, or any agency thereof, or for services to other agencies, shall be expended in accordance with the following schedule; provided, that expenditures for administration and vocational guidance and placement shall not exceed 40 percent of total expenditures for vocational rehabilitation.	925,000

Schedule:

(a) Salaries and Wages_____	777,655
(b) Operating Expenses _____	1,997,642
(c) Equipment _____	2,693
Total of schedule_____	2,777,990

Item		Amount	
Less: Estimated reimbursements:			
(d) For services to other agencies	2,990		
(e) Federal Government contributions	1,850,000		
Net appropriation	925,000		
83—For additional vocational rehabilitation, Department of Education, for administration of Chapter 524 of the Statutes of 1945, as amended, providing for the installation of vending stands in public buildings and the operation thereof by licensed blind persons to be transferred to the Vocational Rehabilitation Fund by the State Controller. At the end of the fiscal year, any unencumbered balance of money so transferred shall revert to the General Fund to the credit of this item.		50,000	
84—For support of Division of Libraries, Department of Education, in accordance with the following schedule		447,362	Division of Libraries
and in addition thereto any amounts collected for services, which by law are available for support of said agency.			
Schedule:			
(a) Salaries and Wages	331,471		
(b) Operating Expenses	69,002		
(c) Equipment	47,489		
Total of schedule	447,962		
Less: Estimated reimbursements:			
(d) For photostat services	600		
Net appropriation	447,362		
85—For support of Chico State College, in accordance with the following schedule		864,934	State Colleges Chico
and in addition thereto the amount of such reimbursements for services to other agencies or other funds, such receipts from the Federal Government for the education of veterans and such student fees as may otherwise be made available by law for support of said college.			
Schedule:			
(a) Salaries and Wages	871,829		
(b) Operating Expenses	117,673		
(c) Equipment	70,150		
Total of schedule	1,059,652		
Less: Estimated reimbursements:			
(d) For services to other agencies and other funds	48,411		

Item		Amount
	(e) Estimated student fees appropriated by Education Code, Section 20344	72,147
	(f) From Federal Government for education of veterans, appropriated by Education Code, Section 20252	74,160
	Net appropriation	864,934
Fresno	86—For support of Fresno State College, in accordance with the following schedule	1,462,034
	and in addition thereto the amount of such reimbursements for services to other agencies, or other funds, such receipts from the Federal Government for the education of veterans, and such student fees as may otherwise be made available by law for support of said college.	
	Schedule:	
	(a) Salaries and Wages	1,522,587
	(b) Operating Expenses	196,848
	(c) Equipment	99,526
	Total of schedule	1,818,961
	Less: Estimated reimbursements:	
	(d) From other agencies	33,506
	(e) Estimated student fees appropriated by Education Code, Section 20344	190,401
	(f) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	133,020
	Net appropriation	1,462,034
	87—For additional support, Fresno State College, payable from the State College Fund, in accordance with the following schedule	268,579
	Schedule:	
	(a) Salaries and Wages	180,316
	(b) Operating Expenses	80,745
	(c) Equipment	7,518
	Total of schedule	268,579
Humboldt	88—For support of Humboldt State College, in accordance with the following schedule	591,668
	and in addition thereto the amount of such reimbursements for services to other agencies, or other funds, such receipts from the Federal Government for the education of veterans and	

Item		Amount
	such student fees as may otherwise be made available by law for support of said college.	
	Schedule:	
	(a) Salaries and Wages	539,786
	(b) Operating Expenses	80,365
	(c) Equipment	68,214
	Total of schedule	688,365
	Less: Estimated reimbursements:	
	(d) For services to other agencies and other funds	28,697
	(e) Estimated student fees appropriated by Education Code, Section 20344	26,800
	(f) From Federal Government for education of veterans, appropriated by Education Code, Section 20252	41,200
	Net appropriation	591,668
89	—For support of Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule	1,347,335
	and in addition thereto, such amounts collected from other agencies, such receipts from the Federal Government for the education of veterans and such student fees as may otherwise be made available by law for support of said college.	
	Schedule:	
	(a) Salaries and Wages	1,256,810
	(b) Operating Expenses	386,764
	Total of schedule	1,643,574
	Less: Estimated reimbursements:	
	(c) For services to Los Angeles Junior College	21,192
	(d) Estimated student fees appropriated by Education Code, Section 20344	174,900
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	100,147
	Net appropriation	1,347,335
90	—For support of Long Beach State College, in accordance with the following schedule	879,151
	and in addition thereto the amount of such receipts from the Federal Government for the	

Los Angeles

Long Beach

Item		Amount
	education of veterans and such student fees as may otherwise be made available by law for support of said college.	
	Schedule:	
	(a) Salaries and Wages	898,185
	(b) Operating Expenses	139,780
	Total of schedule	1,037,965
	Less:	
	(c) Estimated student fees appropriated by Education Code, Section 20344	120,438
	(d) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	38,376
	Net appropriation	879,151
Sacramento	91—For support of Sacramento State College, in accordance with the following schedule	758,964
	and in addition thereto the amount of such receipts from the Federal Government for the education of veterans and such student fees as may otherwise be made available by law for support of said college.	
	Schedule:	
	(a) Salaries and Wages	818,164
	(b) Operating Expenses	152,700
	Total of schedule	970,864
	Less: Estimated reimbursements:	
	(d) Estimated student fees appropriated by Education Code, Section 20344	96,600
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	115,300
	Net appropriation	758,964
San Diego	92—For support of San Diego State College, in accordance with the following schedule	1,739,878
	and in addition thereto the amount of such reimbursements for services to other funds, such receipts from the Federal Government for the education of veterans and such student fees as may otherwise be made available by law for support of said college.	

Item		Amount	
	Schedule:		
	(a) Salaries and Wages	1,812,329	
	(b) Operating Expenses	234,582	
	(c) Equipment	105,519	
	Total of schedule	2,152,430	
	Less: Estimated reimbursements:		
	(d) For services to other funds	300	
	(e) Estimated student fees appropriated by Education Code, Section 20344	208,792	
	(f) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	203,460	
	Net appropriation	1,739,878	
93	For support of San Francisco State College, in accordance with the following schedule and in addition thereto the amount of such receipts from the Federal Government for the education of veterans and such student fees as may otherwise be made available by law for support of said college.	2,052,585	San Francisco
	Schedule:		
	(a) Salaries and Wages	2,211,295	
	(b) Operating Expenses	333,757	
	(c) Equipment	119,383	
	Total of schedule	2,664,435	
	Less: Estimated reimbursements:		
	(d) Estimated student fees appropriated by Education Code, Section 20344	409,114	
	(e) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	202,736	
	Net appropriation	2,052,585	
94	For support of San Jose State College, in accordance with the following schedule and in addition thereto the amount of such reimbursements for services, such receipts from the Federal Government for the education of veterans, and such student fees as may otherwise be made available by law for support of said college.	2,458,566	San Jose

Item		Amount
	Schedule:	
	(a) Salaries and Wages	2,517,000
	(b) Operating Expenses	348,104
	(c) Equipment	125,960
	Total of schedule	2,991,064
	Less: Estimated reimbursements:	
	(d) For sale of materials for student projects	4,000
	(e) Estimated student fees appropriated by Education Code, Section 20344	315,089
	(f) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	213,409
	Net appropriation	2,458,566
California State Polytechnic	95—For support, California State Polytechnic College, payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code	2,161,690

and in addition thereto any amounts collected for services to other agencies and to activities supported out of other funds, services to employees, and from sale of surplus products as may otherwise be made available by law for support of said school. Said appropriation, together with such receipts from the Federal Government for the education of veterans and such student fees as are appropriated by the Education Code for support of said school, shall be expended in accordance with the following schedule:

Schedule:	
(a) Salaries and Wages	2,036,666
(b) Operating Expenses	372,934
(c) Equipment	127,018
Total of schedule	2,536,618
Less: Estimated reimbursements:	
(d) For services to employees, to activities supported from other funds and to other agencies, and from sale of surplus products	156,612
(e) Estimated student fees appropriated by Education Code, Section 20344	49,006

Item		Amount
(f) Estimated receipts from Federal Government for education of veterans, appropriated by Education Code, Section 20252	169,310	
Net appropriation	2,161,690	
96—For support of California Maritime Academy and in addition thereto any amounts collected for services to employees and the amount of such fees as may otherwise be made available by law for the support of said academy. The appropriation made by this item, together with any funds made available for support of the Maritime Academy by the Federal Government, or any agency thereof, shall be expended in accordance with the following schedule:		251,373 California Maritime Academy
Schedule:		
(a) Salaries and Wages	245,960	
(b) Operating Expenses	141,301	
(c) Equipment	2,747	
Total of schedule	390,008	
Less: Estimated reimbursements:		
(d) For services to employees and others	7,780	
(e) Estimated student fees appropriated by Sections 21155.1 and 21158 of the Education Code	105,855	
(f) Estimated Federal Government contributions	25,000	
Net appropriation	251,373	
97—For support of California School for the Blind at Berkeley, in accordance with the following schedule and in addition thereto any amounts collected for services to students, employees, and other agencies which by law are available for support of said school.		368,467 School for the Blind
Schedule:		
(a) Salaries and Wages	303,644	
(b) Operating Expenses	84,631	
(c) Equipment	6,155	
Total of schedule	394,430	

Item		Amount
	Less: Estimated reimbursements:	
	(d) For services to students, employees, and other agencies	25,963
	Net appropriation	368,467
School for the Deaf Berkeley	98—For support of California School for the Deaf at Berkeley, in accordance with the following schedule	860,731
	and in addition thereto any amounts collected for services to employees, other agencies, counties and students, which by law are available for support of said school.	
	Schedule:	
	(a) Salaries and Wages	661,280
	(b) Operating Expenses	219,886
	(c) Equipment	28,302
	Total of schedule	909,468
	Less: Estimated reimbursements:	
	(d) For services to employees, other agencies, counties and students	48,737
	Net appropriation	860,731
Gallaudet College	99—For expenses of deaf graduates attending Gallaudet College, California School for the Deaf at Berkeley	7,446
Riverside	100—For support of California School for the Deaf at Riverside, in accordance with the following schedule	129,448
	and in addition thereto any amounts collected for services to employees and for services to other agencies, which by law are available for support of said school.	
	Schedule:	
	(a) Salaries and Wages	93,486
	(b) Operating Expenses	35,418
	(c) Equipment	5,064
	Total of schedule	133,968
	Less: Estimated reimbursements:	
	(d) For services to employees, other agencies, counties and students	4,520
	Net appropriation	129,448
School for Cerebral Palsied Children Northern California	101—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule	283,410
	and in addition thereto any amounts collected for services to employees, and for services to	

Item		Amount	
other agencies, which by law are available for the support of said school.			
Schedule:			
(a) Salaries and Wages	167,859		
(b) Operating Expenses	116,058		
(c) Equipment	4,038		
Total of schedule	287,955		
Less: Estimated reimbursements:			
(d) For services to employees and other agencies	4,545		
Net appropriation	283,410		
102—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		333,024	Southern California
and in addition thereto any amounts collected for services to employees, and for services to other agencies, which by law are available for the support of said school.			
Schedule:			
(a) Salaries and Wages	189,667		
(b) Operating Expenses	139,063		
(c) Equipment	9,975		
Total of schedule	338,705		
Less: Estimated reimbursements:			
(d) For services to employees and other agencies	5,681		
Net appropriation	333,024		
103—For support of Oakland Orientation Center for the Blind, in accordance with the following schedule		216,904	Oakland Orientation Center for Blind
and in addition thereto any amounts collected for services which by law are available for support of said agency.			
Schedule:			
(a) Salaries and Wages	151,839		
(b) Operating Expenses	75,499		
(c) Equipment	4,052		
Total of schedule	231,390		
Less: Estimated reimbursements:			
(d) For services to employees and other agencies	14,486		
Net appropriation	216,904		
104—For support of Los Angeles Center, California Industries for the Blind, in accordance with the following schedule		96,256	California Industries for Blind Los Angeles Center

Item		Amount
	Schedule:	
	(a) Salaries and Wages	76,547
	(b) Operating Expenses	17,928
	(c) Equipment	1,781
	Total of schedule	96,256
Oakland Center	105—For support of Oakland Center, California Industries for the Blind, in accordance with the following schedule	66,302
	Schedule:	
	(a) Salaries and Wages	47,073
	(b) Operating Expenses	15,890
	(c) Equipment	3,339
	Total of schedule	66,302
San Diego Center	106—For support of San Diego Center, California Industries for the Blind, in accordance with the following schedule	44,252
	Schedule:	
	(a) Salaries and Wages	34,074
	(b) Operating Expenses	9,358
	(c) Equipment	820
	Total of schedule	44,252
State Teachers' Retirement System	107—For support of State Teachers' Retirement System, in accordance with the following schedule	155,517
	Schedule:	
	(a) Salaries and Wages	113,032
	(b) Operating Expenses	36,045
	(c) Equipment	6,440
	Total of schedule	155,517
University of California	108—For support of University of California, exempt from Section 15 of this act	45,360,346
Hastings College of Law	109—For support of Hastings College of Law	7,000
	FISCAL AFFAIRS	
Board of Control	110—For support of State Board of Control, in accordance with the following schedule	21,445
	Schedule:	
	(a) Salaries and Wages	8,743
	(b) Operating Expenses	12,615
	(c) Equipment	87
	Total of schedule	21,445
Controller	111—For support of State Controller and in addition thereto any amounts collected for services rendered special programs for	1,956,581

Item		Amount
audit of appropriations for aid to local government. The appropriation made by this item, together with the amount appropriated by Item 114, shall be expended in accordance with the following schedule.		
Schedule:		
(a) Salaries and Wages	1,509,027	
(b) Operating Expenses	464,846	
(c) Equipment	62,444	
Total of schedule	2,036,317	
Less: Estimated reimbursements:		
(d) For services rendered special programs for audit of appropriations for aid to local government	50,473	
(e) Amount payable from appropriation for additional support, Item 114	29,263	
Net appropriation	1,956,581	
112—For support of Tax Collection Division, State Controller, payable from the Motor Vehicle Transportation Tax Fund		Tax Collection Division 101,699
The appropriation made by this item, together with an amount appropriated by Item 111, shall be expended in accordance with the following schedule.		
Schedule:		
(a) Salaries and Wages	90,716	
(b) Operating Expenses	23,028	
(c) Equipment	4,372	
Total of schedule	118,116	
Less: Estimated reimbursements:		
(d) Amount payable from appropriation, Item 111	16,417	
Net appropriation	101,699	
113—For audit of special appropriations for aid to local government under Chapter 1575, Statutes of 1947, and Chapter 24, Statutes of 1948, which shall be in lieu of the appropriations for support of the Controller made by said acts, State Controller		2,308
114—For additional support of State Controller, payable from the Public School Building Loan Fund		29,263
114.1—For the establishment of a special fund to provide for the payment and retirement of		

Item		Amount
	state school building bonds heretofore or hereafter issued, a sum equal to the total amount repaid to the General Fund, pursuant to Senate Bill No. 3, or Assembly Bill No. 7, of the 1952 (First Extraordinary) Session, whichever is finally enacted. The money hereby appropriated is appropriated without regard to fiscal years and shall be deposited in the School Bond Retirement Fund, which is hereby created in the State Treasury, in installments equal in amount to each amount repaid to the General Fund pursuant to the bills mentioned above, and on the respective dates such repayments are made. For the purposes of this paragraph "bonds issued" means the bonds issued pursuant to Sections 15 and 17 of Article XVI of the State Constitution if at the General Election held November 4, 1952, the electors approve the amendment to the State Constitution adding Section 17 to Article XVI, for the issuance of bonds for school building aid, proposed by the Legislature at the 1952 First Extraordinary Session. If the electors fail to approve such constitutional amendment, "bonds issued" means the bonds issued pursuant to Section 15 of Article XVI. Each fiscal year, the Controller shall compute, and as soon thereafter as practicable shall transfer to the General Fund, a percentage of the total amount deposited in the School Bond Retirement Fund pursuant to this item which is equal to the percentage which the total amount of bonds issued which are redeemed or to be redeemed in such fiscal year is of the total amount of bonds issued. Any surplus money in the School Bond Retirement Fund shall be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or of the State of California, or of the several counties, municipalities, school districts, or the public agencies of the State of California, and the director may sell such bonds, or obligations, or any of them at the governing market rates. As soon as practicable after the end of each fiscal year the Controller shall transfer to the General Fund the interest or increment accruing from such investment or reinvestment for such fiscal year.	

Item		Amount
115—For audit of special appropriations for aid to local government under Chapter 47, Statutes of 1944, Fourth Extraordinary Session, and Chapter 20, Statutes of 1946, First Extraordinary Session, State Controller, payable from the Postwar Unemployment and Construction Fund, which shall be in lieu of the appropriation for support of the Controller made by Section 9 of Chapter 20, Statutes of 1946 (First Extra Session)		73,302
116—For support of Bureau of Highway Accounts and Reports, State Controller, payable from the Motor Vehicle Fuel Fund, in lieu of the appropriation made by Section 2103.1 of the Streets and Highways Code		87,729
The appropriation made by this item shall be expended in accordance with the following schedule.		
Schedule:		
(a) Salaries and Wages	61,962	
(b) Operating Expenses	24,742	
(c) Equipment	1,025	
Total of schedule	87,729	
117—For support of Motor Vehicle Fuel Tax Refund Division, State Controller, payable from the Motor Vehicle Fuel Fund, in accordance with the following schedule		196,718
Schedule:		
(a) Salaries and Wages	155,931	
(b) Operating Expenses	36,837	
(c) Equipment	3,950	
Total of schedule	196,718	
118—For support of Tax-deeded Lands Division, State Controller, payable from the State Redemption Tax Fund, in accordance with the following schedule		177,899
and in addition thereto any amounts collected for services which by law are available for support of such agency.		
Schedule:		
(a) Salaries and Wages	151,921	
(b) Operating Expenses	45,101	
(c) Equipment	877	
Total of schedule	197,899	
Less: Estimated reimbursements:		
(d) For services to political subdivisions	20,000	
Net appropriation	177,899	

Bureau of Highway Accounts and Reports

Motor Vehicle Fuel Tax Refund Division

Tax-deeded Lands Division

Item		Amount
State Board of Equalization	119—For support of State Board of Equalization, in accordance with the following schedule	11,297,581
	and in addition thereto any amounts collected for services to activities supported out of other funds, for services to public agencies, and for mapping services to counties which by law are available for support of said department.	
	Schedule:	
	(a) Salaries and Wages	9,855,642
	(b) Operating Expenses	1,698,341
	(c) Equipment	127,294
	Total of schedule	11,681,277
	Less: Estimated reimbursements:	
	(d) For services to activities supported out of other funds	254,852
	(e) For mapping services to counties	111,689
	(f) For services to other state and public agencies	17,155
	Net appropriation	11,297,581
Motor Transportation License Tax Division	120—For support of Motor Transportation License Tax Division, State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund	723,088
	and in addition thereto any amounts collected for services rendered in regulating itinerant merchants. The appropriation made by this item, together with the amount appropriated by Item 121, shall be expended in accordance with the following schedule.	
	Schedule:	
	(a) Salaries and Wages	490,236
	(b) Operating Expenses	245,886
	(c) Equipment	3,457
	Total of schedule	739,579
	Less: Estimated reimbursements:	
	(d) Amount payable from appropriation for additional support, Item 121	16,491
	Net appropriation	723,088
	121—For additional support of Motor Transportation License Tax Division, State Board of Equalization, payable from the Itinerant Merchants Fund	16,491

Item		Amount	
122—For support of Motor Vehicle Fuel Tax Division, State Board of Equalization, payable from the Motor Vehicle Fuel Fund, in accordance with the following schedule		454,269	Motor Vehicle Fuel Tax Division
Schedule:			
(a) Salaries and Wages	341,138		
(b) Operating Expenses	110,612		
(c) Equipment	2,519		
Total of schedule	454,269		
123—For support of Department of Finance, exclusive of Buildings and Grounds Division and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said department. Said appropriation, together with the amount appropriated by Item 125 hereof, shall be expended in accordance with the following schedule.		2,097,810	Department of Finance
Schedule:			
(a) Salaries and Wages	1,947,925		
(b) Operating Expenses	283,102		
(c) Equipment	25,617		
Total of schedule	2,256,644		
Less: Estimated reimbursements:			
(d) For services to other agencies and/or divisions of said department	108,834		
(e) Amount payable from Fair and Exposition Fund (Item 125)	50,000		
Net appropriation	2,097,810		
124—For expenses in connection with liquidation and disposal of surplus equipment, leases and other property of the Department of Social Welfare acquired for the administration of Article XXV of the Constitution, Department of Finance provided, that notwithstanding any other provisions of law the income from the disposal or subletting of any such property or leases is hereby appropriated in addition thereto.		127,175	
125—For support of the Audits Division, State Department of Finance, payable from the Fair and Exposition Fund		50,000	Audits Division
126—For payment of automobile liability claims and salaries and expenses incident to investigation,			Automobile liability claims

Item		Amount
	adjustment and defense thereof, or for premiums for automobile liability insurance, Department of Finance, in accordance with the following schedule ----------	160,000
	and in addition thereto amounts collected from other funds which by law are available for purchase of such insurance.	
	Schedule:	
	(a) Operating Expenses------ 350,000	
	Less: Estimated reimbursements:	
	(b) Estimated charges to other funds ---------- 190,000	
	Net appropriation ------ 160,000	
Liability insurance	127—For the purchase of insurance to insure the liability of the State and its officers and employees for damage or injury to persons or property resulting from the dangerous or defective condition of state-owned or controlled property, under the jurisdiction of the Department of Finance, Department of Finance	2,500
	128—For official advertising, Department of Finance	18,000
	129—For premiums on official bonds required by law for officers and employees whose salaries are paid from the General Fund, including premiums on official bonds required by Section 28 of the Unemployment Insurance Act, Department of Finance----------	3,000
	130—For distribution of state documents to libraries as provided by Sections 13660 to 13667, inclusive, of the Government Code, Department of Finance ----------	40,000
Buildings and Grounds Division	131—For support, Buildings and Grounds Division, Department of Finance----------	2,560,983
	132—For alterations, repairs, and equipment, State Capitol, state office buildings, and rented office buildings, Department of Finance----------	125,000
	133—For maintenance of the state burying ground in San Mateo County, known as the Union Cemetery, as provided by Chapter 1096 and Chapter 1238, Statutes of 1947, Department of Finance ----------	1,500
Local Allocations Division	134—For support of Local Allocations Division, Department of Finance, which shall be in lieu of the appropriations for the use of the Department of Finance made by Section 3 of Chapter 29, Statutes of 1946 (1st Extra Session), Section 4 of Chapter 1, Statutes of 1946 (2d Extra Session), Section 2 of Chapter 391, Statutes of 1947, Section 5022 of the Education Code, and Section 4 of Chapter 24, Statutes of 1948----	53,694

Item		Amount
The appropriation made by this item, together with the amounts appropriated by Items 135 and 136, shall be expended in accordance with the following schedule.		
Schedule:		
(a) Salaries and Wages	298,521	
(b) Operating Expenses	57,738	
(c) Equipment	1,703	
Total of schedule	357,962	
Less:		
(d) Amount payable from Postwar Unemployment and Construction Fund (Item 135)	53,694	
(e) Amount payable from Public School Building Loan Fund (Item 136)	250,574	
Net appropriation	53,694	
135—For additional support of Local Allocations Division, Department of Finance, payable from the Postwar Unemployment and Construction Fund, which shall be in lieu of the appropriations for support of the director and the department made by Section 9 of Chapter 20, Statutes of 1946 (1st Extra Session)		53,694
136—For additional support of Local Allocations Division, Department of Finance, payable from the Public School Building Loan Fund		250,574
137—For support of the Division of Fairs and Expositions, Department of Finance, payable from the Fair and Exposition Fund, in accordance with the following schedule		96,755
Schedule:		
(a) Salaries and Wages	71,278	
(b) Operating Expenses	24,680	
(c) Equipment	797	
Total of schedule	96,755	
138—For customer surveys and research, state, district and county fairs, Department of Finance, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		30,000
139—For support of State Agricultural Society, Division of Fairs and Expositions, Department of Finance, payable from the State Agricultural Society Contingent Fund		1,832,475

Division of Fairs and Expositions

State Agricultural Society

Item		Amount
	140—For augmentation of the State Agricultural Society Contingent Fund, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code	300,000
	to be transferred to the State Agricultural Society Contingent Fund by the State Controller.	
Sixth District Agricultural Association	141—For support of Sixth District Agricultural Association, Division of Fairs and Expositions, Department of Finance, payable from the Sixth District Agricultural Association Fund, in accordance with the following schedule	108,094
	Schedule:	
	(a) Salaries and Wages 89,289	
	(b) Operating Expenses 17,785	
	(c) Equipment 1,020	
	Total of schedule 108,094	
	142—For maintenance and operation of parking lot property acquired under the provisions of Chapter 1463, Statutes of 1947, Sixth District Agricultural Association, payable from the Sixth District Agricultural Association Fund	1,000
	143—For augmentation of the Sixth District Agricultural Association Fund, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code	120,000
	to be transferred to the Sixth District Agricultural Association Fund by the State Controller.	
Grand National Junior Livestock Exposition	144—For support of the Grand National Junior Livestock Exposition, No. 1-A District Agricultural Association, Division of Fairs and Expositions, Department of Finance, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code	63,497
State Lands Commission: Division of State Lands	145—For support, Division of State Lands. State Lands Commission, Department of Finance, payable from the State Lands Act Fund, in accordance with the following schedule	218,147
	and in addition thereto any amounts collected for services which by law are available for support of said agency.	

Item		Amount
Schedule:		
(a) Salaries and Wages	279,442	
(b) Operating Expenses	106,252	
(c) Equipment	6,193	
Total of schedule	391,887	
Less: Estimated reimbursements:		
(d) For administration of tide and submerged leases	133,920	
(e) For services to other agencies	17,500	
(f) Amount payable from Impounded Tide and Submerged Lands Revenue Account — Special Deposit Fund (Item 146)	22,320	
Net appropriation	218,147	
146—For additional support, Division of State Lands, State Lands Commission, Department of Finance, payable from the Impounded Tide and Submerged Lands Revenue Account—Special Deposit Fund		22,320
147—For the defense of the State's interests in its tide and submerged lands, Division of State Lands, Department of Finance, payable from the State Lands Act Fund		80,000
148—For the continuation of the prosecution of the litigation between the State and the Department of Water and Power of the City of Los Angeles, Division of State Lands, Department of Finance, payable from the State Lands Act Fund		5,000
149—For expenses in connection with the defense of quiet title actions filed in accordance with law, Division of State Lands, Department of Finance, payable from the State Lands Act Fund		15,000
150—For preparing and maintaining an index of state lands under jurisdiction of the United States pursuant to Section 127 of the Government Code, Division of State Lands, Department of Finance, payable from the State Lands Act Fund		5,000
151—For support of Napa State Farm, Department of Finance, in accordance with the following schedule		34,864
and in addition thereto, any amounts collected for services to employees and for services to meat raising projects which by law are available for support of said agency.		

Napa State Farm

Item		Amount
	Schedule:	
	(a) Salaries and Wages	28,804
	(b) Operating Expenses	10,800
	(c) Equipment	500
	Total of schedule	40,104
	Less: Estimated reimbursements:	
	(d) For services to employees	924
	(e) For services to meat raising projects	4,316
	Net appropriation	34,864
Franchise Tax Board	152—For support of Franchise Tax Board, in accordance with the following schedule	3,031,202
	Schedule:	
	(a) Salaries and Wages	2,537,110
	(b) Operating Expenses	468,684
	(c) Equipment	25,408
	Total of schedule	3,031,202
State Treasurer	153—For support of the State Treasurer in accordance with the following schedule and in addition thereto any amounts collected for services which by law are available for support of said agency.	272,167
	Schedule:	
	(a) Salaries and Wages	183,089
	(b) Operating Expenses	104,516
	(c) Equipment	4,562
	Total of schedule	292,167
	Less: Estimated reimbursements:	
	(d) For bond collection services to other funds	20,000
	Net appropriation	272,167
	HIGHWAY PATROL	
Highway Patrol	154—For support of the Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule and in addition thereto any amounts collected from rentals or other sources which by law are available for support of said agency; provided, that no part of this appropriation shall be expended in payment for services of personnel assigned to enforce the provisions of the ordinances of any city and county; provided further, however, that this restriction shall not	11,576,256

Item		Amount
limit the authority of members of the California Highway Patrol to enforce any city or county ordinance as an incident to their assigned duties with respect to traffic law enforcement.		
Schedule:		
(a) Salaries and Wages	8,088,738	
(b) Operating Expenses	2,588,666	
(c) Equipment	928,510	
Total of schedule	11,605,914	
Less: Estimated reimbursements:		
(d) Rentals received from the Department of Motor Vehicles	14,658	
(e) Recovery of cost of administering pedestrian crossing guards program	15,000	
Net appropriation	11,576,256	
154.5—For augmentation of Item 154 to be released by executive order of the Department of Finance to the Department of California Highway Patrol for purposes of producing by punched card method certain statistical information necessary for administrative purposes payable from the Motor Vehicle Fund		30,000

INDUSTRIAL RELATIONS

155—For support of Department of Industrial Relations, in accordance with the following schedule		4,675,710	Department of Industrial Relations
and in addition thereto any amounts received from the Federal Government or any agency thereof for the administration of apprenticeship or other on-the-job training.			
Schedule:			
(a) Salaries and Wages	3,803,411		
(b) Operating Expenses	850,439		
(c) Equipment	104,160		
Total of schedule	4,758,010		
Less:			
(d) Estimated amounts to be received from the Federal Government for administration of apprenticeship and other on-the-job training	82,300		
Net appropriation	4,675,710		

Item		Amount
156—For payment of the additional compensation for subsequent injury provided for by Section 4751 of the Labor Code, Department of Industrial Relations		75,000
State Fire Marshal 157—For support of State Fire Marshal, in accordance with the following schedule		266,987
Schedule:		
(a) Salaries and Wages	207,128	
(b) Operating Expenses	57,144	
(c) Equipment	2,715	
Total of schedule	266,987	

INVESTMENT

Department of Investment· Division of Banking 158—For support of Division of Banking, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		310,798
Schedule:		
(a) Salaries and Wages	232,408	
(b) Operating Expenses	76,100	
(c) Equipment	2,290	
Total of schedule	310,798	
Division of Building and Loan 159—For support of Division of Building and Loan, Department of Investment, payable from the Building and Loan Inspection Fund, in accordance with the following schedule		164,682
Schedule:		
(a) Salaries and Wages	125,121	
(b) Operating Expenses	36,924	
(c) Equipment	2,637	
Total of schedule	164,682	
Division of Corporations 160—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		672,892
Schedule:		
(a) Salaries and Wages	567,765	
(b) Operating Expenses	96,730	
(c) Equipment	8,397	
Total of schedule	672,892	
Department of Insurance 161—For support of the Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule and in addition thereto any amounts collected for services to activities which by law are available for support of said department.		1,080,483

Item		Amount	
Schedule:			
(a) Salaries and Wages	828,823		
(b) Operating Expenses	263,946		
(c) Equipment	11,714		
Total of schedule	1,104,483		
Less: Estimated reimbursements:			
(d) For services to insurance companies in liquidation	24,000		
Net appropriation	1,080,483		
162—For support of the Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule		653,234	Division of Real Estate
Schedule:			
(a) Salaries and Wages	438,736		
(b) Operating Expenses	198,774		
(c) Equipment	15,724		
Total of schedule	653,234		
163—For support of California Districts Securities Commission, in accordance with the following schedule		40,923	District Securities Commission
Schedule:			
(a) Salaries and Wages	29,028		
(b) Operating Expenses	10,595		
(c) Equipment	1,300		
Total of schedule	40,923		

JUSTICE

164—For support of Department of Justice and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said department. Said appropriation, together with the amount appropriated by Item 165 hereof, shall be expended in accordance with the following schedule.		2,689,629	Department of Justice
Schedule:			
(a) Salaries and Wages	2,229,618		
(b) Operating Expenses	775,691		
(c) Equipment	76,483		
Total of schedule	3,081,792		
Less: Estimated reimbursements:			
(d) Charges to special fund agencies for legal services	164,695		
(e) Charges to other agencies for teletype service	50,000		

Item		Amount
	(f) Services to other agencies	137,468
	(g) Amount payable from appropriation for additional support (Item 165)	40,000
	Net appropriation	2,689,629
	165—For additional support of Department of Justice, payable from the Motor Vehicle Fund. To be transferred by the State Controller to the General Fund in augmentation of Item 164.	40,000
	166—For fees to special counsel employed pursuant to Section 12520 of the Government Code, Department of Justice	2,500
	167—For litigation and legal services in connection with activities of the Colorado River Board of California, Department of Justice	49,139
	168—For litigation and legal services in connection with bank tax suit involving Section 4a, Bank and Corporation Tax Act, Department of Justice	32,541
	MENTAL HYGIENE	
Department of Mental Hygiene	169—For support of Department of Mental Hygiene, in accordance with the following schedule	1,641,299
	Schedule:	
	(a) Salaries and Wages	1,215,690
	(b) Operating Expenses	346,707
	(c) Equipment	78,902
	Total of schedule	1,641,299
	170—For transportation of patients and other persons committed to state institutions of the Department of Mental Hygiene, to be expended by the Department of Mental Hygiene in accordance with the following schedule and in addition thereto the amount of receipts from charges to relatives and other legally responsible persons as may be made available by law.	109,136
	Schedule:	
	(a) Operating Expenses	143,600
	Less: Estimated reimbursements:	
	(b) From charges to relatives and other legally responsible persons	34,464
	Net appropriation	109,136

Item		Amount
171—For expenses of deportation and transfer of patients of the Department of Mental Hygiene, Department of Mental Hygiene		72,400
172—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 and Section 7012.5 of the Welfare and Institutions Code, Department of Mental Hygiene		348,480
173—For additional research into sex crimes to be expended in accordance with Sections 1, 2, 3, and 5 of Chapter 35, Statutes of 1951 (First Extraordinary Session), Department of Mental Hygiene		67,821
175—For sanitation services to the institutions of the Department of Mental Hygiene, Department of Mental Hygiene		20,000
177—For support of Outpatient Mental Hygiene Clinics, Department of Mental Hygiene, in accordance with the following schedule		402,790
and in addition thereto any amounts made available by the Federal Government for activities under the National Mental Health Act, which by law are available for support of said institution.		
Schedule:		
(a) Salaries and Wages	444,836	
(b) Operating Expenses	174,720	
(c) Equipment	6,463	
Total of schedule	626,019	
Less: Estimated federal aid for activities under the National Mental Health Act	223,229	
Net appropriation	402,790	
178—For support of the Langley Porter Clinic at San Francisco, in accordance with the following schedule		854,994
and in addition thereto any amounts collected for services to employees, which by law are available for support of said institution.		
Schedule:		
(a) Salaries and Wages	700,927	
(b) Operating Expenses	144,262	
(c) Equipment	19,525	
Total of schedule	864,714	

Outpatient Clinics

Langley Porter Clinic

Item		Amount
	Less: Estimated reimbursements:	
	(d) For services to employees__ 9,720	
	Net appropriation_____ 854,994	
Hospitals: Agnews	179—For support of Agnews State Hospital, in accordance with the following schedule_____ and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.	4,415,576
	Schedule:	
	(a) Salaries and Wages _____ 3,033,001	
	(b) Operating Expenses _____ 1,332,610	
	(c) Equipment _____ 142,319	
	Total of schedule_____ 4,507,930	
	Less: Estimated reimbursements:	
	(d) For services to employees and for sale of surplus products__ 92,354	
	Net appropriation _____ 4,415,576	
Camarillo	180—For support of Camarillo State Hospital, in accordance with the following schedule_____ and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.	6,140,863
	Schedule:	
	(a) Salaries and Wages _____ 4,221,337	
	(b) Operating Expenses_____ 1,941,917	
	(c) Equipment _____ 113,642	
	Total of schedule_____ 6,276,896	
	Less: Estimated reimbursements:	
	(d) For services to employees and for sale of surplus products__ 136,033	
	Net appropriation _____ 6,140,863	
DeWitt	181—For support of DeWitt State Hospital, in accordance with the following schedule _____ and in addition thereto any amounts collected for services to employees which by law are available for support of said institution.	3,218,238
	Schedule:	
	(a) Salaries and Wages_____ 2,120,883	
	(b) Operating Expenses_____ 1,108,888	
	(c) Equipment _____ 68,140	
	Total of schedule_____ 3,297,911	

Item		Amount
Less: Estimated reimbursements:		
(d) For services to employees	79,673	
Net appropriation	3,218,238	
182—For support of Mendocino State Hospital, in accordance with the following schedule and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.		Mendocino 2,787,424
Schedule:		
(a) Salaries and Wages	1,953,704	
(b) Operating Expenses	842,185	
(c) Equipment	81,072	
Total of schedule	2,876,961	
Less: Estimated reimbursements:		
(d) For services to employees and for sale of surplus products	89,537	
Net appropriation	2,787,424	
183—For support of Modesto State Hospital, in accordance with the following schedule and in addition thereto any amounts collected for services to employees which by law are available for support of said institution.		Modesto 3,528,091
Schedule:		
(a) Salaries and Wages	2,369,986	
(b) Operating Expenses	1,128,775	
(c) Equipment	116,744	
Total of schedule	3,615,505	
Less: Estimated reimbursements:		
(d) For services to employees	87,414	
Net appropriation	3,528,091	
184—For support of Napa State Hospital, in accordance with the following schedule and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.		Napa 4,674,091
Schedule:		
(a) Salaries and Wages	3,204,811	
(b) Operating Expenses	1,492,339	
(c) Equipment	92,822	
Total of schedule	4,789,972	

Item		Amount
	Less: Estimated reimbursements:	
	(d) For services to employees and for sale of surplus products	115,881
	Net appropriation	4,674,091
Norwalk	185—For support of Norwalk State Hospital, in accordance with the following schedule	2,836,401
	and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution	
	Schedule:	
	(a) Salaries and Wages	2,073,259
	(b) Operating Expenses	717,131
	(c) Equipment	125,517
	Total of schedule	2,915,907
	Less: Estimated reimbursements:	
	(d) For services to employees and for sale of surplus products	79,506
	Net appropriation	2,836,401
Patton	186—For support of Patton State Hospital, in accordance with the following schedule	4,367,789
	and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.	
	Schedule:	
	(a) Salaries and Wages	3,141,007
	(b) Operating Expenses	1,166,173
	(c) Equipment	131,794
	Total of Schedule	4,438,974
	Less: Estimated reimbursements:	
	(d) For services to employees and for sale of surplus products	71,185
	Net appropriation	4,367,789
Stockton	187—For support of Stockton State Hospital, in accordance with the following schedule	4,694,343
	and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.	

Item		Amount	
Schedule:			
(a) Salaries and Wages	3,234,345		
(b) Operating Expenses	1,449,594		
(c) Equipment	140,210		
Total of schedule	4,824,149		
Less: Estimated reimbursements:			
(d) For services to employees and for sale of surplus products	129,806		
Net appropriation	4,694,343		
188—For support of Pacific Colony, in accordance with the following schedule		2,588,188	Pacific Colony
and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.			
Schedule:			
(a) Salaries and Wages	1,816,556		
(b) Operating Expenses	743,877		
(c) Equipment	81,170		
Total of schedule	2,641,603		
Less: Estimated reimbursements:			
(d) For services to employees and for sale of surplus products	53,415		
Net appropriation	2,588,188		
189—For support of Sonoma State Home, in accordance with the following schedule		3,971,469	Sonoma State Home
and in addition thereto any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said institution.			
Schedule:			
(a) Salaries and Wages	2,871,571		
(b) Operating Expenses	1,036,523		
(c) Equipment	117,601		
Total of schedule	4,025,695		
Less: Estimated reimbursements:			
(d) For services to employees, service to other agencies, and for sale of surplus products	54,226		
Net appropriation	3,971,469		

MILITARY AFFAIRS

Item		Amount
Adjutant General, California National Guard and Reserve	190—For support of the Adjutant General, the California National Guard and the California National Guard Reserve, in accordance with the following schedule	2,705,151
	and in addition thereto any amounts received from the United States Government for maintenance and operation of installations and for armory rental utility expense, which by law are available for support of said agency; provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the Federal Government.	
	Schedule:	
	(a) Salaries and Wages	1,708,579
	(b) Operating Expenses	1,069,091
	(c) Equipment	84,431
	Total of schedule	2,862,101
	Less: Estimated reimbursements:	
	(d) From United States Government for maintenance and operation of installations	152,800
	(e) From Armory Board for armory rental utility expense	3,750
	(f) From Office of Civil Defense	400
	Net appropriation	2,705,151
Cadet Corps	191—For maintenance of California Cadet Corps, the Adjutant General, in accordance with the following schedule	220,786
	Schedule:	
	(a) Salaries and Wages	70,700
	(b) Operating Expenses	134.780
	(c) Equipment	15,306
	Total of schedule	220,786

MOTOR VEHICLES

Department of Motor Vehicles	192—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule	10,601,467
	and in addition thereto any amounts collected for sale of registration lists and for services	

Item		Amount
	to other agencies which by law are available for support of said department.	
	Schedule:	
	(a) Salaries and Wages 8,897,609	
	(b) Operating Expenses 3,216,192	
	(c) Equipment 360,463	
	Total of schedule 12,474,264	
	Less: Estimated reimbursements:	
	(d) For sale of registration lists 25,000	
	(e) Services to City and County of San Francisco 8,126	
	(f) Rentals received from other state departments 3,575	
	(g) Amount payable from Motor Vehicle License Fee Fund (Item 193) 1,836,096	
	Net appropriation 10,601,467	
193	For additional support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund ..... to be transferred to the Motor Vehicle Fund in augmentation of Item 192, as provided by Section 11003 of the Revenue and Taxation Code.	1,836,096
194	For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $200,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.	
	NATURAL RESOURCES	
	Department of Fish and Game	
195	For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from the Fish and Game Preservation Fund, in accordance with the following schedule ..... and in addition thereto any amounts collected for services which by law are available for support of said department.	5,929,976
	Schedule:	
	(a) Salaries and Wages 3,290,136	
	(b) Operating Expenses 2,317,047	
	(c) Equipment 458,947	
	Total of schedule 6,066,130	

Item		Amount
Less: Estimated reimbursements:		
(d) For services to employees	33,630	
(e) For use of operating equipment	77,983	
(f) For services to State Water Pollution Control Board	24,541	
Net appropriation		5,929,976
196—For cooperation with the Federal Government in the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, Department of Fish and Game, payable from the Fish and Game Preservation Fund		388,280
197—For cooperation with the Federal Government in fish restoration and management projects under provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from the Fish and Game Preservation Fund		42,140
Pacific Marine Fisheries Commission 198—For expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from the Fish and Game Preservation Fund		15,100
Marine Research Committee 199—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund		142,000
Department of Natural Resources 201—For support of Departmental Administration, Department of Natural Resources, in accordance with the following schedule		262,833
and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.		
Schedule:		
(a) Salaries and Wages	301,994	
(b) Operating Expenses	46,245	
(c) Equipment	4,038	
Total of schedule	352,277	
Less: Estimated reimbursements:		
(d) For services to activities supported out of other funds	89,444	
Net appropriation		262,833
202—For Department of Natural Resources exhibit at State Fair, Departmental Administration, Department of Natural Resources, payable from any moneys in the Fair and Exposition		

Item		Amount
Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, in accordance with the following schedule		3,400
and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.		
Schedule:		
(a) State Fair exhibits	5,000	
Less: Estimated reimbursements:		
(b) For services to activities supported out of other funds	1,600	
Net appropriation	3,400	
203—For support of Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Maintenance Fund, in accordance with the following schedule		244,125
and in addition thereto any amounts collected for services which by law are available for support of said division.		
Schedule:		
(a) Salaries and Wages	1,639,610	
(b) Operating Expenses	615,628	
(c) Equipment	61,353	
Total of schedule	2,316,591	
Less: Estimated reimbursements:		
(d) For employees' maintenance	58,250	
(e) Amount payable from the General Fund (Item 204)	1,751,860	
(f) Amount payable from the State Park Fund (Item 205)	262,356	
Net appropriation	244,125	
Upon executive order of the Director of Finance, there may be transferred to the State Park Maintenance Fund for credit to this item, any additional amounts appropriated or otherwise made available by law from the State Beach Fund or the State Park Fund for support or maintenance of this division for the 1952-1953 Fiscal Year.		
204—For additional support of Division of Beaches and Parks, Department of Natural Resources to be transferred by the State Controller to the State Park Maintenance Fund for credit to Item 203 upon written order of the Department of Finance; provided, that any moneys made available to the Division of Beaches and		1,751,860

Division of Beaches and Parks

Item		Amount
	Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfer shall be made by the State Controller upon written order of the Department of Finance.	
205	—For additional support of Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Fund, to be transferred by the State Controller to the State Park Maintenance Fund for credit to Item 203	262,356
206	—For investigation of beach erosion, Division of Beaches and Parks, Department of Natural Resources ----------	10,000
	provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfer shall be made by the State Controller upon written order of the Department of Finance.	
State Beach Fund 207	—For augmentation of the State Beach Fund---	224,013
	provided, this amount shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. To be transferred by the State Controller to the State Beach Fund.	

Item		Amount	
			Division of Forestry
208—For support of Division of Forestry, Department of Natural Resources, in accordance with the following schedule			9,038,955
and in addition thereto any amounts collected for services to other agencies and to employees, and to counties under cooperative agreements and for fire protection and other services to the Federal Government, or any agency thereof, pursuant to contracts, which by law are available for support of said division.			
Schedule:			
(a) Salaries and Wages		6,934,740	
(b) Operating Expenses		3,240,000	
(c) Equipment		799,838	
Total of schedule		10,974,578	
Less: Estimated reimbursements:			
(d) For services to employees		438,808	
(e) For services to counties under cooperative agreements		1,227,661	
(f) For fire protection and other services to the Federal Government, or any agency thereof, pursuant to contracts		256,863	
(g) For use of automotive equipment—Youth Authority		3,585	
(h) For office rental and services, Department of Fish and Game		8,706	
Net appropriation		9,038,955	
209—For direct allotment to cooperating counties for prevention and suppression of forest fires on state responsibility lands, Division of Forestry, Department of Natural Resources, in accordance with the following schedule			726,307
Schedule:			
(a) Contra Costa County		2,611	
(b) Kern County		210,460	
(c) Los Angeles County		230,319	
(d) Marin County		53,515	
(e) San Mateo County		71,327	
(f) Santa Barbara County		77,792	
(g) Ventura County		80,283	
Total of schedule		726,307	
210—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries			

Item		Amount
	of United States National Forests within this State, Division of Forestry, Department of Natural Resources	771,376
	211—For watershed research at the San Dimas Experimental Forest in cooperation with the California Forest and Range Experiment Station of the United States Department of Agriculture, Division of Forestry, Department of Natural Resources	24,000
	212—For white pine blister rust control, Division of Forestry, Department of Natural Resources; provided, that any amount withdrawn from this item must be matched by an expenditure of an equal amount by the Federal Government in this State for the same purpose pursuant to an agreement which may provide for the advance of the State's contribution or any part thereof to the Federal Government	168,000
	213—For emergency fire suppression and detection, Division of Forestry, Department of Natural Resources, which may be transferred to Item 208 upon executive order of the Director of Finance	320,000
	214—For pine beetle control, Division of Forestry, Department of Natural Resources, to be expended in accordance with Section 4455 of the Public Resources Code	50,000
Division of Mines	215—For support of Division of Mines, Department of Natural Resources, in accordance with the following schedule	391,420
	Schedule:	
	(a) Salaries and Wages 234,926	
	(b) Operating Expenses 148,605	
	(c) Equipment 7,889	
	Total of schedule 391,420	
	216—For geological exploration in cooperation with United States Geological Survey, Division of Mines, Department of Natural Resources; provided, that any amount withdrawn from this item must be matched by an expenditure of a like amount by the Federal Government in this State for this purpose	35,000
Division of Oil and Gas	217—For support of Division of Oil and Gas, Department of Natural Resources, payable from the Petroleum and Gas Fund, in accordance with the following schedule and in addition thereto any amounts collected for services to employees, which by law are available for support of said division.	421,045

Item		Amount	
Schedule:			
(a) Salaries and Wages	306,693		
(b) Operating Expenses	103,590		
(c) Equipment	11,530		
Total of schedule	421,813		
Less: Estimated reimbursements:			
(d) For employees' rent and utilities	768		
Net appropriation	421,045		
218—For support of State Soil Conservation Commission, Department of Natural Resources, in accordance with the following schedule and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said commission.		38,485	Soil Conservation Commission
Schedule:			
(a) Salaries and Wages	24,970		
(b) Operating Expenses	14,350		
(c) Equipment	1,200		
Total of schedule	40,520		
Less: Estimated reimbursements:			
(d) For services to Soil Conservation Equipment Revolving Fund	2,035		
Net appropriation	38,485		

PROFESSIONAL AND VOCATIONAL STANDARDS

219—For support of Division of Administrative Procedure, Department of Professional and Vocational Standards, in accordance with the following schedule and in addition thereto any amounts collected for services to other agencies, which by law are available for support of said division.		60,637	Division of Administrative Procedure
Schedule:			
(a) Salaries and Wages	119,328		
(b) Operating Expenses	43,686		
(c) Equipment	3,428		
Total of schedule	166,442		
Less: Estimated reimbursements:			
(d) From other agencies for hearing and other services	105,805		
Net appropriation	60,637		

Item		Amount
Boards Accountancy	220—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule	156,534
	Schedule:	
	(a) Salaries and Wages	49,381
	(b) Operating Expenses	106,635
	(c) Equipment	518
	Total of schedule	156,534
Architectural Examiners	221—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners Fund, in accordance with the following schedule	35,653
	Schedule:	
	(a) Salaries and Wages	22,100
	(b) Operating Expenses	12,428
	(c) Equipment	1,125
	Total of schedule	35,653
State Athletic Commission	222—For support of State Athletic Commission, payable from the Athletic Commission Fund, in accordance with the following schedule	130,090
	Schedule:	
	(a) Salaries and Wages	96,799
	(b) Operating Expenses	32,841
	(c) Equipment	450
	Total of schedule	130,090
Barber Examiners	223—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule	103,485
	Schedule:	
	(a) Salaries and Wages	65,238
	(b) Operating Expenses	38,005
	(c) Equipment	242
	Total of schedule	103,485
Cemetery Board	224—For support of Cemetery Board, Department of Professional and Vocational Standards, payable from Cemetery Fund, in accordance with the following schedule	24,587
	Schedule:	
	(a) Salaries and Wages	9,130
	(b) Operating Expenses	14,865
	(c) Equipment	592
	Total of schedule	24,587
	225—For transfer to the General Fund to the credit of Executive Order No. E 51-213 allocated	

Item		Amount	
from the Emergency Fund provided by Item 277 of Section 2 of the Budget Act of 1950 from the Cemetery Fund upon order of the State Controller	306.14		
226—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		49,357	Chiropractic Examiners
Schedule:			
(a) Salaries and Wages	25,748		
(b) Operating Expenses	22,899		
(c) Equipment	710		
Total of schedule	49,357		
227—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		179,486	Registration for Civil and Professional Engineers
Schedule:			
(a) Salaries and Wages	107,477		
(b) Operating Expenses	69,588		
(c) Equipment	2,421		
Total of schedule	179,486		
228—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		519,011	Contractors' State License Board
Schedule:			
(a) Salaries and Wages	342,817		
(b) Operating Expenses	166,528		
(c) Equipment	9,666		
Total of schedule	519,011		
229—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		162,583	Cosmetology
Schedule:			
(a) Salaries and Wages	100,324		
(b) Operating Expenses	61,883		
(c) Equipment	376		
Total of schedule	162,583		
230—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule		55,510	Dental Examiners

Item		Amount
	Schedule:	
	(a) Salaries and Wages	33,159
	(b) Operating Expenses	21,106
	(c) Equipment	1,245
	Total of schedule	55,510
Dry Cleaners	231—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule	138,348
	Schedule:	
	(a) Salaries and Wages	88,488
	(b) Operating Expenses	49,386
	(c) Equipment	474
	Total of schedule	138,348
Funeral Directors and Embalmers	232—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund, in accordance with the following schedule	30,841
	Schedule:	
	(a) Salaries and Wages	17,728
	(b) Operating Expenses	11,880
	(c) Equipment	1,233
	Total of schedule	30,841
Furniture and Bedding Inspection	233—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule	174,107
	Schedule:	
	(a) Salaries and Wages	126,272
	(b) Operating Expenses	47,435
	(c) Equipment	400
	Total of schedule	174,107
Guide Dogs for the Blind	234—For support of State Board of Guide Dogs for the Blind	363
Medical Examiners	235—For support of State Board of Medical Examiners, payable from Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule	178,097
	Schedule:	
	(a) Salaries and Wages	89,243
	(b) Operating Expenses	86,420
	(c) Equipment	2,434
	Total of schedule	178,097
Nurse Examiners	236—For support of Board of Nurse Examiners of the State of California, payable from the Board	

Item		Amount
of Nurse Examiners' Fund, in accordance with the following schedule		129,435
and in addition thereto any amounts collected for services which by law are available for support of said board.		
Schedule:		
(a) Salaries and Wages	65,659	
(b) Operating Expenses	63,053	
(c) Equipment	1,223	
Total of schedule	129,935	
Less: Estimated reimbursements:		
(d) For sale of registration lists	500	
Net appropriation	129,435	
237—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		28,730
Optometry		
Schedule:		
(a) Salaries and Wages	17,517	
(b) Operating Expenses	10,085	
(c) Equipment	1,128	
Total of schedule	28,730	
238—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		163,410
Pharmacy		
Schedule:		
(a) Salaries and Wages	103,424	
(b) Operating Expenses	57,736	
(c) Equipment	2,250	
Total of schedule	163,410	
239—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule		26,428
Private Investigators and Adjusters		
Schedule:		
(a) Salaries and Wages	15,308	
(b) Operating Expenses	11,020	
(c) Equipment	100	
Total of schedule	26,428	
240—For support of State Board of Examiners of Shorthand Reporters, payable from Shorthand Reporters Fund, in accordance with the following schedule		10,041
Examiners of Shorthand Reporters		

Item		Amount
	Schedule:	
	(a) Salaries and Wages	4,992
	(b) Operating Expenses	4,949
	(c) Equipment	100
	Total of schedule	10,041
Social Work Examiners	241—For support of the Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule	16,928
	Schedule:	
	(a) Salaries and Wages	10,923
	(b) Operating Expenses	5,827
	(c) Equipment	178
	Total of schedule	16,928
Structural Pest Control	242—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule	36,843
	Schedule:	
	(a) Salaries and Wages	19,965
	(b) Operating Expenses	16,728
	(c) Equipment	150
	Total of schedule	36,843
Veterinary Medicine Examiners	243—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule	12,275
	Schedule:	
	(a) Salaries and Wages	6,678
	(b) Operating Expenses	5,547
	(c) Equipment	50
	Total of schedule	12,275
Vocational Nurse Examiners	244—For support of the Board of Vocational Nurse Examiners of the State of California, payable from Vocational Nurse Examiners Fund, in accordance with the following schedule	22,882
	Schedule:	
	(a) Salaries and Wages	11,917
	(b) Operating Expenses	10,865
	(c) Equipment	100
	Total of schedule	22,882
Yacht and Ship Brokers Commission	245—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers Fund, in accordance with the following schedule	14,259

Item		Amount	
Schedule:			
(a) Salaries and Wages	7,408		
(b) Operating Expenses	6,643		
(c) Equipment	208		
Total of schedule	14,259		
246—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule		36,795	Osteopathic Examiners
Schedule:			
(a) Salaries and Wages	23,232		
(b) Operating Expenses	12,488		
(c) Equipment	1,075		
Total of schedule	36,795		
247—For support of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule		11,684	Pilot Commissioners
Schedule:			
(a) Salaries and Wages	10,774		
(b) Operating Expenses	772		
(c) Equipment	138		
Total of schedule	11,684		
248—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		165,966	Horse Racing
Schedule:			
(a) Salaries and Wages	96,266		
(b) Operating Expenses	66,760		
(c) Equipment	2,940		
Total of schedule	165,966		

PUBLIC HEALTH

249—For support of Department of Public Health and in addition thereto any amounts collected from sale of antigens, services to other agencies, amounts made available by the Federal Government, or any agency thereof, as grants for public health purposes, and amounts contributed by organizations for public health purposes, which by law are available for support of said department. Said appropriation	4,145,579	Department of Public Health

Item		Amount
	shall be expended in accordance with the following schedule.	
	Schedule:	
	(a) Salaries and Wages	3,480,166
	(b) Operating Expenses	2,229,444
	(c) Equipment	77,514
	Total of schedule	5,787,124
	Less: Estimated reimbursements:	
	(d) From sale of antigens	30,600
	(e) For services to other agencies	217,483
	(f) Estimated grants from the Federal Government or agencies thereof	1,393,462
	Net appropriation	4,145,579
	250—For care of recalcitrant tuberculous patients as provided by Section 3300.4 of the Health and Safety Code, Department of Public Health	43,800
Water Pollution Control Boards	251—For support of the State Water Pollution Control Board and the several Regional Water Pollution Control Boards in accordance with the following schedule	373,902
	Schedule:	
	(a) Salaries and Wages	257,508
	(b) Operating Expenses	111,555
	(c) Equipment	4,839
	Total of schedule	373,902
	252—For research, studies, and investigations relative to the technical phases of the control of water pollution, State Water Pollution Control Board	80,900
	253—For studies, investigations, and services to be performed by other agencies including but not limited to the Department of Public Health, the Division of Water Resources, Department of Public Works, and the Department of Fish and Game at the request of the State Water Pollution Control Board and regional water pollution control boards, to be made available by executive order of the Director of Finance in such amounts as he finds necessary, State Water Pollution Control Board	177,310
	PUBLIC UTILITIES	
Public Utilities Commission	254—For support of the Public Utilities Commission of the State of California, in accordance with the following schedule	1,632,758

Item		Amount
and in addition thereto any amounts collected for services to activities supported out of other funds, and reporting service to litigants which by law are available for support of said commission.		
Schedule:		
(a) Salaries and Wages	2,118,412	
(b) Operating Expenses	333,611	
(c) Equipment	36,435	
Total of schedule	2,488,458	
Less: Estimated reimbursements:		
(d) Services to Railroad Commission Transportation Rate Fund	782,700	
(e) Reporting service to litigants	73,000	
Net appropriation	1,632,758	
255—For additional support of the Public Utilities Commission of the State of California, payable from the Transportation Rate Fund, in accordance with the following schedule		1,407,434
Schedule:		
(a) Salaries and Wages	484,115	
(b) Operating Expenses	915,780	
(c) Equipment	7,539	
Total of schedule	1,407,434	

PUBLIC WORKS

256—For pro rata support of Departmental Administration, Department of Public Works, in accordance with the following schedule and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.		122,615	Department of Public Works
Schedule:			
(a) Salaries and Wages	222,890		
(b) Operating Expenses	46,693		
(c) Equipment	2,234		
Total of schedule	271,817		
Less: Estimated reimbursements:			
(d) For services to activities supported out of other funds	149,202		
Net appropriation	122,615		
257—For support of Division of Architecture, Department of Public Works, in accordance with the following schedule		364,028	Division of Architecture

Item		Amount
	and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said division.	
	Schedule:	
	(a) Salaries and Wages	314,400
	(b) Operating Expenses	88,737
	(c) Equipment	10,891
	Total of schedule	414,028
	Less: Estimated reimbursements:	
	(d) For services to activities supported out of other funds	50,000
	Net appropriation	364,028
258	For support of Division of Architecture, Department of Public Works, payable from the Division of Architecture Public Building Fund, in accordance with the following schedule	591,681
	Schedule:	
	(a) Salaries and Wages	524,639
	(b) Operating Expenses	61,754
	(c) Equipment	5,288
	Total of schedule	591,681
San Francisco Bay toll bridge study 259	For transfer from the State Highway Fund to the General Fund to the credit of the appropriation contained in Item 269, Budget Act of 1951, to reimburse the Emergency Fund for any amount expended from such Emergency Fund for a study in connection with an additional toll bridge across the Bay of San Francisco	50,000
	The California Toll Bridge Authority shall return this appropriation, or so much thereof as may be used, together with interest at 1½ percent per year computed from the first day of the fiscal year following the date of withdrawal on the total amount withdrawn during any one fiscal year, to the State Highway Fund from the proceeds of the first sale of revenue bonds issued for the construction of said bridge or other crossing under the provisions of the California Toll Bridge Authority Act; provided, that in the event revenue bonds are not issued and sold for the construction of such toll bridge or other toll highway crossing, any money expended hereunder shall be returned to the State Highway Fund in the State Treasury from the tolls and revenues of the existing	

Item		Amount
	San Francisco-Oakland Bay Bridge, but only after all revenue bonds issued and sold by the California Toll Bridge Authority for the construction of said bridge, or for the refunding of the indebtedness thereon, have been fully redeemed and paid and all other obligations of the bridge have been fully satisfied, including the repayment of any other sums presently required by law to be repaid to the State Treasury.	
259.5	—For surveys, plans, estimates, preliminary engineering, and other preliminary expenses (1) for a toll bridge or other toll highway crossing across Carquinez Straits parallel to the Carquinez Bridge near Crockett and (2) for necessary modification and improvement of the existing bridge for use in connection therewith, to be expended through and upon authorization of the Department of Public Works ---------- The California Toll Bridge Authority shall return this appropriation, or so much thereof as may be used, together with interest thereon at the rate of one and one-half percent (1½%) per year, computed from the first day of the fiscal year following the date of withdrawal on the total amount withdrawn during any one fiscal year, to the General Fund of the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of said bridge.	Carquinez Straits toll crossing 200,000
259.6	—For the establishment of a fund to provide for the payment and retirement of state school building bonds heretofore or hereafter issued, a sum equal to the total amount required to be repaid to the General Fund pursuant to Item 259.5 of this act. The money hereby appropriated is appropriated without regard to fiscal years and shall be deposited in the School Bond Retirement Fund, which is created in the State Treasury by Item 114.1 of this act, in installments equal in amount to each amount repaid to the General Fund pursuant to the item mentioned above, and on the respective dates such repayments are made. This appropriation shall be expended solely for the payment of said bonds and interest thereon upon their maturity dates, and for the payment of said bonds and interest prior to their maturity dates pursuant to Section 5103 of the Education Code.	Retirement of state school building bonds

Item		Amount
Division of Water Resources	260—For support of Division of Water Resources, Department of Public Works, including cooperative work with other agencies	1,488,808
	and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said division and/or department. Said appropriation, together with the amount appropriated by Item 263 hereof, shall be expended in accordance with the following schedule.	
	Schedule:	
	(a) Salaries and Wages	1,170,213
	(b) Operating Expenses	407,817
	(c) Equipment	58,786
	(d) Contributions to Watermaster Services	30,641
	Total of schedule	1,667,457
	Less:	
	(e) Estimated amount payable from State Watermaster Service Fund (Item 263)	57,906
	Estimated reimbursements:	
	(f) For services to activities supported out of other funds	120,743
	Net appropriation	1,488,808
	261—For work in cooperation with the Federal Government, Division of Water Resources, Department of Public Works, to be expended in accordance with the following schedule	464,850
	Schedule:	
	(a) Yuba River debris control	30,000
	(b) Topographic mapping	300,000
	(c) Stream gaging	127,350
	(d) Irrigation investigations	7,500
	Total of schedule	464,850
	provided, that any amount withdrawn from this item must be matched by an expenditure of like amount by the Federal Government in this State for this purpose; and further provided, that the amount for item (a) in the above schedule, Yuba River debris control, shall be available subject to the provisions of Sections 2, 3, and 4 of Chapter 686, Statutes of 1935.	
Feather River and Sacramento-San Joaquin Delta Diversion Projects	262—For necessary investigations, surveys, and studies, and preparation of plans and specifications for (1) the construction of the works,	

Item		Amount
	referred to as the Feather River Project and Sacramento-San Joaquin Delta Diversion Projects, authorized by Article 9.5, Chapter 2, Part 3, Division 6, of the Water Code, and (2) a Feather River-Sacramento exchange canal north of the Marysville Buttes in connection with the consideration by the Water Project Authority of a modification pursuant to Chapter 1441, Statutes of 1951, of the Feather River Project to include such a canal, Division of Water Resources, Department of Public Works	800,000
	The Water Project Authority of the State of California shall return this appropriation, or so much thereof as may be used, with interest thereon at the rate of one and one-half percent (1½%) per annum, to be computed from the first day of the fiscal year following the date of withdrawal on the total amount withdrawn during any one fiscal year to the General Fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of any of the works authorized by Article 9.5, Chapter 2, Part 3, Division 6, of the Water Code.	
262.5	—For surveys and investigations of the water resources of the Santa Margarita Watershed including but not limited to hydrography, hydroeconomics, the use and distribution of water for agricultural and other beneficial purposes, including consideration of both surface and underground water conditions, and the availability of natural situations for reservoirs or reservoir systems for gathering and distributing flood or other waters, Division of Water Resources, Department of Public Works	Santa Margarita River Watershed survey 150,000
263	—For additional support of the Division of Water Resources, Department of Public Works, payable from the State Watermaster Service Fund	27,265
	which sum shall be augmented by the transfer made from the General Fund in accordance with the provisions of Section 4360 of the Water Code.	
263.6	—For the cost of any and all work necessary for the repair or restoration of, and for the protection of the ocean beach in the City of Redondo Beach, Los Angeles County, or any portion thereof, Department of Public Works, Division of Water Resources	City of Redondo Beach beach repair 20,000

Item		Amount
	to be expended during the 1952-53 Fiscal Year in accordance with the provisions and limitation and matching requirements as set forth in Chapter 1417, Statutes of 1945; provided, that any moneys made available to the Division of Water Resources, Department of Public Works, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfer shall be made by the State Controller upon written order of the Department of Finance.	
263.8	—For employment of legal counsel and expenses in connection with such employment, Water Project Authority	50,000
Aeronautics Commission 264	—For support of the California Aeronautics Commission, in accordance with the following schedule	112,249
	and in addition thereto any amounts collected for services, which by law are available for support of said commission.	
	Schedule:	
	(a) Salaries and Wages	74,863
	(b) Operating Expenses	37,061
	(c) Equipment	1,325
	Total of schedule	113,249
	Less: Estimated reimbursements:	
	(d) For services to other state agencies	1,000
	Net appropriation	112,249
Colorado River Board 265	—For support of Colorado River Board of California, in accordance with the following schedule	106,806
	Schedule:	
	(a) Salaries and Wages	59,256
	(b) Operating Expenses	45,865
	(c) Equipment	1,685
	Total of schedule	106,806
Board of Harbor Commissioners for Humboldt Bay 266	—For support of the Board of Harbor Commissioners for Humboldt Bay	3,170

Item		Amount	
267—For support of Reclamation Board, in accordance with the following schedule		183,694	Reclamation Board
Schedule:			
(a) Salaries and Wages	152,780		
(b) Operating Expenses	24,773		
(c) Equipment	6,141		
Total of schedule	183,694		
268—For support of the State Water Resources Board		74,858	Water Resources Board
268.5—For survey of water resources, State Water Resources Board, in accordance with the following schedule		70,000	
Schedule:			
(a) For a comprehensive survey of the water resources of the Klamath River Basin	50,000		
(b) For a comprehensive survey of the water resources of San Luis Obispo County	20,000		
Total of schedule	70,000		
269—For minor investigations, studies, and reports on water resources, State Water Resources Board; provided, that any sums expended from this item shall be matched by a like amount from local agencies or other sources		28,250	
270—For conducting water resources investigations, surveys, and studies, preparing plans and estimates, making reports thereon and otherwise performing all work and doing all things required relative thereto by provisions of the State Water Resources Act of 1945, State Water Resources Board		470,430	
271—For support of the Interim San Francisco Bay Ports Commission in accordance with the following schedule		54,000	Interim San Francisco Bay Ports Commission
Schedule:			
(a) Salaries and Wages	26,200		
(b) Operating Expenses	27,400		
(c) Equipment	400		
Total of schedule	54,000		

SOCIAL WELFARE

272—For support of Department of Social Welfare Such appropriation, together with any grants made available by the Federal Government for support of the Department of Social Welfare during the 1952-53 Fiscal Year shall be		1,833,458	Department of Social Welfare

Item		Amount
	expended in accordance with the following schedule.	
	Schedule:	
	(a) Salaries and Wages	1,971,090
	(b) Operating Expenses	704,878
	(c) Equipment	19,216
	Total of schedule	2,695,184
	Less: Estimated reimbursements:	
	(d) Estimated amounts payable from federal grants	861,726
	Net appropriation	1,833,458
Recreation Commission	273—For support of the Recreation Commission and the Director of Recreation, in accordance with the following schedule	82,897
	Schedule:	
	(a) Salaries and Wages	49,400
	(b) Operating Expenses	33,397
	(c) Equipment	100
	Total of schedule	82,897

VETERANS AFFAIRS

Department of Veterans Affairs	274—For support of Department of Veterans Affairs, in accordance with the following schedule	299,214
	and in addition thereto any amounts collected for services to activities supported from other funds.	
	Schedule:	
	(a) Salaries and Wages	245,413
	(b) Operating Expenses	64,585
	(c) Equipment	5,716
	Total of schedule	315,714
	Less: Estimated reimbursements:	
	(d) From Veterans' Dependents' Education Fund for administrative services (Item 275)	16,500
	Net appropriation	299,214
	275—For additional support of Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund	16,500
	to be transferred to the General Fund in augmentation of Item 274.	
	276—For educational assistance to veterans, Department of Veterans Affairs, to be expended under the provisions of Article 2 of Chapter 6 of Division 4 of the Military and Veterans Code..	3,269,100

Item		Amount	
277—For educational assistance to veterans, Department of Veterans Affairs, in augmentation of Item 257, Chapter 1020, Statutes of 1951, to be expended under the provisions of Article 2 of Chapter 6 of Division 4 of the Military and Veterans Code		225,715	
Notwithstanding other provisions of this section, the amount made available by this item is available for payment of expenditures incurred during the 1951-52 Fiscal Year.			
278—For veterans' claims and rights service, Department of Veterans Affairs, to be expended under the provisions of Section 699.5 of the Military and Veterans Code		566,000	
279—For educational assistance to veterans' dependents, Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund		173,325	
to be expended under the provisions of Article 2 of Chapter 4 of Division 4 of the Military and Veterans Code.			
280—For support of Veterans' Home of California and in addition thereto any grants received from the Federal Government and any amounts collected for services to employees and from sale of surplus products, which by law are available for support of said home. Said appropriation shall be expended in accordance with the following schedule; provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.		1,665,642	Veterans' Home
Schedule:			
(a) Salaries and Wages	1,715,102		
(b) Operating Expenses	835,185		
(c) Equipment	41,147		
Total of schedule	2,591,434		
Less: Estimated reimbursements:			
(d) For services to employees and for members and for sale of surplus products	73,266		
(e) Estimated receipts from Federal Government	852,526		
Net appropriation	1,665,642		
281—For support of Woman's Relief Corps Home of California, in accordance with the following schedule		74,581	Woman's Relief Corps Home

Item		Amount
	and in addition thereto any amounts collected for services to employees, which by law are available for support of said home.	
	Schedule:	
	(a) Salaries and Wages	56,914
	(b) Operating Expenses	19,142
	(c) Equipment	825
	Total of schedule	76,881
	Less: Estimated reimbursements:	
	(d) For services to employees	2,300
	Net appropriation	74,581
282	—For hospitalization of members, Woman's Relief Corps Home of California, to be expended under the provisions of Section 1086.1 of the Military and Veterans Code	2,500

MISCELLANEOUS

Legislators' Retirement Fund

283—For State's contribution to the Legislators' Retirement Fund in accordance with Section 9358 of the Government Code 44,000

Compensation benefits to state officers and employees

284—For such proportion of the compensation benefits to state officers and employees as in each case the contribution out of the General Fund to the salary of such officer or employee, during the portion of the 1952-53 Fiscal Year prior to the date when the benefit becomes payable, bears to the total salary of such officer or employee during the same period, or for officers and employees of the State paid in whole or in part from the Vocational Education Fund or Vocational Rehabilitation Fund; or for premiums on insurance therefor 780,000

Refund of taxes, license fees, etc., erroneously collected

285—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund and for the refund of which no other provision is made by law; provided, that expenditures from this item shall be approved by the State Board of Control 5,000

State Board of Control

286—For claim of the Secretary of the State Board of Control, to be paid from the several funds in accordance with the following schedule 177,142

Schedule:

(a)	General Fund	110,640
(b)	Department of Agriculture Fund	65
(c)	Collection Agency Fund	157
(d)	Board of Cosmetology's Contingent Fund	10

Item		Amount
	(e) Fair and Exposition Fund available to 1A District Agricultural Association under the provisions of Section 19622 of the Business and Professions Code	2,409
	(f) Fair and Exposition Fund available to the 51st District Agricultural Association under the provisions of Section 19624 of the Business and Professions Code	908
	(g) Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (e) of Section 19626 of the Business and Professions Code	200
	(h) Fish and Game Preservation Fund	7,758
	(i) State Highway Fund	15,062
	(j) State Lands Act Fund	17,303
	(k) Motor Vehicle Fund	2,193
	(l) Motor Vehicle Fuel Fund	4,832
	(m) Motor Vehicle License Fee Fund	54
	(n) State Park Fund	543
	(o) State Park Maintenance Fund	6,914
	(p) Redemption Tax Fund	3
	(q) Wildlife Restoration Fund	927
	(r) Division of Architecture Revolving Fund	42
	(s) Correctional Industries Revolving Fund	5,400
	(t) Department of Employment Contingent Fund	206
	(u) Inmate Trust Fund	56
	(v) Inmate Welfare Fund	36
	(w) San Francisco Harbor Improvement Fund	60
	(x) Unemployment Fund	20
	(y) Unemployment Administration Fund	1,344
	Total of schedule	177,142
287	—For augmentation of any one or more of the following revolving funds, to be transferred by the State Controller in such amounts and for such periods as the Director of Finance may authorize	500,000

Augmentation of revolving funds

Item		Amount
	Workshops for the Blind Manufacturing Fund (Sec. 3332, Welfare and Institutions Code)	
	Purchasing Revolving Fund (Sec. 13373, Government Code)	
	Ballot Paper Revolving Fund (Sec. 3704, Elections Code)	
287.5	—For augmentation of the Correctional Industries Revolving Fund	1,500,000
	provided, however, that none of the money appropriated by this item shall be available for expenditure except for a textile mill operation at San Quentin; and provided further, that none of the money appropriated herein shall be expended until the Legislature authorizes an annual production in such industry in excess of $225,000 per annum. The provisions of this appropriation shall not be construed as determining future legislative policy with respect to raising of said production limitations as now prevail under existing law.	
Salary Increase Fund 288	—For Salary Increase Fund to be allocated only on authorization of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, the Regents of the University of California, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service whose compensation, or a portion thereof, is payable from the General Fund the increase in compensation provided for in any increased salary range established during the 1951-52 or 1952-53 Fiscal Years by the Personnel Board or other salary-fixing authority with the approval of the Department of Finance	14,000,000
	For state officers and employees whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation for each such officer or employee in accordance with this item, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Before the State Personnel Board or other administrative salary-fixing authority establishes any increased salary range during the 1952-53	

Item		Amount
	Fiscal Year, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of the increased salary range; provided, that, except for increases authorized under Section 18853 of the Government Code or by specific statute, increases in compensation provided by increased salary ranges established during the 1952-53 Fiscal Year by the Personnel Board for each state officer or employee in the state service whose compensation, or portion thereof, is payable from the General Fund shall not result in total annual salary increases of more than $10,000,000. For purposes of determination of such annual cost, computations may be based upon the number of employees in such classes as of June 30, 1952, as reported by the State Personnel Board. Salary adjustments payable from funds other than the General Fund and salary adjustments fixed by other than the Personnel Board shall be limited so as to provide equitable treatment as to the foregoing limitation.	
	RESERVES FOR CONTINGENCIES	
289	—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies ---------- and in addition to said sum there is hereby appropriated from each special fund, exclusive of Motor Vehicle Fund and State Highway Fund, from which appropriations for support or for other purposes are made in this act, an amount or amounts necessary to meet emergencies; provided, that loans may be made from the Emergency Fund to state agencies which derive their support from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.	Emergency Fund 2,500,000

Item		Amount
	290—For Emergency Fund, in augmentation of the appropriation made by Item 269, Budget Act of 1951, to be expended only on written authorization of the Department of Finance for emergencies	509,854
	provided, that loans may be made from the Emergency Fund to state agencies which derive their support from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the Controller to the fund from which the support of the agency is derived.	
	Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.	
	Notwithstanding any other provision of law the appropriation made by this item is available for payment of expenditures incurred only during the 1951-52 Fiscal Year.	
Price Increase Fund	292—For Price Increase Fund, in augmentation of the appropriation made by Item 270, Budget Act of 1951, to be allocated only on written authorization of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as are necessary to meet increases in prices of commodities	525,988
	and in addition to said sum there is hereby appropriated from each special fund from which appropriations for support or for other purposes are made in this act, an amount necessary to meet increases in prices of commodities.	
	Notwithstanding any other provision of law the appropriation made by this item is available for payment of expenditures incurred only during the 1951-52 Fiscal Year.	

CAPITAL OUTLAY BUDGET

AGRICULTURE

Department of Agriculture	293—For acquisition of real property, Department of Agriculture, to be expended under the provisions of the Property Acquisition Act, pay-	

Item		Amount	
able from the Capital Outlay and Savings Fund		9,000	
294—For major construction, improvements, and equipment, Department of Agriculture, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		577,331	
Schedule:			
Plant Quarantine Inspection Stations:			Plant quarantine inspection stations
(a) Tule Lake	76,270		
(b) Peavine	76,270		
(c) Yermo	155,061		
(d) Coleville	76,270		
(e) Alturas	85,450		
(f) Benton	85,450		
Fruit and Vegetable Standardization Inspection Station:			
(g) Banning-Beaumont	22,560		
Total of schedule	577,331		
295—For minor construction, improvements, repairs, and equipment, Department of Agriculture, payable from the Capital Outlay and Savings Fund		45,135	
296—For minor construction, improvements, repairs, and equipment, Poultry Improvement Commission, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		6,500	Poultry Improvement Commission

CORRECTIONS

297—For major construction, improvements, and equipment, Departmental Administration, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		182,500	Department of Corrections
Schedule:			
(a) Preliminary plans	182,500		
Total of schedule	182,500		
298—For major construction, improvements, and equipment, Medical Facility, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		4,909,500	Medical Facility

Item		Amount
	Schedule:	
	(a) Additional facilities to increase inmate capacity	4,909,500
	Total of schedule	4,909,500
	299—For minor construction, improvements, repairs, equipment, and supplies, Medical Facility, Department of Corrections, payable from the Capital Outlay and Savings Fund	25,000
Institution for Men	300—For major construction, improvements, and equipment, California Institution for Men, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	683,780
	Schedule:	
	(a) Vocational shop building	600,000
	(b) Furniture factory addition	83,780
	Total of schedule	683,780
	301—For minor construction, improvements, repairs, and equipment, California Institution for Men, Department of Corrections, payable from the Capital Outlay and Savings Fund	57,850
Folsom	302—For major construction, improvements, and equipment, California State Prison at Folsom, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	777,380
	Schedule:	
	(a) Showers in cell blocks (partial cost)	7,420
	(b) Metal stamping industrial building	745,760
	(c) Incinerator (partial cost)	24,200
	Total of schedule	777,380
	303—For minor construction, improvements, repairs, and equipment, California State Prison at Folsom, Department of Corrections, payable from the Capital Outlay and Savings Fund	20,000
San Quentin	304—For major construction, improvements, and equipment, California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	267,215
	Schedule:	
	(a) Modernize inmate mess hall (partial cost)	191,000
	(b) Equipment shed and garage (partial cost)	16,655

Item		Amount
(c) Water reservoir conversion (partial cost)	29,560	
(d) Surface and pave roads	30,000	
Total of schedule	267,215	
305—For minor construction, improvements, repairs and equipment, California State Prison at San Quentin, Department of Corrections, payable from the Capital Outlay and Savings Fund		175,430
306—For major construction, improvements, and equipment, California State Prison at Soledad, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		550,000
Schedule:		
(a) Industries building	550,000	
Total of schedule	550,000	
307—For minor construction, improvements, repairs, and equipment, California State Prison at Soledad, Department of Corrections, payable from the Capital Outlay and Savings Fund		20,000
308—For major construction, improvements, and equipment, Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		196,740
Schedule:		
(a) Furniture factory building	196,740	
Total of schedule	196,740	
309—For minor construction, improvements, repairs, and equipment, Deuel Vocational Institution, Department of Corrections, payable from the Capital Outlay and Savings Fund		5,000
310—For major construction, improvements, and equipment, California Institution for Women, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		517,400
Schedule:		
(a) Additional inmate cottage	517,400	
Total of schedule	517,400	
311—For major construction, improvements, and equipment, Departmental Administration, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		90,000

Soledad

Deuel Vocational Institution

Institution for Women

Youth Authority

Item		Amount
	Schedule:	
	(a) Preliminary plans	90,000
	Total of schedule	90,000
Southern California Reception Center and Clinic	312—For major construction, improvements, and equipment, Southern California Reception Center and Clinic, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	357,740
	Schedule:	
	(a) Partial site development	159,990
	(b) Dormitory	197,750
	Total of schedule	357,740
Camps	313—For minor construction, improvements, repairs, and equipment, Youth Authority Camps, Youth Authority, payable from the Capital Outlay and Savings Fund	4,700
Fricot Ranch School for Boys	314—For major construction, improvements, and equipment, Fricot Ranch School for Boys, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	50,000
	Schedule:	
	(a) Seal reservoirs	25,000
	(b) Replace ditch with pipeline	25,000
	Total of schedule	50,000
	315—For minor construction, improvements, repairs, and equipment, Fricot Ranch School for Boys, Youth Authority, payable from the Capital Outlay and Savings Fund	15,300
Fred C. Nelles School for Boys	316—For major construction, improvements, and equipment, Fred C. Nelles School for Boys, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	200,000
	Schedule:	
	(a) School building (additional)	200,000
	Total of schedule	200,000
	317—For minor construction, improvements, repairs, and equipment, Fred C. Nelles School for Boys, Youth Authority, payable from the Capital Outlay and Savings Fund	49,310
Paso Robles School for Boys	318—For major construction, improvements, and equipment, Paso Robles School for Boys, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	631,210

Item		Amount
Schedule:		
(a) Partial site development	73,400	
(b) Academic school addition	186,160	
(c) Sewage disposal plant	84,400	
(d) Dormitory	237,250	
(e) Landscaping	50,000	
Total of schedule	631,210	
319—For minor construction, improvements, repairs, and equipment, Paso Robles School for Boys, Youth Authority, payable from the Capital Outlay and Savings Fund		3,000
320—For major construction, improvements, and equipment, Preston School of Industry, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		924,940
Preston School of Industry		
Schedule:		
(a) Dormitories	706,110	
(b) Farm dormitory	218,830	
Total of schedule	924,940	
321—For minor construction, improvements, repairs, and equipment, Preston School of Industry, Youth Authority, payable from the Capital Outlay and Savings Fund		65,970
322—For major construction, improvements, and equipment, Los Guilucos School for Girls, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		605,665
Los Guilucos School for Girls		
Schedule:		
(a) Dormitories	360,400	
(b) Complete academic school	127,550	
(c) Partial site development	93,500	
(d) Culinary building alterations	24,215	
Total of schedule	605,665	
323—For minor construction, improvements, repairs, and equipment, Los Guilucos School for Girls, Youth Authority, payable from the Capital Outlay and Savings Fund		20,150
324—For major construction, improvements, and equipment, Ventura School for Girls, Youth Authority, payable from the Capital Outlay and Savings Fund		3,940,000
Ventura School for Girls		
325—For minor construction, improvements, repairs, and equipment, Ventura School for Girls, Youth Authority, payable from the Capital Outlay and Savings Fund		500

Item		Amount
Tehachapi property	325.5—For major and minor construction, improvements, modifications and equipment, Department of Corrections, to be expended to remodel, improve and construct necessary buildings upon real property near the City of Tehachapi now used by the California Institution for Women for use by the Department of Corrections, pursuant to subdivision (b), Section 3 of Chapter 1710, Statutes of 1951, payable from the General Fund	200,000

EDUCATION

Department of Education	326—For major construction, improvements, and equipment, Department of Education, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	246,500
	Schedule:	
	(a) Preliminary plans 150,000	
	(b) Initial complement of equipment 96,500	
	Total of schedule 246,500	
State Colleges Chico	327—For major construction, improvements, and equipment, Chico State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	415,830
	Schedule:	
	(a) Install water tank 25,000	
	(b) Completion of playfield facilities 159,130	
	(c) Construct men's and women's locker rooms 231,700	
	Total of schedule 415,830	
	328—For minor construction, improvements, repairs, and equipment, Chico State College, payable from the Capital Outlay and Savings Fund	51,813
Fresno	329—For major construction, improvements, and equipment, Fresno State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	4,147,745
	Schedule:	
	(a) Construct music building 838,845	
	(b) Construct education and psychology building 849,000	
	(c) Construct library building 1,035,900	
	(d) Construct addition to administration building 172,400	

Item		Amount
(e) Construct addition to industrial arts building	553,000	
(f) Construct maintenance building	90,100	
(g) Construct women's locker and shower unit of gymnasium	258,500	
(h) Site development (partial cost)	350,000	
Total of schedule	4,147,745	
330—For minor construction, improvements, repairs, and equipment, Fresno State College, payable from the Capital Outlay and Savings Fund		50,652
331—For construction, improvements, and equipment, Fresno State College, payable from the State College Fund		800,000
332—For acquisition of real property, Humboldt State College, to be expended under provisions of the Property Acquisition Act, payable from the Capital Outlay and Savings Fund		64,000
333—For major construction, improvements, and equipment, Humboldt State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		44,000
Schedule:		
(a) Site development for administration and library buildings	44,000	
Total of schedule	44,000	
334—For minor construction, improvements, repairs, and equipment, Humboldt State College, payable from the Capital Outlay and Savings Fund		123,400
335—For major construction, improvements, and equipment, Long Beach State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		594,700
Schedule:		
(a) Site development, partial cost	489,700	
(b) Initial complement of equipment	105,000	
Total of schedule	594,700	
336—For major construction, improvements, and equipment, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		80,000

Humboldt

Long Beach

Los Angeles

Item		Amount
	Schedule:	
	(a) Initial complement of equipment	80,000
	Total of schedule	80,000
	336.1—For acquisition of real property to be expended under the provisions of the Property Acquisition Act, and/or major construction, improvements, and equipment, Los Angeles State College of Applied Arts and Sciences, payable from the Capital Outlay and Savings Fund	2,500,000
	provided, that no part of the appropriation made by this item shall be available for expenditure unless or until the Legislature amends existing laws to permit operation of the Los Angeles State College of Applied Arts and Sciences on a separate campus	
Sacramento	337—For major construction, improvements, and equipment, Sacramento State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	3,291,730
	Schedule:	
	(a) Physical education building (men's gymnasium)	982,550
	(b) General and commercial classroom buildings (additional)	533,765
	(c) Music and speech building (partial cost)	884,075
	(d) Home economics and fine arts building	425,340
	(e) Initial complement of equipment	115,000
	(f) General site development	351,000
	Total of schedule	3,291,730
San Diego	338—For major construction, improvements, and equipment, San Diego State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	750,650
	Schedule:	
	(a) Construct industrial arts and engineering building addition	345,000
	(b) Construct boiler plant addition	70,000
	(c) Construct music and speech building addition	335,650
	Total of schedule	750,650

Item		Amount
339—For minor construction, improvements, repairs, and equipment, San Diego State College, payable from the Capital Outlay and Savings Fund		92,010
340—For major construction, improvements, and equipment, San Francisco State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		390,000
Schedule:		
(a) Site development	390,000	
Total of schedule	390,000	
341—For minor construction, improvements, repairs, and equipment, San Francisco State College, payable from the Capital Outlay and Savings Fund		42,055
342—For acquisition of real property, San Jose State College, Department of Education, to be expended under the provisions of the Property Acquisition Act, payable from the Capital Outlay and Savings Fund		225,000
343—For major construction, improvements, and equipment, San Jose State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		41,600
Schedule:		
(a) Site development (partial cost)	41,600	
Total of schedule	41,600	
344—For minor construction, improvements, repairs, and equipment, San Jose State College, payable from the Capital Outlay and Savings Fund		166,088
345—For major construction, improvements, and equipment, California State Polytechnic College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		3,636,600
Schedule:		
(a) Site development for dairy and central heat and power areas	244,000	
(b) Site development for science, agricultural engineering and mechanics buildings	77,300	
(c) Construct science and classroom building	2,315,300	

San Francisco

San Jose

Polytechnic

Item		Amount
	(d) Construct first unit of science building at Kellogg campus	1,000,000
	Total of schedule	3,636,600

Except for amounts approved by the Director of Finance for preliminary plans, no expenditure shall be allowed for the project under (d) above until there has been filed with the Director of Finance a report which includes: (1) a description of the proposed form of instruction and other activities to be carried on at the Kellogg Campus and its place in the State's higher education system, (2) a master plan of the proposed ultimate physical development at the Kellogg Campus, (3) the relationship between the Kellogg Campus and the present San Dimas Campus, (4) the suitability of the Kellogg site for an agricultural college, and (5) a full statement as to the limitations and obligations with respect to the State's title to the San Dimas and Kellogg Campus sites and until such report has been transmitted to the Senate and Assembly at the 1953 Regular Session by the Director of Finance with his recommendations.

346—For minor construction, improvements, repairs, and equipment, California State Polytechnic College, payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code 145,216

California Maritime Academy

347—For major construction, improvements, and equipment, California Maritime Academy, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund 715,500

Schedule:

(a) Kitchen and mess hall building	301,500
(b) Classroom building	270,000
(c) Site development (partial cost)	144,000
Total of schedule	715,500

348—For minor construction, improvements, repairs, and equipment, California Maritime Academy, payable from the Capital Outlay and Savings Fund 27,700

Schools for the Blind

349—For major construction, improvements, and equipment, California School for the Blind at

Item		Amount	
Berkeley, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		33,820	
Schedule:			
(a) Renew steam distribution system	33,820		
Total of schedule	33,820		
350—For minor construction, improvements, repairs, and equipment, California School for the Blind at Berkeley, payable from the Capital Outlay and Savings Fund		19,216	
351—For major construction, improvements, and equipment, California School for the Deaf, Berkeley, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		68,000	Schools for the Deaf Berkeley
Schedule:			
(a) Addition to bakery	68,000		
Total of schedule	68,000		
352—For minor construction, improvements, repairs, and equipment, California School for the Deaf, Berkeley, payable from the Capital Outlay and Savings Fund		63,596	
352.5—For major construction, improvements, and equipment, California School for the Deaf, Riverside, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		385,000	Riverside
Schedule:			
(a) Construct vocational training building	385,000		
Total of schedule	385,000		
353—For minor construction, improvements, repairs, and equipment, Oakland Orientation Center, payable from the Capital Outlay and Savings Fund		8,610	Oakland Orientation Center
353.1—For acquisition of real property, Los Angeles Center, California Industries for the Blind, Department of Education, to be expended under the provisions of the Property Acquisition Act, payable from the Capital Outlay and Savings Fund		142,017	California Industries for the Blind Los Angeles Center
354—For minor construction, improvements, repairs, and equipment, Oakland Center, California Industries for the Blind, payable from the Capital Outlay and Savings Fund		9,310	Oakland Center

Item		Amount
San Diego Center	355—For minor construction, improvements, repairs, and equipment, San Diego Center, California Industries for the Blind, payable from the Capital Outlay and Savings Fund	2,606
University of California	356—For acquisition of real property in Berkeley, University of California, exempt from Section 15 of this act, payable from the Capital Outlay and Savings Fund	100,000
	357—For major construction, improvements, and equipment, University of California, exempt from Section 15 of this act, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	13,941,300
	Schedule:	
	(a) Preliminary plans	300,000
	(b) Initial complement of equipment — virus laboratory — Berkeley	89,000
	(c) Utilities and roads—Berkeley	1,465,000
	(d) Engineering field station development—Berkeley	660,000
	(e) Additional floor space—museum—Life Science Building —Berkeley	88,000
	(f) Hesse Hall addition—Berkeley	900,000
	(g) Initial equipment—medical unit—Los Angeles	500,000
	(h) Physical sciences—Unit No. 1—Los Angeles	1,700,000
	(i) Music building and alteration of space vacated in education building—Los Angeles	1,500,000
	(j) General classroom and office building and Royce Hall alterations—Los Angeles	1,750,000
	(k) Ritter Hall addition — La Jolla	550,000
	(*l*) Library—Mount Hamilton	120,000
	(m) Residence hall — Unit 1 — Santa Barbara	1,163,300
	(n) Utilities, site development, roads and walks—Santa Barbara	767,000
	(o) General classroom and office building — Unit 1 — Santa Barbara	1,240,000
	(p) Initial complement of equipment and supplies for teach-	

Item		Amount
	ing hospital and medical science building—San Francisco	865,000
	(q) Alterations to existing facilities—San Francisco	176,000
	(r) Services and utilities extensions—San Francisco	108,000
	Total of schedule	13,941,300
358—For minor construction, improvements, repairs, and equipment, University of California, exempt from Section 15 of this act, payable from the Capital Outlay and Savings Fund		606,100

EMPLOYMENT

Department of Employment

359—For acquisition of real property to be expended under the provisions of the Property Acquisition Act, and/or major construction, improvements, and equipment, Department of Employment, payable from the Department of Employment Contingent Fund 1,034,000

FINANCE

Department of Finance.

360—For acquisition of real property, Department of Finance, to be expended under the provisions of the Property Acquisition Act, payable from the Capital Outlay and Savings Fund 600,000

Buildings and Grounds Division

361—For major construction, improvements, and equipment, Buildings and Grounds Division, Department of Finance, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund 3,984,300

Schedule:

(a) Renovation of the Los Angeles State Building	76,000
(b) Replace elevators in Fashion League Building	227,000
(c) Renovation of Library and Courts Building	192,000
(d) Renovation of Fashion League Building	600,000
(e) Renovation of portions of Office Building No. 1	162,000
(f) Renovation Franchise Tax Board Office	29,300
(g) Renovation of California Building	78,000

Item		Amount
	(h) Preliminary plans for office buildings ---------- 100,000	
	(i) Renovation of existing Motor Vehicle Building ---------- 500,000	
	(j) Construct office building, Sacramento ---------- 2,000,000	
	(k) Ground improvements, utilities and services, Civil Defense Building, Sacramento- 20,000	
	Total of schedule ---------- 3,984,300	
	362—For minor construction, improvements, repairs, and equipment, Buildings and Grounds Division, Department of Finance, payable from the Capital Outlay and Savings Fund--	48,141
Division of State Lands	363—For minor construction, improvements, repairs, and equipment, Division of State Lands, State Lands Commission, Department of Finance, payable from the State Lands Act Fund	29,500
Agricultural Society	364—For major construction, improvements, and equipment, State Agricultural Society, Division of Fairs and Expositions, Department of Finance, in accordance with the following schedule, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code ----------	113,500
	Schedule:	
	(a) Remodel Machinery Building ---------- 75,000	
	(b) Improve streets abutting fairgrounds, in cooperation with the City of Sacramento, including curbs, gutters, and drains ---------- 38,500	
	Total of schedule ---------- 113,500	
	364.5—For major construction, improvements, and equipment, State Agricultural society, Division of Fairs and Expositions, Department of Finance, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund ----------	2,180,000
	(a) Exhibit building ---------- 600,000	
	(b) Exhibit building ---------- 600,000	
	(c) Replace three horse barns--- 150,000	
	(d) Poultry, pigeon and rabbit exhibit building ---------- 280,000	

Item		Amount
(e) Sheep and swine barn	350,000	
(f) Renovating sewage system	200,000	
Total of schedule	2,180,000	
365—For minor construction, improvements, repairs, and equipment, State Agricultural Society, Division of Fairs and Expositions, Department of Finance, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		325,300
366—For acquisition of real property, Sixth District Agricultural Association, Division of Fairs and Expositions, Department of Finance, to be expended under the provisions of the Property Acquisition Act payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		90,000
367—For major construction, improvements, and equipment, Sixth District Agricultural Association, Division of Fairs and Expositions, Department of Finance, in accordance with the following schedule, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		80,000
Schedule:		
(a) Construct and install exhibits	80,000	
Total of schedule	80,000	
368—For minor construction, improvements, repairs, and equipment, Sixth District Agricultural Association, Division of Fairs and Expositions, Department of Finance, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		9,800
369—For transfer to the Capital Outlay and Savings Fund to the credit of Executive Order No. E51-368, Chapter 42, Statutes of 1950 (Third Extraordinary Session) from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		15,174

Sixth District Agricultural Society

Transfer to Capital Outlay and Savings Fund

HIGHWAY PATROL

Item		Amount
Highway Patrol	370—For major construction, improvements, and equipment, Department of California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund	50,000
	Schedule:	
	(a) Modernization of radio facilities	35,000
	(b) Residence, Baker	15,000
	Total of schedule	50,000
	370.5—For minor construction, improvements, and equipment, Department of California Highway Patrol, payable from the Motor Vehicle Fund	70,000

MENTAL HYGIENE

Department of Mental Hygiene	371—For major construction, improvements, and equipment, Department of Mental Hygiene, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	300,000
	Schedule:	
	(a) Preliminary plans	300,000
	Total of schedule	300,000
Langley Porter Clinic	372—For minor construction, improvements, repairs, and equipment, Langley Porter Clinic, payable from the Capital Outlay and Savings Fund	22,100
State Hospitals, Agnews	373—For major construction, improvements, and equipment, Agnews State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	195,060
	Schedule:	
	(a) Purchase of right of way for water main	1,500
	(b) Water service line from San Francisco water supply system	74,460
	(c) Enclose runway between treatment building and wards	38,570
	(d) Automotive compound, shops and motor pool	80,530
	Total of schedule	195,060
	374—For minor construction, improvements, repairs, and equipment, Agnews State Hospital,	

Item		Amount	
payable from the Capital Outlay and Savings Fund		458,962	
375—For major construction, improvements, and equipment, Camarillo State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		2,644,924	Camarillo
Schedule:			
(a) Mechanical services for kitchen and other buildings	354,590		
(b) Cold storage additions and alterations to butcher shop	228,684		
(c) Nursing employees' residence units	1,000,000		
(d) Laundry addition and equipment	205,550		
(e) Physicians' apartments	115,000		
(f) Construction of hog plant	40,000		
(g) Construct and equip juvenile units	701,100		
Total of schedule	2,644,924		
376—For minor construction, improvements, repairs, and equipment, Camarillo State Hospital, payable from the Capital Outlay and Savings Fund		189,450	
377—For minor construction, improvements, repairs, and equipment, DeWitt State Hospital, payable from the Capital Outlay and Savings Fund		280,137	DeWitt
378—For major construction, improvements, and equipment, Mendocino State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		531,050	Mendocino
Schedule:			
(a) Construct and equip ward building	531,050		
Total of schedule	531,050		
379—For minor construction, improvements, repairs, and equipment, Mendocino State Hospital, payable from the Capital Outlay and Savings Fund		242,407	
380—For minor construction, improvements, repairs, and equipment, Modesto State Hospital, payable from the Capital Outlay and Savings Fund		107,327	Modesto
381—For major construction, improvements, and equipment, Napa State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		3,675,280	Napa

Item		Amount
	Schedule:	
	(a) Construct and equip tubercular ward addition 3,100,000	
	(b) Construct and equip ranch ward 575,280	
	Total of schedule 3,675,280	
	382—For minor construction, improvements, repairs, and equipment, Napa State Hospital, payable from the Capital Outlay and Savings Fund	275,493
Norwalk	383—For major construction, improvements, and equipment, Norwalk State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	500,000
	Schedule:	
	(a) Modernize and enlarge food service unit 500,000	
	Total of schedule 500,000	
	384—For minor construction, improvements, repairs, and equipment, Norwalk State Hospital, payable from the Capital Outlay and Savings Fund	256,100
Patton	385—For major construction, improvements, and equipment, Patton State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,124,500
	Schedule:	
	(a) Construct and equip replacement ward building 812,000	
	(b) Repairs and improvements to kitchen building 312,500	
	Total of schedule 1,124,500	
	386—For minor construction, improvements, repairs, and equipment, Patton State Hospital, payable from the Capital Outlay and Savings Fund	311,000
Stockton	387—For major construction, improvements, and equipment, Stockton State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,034,005
	Schedule:	
	(a) Construct additions to cottage 638,500	
	(b) Ward building to replace cottage and barracks 395,505	
	Total of schedule 1,034,005	

Item		Amount	
388—For minor construction, improvements, repairs, and equipment, Stockton State Hospital, payable from the Capital Outlay and Savings Fund		219,725	
389—For major construction, improvements, and equipment, Pacific Colony, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,333,770	Pacific Colony
Schedule:			
(a) Furnace water tube boiler	75,520		
(b) Moving, construction and realignment—San Jose Creek	186,000		
(c) Site development at ward building	575,000		
(d) Remodel and enlarge kitchen and commissary (partial cost)	497,250		
Total of schedule	1,333,770		
390—For minor construction, improvements, repairs, and equipment, Pacific Colony, payable from the Capital Outlay and Savings Fund		195,538	
391—For major construction, improvements, and equipment, Sonoma State Home, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,244,450	Sonoma State Home
Schedule:			
(a) Mechanical services and ground improvements for ward buildings	280,000		
(b) Construct and equip ward buildings	964,450		
Total of schedule	1,244,450		
392—For minor construction, improvements, repairs, and equipment, Sonoma State Home, payable from the Capital Outlay and Savings Fund		154,261	
393—For major construction, improvements, and equipment, Porterville State Home, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		2,407,354	Porterville State Home
Schedule:			
(a) Construct and equip ward buildings	2,407,354		
Total of schedule	2,407,354		

MILITARY AFFAIRS

Item		Amount
Adjutant General, California National Guard and Reserve	394—For major construction, improvement, and equipment, Adjutant General, California National Guard, and California National Guard Reserve, payable from the Capital Outlay and Savings Fund	2,516,900

and in addition thereto any grants made available by the Federal Government.

Schedule:

Armories

(a) Construction, improvements, and equipment of armories in or near:
(1) Bakersfield
(2) Vallejo
(3) San Francisco
(4) Fresno
(5) Glendale
(6) Monterey Park
(7) Los Angeles

To the extent that the Public Works Board determines that funds are available after making allocations for all armories in the above schedule this item may be expended on a federal-state sharing basis for armories in accordance with the following schedule and order. Such federal-state sharing shall include not less than 50 percent federal funds.

(b) Construction, improvements, and equipment of armories in or near:
(1) San Diego
(2) Quincy
(3) Red Bluff
(4) Delano
(5) Gardena
(6) Fairfax
(7) Monterey
(8) Santa Cruz
(9) Sacramento
(10) Walnut Creek
(11) Yreka
(12) San Bruno
(13) Oakdale
(14) Brawley
(15) Anaheim

The location designation in the above schedule shall be liberally construed so as to include any location within 10 miles of a city or town named therein. It is further provided that the priority for construction of armories may be adjusted with the approval of the Public Works Board to conform to any requirements made in

Item		Amount
connection with grants by the Federal Government.		
395—For major construction, improvement, and equipment, Adjutant General, California National Guard, and California National Guard Reserve, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		50,000
Schedule:		
(a) Preparation of plans for and supervision of construction to be financed from federal funds	50,000	
Total of schedule	50,000	
396—For minor construction, improvements, repairs, and equipment, Adjutant General, California National Guard, and California National Guard Reserve, and for title insurance expense, payable from the Capital Outlay and Savings Fund		118,347

MOTOR VEHICLES

Department of Motor Vehicles

397—For major construction, improvements, and equipment, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund		124,385
Schedule:		
(a) Alteration and improvement of Los Angeles office building	103,185	
(b) Alteration and improvement of San Bernardino office building	21,200	
Total of schedule	124,385	

NATURAL RESOURCES

Department of Fish and Game

398—For major construction, improvements, and equipment, Department of Fish and Game, in accordance with the following schedule, payable from the Fish and Game Preservation Fund		40,000
Schedule:		
(a) Construct stream improvement structure — Navarro River	40,000	
Total of schedule	40,000	

Item		Amount
	399—For minor construction, improvements, repairs, and equipment, Department of Fish and Game, payable from the Fish and Game Preservation Fund	260,650
Division of Beaches and Parks	400—For acquisition of approximately 10 acres of land adjacent to the Donner Memorial State Park and several parcels of land adjacent to the Tahoe Camp Ground State Park, Division of Beaches and Parks, Department of Natural Resources, subject to the approval of the Department of Finance, payable from the Capital Outlay and Savings Fund	35,000
	provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance.	
Olvera Street, Los Angeles Plaza, and Pico-Garnier Block	400.1—For acquisition for the State Park System of the land, improvements, and structures included in that part of the City of Los Angeles, in Los Angeles County, known as Olvera Street, the Los Angeles Plaza, and the Pico-Garnier Block and bounded on the south by the Hollywood-Santa Ana Parkway, on the east by Los Angeles Street, on the northeast by Alameda Street, on the north by Macy Street, and on the west by Main Street, to Division of Beaches and Parks, Department of Natural Resources, subject to the approval of the Department of Finance	750,000
	provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds	

Item		Amount
	shall be in such amounts as may be determined by the Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance. No portion of the money appropriated by this item shall be expended unless moneys equal to or in excess of the amount to be expended from said appropriation shall have been made available from some source other than appropriation by the State, for expenditure by the State for the purposes of this item. Within the discretion of the State Park Commission in lieu of any matching contribution or donation in the form of money or property, any person, corporation, political subdivision, municipal corporation, the Federal Government, or its agencies, public or political districts and subdivisions other than the State may contribute, make available, or actually expend funds for the removal, restoration, repair or construction of the improvements or structures in the proposed site or carry on the actual work thereof. Insofar as matching funds or in lieu funds required by this item are to be supplied by any person, corporation, political subdivision, municipal corporation, the Federal Government or its agencies, public districts and subdivisions other than the State, such funds need not be deposited in the State Treasury or otherwise made available for expenditure by the State but may be retained by such person, corporation, political subdivision, municipal corporation, the Federal Government or its agencies, public and political districts and subdivisions other than the State for expenditure by them or any of them in carrying out the purposes of this item as may be provided for by agreement with the State.	
401—For major construction, improvements, and equipment, Division of Beaches and Parks, Department of Natural Resources, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		498,450
Schedule:		
(a) Natural Bridges State Beach Park—development	53,550	
(b) Seacliff Beach State Park—pier repair	33,000	
(c) Anza Desert State Park—development	91,500	

Item		Amount
	(d) Salton Sea State Park—development	123,700
	(e) Humboldt Redwoods State Park—road improvement	40,000
	(f) Mt. Diablo State Park—road reconstruction	60,000
	(g) Turlock Lake State Park—road improvement	35,000
	(h) Columbia Historic State Park — restoration Wells Fargo Building	61,700
	Total of schedule	498,450

provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance. In addition thereto the unexpended balance in the Division of Architecture Revolving Fund Work Order No. 2320 GC, deferred by Section 3.5 of the 1951 Budget Act, for construction, improvements, and equipment, Columbia Historic State Park, payable from the State Park Fund, Item 354, Chapter 700, Statutes of 1949, is hereby made available for restoration of the Wells Fargo Building at Columbia Historic State Park.

402—For minor construction, improvements, repairs, and equipment, Division of Beaches and Parks, Department of Natural Resources, payable from the Capital Outlay and Savings Fund 753,674

provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government

Item		Amount
	and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfer shall be made by the State Controller upon written order of the Department of Finance.	
402.5	—For necessary corrections of the channel of the American River at Coloma to protect Gold Discovery State Park, Division of Beaches and Parks, Department of Natural Resources____ provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance.	Gold Discovery Park. Channel Corrections 40,000
403	—For establishment and development of riding and hiking trails, Division of Beaches and Parks, Department of Natural Resources, payable from the Capital Outlay and Savings Fund _____ provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance.	Riding and Hiking Trails 85,000
404	—For acquisition of real property, Division of Forestry, Department of Natural Resources, to be expended under the provisions of the Property Acquisition Act payable from the Capital Outlay and Savings Fund_____	Division of Forestry 15,361

Item		Amount
405—For major construction, improvements, and equipment, Division of Forestry, Department of Natural Resources, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		596,591
Schedule:		
(a) Construction of fire control stations:		
(1) Kelsey-Cobb	35,920	
(2) Glen Ellen	35,920	
(3) Alta	30,756	
(4) Fort Millerton	27,020	
(5) Witch Creek	18,250	
(6) Lassen Lodge	25,940	
(7) Gonzales	38,230	
(b) Construction of forestry work camp	337,055	
(c) Engineering, planning, and inspection	47,500	
Total of schedule	596,591	
406—For minor construction, improvements, repairs, and equipment, Division of Forestry, Department of Natural Resources, payable from the Capital Outlay and Savings Fund		326,709
Division of Mines 407—For minor construction, improvements, repairs, and equipment, Division of Mines, Department of Natural Resources, payable from the Capital Outlay and Savings Fund		4,000

PUBLIC WORKS

San Joaquin River Flood Control Project 408—For allocation to the State Water Resources Board for reallocation to the Reclamation Board for appraisals, surveys, and for acquisition of rights of way for the San Joaquin River Flood Control Project as authorized by Section 33 of the State Water Resources Act of 1945, payable from the Flood Control Fund of 1946		250,000

VETERANS AFFAIRS

Veterans' Home 409—For major construction, improvements, and equipment, Veterans' Home of California, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,557,880

Item		Amount
Schedule:		
(a) Preliminary plans	30,000	
(b) Construct and equip convalescent and chronic barracks	1,054,650	
(c) Alterations to boiler house and installation of boiler	186,800	
(d) Extension of main road	69,100	
(e) Remodel and re-equip clinical laboratory and eye, ear, nose and throat clinic	37,760	
(f) Construct central warehouse	94,950	
(g) Ground improvements	47,800	
(h) Cemetery improvements	36,820	
Total of schedule	1,557,880	
410—For minor construction, improvements, repairs, and equipment, Veterans' Home of California, payable from the Capital Outlay and Savings Fund		49,645

UNALLOCATED

411—For construction and equipment of state public works projects in augmentation of current available appropriations for construction, improvement and equipment for state agencies, to be allocated by the Director of Finance upon approval of the State Public Works Board to and for expenditure upon any state public works project for which money is available, and which cannot be undertaken because bids received are in excess of the estimate or the amount available for such construction, or for equipment for any such project, payable from the Capital Outlay and Savings Fund 5,000,000

State public works projects

412—For miscellaneous repairs, improvements, and equipment, including flood damage repairs, for state agencies, to be allocated by the Director of Finance upon the approval of the State Public Works Board, payable from the Capital Outlay and Savings Fund 1,000,000

State agencies: Miscellaneous repairs, etc

413—For transfer by the State Controller from the General Fund, from time to time during the 1952-53 Fiscal Year as the amount in the General Fund exceeds current needs, to the Capital Outlay and Savings Fund 78,739,439

Capital Outlay and Savings Fund

which fund is hereby continued in full force and effect subject to all provisions of Section 3.1 of the Budget Act of 1951.

LOCAL ASSISTANCE BUDGET

EDUCATION

Item		Amount
State School Fund	414—For augmentation of the amount provided on account of average daily attendance by subdivision (a) of Section 5153 of the Education Code twelve million dollars ($12,000,000), to be transferred by the State Controller to the State School Fund and to be apportioned in accordance with law.	
Child care centers	415—For support of child care centers, Department of Education, to be apportioned by the department directly to school districts maintaining child care centers pursuant to Chapter 11, Division 9 of the Education Code and to the governing authorities of state institutions maintaining child care centers, in the discretion of the department, upon the basis of demonstrated need	5,404,115
Teachers' Permanent Fund	416—For transfer by the State Controller to the Teachers' Permanent Fund for operation of the State Teachers' Retirement System	5,825,700
Retirement Annuity Fund	417—For transfer by the State Controller to the Retirement Annuity Fund for operation of the State Teachers' Retirement System	12,696,300
Free textbooks	418—For publishing, purchasing, and shipping free textbooks, Department of Education, in accordance with the following schedule	2,586,954
	and in addition thereto any amounts collected for sale of textbooks and bulletins, which by law are available for support of said department.	
	Schedule:	
	(a) Salaries and Wages 43,077	
	(b) Operating Expenses 2,552,132	
	(c) Equipment 1,745	
	Total of schedule 2,596,954	
	Less: Estimated reimbursements:	
	(d) For sale of textbooks and bulletins 10,000	
	Net appropriation 2,586,954	

PUBLIC HEALTH

Local health agencies Administration	419—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with	

Item		Amount
	the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	3,094,044
420	For subsidies to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health to be expended in accordance with Division 4 of the Health and Safety Code.	Tuberculosis sanatoria 5,187,681
421	For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, Department of Public Health	Physically handicapped children 3,000,000
422	For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, Department of Public Health. Notwithstanding other provisions of this section, the amount made available by this item is available for expenditure during 1951-52 Fiscal Year, or for repayment of any amounts advanced from the Emergency Fund provided by Item 269, Budget Act of 1951.	335,265
423	For assistance to local agencies in the treatment of minors with cerebral palsy, Department of Public Health. Of the amount herein appropriated there may be expended so much as may be necessary by the Department of Public Health to furnish therapeutic services in those areas where it deems the local agencies are unable or not ready to employ personnel directly	Cerebral palsied minors 389,526
424	For subsidies to local districts and other public agencies for the control of mosquitoes and gnats, as provided for by Chapter 5.5 of Division 3 of the Health and Safety Code, Department of Public Health	Mosquito and gnat control 400,000
425	For assistance to local agencies in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act and in addition thereto any amounts remaining unexpended on June 30, 1952, in the appropriation made by Item 376, Budget Act of 1951.	Hospital construction 1,000,000

PUBLIC WORKS

Item		Amount
State Water Resources Board Los Angeles Flood Control District	426—For allocation to the State Water Resources Board for reallocation to the Los Angeles County Flood Control District for expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State in the construction of the project for the Los Angeles River Watershed program, adopted and authorized by Section 52 of the State Water Resources Act of 1945, payable from the Flood Control Fund of 1946	35,400
City of San Diego	427—For allocation to the Water Resources Board for reallocation to City of San Diego for expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State in the work of improvement on the San Diego River and Mission Bay, San Diego County, adopted and authorized by Section 46.5 of the State Water Resources Act of 1945, payable from the Flood Control Fund of 1946	317,000
Storm and flood damage repair	428—For the cost of repair or restoration, or both, of levees, flood control works, channels, irrigation works, city and county roads and bridges and other property damaged or destroyed by storm and flood or flood conditions, Division of Water Resources, Department of Public Works provided, that this appropriation is for the purposes specified in Chapter 13, Statutes of 1951, and is subject to the provisions of that act.	2,000,000
Central Valley Project acquisition	428.5—For use in connection with acquisition by the State of the Central Valley Project, to be expended at such times and in such amounts as is necessary to conduct surveys and studies preliminary to the acquisition by the State of the Central Valley Project upon a self-liquidating basis, and to pay the initial installments upon any agreement between the United States and the State for such purchase, to the Water Project Authority provided, that funds appropriated by this item shall be available for expenditure without regard to fiscal years but shall revert to the General Fund on July 15, 1955, in the event that no contract to purchase the Central Valley Project is consummated prior to that time; and provided further, that the Water Project Authority shall return this appropriation, or so much thereof as may be used, with interest	10,000,000

Item		Amount
	thereon at the rate of one and one-half percent (1½%) per annum, to be computed from the first day of the fiscal year following the date of withdrawal on the total amount withdrawn during any one fiscal year to the General Fund in the State Treasury from the proceeds of the first sale of any revenue bonds issued for the acquisition by the State of the Central Valley Project.	
	SOCIAL WELFARE	
429	For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, Department of Social Welfare, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code..... provided, that all or any portion of this appropriation may be transferred to Item 272 for support of the Department of Social Welfare, upon executive order of the Director of Finance.	Department of Social Welfare Licensing of agencies 731,300
430	For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, Department of Social Welfare, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code..... Notwithstanding other provisions of this section, the amount made available by this item is available for expenditure during the 1951-52 Fiscal Year, or for repayment of any amounts advanced from the Emergency Fund provided by Item 269, Budget Act of 1951.	40,847
431	For reimbursement to counties for the cost of administering the adoption program in accordance with Section 225q of the Civil Code, State Department of Social Welfare..... provided, that all or any portion of this appropriation may be transferred to Item 272 for support of the Department of Social Welfare, upon executive order of the Director of Finance.	Adoption program 1,106,795
432	For reimbursement to counties for the cost of transporting needy children to homes without the State pursuant to Section 1580 of the Welfare and Institutions Code, Department of Social Welfare.....	Transportation of needy children 5,000

	Item	Amount
Juvenile homes and camps	433—For reimbursements to counties for maintenance of juvenile homes and camps, Youth Authority, to be expended in accordance with the provisions of Article 13, Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code	714,000

OTHER PURPOSES

Salaries· Superior court judges	434—For State's share of salaries of judges of superior courts as provided by Section 79 of the Code of Civil Procedure.	1,552,500
County service officers	435—For contributions to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs. To be expended in accordance with Section 972 of the Military and Veterans Code	350,000
County agricultural commissioners	436—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture. To be expended in accordance with the provisions of Section 63.5 of the Agricultural Code	121,196
Workmen's compensation Civil defense workers	437—For furnishing of workmen's compensation to civil defense workers and their dependents in accordance with the provisions of Division 4 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's Office, Office of Civil Defense The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 16003 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the Controller requires.	25,000

SAN FRANCISCO HARBOR

Item		Amount	
438	For support of Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund	3,901,098	Board of State Harbor Commissioners for San Francisco Harbor
439	For maintenance of fire boats, Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund	200,000	
440	For services of City and County of San Francisco firemen, Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund	19,000	
441	For promotion of the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business, payable from the San Francisco Harbor Improvement Fund which amount shall be in addition to the funds made available for this purpose by Section 1915 of the Harbors and Navigation Code, and subject to the provisions of Section 1706 of the Harbors and Navigation Code.	50,000	
442	For construction, repairs, and improvements of wharves, piers, sheds, bridges, tracks, and other construction, improvements, repairs, and equipment as needed, Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund exempt from Section 3 of this act.	65,000	

UNEMPLOYMENT ADMINISTRATION

443	For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund in accordance with the following schedule and in addition thereto any amounts collected for services to other activities.	2,758,268	Department of Employment Administration of disability benefits
	Schedule:		
	(a) Salaries and wages	2,165,058	
	(b) Operating expenses	571,684	
	(c) Equipment	21,526	
	Total of schedule	2,758,268	
444	For additional support of the Department of Employment, payable from the Department		Additional support

Item	Amount
of Employment Contingent Fund, and in addition thereto any grants made available by the Federal Government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Director of Finance	60,042

State School Fund apportionments

SEC. 2.1. The amount transferred to the School Fund under Item 414 of Section 2 of this act shall be apportioned under the provisions of Sections 7111 and 7114 of the Education Code, and is in augmentation of amounts otherwise allowed under such sections.

Construction and improvement project expenditures

SEC. 3. Any construction or improvement project included in any appropriation made herein for major construction, improvements and equipment shall be subject to the provisions of Section 3 of Chapter 145, Statutes of 1946 (First Extraordinary Session), and a report of the expenditures for such projects shall be included in the budget submitted by the Governor, which report shall be in lieu of the report mentioned in Section 12 of said Chapter 145, Statutes of 1946 (First Extraordinary Session).

Reversions to Capital Outlay and Savings Fund

SEC. 4. The unexpended balances in all appropriations, allotments, and projects, the expenditure of which is prohibited by Sections 3.3 and 3.4 of the Budget Act of 1951 and by Chapters 1516 and 1534 of the Statutes of 1951 are hereby reverted to the unappropriated balance of the Capital Outlay and Savings Fund.

Reversions to Beach and Park Fund

SEC. 5. The unexpended balances in project Work Orders Nos. 1780, 1745, and 1748, the expenditure of which is prohibited by Section 3.5 of the Budget Act of 1951, shall be returned to the funds from which appropriated for reversion to the unappropriated balances thereof.

Limitation of expenditures for categories or projects

SEC. 6. Whenever any appropriation item in Section 2 of this act is made in accordance with a schedule set forth after such appropriation item, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

Definitions

As used in this act in reference to such schedules "category" means a class of expenditures such as, but not limited to:

(a) "Salaries and wages" which shall include all expenditures for payment of officers and employees of the State but does not include compensation of independent contractors rendering personal services to the State under contract;

(b) "Operating expenses" which shall include all expenditures for purchase of materials, supplies (including expendable equipment), services (other than services of state officers

and employees), and all other proper expenses (other than the acquisition of unexpendable tangible property);

(c) "Equipment" which shall include all expenditures for the acquisition or replacement of nonexpendable tangible property.

Construction

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to that document entitled "State of California Budget for the Fiscal Year July 1, 1952, to June 30, 1953," submitted by the Governor to the Legislature at the 1952 Budget Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act

Expenditures of appropriations Approvals

SEC. 7.5. No money appropriated herein in any item for major construction, improvements, and equipment may be expended by any state agency except amounts needed for preliminary surveys, studies, and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for major construction, improvements, and equipment. All appropriations heretofore made for major construction, improvements, and equipment, which are still available for expenditure, are hereby reappropriated for the same purposes and for the same period as heretofore provided by law, but, except as to amounts needed for preliminary plans, shall not be expended until the State Public Works Board and the Department of Finance have approved preliminary plans for the project or projects to be financed from the appropriation; provided, that this restriction shall not apply to projects for which working drawings have been started as of the effective date of this act; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing herein contained shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for major construction, improvements, and equipment for the use, development or enlargement of the University of California.

Augmentation of amounts available. Authorization

SEC. 7. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, au-

thorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation in Section 2 by transfer from any of the other designated categories or project within the same schedule. The Director of Finance shall present to the joint Legislative Budget Committee assembled in meeting a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 8. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedules set forth for any appropriation in Section 2 hereof or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau or other agency during the 1952-53 Fiscal Year from any other state agency, from any agency of local government or the Federal Government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

Premiums for official bonds

SEC. 9. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

Legislative expense appropriations

SEC. 10. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of Sections 16003 and 13320 of the Government Code; provided, that the State Controller shall not be required to draw such warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him.

Flood control expenditures

SEC. 11. The allocations made by Items 426 and 427 of Section 2 of this act are subject to Section 11 of the Flood Control Fund Act of 1946 in the same manner as the allocations made by Sections 13 and 14 of that act are subject to Section 11, are made pursuant to the State Water Resources Act of 1945, and are, to the extent of such allocations, in fulfillment of the policy set forth in said act that the State will participate in the prosecution of the projects approved and authorized in said act by paying for the cooperation which is required by the acts of Congress approving and authorizing the projects. The State Water Resources Board shall determine the amounts in which each of such reallocations shall be made. The allocations made by said items shall remain available for reallocation and expenditure until June 30, 1956.

Payments from appropriations

SEC. 12. The State Controller is hereby expressly prohibited from allowing any demands payable out of any appropriation herein contained, unless the same are presented in accordance with the provisions of Section 16003 of the Government Code; provided, that in instances where the duties of any

state officers or board make necessary the use of moneys for purposes of a confidential nature, the State Controller may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the fact surrounding the expenditure, which statement must be filed in the Office of the State Controller; provided further, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed the sum of two thousand dollars ($2,000), except in the case of the Attorney General's Office, whose expenditures for such confidential purposes shall be governed by Sections 12572 and 12573 of the Government Code. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services. No officer shall use or appropriate any money, appropriated by this act, for any purpose whatever, unless authorized thereto by law.

Revolving funds

SEC. 13. Any officer, board, commission, or department for whom any appropriation is made herein, may, without at the time furnishing vouchers and itemized statements, draw from such appropriations a sum not to exceed 3 percent of the total amount appropriated for any such officer, board, commission or department. Any officer, board, commission or department for whom any appropriation is made herein, may with the permission and the approval of the Department of Finance, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of 3 percent, but not to exceed 10 percent of the total amount appropriated for any such officer, board, commission or department. Any officer, board, commission or department for whom any appropriation is made herein, may with the permission and approval of the State Board of Control, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of 10 percent of the total appropriated to such officer, board, commission or department.

In lieu of withdrawing from the State Treasury a revolving fund authorized under this section an officer, board, commission or department may request the State Controller to apply such amount, or any portion thereof, as repayment and return of any existing revolving fund to the appropriation from which it was withdrawn. Upon receipt of such request the State Controller shall credit the amount designated to the appropriation from which such revolving fund previously was withdrawn.

Any sums drawn under the provisions of this section without at the time furnishing vouchers and itemized statements, shall be used as a revolving fund where payment of compensation earned, traveling expense advances, traveling expense incurred or other cash payments are necessary. Any state agency that withdraws a revolving fund shall remain fully accountable therefor. All disbursements must be substantiated by vouchers filed with and audited by the Controller. Disbursements may be reported, substantiated by vouchers, from time

to time to the Controller in connection with claims for reimbursement of the revolving fund. At the close of each fiscal year, and at any time upon the demand of the Department of Finance every revolving fund must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

Expenditures from special funds

SEC. 14. Whenever an expenditure is authorized from the Emergency Fund, from Price Increase Funds, from the Salary Increase Funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures shall, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

Application of Gov C Sec 13320

SEC. 15. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

Positions established

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an existing position shall be established unless authorized by the Department of Finance on the basis of work load and organization.

Salary Savings Reserve

Each fiscal year budget shall provide for a Salary Savings Reserve to which shall be transferred on a document initiated by the agency and approved by the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the Salary Savings Reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfers shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any Salary Savings Reserve may be expended to pay increases in salary ranges established after July 1, 1952, unless the Department of Finance certifies to the State Personnel Board prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom.

A certification on a pay roll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the Controller that such expenditures comply with the provisions of this section.

Salary of vacant positions

SEC. 16. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 15, 1951, and July 1, 1952, except with the specific approval of the Director of Finance subsequent to July 1, 1952.

The Director of Finance, not later than 30 days prior to the convening of the 1953 Regular Session of the Legislature, shall present to the Joint Legislative Budget Committee, assembled in meeting, a report of all positions as of July 1, 1952, which were vacant or continuously unfilled during the period between October 15, 1951, and July 1, 1952, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

Acquisition of motor vehicles

SEC 17. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

Class of vehicles

All passenger type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

Same

SEC. 18. All passenger type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, shall be of the light class, as defined by the Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

Expenditures in excess of appropriations

SEC. 19. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the State Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the State Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Prohibited expenditures: Fire insurance

SEC. 20. No money appropriated by this act shall be used to renew, or to pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new fire insurance on any public building or property, except the property of San Francisco Harbor, the University of California, and the property referred to in Section 6 of Chapter 264, Statutes of 1933.

House or apartment furnishings

SEC. 21. None of the money appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the State nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

Rugs or carpets for state offices

SEC. 22. No money appropriated by this act shall be used, either directly or by supplementing any other appropriation, to furnish rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

Transfer of unneeded funds

SEC. 23. The State Board of Control upon the recommendation of the Director of Finance, may authorize the transfer of unneeded funds from an appropriation for support for an institution, school or college within any of the following agencies to a similar appropriation for another institution, school or college within the same agency:

(a) Department of Corrections, exclusive of the Youth Authority, upon request of the Director of Corrections;

(b) California Youth Authority, upon request of the Director of the Youth Authority;

(c) Department of Education, upon request of the Director of Education;

(d) Department of Mental Hygiene, upon request of the Director of Mental Hygiene.

Reversions to General Fund

SEC. 24. The unexpended balances as of June 30, 1952, of the following appropriations made by acts from the General Fund shall revert to the General Fund in the State Treasury:

(a) Chapter 144, Statutes of 1946 First Extraordinary Session, for the Agricultural Research Study Committee.

(b) Chapter 27, Statutes of 1947, for the Department of Finance for acquisition of surplus housing for sale to veterans.

(c) Chapter 361, Statutes of 1947, for the Agricultural Research Study Committee.

(d) Chapter 9, Statutes of 1950 First Extraordinary Session, for expenses of Members of the Senate.

(e) Chapter 11, Statutes of 1950 Third Extraordinary Session, for expenses of Members of Assembly.

(f) Chapter 9, Statutes of 1950 Third Extraordinary Session, for mileage for Members and officers of Assembly.

(g) Chapter 1575, Statutes of 1947, for support of the Director of Finance, the Department of Finance and the Department of Education.

(h) Chapter 1575, Statutes of 1947, for support of the State Controller.

(i) Chapter 24, Statutes of 1948, for support of the Director of Finance and the Department of Finance.

(j) Chapter 24, Statutes of 1948, for support of the State Controller.

Effect of item veto

SEC. 25. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and 34 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

Transfer of appropriations

SEC. 26. Whenever any of the duties, powers, purposes, responsibilities, or jurisdiction of any office, officer, board, commission, bureau or other agency of the State are transferred by law to any other office, officer, board, commission, bureau or other agency of the State, that portion of any appropriation herein made for such office, officer, board, commission, bureau or other agency of the State, intended to be used and available for the performance of such duties, powers, purposes, responsibilities or jurisdiction, upon certification by the Department of Finance as to the amount shall, by the State Controller, be transferred to, and the same shall become a part of, the funds available for the office, officer, board, commission, bureau or other agency of the State, to which the duties, powers, purposes, responsibilities, or jurisdiction of such office, officer, board, commission or other state agency have been transferred.

Abolished state agencies

SEC. 27. Whenever the duties, powers, purposes, responsibilities and jurisdiction of any office, board, commission or other state agency are abolished by law the unexpended portion of the appropriation herein made for the support of such office, board, commission, or other state agency shall upon the effective date of the act abolishing such office, board, commission or other state agency revert to and become a part of the unexpended balance of the fund from which such appropriation was made.

Change in fund

SEC. 28. Whenever by law a change is made in the fund from which the support of any office, board, commission or other state agency is properly payable, any appropriation made herein

for the support of such office, commission or other state agency, or the applicable portion thereof, shall become payable from the fund designated in that law. The State Board of Control shall determine the adjustments to be made in the appropriations provided for herein as a result of any such change in law and shall certify the same to the State Controller, who shall thereupon make the necessary entries upon his records.

Constitutionality

SEC. 29. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Current expenses

SEC. 30. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 4

An act to add Sections 25043 and 25103 to the Revenue and Taxation Code, relating to the taxation of banks and corporations and their income, to take effect immediately.

In effect immediately

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 25043 is added to the Revenue and Taxation Code, to read:

Banks and corporations Stock distributions

25043. If there is distributed, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization, stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock, no gain to the distributee from the receipt of such stock shall be recognized unless it appears that (a) any corporation which is a party to such reorganization was not intended to continue the active conduct of a trade or business after such reorganization, or (b) the corporation whose stock is distributed was used principally as a device for the distribution of earnings and profits to the shareholders of any corporation a party to the reorganization.

SEC. 2. Section 25103 is added to said code, to read:

Same

25103. If the property consists of stock distributed to a taxpayer in connection with a transaction described in Section 25043 (hereinafter in this section called "new stock"), or consists of stock in respect of which such distribution was made (hereinafter in this section called "old stock"), then the basis of the new stock and of the old stock, respectively, shall, in the

shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock; such allocation to be made under regulations prescribed by the Franchise Tax Board.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

SEC. 4. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes, for the purpose of the taxes imposed under Chapter 2, Part 11, Division 2 of the Revenue and Taxation Code, measured by income for income years beginning after December 31, 1951, and for the purpose of the tax imposed under Chapter 3, Part 11, Division 2 of the Revenue and Taxation Code, for taxable years beginning after December 31, 1951, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall mean those affecting income, deductions, rates, method of calculating tax, exclusions, exemptions, and credits. Any amendment to any section of the Revenue and Taxation Code shall not, of itself, be taken as an indication that a change of meaning is intended. Application

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CHAPTER 5

An act to add Sections 17689 and 17788 to the Revenue and Taxation Code, relating to personal income taxation, to take effect immediately.

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.] In effect immediately

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

SECTION 1. Section 17689 is added to the Revenue and Taxation Code, to read:

17689. If there is distributed, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization, stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock, no gain to the distributee from the receipt of such stock shall be recognized unless it appears that (a) any corporation which is a party to such reorganization was not intended to continue the active conduct of a trade or business after such reorganization, or (b) the corporation whose stock is distributed was used principally as a device for the distribution of earnings and profits to the shareholders of any corporation a party to the reorganization. Stock distributions

SEC. 2. Section 17788 is added to said code, to read:

17788. If the property consists of stock distributed to a taxpayer in connection with a transaction described in Section Same

17689 (hereinafter in this section called "new stock"), or consists of stock in respect of which such distribution was made (hereinafter in this section called "old stock"), then the basis of the new stock and of the old stock, respectively, shall, in the shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock; such allocation to be made under regulations prescribed by the Franchise Tax Board.

Tax levy

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Application

SEC. 4. The provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for taxable years beginning after December 31, 1951, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall mean those affecting income, deductions, rates, method of calculating tax, exclusions, exemptions and credits.

CHAPTER 6

An act to add Section 17319.7 to the Revenue and Taxation Code, relating to the deduction of medical expenses for personal income tax purposes, to take effect immediately.

In effect immediately

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 17319.7 is added to the Revenue and Taxation Code, to read:

Medical expenses for persons over 65

17319.7. In the case of a husband and wife filing a joint return or an individual filing a separate return, if the husband or wife or the individual has reached the age of 65 before the close of the taxable year, the expenses for the medical care of the husband or wife or the individual are deductible without regard to the 5 percent limitation specified in Sections 17319.3 and 17319.5.

Dependents

This section does not relate to or in any way affect the deductibility of expenses incurred for the medical care of a dependent.

Tax levy

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

Application

SEC. 3. The provisions of this act shall be applied only in the computation of taxes for taxable years beginning after December 31, 1951.

CHAPTER 7

An act to add Sections 17672.5, 17716.7, 17748.5 and 17788 to the Revenue and Taxation Code, and to add Article 2.3 (consisting of Sections 17690.1 to 17690.7, inclusive) to Chapter 6, Part 10, Division 2 thereof, relating to the personal income taxation of gains from the sale or exchange of residential property, to take effect immediately.

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.] In effect immediately

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

SECTION 1. Section 17672.5 is added to the Revenue and Taxation Code, to read:

17672.5. Section 17672 shall not apply in the case of property used by a taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of the residence, or the sale or exchange of such residence under threat or imminence thereof, occurs after December 31, 1951. Nonapplicability of involuntary conversion provision

SEC. 2. Article 2.3 (consisting of Sections 17690.1 to 17690.7, inclusive) is added to Chapter 6, Part 10, Division 2 of the Revenue and Taxation Code, to read:

Article 2.3. Sale or Exchange of Residence

17690.1. If property (hereinafter in this article called "old residence") used by the taxpayer as his principal residence is sold by him and, within a period beginning one year prior to the date of such sale and ending one year after such date, property (hereinafter in this article called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence. Recognition of gain

17690.2. For the purposes of this article:

(a) An exchange by the taxpayer of his residence for other property shall be considered as a sale of such residence, and the acquisition of a residence upon the exchange of property shall be considered as a purchase of such residence. Exchange, involuntary conversion

(b) If the taxpayer's residence (as a result of its destruction in whole or in part, theft, or seizure) is compulsorily or involuntarily converted into property or into money, such destruction, theft, or seizure shall be considered as a sale of the residence; and if the residence is so converted into property which is used by the taxpayer as his residence, such conversion shall be considered as a purchase of such property by the taxpayer.

(c) In the case of an exchange or conversion described in subdivisions (a) or (b), in determining the extent to which the selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence, the amount realized by the taxpayer upon such exchange or conversion shall be considered the selling price of the old residence.

(d) A residence any part of which was constructed or reconstructed by the taxpayer shall be considered as purchased by the taxpayer. In determining the taxpayer's cost of purchasing a residence, there shall be included only so much of his cost as is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account, during the period specified in Section 17690.1.

(e) If a residence is purchased by the taxpayer prior to the date of his sale of the old residence, the purchased residence shall not be treated as his new residence if sold or otherwise disposed of by him prior to the date of the sale of the old residence.

(f) If the taxpayer, during the period described in Section 17690.1, purchases more than one residence which is used by him as his principal residence at some time within one year after the date of the sale of the old residence, only the last of such residences so used by him after the date of such sale shall constitute the new residence. If within the one year referred to in the preceding sentence property used by the taxpayer as his principal residence is destroyed, stolen, seized, requisitioned, or condemned, or is sold or exchanged under threat or imminence thereof, then for the purposes of the preceding sentence such one year shall be considered as ending with the date of such destruction, theft, seizure, requisition, condemnation, sale, or exchange.

(g) In the case of a new residence the construction of which was commenced by the taxpayer prior to the expiration of one year after the date of the sale of the old residence, the period specified in Section 17690.1, and the one year referred to in subdivision (f) of this section, shall be considered as including a period of 18 months beginning with the date of the sale of the old residence.

Resale of acquired property

17690.3. The provisions of Section 17690.1 shall not be applicable with respect to the sale of the taxpayer's residence if within one year prior to the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of the provisions of Section 17690.1. For the purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property or the sale or exchange of property under threat or imminence thereof, shall not be considered as a sale of such property.

Adjusted basis of new residence

17690.4. Where the purchase of a new residence results, under Section 17690.1, in the nonrecognition of gain upon the sale of an old residence, in determining the adjusted basis of the new residence as of any time following the sale of the old residence, the adjustments to basis shall include a reduction by an amount equal to the amount of the gain not so recognized upon the sale of the old residence. For this purpose, the amount of the gain not so recognized upon the sale of the old residence

includes only so much of such gain as is not recognized by reason of the cost, up to such time, of purchasing the new residence.

Cooperative apartments

17690.5. For the purposes of this article, Section 17788, and Section 17716.7, references to property used by the taxpayer as his principal residence, and references to the residence of a taxpayer, shall include stock held by a tenant-stockholder (as defined in Section 17320.5) in a cooperative apartment as defined in Section 17320.3 if—

(a) In the case of stock sold, the apartment which the taxpayer was entitled to occupy as such stockholder was used by him as his principal residence, and

(b) In the case of stock purchased, the taxpayer used as his principal residence the apartment which he was entitled to occupy as such stockholder.

Allocations between spouses

17690.6. If the taxpayer and his spouse, in accordance with regulations which shall be prescribed by the Franchise Tax Board pursuant to this section, consent to the application of subdivision (b) of this section, then—

(a) For the purposes of this section, the words "taxpayer's selling price of the old residence" shall mean the selling price (of the taxpayer, or of the taxpayer and his spouse) of the old residence, and the words "taxpayer's cost of purchasing the new residence" shall mean the cost (to the taxpayer, his spouse, or both) of purchasing the new residence (whether held by the taxpayer, his spouse, or the taxpayer and his spouse); and

(b) So much of the gain upon the sale of the old residence as is not recognized solely by reason of this section, and so much of the adjustment under Section 17690.4 to the basis of the new residence as results solely from this section, shall be allocated between the taxpayer and his spouse as provided in such regulations.

This section shall apply only if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence. In case the taxpayer and his spouse do not consent to the application of subdivision (b) of this section, then the recognition of gain upon the sale of the old residence shall be determined under this article without regard to the rules provided in this section.

Limitation on assessment of deficiency

17690.7. If the taxpayer during a taxable year sells at a gain property used by him as his principal residence, then—

(a) The statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire prior to the expiration of four years from the date the Franchise Tax Board is notified by the taxpayer (in such manner as the board may by regulations prescribe) of—

(1) The taxpayer's cost of purchasing the new residence which the taxpayer claims results in nonrecognition of any part of such gain,

(2) The taxpayer's intention not to purchase a new residence within the period specified in Section 17690.1, or

(3) A failure to make such purchase within such period; and

(b) Such deficiency may be assessed prior to the expiration

of such four-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

SEC. 3. Section 17716.7 is added to said code, to read:

Computation of holding period

17716.7. In determining the period for which the taxpayer has held a residence, the acquisition of which resulted under Article 2 3 of this chapter in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, there shall be included the period for which such other residence had been held as of the date of such sale, exchange, or involuntary conversion.

SEC. 4. Section 17748.5 is added to said code, to read:

Nonapplicability of involuntary conversion provision

17748.5. Section 17748 shall not apply in respect of property acquired as a result of a compulsory or involuntary conversion of property used by the taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1951.

SEC. 5. Section 17788 is added to said code, to read:

Determination of adjusted basis

17788. In the case of a residence the acquisition of which resulted, under the provisions of Article 2 3 of this chapter, in the nonrecognition of any part of the gain realized upon the sale, exchange, or involuntary conversion of another residence, proper adjustment shall be made to the extent provided in Section 17690.4.

Application

SEC. 6. The provisions of this act shall be applied only in the computation of taxes for taxable years beginning after December 31, 1951.

Tax levy

SEC. 7. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 8

An act to add Section 17053 7 to the Revenue and Taxation Code, relating to the splitting of income by spouses for personal income tax purposes, to take effect immediately.

In effect immediately

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 17053.7 is added to the Revenue and Taxation Code, to read:

Computation of tax

17053.7. In the case of a joint return of a husband and wife filed pursuant to Section 18402, the tax imposed under Section 17052 shall be twice the tax that would be determined if the net income and credits against net income provided by Chapter 7 of this part were reduced by one-half.

SEC. 2. This act applies only in the computation of taxes for taxable years beginning after December 31, 1951. Application

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

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CHAPTER 9

An act to amend Section 17688 of the Revenue and Taxation Code, relating to the recognition of gain for personal income tax purposes in respect to property distributed in complete liquidation of a corporation, to take effect immediately.

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.] In effect immediately

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

SECTION 1. Section 17688 of the Revenue and Taxation Code is amended to read:

17688. (A) In the case of property distributed in complete liquidation of a corporation, if— Corporations Liquidation distributions

(i) The liquidation is made in pursuance of a plan of liquidation adopted after December 31, 1950, whether the taxable year of the corporation began on, before, or after January 1, 1951; and

(ii) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month in 1951 or 1952—then in the case of each qualified electing shareholder (as defined in subparagraph (B)) gain upon the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subparagraph (D).

(B) The term "qualified electing shareholder" means a shareholder of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subparagraph (A) has been made and filed in accordance with subparagraph (C), but in the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 per centum of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(C) The written elections referred to in subparagraph (B) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Franchise Tax Board The filing must be within one month after the adoption of the

plan of liquidation or within one month after the effective date of this section, whichever is later, and may be by the liquidating corporation or by the shareholder.

(D) In the case of a qualified electing shareholder other than a corporation—

(i) There shall be recognized, and taxed as a dividend, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subparagraph (A) (ii), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

(ii) There shall be recognized and taxed in accordance with the provisions of Section 17712 so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or of stock or securities acquired by the corporation after August 15, 1950, exceeds his ratable share of such earnings and profits.

Tax levy

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Application

SEC. 3. The amendments made by this act are applicable only in the computation of taxes for taxable years ending after December 31, 1951.

CHAPTER 10

An act to amend Section 25031j of the Revenue and Taxation Code, relating to recognition of gain for bank and corporation tax purposes in respect to property distributed in complete liquidation of a corporation, to take effect immediately.

In effect immediately

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 25031j of the Revenue and Taxation Code is amended to read:

Banks and corporations Liquidation distributions

25031j. (A) In the case of property distributed in complete liquidation of a corporation, if—

(i) The liquidation is made in pursuance of a plan of liquidation adopted after December 31, 1950, whether the taxable year of the corporation began on, before, or after January 1, 1951; and

(ii) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month in 1951

or 1952—then in the case of each qualified electing shareholder (as defined in subparagraph (C)) gain upon the shares owned by it at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subparagraph (E).

(B) The term "excluded corporation" means a corporation which at any time between August 15, 1950, and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 per centum or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(C) The term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subparagraph (A) has been made and filed in accordance with subparagraph (D), but in the case of a shareholder which is a corporation, only if written elections have been so filed by corporate shareholders (other than an excluded corporation) which at the time of the adoption of such plan of liquidation are owners of stock possessing at least 80 per centum of the total combined voting power (exclusive of voting power possessed by stock owned by an excluded corporation and by shareholders who are not corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation

(D) The written elections referred to in subparagraph (C) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Franchise Tax Board. The filing must be within one month after the adoption of the plan of liquidation or within one month after the effective date of this section, whichever is later, and may be by the liquidating corporation or by the shareholder.

(E) In the case of a qualified electing shareholder which is a corporation the gain shall be recognized only to the extent of the greater of the two following—

(i) The portion of the assets received by it which consists of money, or of stock or securities acquired by the liquidating corporation after August 15, 1950; or

(ii) Its ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subparagraph (A) (ii), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

Application

SEC. 3. The amendments made by this act are applicable only in the computation of taxes for taxable years ending after December 31, 1951.

CHAPTER 11

An act to amend Section 17008 of the Revenue and Taxation Code, and to add Section 18305 thereto, relating to the taxation for personal income tax purposes of income derived from partnerships, to take effect immediately.

In effect immediately

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 17008 of the Revenue and Taxation Code is amended to read:

"Partnership"

17008. "Partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this part, a trust or estate or a corporation.

"Partner"

"Partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

A person shall be recognized as a partner for income purposes if he owns a capital interest in a partnership in which capital is a material income-producing factor, whether or not such interest was derived by purchase or gift from any other person.

SEC. 2. Section 18305 is added to said code, to read:

Partnerships by gift

18305. In the case of any partnership interest created by gift, the distributive share of the donee under the partnership agreement shall be includible in his gross income, except to the extent that such share is determined without allowance of reasonable compensation for services rendered to the partnership by the donor, and except to the extent that the portion of such share attributable to donated capital is proportionately greater than the share of the donor attributable to the donor's capital.

The distributive share of a partner in the earnings of the partnership shall not be diminished because of absence due to military service.

For the purpose of this section, an interest purchased by one member of a family from another shall be considered to be created by gift from the seller, and the fair market value of the purchased interest shall be considered to be donated capital.

"Family"

The "family" of any individual shall include only his spouse, ancestors, and lineal descendants, and any trust for the primary benefit of such persons.

Application

SEC. 3. This act applies only in the computation of taxes for taxable years beginning after December 31, 1951.

SEC. 4. In applying the amendments made by this act where the taxable year of any family partner is different from the taxable year of the partnership:

(a) If a taxable year of the partnership beginning in 1951 ends within or with, as to all of the family partners, taxable years which begin in 1952, then the amendments shall be applicable with respect to all distributive shares of income derived by the family partners from such taxable year of the partnership beginning in 1951; and

(b) If a taxable year of the partnership ending in 1952 ends within or with a taxable year of any family partner which began in 1951, then the amendments made by this section shall not be applicable with respect to any of the distributive shares of income derived by the family partners from such taxable year of the partnership.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

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CHAPTER 12

An act to add Section 17137 to the Revenue and Taxation Code, relating to the exclusion from personal income taxation of income received for services in the armed forces of the United States or received as a consequence of membership in such forces.

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.] In effect July 1, 1952

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

SECTION 1. Section 17137 is added to the Revenue and Taxation Code, to read:

17137. Gross income does not include the following up to and including the amount of one thousand dollars ($1,000) per annum in the aggregate: Gross Income Military compensation

(a) The salary, wages, bonuses, allowances, and other compensation received by an individual for his services as a member of the armed forces of the United States, including any auxiliary branch thereof.

(b) Amounts received during the taxable year as mustering-out payments and terminal leave and unused leave pay and bonds, and educational benefits received under federal or state legislation with respect to service in the military or naval forces of the United States.

CHAPTER 13

An act to add Sections 18409, 18409.1, 18409.2, 18409.3, 18409.4, 18409.5, 18409.6, 18409.7, 18409.8, 18409.9, 18410, 18410.1, 18410.2, 18410.3, 18410.4, 18410.5, 18410.6, 18410.7, 18410.8 and 18410.9, to the Revenue and Taxation Code, relating to the filing of returns by spouses for personal income tax purposes, to take effect immediately.

In effect immediately.

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 18409 is added to the Revenue and Taxation Code, to read:

Substituting of separate returns for joint return of spouses

18409. If a husband and wife have filed a joint return for a taxable year for which separate returns could have been made by them under Section 18402(a), and the time prescribed by this part for filing the return for such taxable year has expired, the husband and his spouse may nevertheless make separate returns for such taxable year. Separate returns filed by the spouses in such a case shall constitute their returns for such taxable year, and all payments, credits, refunds or other repayments made or allowed with respect to the joint return for such taxable year shall be taken into account in determining the extent to which the taxes based on the separate returns have been paid.

SEC. 2. Section 18409.1 is added to said code, to read:

Conditions

18409.1. Separate returns may be filed under Section 18409 only if there is paid in full, at or before the time of the filing of such returns:

(a) All amounts previously assessed with respect to both spouses for such taxable year;

(b) All amounts shown as the tax by the spouses upon their joint return for such taxable year; and

(c) Any amount determined, at the time of the filing of the separate returns, as a deficiency with respect to the spouses for such taxable year if, prior to such filing, a notice of proposed deficiency under Section 18583 has been mailed.

SEC. 3. Section 18409.2 is added to said code, to read:

Limitations

18409.2. Separate returns cannot be filed under Section 18409:

(a) After the expiration of four years from the last date prescribed by this part for filing the return for such taxable year (determined without regard to any extension of time granted for the filing of the joint return);

(b) After there has been mailed to the spouses, with respect to such taxable year, a notice of deficiency under Section 18583, if the spouses, as to such notice, file a protest under Section 18590 or appeal under Section 18593;

(c) After the spouses have commenced a suit in court for the recovery of any part of the tax paid for the taxable year with respect to the joint return; or

(d) After the spouses have entered into a closing agreement under Section 19132 with respect to such taxable year as to the tax payable by the spouses under their joint return.

SEC. 4. Section 18409.3 is added to said code, to read:

18409.3. If separate returns are made under Section 18409, any election (other than the election to file the joint return) made by the spouses in their joint return for such taxable year with respect to the treatment of any income, deduction, or credit shall not be changed in the making of the separate returns where such election would have been irrevocable if the separate returns had not been filed. Irrevocable elections

SEC. 5. Section 18409.4 is added to said code, to read:

18409.4. If separate returns are made under Section 18409 after the death of either spouse, such return with respect to the decedent can be made only by his executor or administrator. Returns made after death of spouse

SEC. 6. Section 18409.5 is added to said code, to read:

18409.5. Where the aggregate amount of the taxes shown by the spouses on their separate returns filed pursuant to Section 18409 exceeds the tax shown on their joint return: Penalties

(a) If any of such excess is attributable to negligence or intentional disregard of rules and regulations of the Franchise Tax Board (but without intent to defraud) at the time of making the joint return, then 5 percent of the total amount of such excess on each return shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(b) If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of the joint return, then 50 percent of the total amount of such excess shall be so assessed, collected, and paid, in lieu of the 50 percent addition to the tax provided in Section 18685.

SEC. 7. Section 18409.6 is added to said code, to read:

18409.6. For the purposes of Sections 18586 to 18589, inclusive (relating to periods of limitations upon assessment and collection), and for the purposes of Section 18681 (relating to delinquent returns), separate returns made under Section 18409 shall be deemed to have been filed on the date on which the joint return was filed. Filing date

SEC. 8. Section 18409.7 is added to said code, to read:

18409.7. For the purposes of Article 1 of Chapter 13 (relating to refunds and credits), separate returns made under Section 18409 shall be deemed to have been filed on the last date prescribed by this part for filing the return for such taxable year (determined without regard to any extension of time granted for the filing of the joint return). Same

SEC. 9. Section 18409.8 is added to said code, to read:

18409.8. If separate returns are made under Section 18409, the period of limitations provided in Sections 18586 to 18589, inclusive, on the making of assessments and collecting taxes shall with respect to such returns include one year immediately after the date of filing of such separate returns (computed without regard to the provisions of Section 18409.6). Limitation on assessing and collecting taxes

SEC. 10. Section 18409.9 is added to said code, to read:

"Return" 18409.9. For the purposes of Chapter 16 (relating to criminal penalties in the case of fraudulent returns) the term "return" includes a joint return filed by spouses with respect to a taxable year for which separate returns are made under Section 18409 after the filing of such joint return.

SEC. 11. Section 18410 is added to said code, to read:

Substitution of joint return for separate returns of spouses 18410. If an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under Section 18402, and the time prescribed by this part for filing the return for such taxable year has expired, such individual and his spouse may nevertheless make a joint return for such taxable year. A joint return filed by the husband and wife in such a case shall constitute the return of the husband and wife for such taxable year, and all payments, credits, refunds, or other repayments made or allowed with respect to the separate return of either spouse for such taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid.

SEC. 12. Section 18410.1 is added to said code, to read:

Conditions 18410.1. A joint return can be made under Section 18410 only if there is paid in full at or before the time of the filing of the joint return:

(a) All amounts previously assessed with respect to either spouse for such taxable year;

(b) All amounts shown as the tax by either spouse upon his separate return for such taxable year; and

(c) Any amount determined, at the time of the filing of the joint return, as a proposed deficiency with respect to either spouse for such taxable year if, prior to such filing, a notice under Section 18583 of such proposed deficiency has been mailed.

SEC. 13. Section 18410.2 is added to said code, to read:

18410.2. A joint return cannot be made under Section 18410:

Limitations (a) After the expiration of four years from the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse);

(b) After there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under Section 18583, if the spouse, as to such notice, files a protest under Section 18590 or appeal under Section 18593;

(c) After either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(d) After either spouse has entered into a closing agreement under Section 19132 with respect to such taxable year.

SEC. 14. Section 18410.3 is added to said code, to read:

Irrevocable elections 18410.3. If a joint return is made under Section 18410, any election (other than the election to file a separate return) made by either spouse in his separate return for such taxable year with respect to the treatment of any income, deduction, or credit of such spouse shall not be changed in the making of the

joint return where such election would have been irrevocable if the joint return had not been made.

SEC. 15. Section 18410.4 is added to said code, to read:

Returns made after death of spouse

18410.4. If a joint return is made under Section 18410 after the death of either spouse, such return with respect to the decedent can be made only by his executor or administrator.

SEC. 16. Section 18410.5 is added to said code, to read:

Penalties

18410.5. Where the amount shown as the tax by the husband and wife on a joint return made under Section 18410 exceeds the aggregate of the amounts shown as the tax upon the separate return of each spouse:

(a) If any part of such excess is attributable to negligence or intentional disregard of rules and regulations (but without intent to defraud) at the time of the making of such separate return, then 5 percent of the total amount of such excess shall be assessed, collected, and paid in the same manner as if it were a deficiency;

(b) If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of such separate return, then 50 percent of the total amount of such excess shall be so assessed, collected, and paid, in lieu of the 50 percent addition to the tax provided in Section 18685.

SEC. 17. Section 18410.6 is added to said code, to read:

Filing date

18410.6. For the purposes of Sections 18586 to 18589, inclusive (relating to period of limitations upon assessment and collection), and for the purposes of Section 18681 (relating to delinquent returns), a joint return made under Section 18410 shall be deemed to have been filed:

(a) Where both spouses filed separate returns prior to making the joint return, on the date the last separate return was filed (but not earlier than the last date prescribed by this part for filing the return of either spouse).

(b) Where one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than two thousand dollars ($2,000) of net income and less than five thousand dollars ($5,000) of gross income for such taxable year, on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return).

(c) Where only one spouse filed a separate return prior to the making of a joint return and the other spouse had a net income of more than two thousand dollars ($2,000) or a gross income of more than five thousand dollars ($5,000) for such taxable year, on the date of the filing of such joint return.

SEC. 18. Section 18410.7 is added to said code, to read:

Same

18410.7. For the purposes of Article 1 of Chapter 13 (relating to refunds and credits), a joint return made under Section 18410 shall be deemed to have been filed on the last date prescribed by this part for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse).

SEC. 19. Section 18410.8 is added to said code, to read:

Limitation on assessing and collecting taxes

18410.8. If a joint return is made under Section 18410, the period of limitations provided in Sections 18586 to 18589, inclusive, on the making of assessments and collecting taxes shall with respect to such return include one year immediately after the date of the filing of such joint return (computed without regard to the provisions of Section 18410.6).

SEC. 20. Section 18410.9 is added to said code, to read:

"Return"

18410.9. For the purposes of Chapter 16 (relating to criminal penalties in the case of fraudulent returns) the term "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is made under this article after the filing of such separate return.

Application

SEC. 21. The amendments made by this act shall be applicable only with respect to taxable years beginning after December 31, 1951.

Tax levy

SEC. 22. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 14

An act to amend Section 9654 of, and to add Sections 9655 and 9656 to, the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

In effect July 1, 1952

[Approved by Governor April 21, 1952. Filed with Secretary of State April 22, 1952.]

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

SECTION 1. Section 9654 of the Revenue and Taxation Code is amended to read:

Crediting of registration fee against tax

9654. For 1948 and each year thereafter, each operator shall be allowed a credit against the taxes imposed by this part in the amount of 33⅓ percent of all amounts which he has paid during the year under Section 372 of the Vehicle Code as registration fees on motor vehicles used by him in operations the gross receipts from which are taxable under this part.

The credit allowed an operator engaging subhaul operators shall not exceed, however, 3 percent of his gross receipts from operations during a calendar year subject to the tax imposed by this part, exclusive of the total amount paid to subhaul operators for performing during that calendar year all or a part of transportation operations the gross receipts from which are taxable under this part.

SEC. 2. Section 9655 is added to said code, to read:

Refunds

9655. Any person engaging in subhaul operations who pays during 1952 or any calendar year thereafter under Section 372 of the Vehicle Code the registration fees on motor vehicles used by him in operations the gross receipts from which are taxable under this part shall be allowed a refund, after the end of the

year, of an amount equal to 33⅓ percent of such registration fees. The refund allowable under this section shall not exceed, however, 3 percent of the total amount received by the subhaul operator for performing during a calendar year all or a part of transportation operations the gross receipts from which are taxable under this part. The total of the refunds allowed under this section and the credits allowed under Section 9654 to any person for one calendar year shall not exceed 33⅓ percent of the total registration fees paid on these motor vehicles during such year.

SEC. 3. Section 9656 is added to said code, to read:

9656. No refund under Section 9655 shall be allowed unless the claimant files a claim therefor in the form and with the information prescribed by the board within 90 days after the end of the calendar year. Filing of claim

SEC. 4. The provisions of this act amending Section 9654 of the Revenue and Taxation Code, shall be applicable with respect to operations conducted on and after January 1, 1952. Application

CONCURRENT AND JOINT RESOLUTIONS

REGULAR SESSION

1952

CONCURRENT AND JOINT RESOLUTIONS

Adopted at the 1952 Regular Session of the Legislature

CHAPTER 1

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

[Filed with Secretary of State March 6, 1952.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following Rules be adopted as the Joint Rules of the Senate and Assembly for the 1952 Regular Session of the California Legislature. Joint Rules

JOINT RULES OF THE SENATE AND ASSEMBLY

COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

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

Joint Committees

2. The Rules Committees of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly. Joint committees

Joint Meeting of Committees

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

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for Effect of adoption of Joint Rules

any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

BILLS AND RESOLUTIONS

Definition of Word Bill

"Bill"

4. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

Concurrent and joint resolutions

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

Joint resolutions are those which relate to matters connected with the Federal Government.

Resolutions Treated as Bills

Resolutions treated as bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

Title

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

Division of Bill Into Sections

Sections

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

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

Restrictions As to Amendments

Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

Marking of changes

10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

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

Printing of Amendments

Printing of amendments

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

Printing and Distribution of Bills—
Manner of Printing Bills

Printing of bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

Distribution of publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise

provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements.

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of one hundred fifty dollars ($150) at a General Session or twenty-five dollars ($25) at a Budget Session, nor shall more than two copies of bills or other legislative publications be distributed free to any person, office or organization except to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

Other Legislative Printing

Printing of the Daily Journal

Daily Journal

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

What Shall Be Printed in the Journal

Same Contents

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

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions

and constitutional amendments when introduced in, offered to, or acted upon by the house.

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

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

Printing of the Daily File

16. A daily File of bills ready for consideration shall be printed each legislative day for each house Daily File

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History. Histories

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order. Printing orders

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

Record of Bills

Secretary and Chief Clerk to Keep Records

Record of bills

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

Secretary and Chief Clerk Shall Endorse Bills

Endorsement

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

Action in One House on Bill Transmitted From the Other

After a Bill Has Been Passed by the Senate or Assembly

Bills from other house

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

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

Messages to Be in Writing Under Proper Signatures

Messages

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

Passage and Enrolling of Bills

Passage of Bills Preceding Final Adjournment

Passage preceding final adjournment

23. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within five days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

Enrollment

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

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

Amendments

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

Concurrence in amendments

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

Concurring in Amendments Adding Urgency Section

Same Urgency section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that

the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

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

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

When Senate or Assembly Refuse to Concur

Conference committees

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Conference shall report to both the Senate and the Assembly.

Report of Committee on Conference

Same Report

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

When Conference Committee Report Is in Order

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

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

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

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

Miscellaneous Provisions

Authority When Rules Do Not Govern

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

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 24 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privileges of accredited press representatives. Press rules

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the standing committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who

represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

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

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

Dispensing With Joint Rules

Dispensing with rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Conference Committee.

Opinions of Legislative Counsel

Legislative Counsel opinions

34. Whenever the Legislative Council issues an opinion to any person other than the first named author analyzing the constitutionality, operation or effect of a pending bill or other legislative measure, he is authorized and instructed to deliver two copies of the opinion to the first named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

Expense of Members

Expenses of members

35. As provided in Section 23b of Article IV of the Constitution, each Member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

Investigating committees

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

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

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

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

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

The Sergeant-at-Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpenas, orders and other proc-

ess that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

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

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or to accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of ten cents ($0.10) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of fifteen dollars ($15) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties,

then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

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

Expenses of employees

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

Legislative Budget Committee

Legislative Budget Committee

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

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

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro Tempore of the Senate and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly

selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not re-elected at the general election.

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

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

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

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

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

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

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

(a) State Budget.

(b) Revenues and expenditures of the State.

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

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

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

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

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee, or in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

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

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

The Legislative Auditor with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Auditor or any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Auditor upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requestor to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requestor or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requestor. In the event the committee refuses such authorization, he shall inform such requestor forthwith

37.5. In addition to the duties hereinabove prescribed the Legislative Auditor is directed, so long as he is designated to be "clerk" or "secretary" pursuant to Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the joint rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

Adjournment

38. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

Designation of sessions

39. Hereafter all regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Interhouse Cooperation

Joint Committee on Interhouse Cooperation

40. The Joint Committee on Interhouse Cooperation is hereby created. It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof, concerning the relationship between the two

houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has a continuing existence and may meet, act, and conduct its business at any place within the State, during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate membership shall consist of the President pro Tempore of the Senate, and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker, the Chairman of the Assembly Committee on Rules and the three other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between sessions in the Senate membership of the committee shall be filled by the Senate Committee on Rules. Vacancies occurring in the Assembly membership shall be filled by appointment by the Speaker.

The committee shall have authority to make rules to govern its own proceedings. It may also create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold.

The provisions of Joint Rule 36 shall apply to the committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution.

CHAPTER 2

Senate Concurrent Resolution No. 2—Relative to approving amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the sixth day of November, 1951.

[Filed with Secretary of State March 6, 1952.]

City of Sacramento Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set out in the certificate of the mayor and city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss.
City of Sacramento

Certificate

We, the undersigned, Bert E. Geisreiter, Mayor of the City of Sacramento, State of California, and H. G. Denton, City Clerk of said city, hereby jointly certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and at all times herein mentioned, was a city containing a population of more than 50,000 inhabitants and has been ever since the year 1921, and now is organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which charter was duly ratified by the majority of the qualified electors of said city at a special election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January 1921, (Statutes of 1921, page 1919).

That in accordance with provisions of Section Eight of Article Eleven of the Constitution of the State of California, the City Council of said City of Sacramento, being the legislative body thereof, on its own motion by Resolution No. 430, adopted on the 20th day of September, 1951, duly proposed to the Qualified Electors of the City of Sacramento certain amendments to the Charter of said City to be submitted to said Qualified Electors at a regular municipal election to be held in said City on the 6th day of November, 1951, which said amendments were and are in the words and figures as follows:

"PROPOSAL NO. D

To amend ARTICLE VIII, SEC. 42 of the Charter of the City of Sacramento to read as follows:

SECRETARY

Personnel Officer

ARTICLE VIII, SEC. 42: The City Manager shall appoint a Personnel Officer who shall serve as Secretary of the Civil Service Board. He shall act as Chief Examiner and supervise all examinations, subject to the direction of the Board. He shall also perform such other duties as are prescribed by this Charter, by the City Manager, by the Civil Service Board or by ordinance or resolution of the City Council."

"PROPOSAL NO. E

To add to ARTICLE VIII of the Charter of the City of Sacramento a new section numbered Section 42a, which shall read as follows:

POWER TO ADMINISTER OATHS

ARTICLE VIII, SEC. 42a: The Secretary of the Civil Service Board and such other employees in the Civil Service Office authorized by the Board by order duly entered in the minutes, shall have the power and authority to take affidavits and administer oaths in all matters relating to civil service." Oaths

That said proposed amendments were on the 24th day of September, 1951, published and advertised in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California in the "Sacramento Union," a daily newspaper of general circulation published in said City of Sacramento and the official newspaper of said City of Sacramento and in each edition of said newspaper on date of September 24, 1951;

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten points and copies thereof were mailed to each of the qualified electors of said City of Sacramento.

That until the date fixed for the election hereinafter described an advertisement was published in said "Sacramento Union" that such copies could be had upon application therefor at the office of the City Clerk of said City of Sacramento;

That such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described;

That in accordance with the provisions of the Charter of the City of Sacramento and a Resolution of the Legislative Body thereof, there was duly held in the City of Sacramento on the 6th day of November, 1951, a regular municipal election and that the said proposed Charter Amendments were duly and regularly submitted to the Qualified Electors of said City for their ratification at said election and that at the said election the majority of the Qualified Electors voting thereon voted in favor of the ratification of and did ratify said proposed amendments to the Charter of said City hereinabove set out and entitled Proposal "D" and Proposal "E", respectively; Proposal "C" failed to receive a majority vote at said election;

That the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said City that a majority of the Qualified Electors of said City voting thereon had voted for and ratified said proposed amendments;

That we have compared the foregoing amendments with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our respective hands and caused the seal of said City of Sacramento to be affixed hereto this 26th day of December, 1951.

(SEAL)

BERT E. GEISREITER
Mayor of the City of Sacramento
H. G. DENTON
City Clerk of the City of Sacramento

Subscribed and sworn to before me this 26th day of December, 1951.

(SEAL)

EVERETT M. GLENN
Notary Public in and for the County of Sacramento, State of California.

AND, WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Sacramento as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Sacramento.

CHAPTER 3

Senate Concurrent Resolution No. 3—Approving the charter of the City of Mountain View, County of Santa Clara, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of January, 1952.

[Filed with Secretary of State March 6, 1952.]

City of Mountain View Charter

WHEREAS, The City of Mountain View, in the County of Santa Clara, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, Proceedings have been had in and taken by the said City of Mountain View for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Mountain View, all as set forth in the following certificate of the mayor and city clerk of said City of Mountain View, to wit:

CHARTER OF THE CITY OF MOUNTAIN VIEW

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The Charter of the City of Mountain View

We, the people of the City of Mountain View, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

Article I
Incorporation and Succession

Name

Section 100. Name. The municipal corporation now existing and known as the City of Mountain View shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Mountain View.

Boundaries

Section 101. Boundaries The boundaries of the City of Mountain View shall continue as now established until changed in the manner authorized by law.

Rights and liabilities

Section 102. Rights and Liabilities. The City of Mountain View shall remain vested with, and continue to have, hold and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Ordinances

Section 103. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Continuance of contracts and public improvements

Section 104. Continuance of Contracts and Public Improvements. All contracts entered into by the City or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Pending actions and proceedings

Section 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Incumbents

Section 106. Continuance of Present Officers and Employees. The present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinances, resolutions, rules or laws, until the appointment, or election, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter.

Article II
Powers of the City

General powers

Section 200. General Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter

established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

Procedures

Section 201. Procedures. The City shall have the power and may act pursuant to any procedure established by any law of the State, unless a different procedure is established by this Charter or by Ordinance.

ARTICLE III
FORM OF GOVERNMENT

"Council-Manager"

Section 300. Council-Manager Form of Government. The municipal government provided by this Charter shall be known as the "Council-Manager" form of government.

ARTICLE IV
THE ELECTIVE OFFICERS

City council

Section 400. Enumeration. The elective officers of the City shall consist of a City Council composed of seven members.

Section 401. Elected at Large. The Council shall be elected at the general municipal election on a general ticket from the City at large.

Section 402. When an Elective Office Becomes Vacant. An elective office becomes vacant when the incumbent dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without leave for more than sixty days, or fails to attend the meetings of the Council for a like period without being excused therefrom by said body.

ARTICLE V
THE COUNCIL

Councilman. Term of office

Section 500. Councilman. Term of Office. Except as otherwise provided in this Section, the members of the Council shall hold office for a term of four years from and after the first Tuesday following their election, and continuing until their respective successors qualify.

The vacancies on the Council caused by the increase in the number of councilmen from five to seven shall be filled at a general or special municipal election which shall be held within three months after the approval of this Charter by the Legislature. Of the two councilmen elected within said three months, the one receiving the greatest number of votes shall hold office until 1956 and the one receiving the next largest number of

votes shall hold office until 1954, or until their respective successors qualify. Their successors shall be elected for the full term of four years.

The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors qualify.

Ties among candidates for any office shall be settled by the drawing of lots.

Eligibility

Section 501. Eligibility. No person shall be eligible to be nominated for or to hold office as a member of the Council unless he is and shall have been for at least two years next preceding his election or appointment, a resident and qualified elector of the City of Mountain View or of territory annexed thereto.

Dual office holding

Section 502. Councilman to Hold No Other Office. No member of the Council shall hold any other city office or city employment except as is otherwise provided by this Charter.

No member of the Council shall be eligible to be elected or appointed to any City position, office or employment which was created or the compensation of which was increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was elected or appointed.

Compensation

Section 503. Compensation. Each member of the Council shall be entitled to receive a fee of $10.00 for each calendar month during which he attends a Council meeting. Members of the Council shall also be entitled to reimbursement for necessary traveling expenses and other expenses actually incurred when on official duty on order of the Council.

Vacancies

Section 504. Vacancies. Vacancies in the Council from whatever cause arising shall be filled by appointment by the Council and the person appointed shall hold office for the unexpired term of the former incumbent.

In the event that the Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

Presiding officer

Section 505. Presiding Officer.

(a) Mayor. On the first Tuesday following any general or special municipal election at which any Councilman or Councilmen are elected, the Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the Council. The Mayor shall serve in such capacity at the pleasure of the Council. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order, and enforce laws.

Mayor pro tempore

(b) Mayor Pro Tempore. The Council shall also designate one of its members as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the Council. The Mayor

Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Powers in council

Section 506. Powers Vested in the Council. All powers of the City, except as otherwise provided in this Chapter, shall be vested in the Council, and said Council may establish the method by which any of such powers may be exercised.

Meetings

Section 507. Meetings of the Council. The Council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Same: Public

Section 508. Meetings to be Public. All legislative sessions of the Council, whether regular or special, shall be open to the public.

Quorum

Section 509. Quorum. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business.

Oaths and subpenas

Section 510. Administering Oaths. Subpoenas. Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this State.

Citizen participation

Section 511. Citizen Participation. No citizen shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs, at any regular meeting of the Council, nor to speak to the subject of any special meeting.

Rules of procedure

Section 512. Rules of Proceeding. The Council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the Council meetings.

Ordinances and resolutions

Section 513. Ordinances and Resolutions. Method of Action. Legislative action shall be taken by the Council only by means of an ordinance or resolution.

Adoption

Section 514. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting nor until such ordinance shall have been published as required in this Charter. At the time of introduction or adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be

finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Emergency ordinances

Emergency Ordinances. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

Record of votes

Section 515. Ayes and Noes. Upon the adoption of any ordinance the clerk shall call the roll and shall cause the ayes and noes to be entered in the minutes of the meeting. Upon the request of any member the ayes and noes shall be taken and recorded on any vote.

Majority vote

Section 516. Majority Vote of Council. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council.

Enactment

Section 517. Ordinances. Enactment. In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act of the Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances adopted by the Council shall be substantially as follows: "The City Council of the City of Mountain View does ordain as follows:".

Signature and attesting

Section 518. Signing and Attesting. All ordinances shall be signed by the Mayor and attested by the City Clerk.

Effective dates

Section 519. Ordinances. Effective Date No ordinance adopted by the Council shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided for in this Article;

(e) An ordinance annexing areas to the City; or

(f) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

Violations

Section 520. Ordinances. Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for

a period not exceeding six months, or both such fine and imprisonment. The Council may provide by ordinance that persons imprisoned in the City jail for violation of law or ordinance may be compelled to labor on public works.

Amendment

Section 521. Ordinances. Amendment. The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length, as amended.

Publication

Section 522. Ordinances. Publication. Except as otherwise provided in this Charter, the City Clerk shall cause each proposed ordinance, other than an emergency ordinance, to be published at least once in the official newspaper at least two days prior to its adoption; or, as an alternative method of publication, the Council may order copies of any proposed ordinance to be posted at least two days prior to its adoption in three prominent places in the City and cause a single publication in the official newspaper of a notice setting forth the title of the ordinance, the date of its introduction and a list of the places where copies of the proposed ordinance are posted.

Emergency ordinances

The City Clerk shall cause each emergency ordinance to be published at least once in the official newspaper within fifteen days after its adoption.

Codification

Section 523. Ordinances. Codification. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference with the same effect as an ordinance by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

ARTICLE VI
CITY MANAGER

City manager

Section 600. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed for an indefinite term by the Council and shall serve at the pleasure of the Council, provided that he shall not be removed from office except by the affirmative votes of at least five members of the Council. He shall be chosen on the basis of

his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. He need not be a resident of the City or State at the time of his appointment, but during his tenure of office, he shall reside within the City.

Councilman Eligibility

No councilman shall be eligible for appointment to the office of City Manager during the term for which he shall have been elected nor within two years thereafter.

Compensation

Section 601. Compensation. The City Manager shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution.

Powers and duties

Section 602. Powers and Duties. The City Manager shall be head of the administrative branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint, discipline and remove, subject to the personnel provisions of this Charter, all officers and employees of the City except as otherwise provided by this Charter. He may authorize the head of any department or office to appoint or remove subordinates in such office.

(b) Prepare the budget annually, submit it to the Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

(d) Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may to him seem desirable.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for adoption by ordinance.

(g) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(h) Make investigations into the affairs of the City, or any department or division thereof, on any contract, or the proper performance of any obligation running to the City.

(i) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

Participation in council action

Section 603. Participation in Council Action. The City Manager shall be accorded a seat at the Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. He

shall receive notice of all special meetings of the Council, boards, and commissions.

Rules and regulations

Section 604. Rules and Regulations. The City Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under his jurisdiction.

Manager pro tempore

Section 605. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager.

Additional duties

Section 606. Additional Duties. Subject to the approval of the Council, the City Manager may act as head of any office, department or agency of the City under his control for which he is qualified by training or experience.

Interference

Section 607. Non-Interference with Administrative Service. Neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or his removal therefrom. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

Article VII
Officers and Employees

Enumeration

Section 700. Enumeration. The officers of the City of Mountain View shall consist of the Council, a City Manager, a City Clerk, a City Attorney, a City Auditor, a Director of Finance, a Director of Public Works and Utilities, a Chief of Police, a Chief of the Fire Department and such other or subordinate officers, assistants, deputies and employees as the Council may deem necessary to provide by ordinance or resolution.

Appointment and removal

Section 701. Appointment and Removal. The City Clerk, City Auditor and City Attorney shall be appointed by and may be removed by the affirmative votes of at least four members of the Council. The City Manager shall be appointed by the affirmative votes of at least four members of the Council, and he shall not be removed from office except by the affirmative votes of at least five members of the Council. Except as otherwise provided in Section 712 of this Charter, all other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Administrative departments

Section 702. Administrative Departments. The Council may provide by ordinance not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for

the creation of additional departments, divisions, offices and agencies and for their alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of divisions, offices and agencies to departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, consistent with this Charter.

Each department so created shall be headed by an officer as department head who shall be appointed by the City Manager, except as otherwise provided by this Charter.

When the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices.

The Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of the Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Compensation

Section 703. Compensation. The compensation of all City officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City Treasury.

Oaths

Section 704. Oath of Office Every Officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk

Official bonds

Section 705. Official Bonds. The Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

Personal liability

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in such wrongful act or omission.

Illegal contracts

Section 706. Illegal Contracts. Financial Interest Prohibited. No officer or employee of the City shall become financially interested except by testate or intestate succession, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the City is a party,

or be employed by any public service corporation regulated by, or holding franchises in the City; provided, however, that any member of a board or commission serving without compensation may sell or contract to sell personal property to the City to be used by a department of the City, board or commission other than the board or commission on which he serves. No officer or employee shall be deemed to be financially interested by the ownership of less than five (5) per cent of the outstanding capital stock of a corporation. A wilful violation of any of the foregoing provisions shall be deemed a misdemeanor. Any contract or agreement made in contravention of this section shall be void.

Nepotism

Section 707. Nepotism. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council and neither shall any department head or other officer having appointive power appoint any relative within such degree to any such position.

Political and religious tests

Section 708. Political and Religious Tests. Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no appointment to any position under the City government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

City clerk

Section 709. City Clerk. Powers and Duties. The City Clerk shall have the power and be required to:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

(d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;

(e) Be the custodian of the seal of the City;

(f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of the official records;

(g) Have charge of all City Elections; and

(h) Perform such other duties consistent with this Charter as may be required of him by the Council.

City auditor

Section 710. City Auditor. Powers and Duties. The City Auditor shall be an experienced accountant, preferably one who

has had experience in municipal accounting. He shall have power and be required to:

(a) Certify the correctness of all purchase orders before issuance; certify as correct and approve before payment, all bills, invoices, pay rolls, demands or charges against the City government and determine the regularity, legality and correctness of such claims, demands, or charges.

(b) Perform such other duties consistent with this Charter as may be required of him by the Council.

The City Auditor may require any claimant to make oath as to the validity of any claim or demand against the City. He may investigate any such claim or demand and for such purpose may examine witnesses under oath; and if he finds it fraudulent, erroneous or otherwise invalid, he shall refuse to certify the same for payment.

City attorney

Section 711. City Attorney. Powers and Duties. The City Attorney shall have power and be required to:

(a) Represent and advise the Council and all City officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee or former City officer or employee in any or all actions and proceedings in which any such City officer or employee is concerned or is a party, for any action arising out of his employment or by reason of his official capacity;

(c) Attend all meetings of the Council and give his advice or opinion in writing whenever requested to do so by the Council or by any of the boards or officers of the City;

(d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances;

(g) Perform such other duties consistent with this Charter as may be required of him by the Council; and

(h) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least three years immediately prior to his appointment.

The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

City judge

Section 712. City Judge. Powers and Duties. If not otherwise provided for by law, there shall be a City Judge who shall be appointed by the Council and who shall preside over the City Court and have the power and perform the duties of a magistrate. To be eligible for appointment as City Judge, the person

shall be duly licensed to practice law under the laws of the State of California, and shall have been engaged in the practice of law for at least two years prior to his appointment.

Director of finance

Section 713. Director of Finance. Powers and Duties. There shall be a Department of Finance, the head of which shall be the Director of Finance who shall be, or be appointed by, the City Manager. Except as otherwise provided in this Charter, the Director of Finance shall have charge of the administration of the financial affairs of the City; and he shall have power and be required to:

(a) Compile the budget expense and revenue estimates for the City Manager:

(b) Supervise and be responsible for the disbursement of all public monies and have control over all expenditures to insure that budget appropriations are not exceeded:

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies:

(d) Require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as he may deem expedient:

(e) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial conditions of the City; and as of the end of each fiscal year, submit a complete financial statement and report:

(f) Collect all taxes, assessments, utility charges, license fees and other revenues of the City or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal government, or from any court or from any office, department or agency of the City;

(g) Have custody of all public funds belonging to or under the control of the City or of any office, department or agency of the City government, and deposit all funds coming into his hands in such depository as may be designated by resolution of the Council, or if no such resolution be adopted, by the City Manager, and in compliance with all provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds;

(h) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies;

(i) Perform such other duties consistent with this Charter as may be required of him by the Council.

Director of public works and utilities

Section 714. Director of Public Works and Utilities. Powers and Duties. There shall be a Department of Public Works and Utilities, the head of which shall be the Director of Public Works and Utilities, who shall be, or be appointed by, the City Manager. The Director of Public Works and Utilities shall have charge of the administration of all matters pertaining to the public works and utilities of the City and he shall have power and be required to:

(a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs, and the construction of all public works and utilities;

(b) Supervise and be responsible for the general care, maintenance, inspection and repair of streets, sidewalks, sewers and storm drains, and related activities;

(c) Supervise and be responsible for the inspection and regulation of: (1) building construction and alteration, (2) plumbing installations, and (3) electrical installations; and enforce all ordinances and laws pertaining thereto;

(d) Supervise and be responsible for the maintenance and operation of all public utilities owned and operated by the City, including, but not limited to, the municipal water system;

(e) Be responsible for the care, improvement, supervision, and management of all parks, playgrounds, and other recreational grounds or facilities, including all properties now or hereafter acquired or set apart for recreational purposes by the City;

(f) On vacating the office surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his office and the work thereof; and

(g) Perform such other duties consistent with this Charter as may be required of him by the Council.

To be eligible for appointment as Director of Public Works and Utilities the appointee shall be a Registered Civil Engineer in the State of California.

Chief of police

Section 715. Chief of Police Department. The Chief of Police shall have power and be required to:

(a) Preserve the Public peace;

(b) Execute and return all process issued to him by legal authority;

(c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State; and

(d) Perform such other duties consistent with this Charter as may be required of him by the Council.

Fire chief

Section 716. Chief of the Fire Department. The Chief of the Fire Department shall have power and be required to:

(a) Supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby;

(b) Make frequent inspection of all property within the City to enforce fire prevention regulations;

(c) During the time of a fire he shall have supreme authority over the territory involved therein, and over all persons in the immediate vicinity of the fire during such time, including policemen, who likewise shall be subject to his orders; and

(d) Perform such other duties consistent with this Charter as may be required of him by the Council.

ARTICLE VIII
RETIREMENT

Retirement

Section 800. Retirement System. Creation. The Council shall have power to provide for the creation, establishment and maintenance of a retirement or pension plan or plans for any or all of the appointive officers and employees of the city.

Section 801. Authority to Join Other Systems. The City of Mountain View, by and through its Council, is hereby empowered to join in any retirement or pension system or systems created under the law of the State of California or The United States of America, to which municipalities and municipal officers and employees are eligible.

ARTICLE IX
APPOINTIVE BOARDS AND COMMISSIONS

General provisions

Section 900. In General. There shall be the boards and commissions enumerated in this Article which shall have the powers and duties herein stated. Unless otherwise provided by this Charter, the number of members to comprise any commission shall be determined by ordinance or resolution of the Council. No member of any board or commission shall hold any paid office or employment in the City government In order to be eligible for any appointment to any board or commission, a person shall be a qualified elector of the City. In addition to those herein provided, the Council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistant with the provisions of this Charter.

Appropriations

Section 901. Appropriations. The Council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Appointment, terms

Section 902. Appointments. Terms. The members of each of such boards or commissions shall be appointed by the Council. They shall be subject to removal by motion of the Council adopted by at least four affirmative votes. Unless otherwise provided by this Charter, the members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding January 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding January 1st, and that the number of terms expiring in any year does not exceed by more than one the number expiring in any other.

Existing boards

Section 903. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms of such duration, not exceeding four years, as will carry into effect the plan for staggered terms prescribed in the preceding section.

Meetings

Section 904. Meetings. Chairman. As soon as practicable, following the first day of January of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold such regular and special meetings as such board or commission may require. All proceedings shall be open to the public.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action, except to adjourn.

The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Compensation

Section 905. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Vacancies

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the Council.

Planning commission

Section 906. Planning Commission. There shall be a Planning Commission consisting of seven members. The Planning Commission shall have the power and duty to:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of a Master Plan or any part thereof for the physical development of the City; and

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

The Director of Public Works and Utilities or a representative designated by him shall be accorded a seat at all meetings of the Commission and shall be entitled to participate in its deliberations but shall not have a vote.

Personnel commission

Section 907. Personnel Commission. There shall be a Personnel Commission, consisting of five members, none of whom shall hold any salaried City office or employment while a member of the Commission nor for a period of one (1) year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the services of the City nor to any City elective office.

Section 908. Personnel Commission. Powers and Duties. The Personnel Commission shall have power and be required to:

(a) Act in advisory capacity to the Council and the City Manager on personnel administration;

(b) Recommend to the Council after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations;

(c) Hear appeals of any person in the classified service relative to any suspension, demotion or dismissal;

(d) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its finding to the Council and the City Manager;

(e) Perform such other duties with reference to personnel administration not inconsistent with this Charter as the Council may require by ordinance or resolution.

Recreation and parks commission Members

Section 909. Recreation and Parks Commission. There shall be a Recreation and Parks Commission consisting of five members. In the event the Council contracts with other agencies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the Commission of nominees of such agencies during the existence of such contract or extensions thereof.

Powers and duties

Section 910. Recreation and Parks Commission. Powers and Duties. The Recreation and Parks Commission shall have the power and duty to:

(a) Act in advisory capacity to the Council in all matters pertaining to recreation and parks;

(b) Consider provisions of the annual budget for recreation and park purposes during the process of the preparation of the budget and make recommendations with respect thereto to the City Manager and the Council;

(c) Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein; and

(d) Accept money, personal property or real estate donated to the City for recreational or park purposes, subject to the approval of the Council.

Board of library trustees

Section 911. Board of Library Trustees. There shall be a Board of Library Trustees consisting of five members which shall have charge of the administration of the Mountain View Public Library and shall have the power and duty to:

(a) Make and enforce such bylaws, rules, and regulations as it may deem necessary for the administration and protection of the City Library;

(b) Approve or disapprove the appointment and removal of the Librarian who shall be the head of the Library Department;

(c) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the Council; and

(d) Contract with school, County or other government agencies to render or receive library services or facilities, subject to the approval of the Council.

ARTICLE X
PERSONNEL SYSTEM

Personnel system

Section 1000. Personnel System. Merit Principle. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with personnel rules and regulations adopted in the manner provided in this Charter.

Unclassified and classified service

Section 1001. Unclassified and Classified Service. The administrative service of the City shall be divided into Unclassified and Classified Service:

(a) The Unclassified Service shall comprise the following officers and positions:

(1) All elected officers.

(2) City Manager, City Attorney, City Auditor, City Clerk, and the head of each department.

(3) All members of boards and commissions.

(4) Persons employed as unskilled laborers.

(5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than 90 days in any one fiscal year.

(6) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.

(7) Volunteer members of the Fire Department.

(8) Part-time employees paid on an hourly or per diem basis

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Rules and regulations

Section 1002. Rules and Regulations. The Personnel System provided by this Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council upon the recommendation of either the City Manager or the Personnel Commission.

Political activities

Section 1003. Political Activities Prohibited. No person holding any position in the Classified Service, or on an eligible list, shall take an active part in any municipal political campaign or contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office. Upon becoming a candidate for public office any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.

No officer or employee of the City and no candidate for any City Office shall, directly or indirectly, solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the eligible lists or holding any position in the Classified Service.

Contracts for performance of administrative functions

Section 1004. Contract for Performance of Administrative Functions. The Council may contract with the governing body of a city, or county within this state, or with a state department or other public or private agency for the preparation or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administration service.

Article XI
Fiscal Administration

Fiscal year

Section 1100. The Fiscal Year. Unless otherwise provided by ordinance, the fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Tax system

Section 1101. Tax System. Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the County system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

Tax limits

Section 1102. Tax Limits.

(a) General. Except as otherwise provided by this section, the Council shall not levy a property tax for municipal purposes in excess of $1.40 on each $100 of assessed value of the taxable property in the City, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors The number of years that such additional levy is to be made shall be specified in such proposition.

(b) Additional Taxes. There shall be levied and collected at the same time and in the same manner as other property taxes are levied and collected, as additional taxes, if no other provision for the payment thereof is made:

(1) A tax sufficient to meet all obligations of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year which constitute the general obligations of the City.

Annual budget.

Section 1103. Annual Budget. On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts, specifying in detail the objects thereof required during the next ensuing year for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which he has control. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Public hearing

Section 1104. Public Hearing on the Budget. After reviewing the proposed budget as submitted by the City Manager and making such revisions as it may deem advisable, the Council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not less than ten (10) days prior to said hearing by at least one insertion in the official newspaper of the City.

Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten (10) days prior to said hearing.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

Adoption

Section 1105. Adoption of the Budget. After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

Independent audit

Section 1106. Independent Audit. The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as may be specified by the Council, at least annually, shall examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and all such other officers and employees and departments as the Council may direct.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the City Auditor, City Manager and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

Public works contracts

Section 1107. Contracts on Public Works. Every project involving an expenditure of public monies of more than Three Thousand (3000) Dollars for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven days before the time for opening bids.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten (10) per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may re-advertise in its discretion.

The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five affirmative votes

of the Council and containing a declaration of the facts constituting such urgency.

Nothing in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the City for any use or purpose.

Bonded debt limit

Section 1108. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent of the total assessed valuation for purposes of City taxation, of all the real and personal property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Official advertising contracts

Section 1109. Contracts for Official Advertising. The Council shall let annually contracts for the official advertising for the ensuing fiscal year. In the event there is more than one newspaper of general circulation published and circulated in the City, the Council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the City which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the Council may reject any or all bids and advertise for new bids.

Actions against city

Section 1110. Actions Against the City. No suit shall be brought on any claim for money or damages against the City or any board, or officer thereof, until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be presented to the City Manager within ninety days after the occurrence, event or transaction from which the damages, allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim accrued.

In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from

the day the same is filed with the City Manager shall be deemed a rejection thereof.

Bidding

Section 1111. Competitive Bidding. Before making purchases of, or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding, under such rules and regulations and with such exceptions as the Council may prescribe in the ordinance setting up such rules and regulations. When making purchases for the City, merchants with places of business located within the City shall be given the preference, quality and prices being equal.

Centralized purchasing

Section 1112. Centralized Purchasing. A centralized purchasing system shall be established for all City departments, offices and agencies. The City Manager shall recommend and the Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, inspection, storing, distribution or disposal of all property, supplies, materials, and equipment required by any department, office or agency of the City government.

ARTICLE XII
FRANCHISES

Requirement

Section 1200 Franchises to Operate. No person, firm or corporation shall exercise any franchise right or privilege mentioned in this Article in the City except insofar as he or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States of America, unless he or it shall have obtained a grant therefor in accordance with the provisions of this Article of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in this Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

Authority to grant

Section 1201. Authority to Grant Franchises. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or to use the public streets, ways, alleys and places, as the same may now or may hereafter exist, either separately or in connection therewith.

Terms, conditions, and procedures

Section 1202. Franchise Terms, Conditions and Procedures. The Council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions for the giving of public notice of franchise applications, for protests against the granting of such franchises and for public hearings on such applications.

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the appli-

cable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

Method of granting

Section 1203. Method of Granting Franchise. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this Article, to be set out in the advertisement for bids and notice of sale.

Term

Section 1204. Term of Franchise. Every franchise shall be either a fixed term not to exceed twenty-five (25) years, or for an indeterminate period. If for a fixed term, the franchise shall state the term for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

Acquisition of property by city

Section 1205. Purchase or Condemnation by City. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

Compensation

Section 1206. Adequate Compensation. No new franchise or the renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation based on a percentage of the gross annual receipts of the utility derived from the furnishing from within the City of the utility service for which the franchise is awarded.

Exemptions

Section 1207. Article not Applicable to Certain Cases. Nothing in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this Article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Mountain View.

Misdemeanor

Section 1208. Exercising Right Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise, shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

Applicability to city

Section 1209. Article not Applicable to the City. Nothing in this Article shall be construed to apply to the City, or any department thereof, when furnishing any public utility or service.

ARTICLE XIII
ELECTIONS

General

Section 1300. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe, shall be held in said City on the second Tuesday in April of each even numbered year, commencing with the year 1952.

Special

Section 1301. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of general law, or by ordinance, shall be known as special municipal elections.

Procedure

Section 1302. Procedure for Holding Elections. Unless otherwise provided by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class, insofar as the same are not in conflict with this Charter.

Initiative and referendum

Section 1303. The Initiative and Referendum. Except insofar as is otherwise provided by ordinances hereinafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and the referendum shall apply to the use thereof in the City insofar as the same are not in conflict with this Charter.

Recall

Section 1304. Recall. Every incumbent of an elective office of the City, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the City. The procedure to effect such removal from office shall be as prescribed by the Elections Code of the State of California, as the same now exists or may hereafter be amended, relating to the recall of municipal officers.

ARTICLE XIV
PUBLIC SCHOOL SYSTEM

Effect of charter

Section 1400. Effect of Charter. The organization, government and administration of the public school system of the City of Mountain View shall not be affected by the adoption of this Charter, but shall continue in existence as is now or hereafter prescribed by the Education Code of the State of California.

ARTICLE XV
CITY COURT

City court

Section 1500. City Court. Unless otherwise provided by the Constitution or general laws of the State of California, the Council shall provide by ordinance for the creation, functions, conduct and operation of a City Court.

ARTICLE XVI
GENERAL PROVISIONS

Charter Effective date

Section 1600. Effective Date of Charter. For the purpose of qualification and nomination of candidates and election of officers to fill the vacancies created by it, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes, it shall take effect on the first Tuesday following the date of the election held for the purpose of filling the vacancies created by this Charter in the elective offices of the City.

First election

Section 1601. First Election Under Charter. The Council of the City of Mountain View in office at the time this Charter is approved by the Legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes and declare the results.

Validity

Section 1602. Validity of Charter. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Construction

Section 1603. Construction of Charter. Unless the provisions or the context otherwise require, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Mountain View and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Mountain View.

(c) "Council" is the City Council of the City of Mountain View.

(d) "County" is the County of Santa Clara.

(e) "State" is the State of California.

Violations

Section 1604. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

CERTIFICATE

Certificate Freeholders

WHEREAS, The City of Mountain View for many years last past has been and now is a city containing a population of more than 3,500 inhabitants as ascertained by the last preceding census taken by the authority of the Congress of the United States of America; and

WHEREAS, On the 15th day of May, 1951, at a municipal election duly held in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of the said City did choose and elect Malcolm D. Aitken, Wilbur L. Camp, James H. Cochran, Robert D. Foster, William V. Henderson, Harold Hiner, Merrill S. Hugo, Donald Luis, Paul R. McGuire, Alexander Mena, Charles H. Moore, Jack Salyer, Kenneth N. Slater, Clarence E. Smith, and Raymond R.

Wright, who were on said date all electors of said City and eligible as candidates in said election, as a Board of Fifteen Freeholders to prepare and propose a Charter for the government of said City; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit, the Council of said City on the 22nd day of May, 1951, and the said electors so elected as Freeholders thereafter duly qualified as such Freeholders in accordance with law; and

WHEREAS, a period of one year since the result of said election was declared as aforesaid has not expired;

NOW, THEREFORE, in pursuance of the said provisions of said Constitution of the State of California and within one year after the result of the said election was so declared, said Board of Freeholders has prepared and does now propose the foregoing Charter as and for the Charter of the City of Mountain View for the government thereof;

And said Board of Freeholders hereby requests said legislative body of said City to cause the publication of said proposed Charter, as provided in said Constitution, and does hereby fix and designate Tuesday, the 15th day of January, 1952, as the date for holding a special municipal election of the said City at which the said proposed Charter shall be submitted to the qualified electors of the said City for their ratification and adoption.

IN WITNESS WHEREOF, The undersigned Freeholders of said City have subscribed their names hereto at the City of Mountain View in the State of California, on the 22nd day of October, 1951.

JAMES H. COCHRAN
Chairman of the Board of Freeholders
WILBUR L. CAMP
Secretary of the Board of Freeholders
MALCOLM D. AITKEN
ROBERT D. FOSTER
WILLIAM V. HENDERSON
HAROLD HINER
MERRILL S. HUGO
DONALD LUIS
PAUL R. McGUIRE
ALEXANDER MENA
CHARLES H. MOORE
JACK SALYER
KENNETH N. SLATER
CLARENCE E. SMITH
RAYMOND R. WRIGHT

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF MOUNTAIN VIEW COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
County of Santa Clara } ss.
City of Mountain View

We, the undersigned, Martin J. Spangler, Mayor of the City of Mountain View, and Erma Lewis, the City Clerk of said City, do hereby certify and declare as follows:

That the City of Mountain View, a municipal corporation of the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand, five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants.

That the board of freeholders whose names appear signed to the foregoing proposed charter were on the 15th day of May, 1951, at a municipal election duly and regularly held in said City of Mountain View on said day elected by the qualified electors of said city to prepare and propose a charter for said city in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California.

That each of said freeholders had been a qualified elector in said city for more than five (5) years immediately preceding his election.

That said freeholders were duly and regularly elected under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California.

That the foregoing is a true copy of the said charter proposed by said freeholders.

That said board of freeholders did, in accordance with law and the provisions of Section 8, Article XI of said Constitution and within one year after their said election, prepare and propose said charter for the government of said City of Mountain View which charter was signed by the majority of the members of said board of freeholders on the 22nd day of October, 1951, and thereafter to-wit: on the 23rd day of October 1951 said proposed charter was duly returned and filed with the clerk of the City of Mountain View.

That said proposed charter was thereafter, to wit: on the 6th day of November 1951 and within 15 days after such filing duly and regularly published once in the Mountain View Register, a newspaper of general circulation printed and published in said City of Mountain View, and each edition thereof, during the day of publication.

That said board of freeholders did before filing said charter as aforesaid, fix Tuesday the 15th day of January, 1952, as the date for a special election at which said proposed charter was to be submitted to the electors of said City of Mountain View which date was not less than 60 days from the completion of the publication of said proposed charter.

That said proposed charter was submitted to the qualified electors of said City of Mountain View at a special municipal election duly and regularly held therein on the 15th day of January, 1952.

That at said special municipal election a majority of said qualified electors of said City of Mountain View voting thereon at said special municipal election voted in favor of the ratification of said charter as proposed as a whole, ratifying the same.

That thereafter the council of the City of Mountain View duly canvassed the returns of the said special election and found and declared that the majority of said qualified electors voting thereon at said special election had voted in favor of ratifying said charter, and ratified the same.

That in all matters and in all things pertaining to said proposed charter, all the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

IN WITNESS WHEREOF, We have hereunto set our signatures and caused the official seal of the City of Mountain View to be affixed this 18th day of February 1952.

MARTIN J. SPANGLER
(SEAL) Mayor of the City of Mountain View

IRMA LEWIS
City Clerk of the City of Mountain View

WHEREAS, The said charter as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said charter of the City of Mountain View, as presented to, and adopted, and ratified, by the electors of said city and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as and for the charter of the City of Mountain View.

CHAPTER 4

Senate Concurrent Resolution No. 4—Relative to the passing of Adolphus W. Noon.

[Filed with Secretary of State March 6, 1952.]

Death of Adolphus W. Noon

WHEREAS, The passing of Adolphus W. Noon on January 30, 1952 has deprived the State of California of one of its foremost experts upon and exponents of the field of county government; and

WHEREAS, Adolphus W. Noon was born August 30, 1897, in Oro Blanco, Arizona, and spent his boyhood in that state, moving to Taft, California in 1925, where he lived to the time of his death; and

WHEREAS, He was a member of the Taft School Board of Trustees and of the Taft City Council, a member of the Kern County Board of Supervisors since 1941, and chairman of the latter, having recently been re-elected to that post; and

WHEREAS, He was Chairman of the County Administrative, Welfare, Special Districts and Emergency Services Committees, and served on the Industrial Farm, Finance, Roads, Public Works, and Airports and Parks Committees, and was instrumental in setting up the Public Works Department as a new division of county government; and

WHEREAS, During World War II, he headed the Kern County Civilian Defense Organization as chairman and gave many hours to this work and to postwar planning conferences; and

WHEREAS, He was Chairman of the Governor's Social Welfare Committee and Vice President of the California Supervisors Association, and Chairman of the San Joaquin Valley Supervisors Association Hospital and Welfare Committee; and

WHEREAS, Adolphus W. Noon was a distinguished Californian and a great American; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature take this means of according recognition to the outstanding career of Adolphus W. Noon, and extend to his surviving family their profound sympathy; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Ethel Noon, widow of Adolphus W. Noon, to his daughter, Frances Noon, to his mother, Mrs. Anna M. Noon, and to his brother, Milford Noon.

CHAPTER 5

Senate Concurrent Resolution No. 5—Approving amendments to the charter of the City of Stockton, State of California, ratified by the qualified electors thereof, at a general municipal election held therein on Tuesday, October 9, 1951.

[Filed with Secretary of State March 6, 1952.]

City of Stockton Charter amendments.

WHEREAS, The City of Stockton in the County of San Joaquin, State of California, contains a population of over seventy thousand as acertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders charter is printed in full in Chapter 7 of concurrent and joint resolutions and constitutional amendments passed at the Regular Session of the Forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of certain amendments to the charter of the City of Stockton as set out in the certificate of the mayor and city clerk of the City of Stockton, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 9TH DAY OF OCTOBER, 1951, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON,

Certificate

We, L. L. Ventre, mayor of the city of Stockton and B. L. Trahern, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the county of San Joaquin, state of California, is now and at all of the times mentioned herein was a city containing a population of more than seventy thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders

charter adopted pursuant to the provisions of section 8, article XI of the constitution of the state of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the state of California on the twenty-fourth day of January 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the state of California on January 29, 1923; and

That pursuant to section 8 of article XI of the constitution of the state of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the state of California duly propose to the electors of the city of Stockton certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a certain general municipal election held on October 9th, 1951, which said proposals were designated as Proposed Charter Amendments numbered 1 to 5, inclusive; and

That said proposed charter amendments were, on the 25th day of August, 1951, duly published in each issue of the Stockton Daily Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council did, by Resolution No. 17,748, adopted on September 17th, 1951, fix October 9th, 1951, the date of the general municipal election in Stockton, as the date of the election on said proposed charter amendments.

That said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten-point, and that the clerk of the city of Stockton caused copies of said proposed charter amendments to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, said mailing having been commenced not more than forty nor less than fifteen days before the day fixed for election, to-wit, October 9th, 1951, and said mailing having been completed at least ten whole days before said election.

That the city clerk of the city of Stockton did, commencing August 25, 1951, and continuing through October 9th, 1951, the date of the election, advertise in the Stockton Daily Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said proposed charter amendments might be had upon application at the office of the said city clerk.

That said general municipal election was held in the said city of Stockton on the ninth day of October, 1951, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said proposed charter amendments in the Stockton Daily Record, the official newspaper of the city of Stockton, as hereinabove stated;

That at such general municipal election held as aforesaid on said ninth day of October, 1951, a majority of the qualified

voters of said city of Stockton voting thereon voted in favor of five proposed amendments to the charter of the city of Stockton and duly ratified the same;

That said proposed amendments to the charter of the city of Stockton as aforesaid were and are amendments numbered 1, 2, 3, 4 and 5;

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had voted for and ratified the proposed amendments to the charter of the city of Stockton numbered 1, 2, 3, 4 and 5;

That said proposed amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

That Section 4 of Article XXIX be amended to read as follows:

TERM OF FRANCHISE

Franchise terms

Section 4. Any franchise granted by the City may be indeterminate or for a term of a specified number of years as the City Council may determine in the ordinance granting such franchise.

An indeterminate franchise is defined as one that shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the City of Stockton, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

CHARTER AMENDMENT No. 2

That Section 5 of Article XXIX, be, and the same is, hereby repealed. Said Section proposed to be repealed reads as follows, to-wit:

NEW, RENEWAL AND EXTENSION FRANCHISES

New, renewal and extension franchises

Section 5. New franchises and renewals of existing franchises or extensions of existing franchises may be granted for a term of years not exceeding fifty years, provided, however, that no franchise granted for a term of years in renewal or extension of an existing franchise or franchises of the applicant shall be for a longer period than the life of the franchise having

the longest period yet to run, held by the applicant for the same utility or public service.

CHARTER AMENDMENT NO. 3

That Section 1 of Article VII be amended to read as follows:

GENERAL QUALIFICATIONS

Officers and employees; qualifications

Sec. 1. Every officer or employee of the City, except as otherwise in this charter provided, must be a citizen of the United States and have resided in the city of Stockton not less than one year preceding his election or appointment. Every officer or employee of the city must live in the city of Stockton or on city-owned or rented property during his term of office or employment. Where 50% or more of the salary of a city officer or employee comes directly or indirectly from the County of San Joaquin, the Stockton Unified School District, or governmental subdivision within San Joaquin County, or any combination of these, the residence requirements of the preceding two sentences shall be relaxed so as to permit residence by such officer or employee in said San Joaquin County, Stockton Unified School District, or governmental subdivision within San Joaquin County to be considered as residence within the City of Stockton. In case of flood, fire, or other public calamity, the city manager may employ on city work persons other than citizens or residents. The provisions of this section regarding residence before employment or office shall not apply in the case of the city manager or professionally trained experts.

CHARTER AMENDMENT NO. 4.

That Article XXXIV be added to the Charter to read as follows:

City Planning Commission and City Planning Department

Planning commission

Section 1. There shall be a City Planning Commission composed of nine (9) members. The members of the commission shall be appointed by the Mayor with the approval of the City Council. Not more than three (3) members shall be officers or employees of the City of Stockton. The commission members shall be appointed for terms of four years except that officers or employees of the City on the commission shall have terms of office corresponding with their official tenures. Any member of the commission may be removed for cause by the appointing official with the concurrence of the City Council.

The terms of office of the present members of the Commission shall remain unchanged after the passage of this Charter amendment. However, members of the planning commission shall be appointed as the terms of the present commissioners expire. If a vacancy shall occur otherwise than by expiration of term, it

shall be filled by appointment for the unexpired portion of the term.

Planning department

Section 2. There shall be established a City Planning Department under the supervision of the City Planning Commission and the City Manager. The Commission shall assume the responsibilities for the formulation and implementation of city planning objectives.

Duties of city council

Section 3. It shall be the duty of the City Council to enact necessary legislation to effectuate the purposes herein set forth. In the absence of such legislation the applicable state planning laws or city ordinances shall prevail.

Duties of planning department

Section 4. It shall be the duty of the City Planning Department, under the direction of the planning commission, to prepare, maintain, examine, reexamine and modify as necessary a comprehensive, long range, general plan for the development of the city, and for any area outside the city which in the judgment of the commission bears a reasonable relationship to the planning and development of the city.

From time to time the planning department, under the direction of the planning commission, may prepare detailed plans based on the general plan and drafts of such regulations, programs, and legislation as may, in the commission's judgment, be required for the systematic execution of the general plan.

Planning director

Section 5. There shall be a Planning Director who shall be nominated by the Planning commission and appointed by the City Manager. He shall serve at the pleasure of the City Manager.

Under the direction of the commission and the City Manager the Planning Director shall supervise and administer the planning department and coordinate its activities with those of other city departments and agencies, and shall advise and assist the City Manager in the planning, programming, organizing and developing of municipal studies, surveys and projects.

AMENDMENT No. 5

That the Charter of the City of Stockton be and it is hereby amended by amending Section 25 Art. IV, Section 7 Art. XXII, Section 28 Art. XXII, Section 30, Art. XXII, to read as set forth below, by repealing Section 3 of Art. IX and Sections 1, 2, 3, 4, 5, 8, 9, 10, 11 to 17 of Art. XXII and by adding Sections 1a to 5a of Article XXII to read as set forth below all for the purpose of creating and organizing a Finance Department composed of a Director of Finance, City Assessor, City Auditor, City Treasurer and Purchasing Agent all to be appointed by the City Manager thus centralizing the financial accounting and transactions of the City and separating the billing and collection function.

Sections amended shall read as follows:

Selection of officers and employees

Art. IV, Section 25. The Council shall select the City Manager, City Attorney, City Clerk, and such other officers and

employees of its own body as may be deemed necessary. All officers and employees chosen by the council shall serve during its pleasure.

Auditor-Duties

Sect. 7, Art. XXII. The city auditor shall examine all payrolls, bills, and other claims and demands against the city of Stockton, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed, and duly certified, and that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted; that the payment has been legally authorized and that there is money in the treasury to make payment. The director of finance may require every claim to be supported by oath as to the validity of said claim and for such purposes may examine witnesses under oath, and if he finds it fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor.

If there be not sufficient money in any fund to pay the demands made against said fund, said demand shall be registered in a book to be kept by the director of finance, showing its number, when presented, date, amount, name of payee, and on what account allowed and out of what fund payable, and when so registered the demand shall be returned to the party presenting it with the endorsement of the word, "Registered" dated and signed by the director of finance. All registered demands shall be payable in the order of their registration.

Assessment roll

Art. XXII, Section 28. On or before the first Monday in December or at such date in each year as may be fixed by the council, the city assessor shall complete the assessment roll, and shall prepare a certificate of completion and deliver it to the city clerk who shall thereupon notify the board of equalization of the fact. The assessment roll, the books and maps accompanying the same, and all the original lists of property given to the city assessor, shall be kept in the office of the city assessor for public inspection. If the assessor fails to complete and file the assessment roll as hereinabove prescribed, then the previous year's valuation shall be arbitrarily used and adopted.

Tax rate

Art. XXII, Section 30. After completion of the equalization, the council must finally adopt, before the beginning of the ensuing fiscal year, an ordinance levying upon the assessed valuation of the property in the city subject to the provisions of this charter, a rate of taxation upon each one hundred ($100.00) dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The city assessor shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The connected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the assessor as being the assessment roll of said tax. If the council fails to fix the tax rate within the time hereinabove prescribed then the previous years' rate shall be arbitrarily used and adopted.

Sections to be repealed.

Section 3 of Art. IX.

Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 inclusive of Art. XXII.

Department of finance Creation

Sections to be added to read as follows: Art. XXII Sec. 1a. There is hereby created a department of finance which shall be composed of the following divisions, Assessing, Auditing, Purchasing, Treasury, and which shall be under the supervision of the director of finance.

Director

Art. XXII, Sec. 2a. Director of Finance. The director of finance shall be appointed by the city manager and serves at his pleasure. He shall be charged with the administration of the department of finance and the financial affairs of the city. The director of finance and the heads of the several divisions shall not have civil service status.

First appointments

For the first appointments hereunder the heads of the respective divisions shall be the persons who are at the effective date of this amendment occupying the positions of assessor, auditor, purchasing agent, and treasurer.

The director of finance may in addition to his duties as such hold office as head of one or more of the divisions of the department of finance, pending appointments to fill vacancies.

Officers and employees

The city manager shall, upon his approval, appoint clerks, employees, and attaches of the department of finance to a number recommended by the director of finance and prescribed by the city council. All employees or officers in the finance department except the finance director, city assessor, city auditor, city treasurer and city purchasing agent shall have civil service status and shall retain their existing status and rights so far as compatible with the structure of the department of finance established hereby.

The employees shall be freely allocable from position to position, from duty to duty, and from division to division within the department of finance at the order of the director of finance to increase efficiency, economy and handle varying work loads of the various positions and divisions.

Powers and duties

Section 3a. Powers and Duties The department of finance is charged with the duties of the assessing of real and personal property, billing and collection of taxes and assessments, billing and collection of all revenue due to the City of Stockton, except as provided by general law; assistance in preparation of the annual budget, preparation of monthly financial reports required by city council or state or federal law, maintenance of an adequate accounting system for the purpose of recording all revenues of the City of Stockton, all expenditures and all financial transactions affecting the financial condition of the City of Stockton, installation, maintenance and supervision of the collection, custody, and disbursements of all city moneys, payment of claims and demands against the City of Stockton, the preparation for payment and issuance of checks in payment of payrolls, bills, and other claims and demands against the City of Stockton; the computation and extending of the tax rate for the various sections of the city and submission of the same to the city council;

the issuance of licenses; certification and taking of affidavits and administration of oaths in all matters pertaining to the business of the finance department, the receipt and keeping of all moneys belonging to the city and paying out the same in payment of principal and interest of outstanding bonds of the city, the preparation of audited legal claims and demands against the city; the inventory and appraisal of the value of all real estate, buildings, furniture and fixtures, supplies and moveable property of every kind and nature in every department, building and office of the city; the purchase, storage and issuance of all articles or supplies not required by this charter to be made by the council. Purchases shall be made, whenever possible, at wholesale and only after consideration of price, exact need, quality and workmanship.

The department of finance shall be the custodian of all contracts, performance and surety bonds, and insurance policies except as otherwise provided in this charter or by general law and shall have the responsibility of ensuring that the ordinances, resolutions and regulations of the city in regard to such documents are being complied with. Duties heretofore performed by or assigned to the city auditor by other articles of this charter or by law or by ordinance or resolution are hereby assigned to and are hereafter to be performed by the director of finance or the division or subordinate that he allots the duty to, except as in this amendment, otherwise provided.

The city assessor shall handle among other duties real and personal property appraisals, assessing and other assigned duties. In his capacity as real and personal property tax assessor he shall exercise his free and independent judgment but in all other respects he shall be subject to the control of the director of finance.

Assistants

Section 4a. Appointment of Assistants: The city auditor, city assessor, city treasurer, and city purchasing agent shall be appointed as follows: Each shall be appointed by the city manager and serves at his pleasure. Each shall be selected by the "rule of three," solely according to merit, efficiency and fitness which shall be ascertained by an impartial investigation and an examination, assembled or unassembled, given or provided by the personnel officer. The examination may be open or promotional at the discretion of the city manager.

Void obligations

Art. XXII, Section 5a. Obligations—When void.

All contracts, agreements or other obligations entered into, all ordinances and resolutions passed and all orders made contrary to the provisions of this article shall be voidable by the city at will or by any citizen upon proof of injury to the city or lack of good faith on the part of any city officer, and no person whatever shall have any claim or demand against the city thereunder, nor shall any act or omission on the part of the council, or of any officer or employee of the city, contrary to the provisions of this article, waive or qualify the limitations fixed by this article, or impose upon the city any liability whatever in excess thereof.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them.

That as to all said amendments this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, L. L. Ventre, mayor of the city of Stockton, and B. L. Trahern, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Stockton to be thereunto affixed on this 10th day of December, 1951.

L. L. VENTRE
(SEAL) Mayor of the City of Stockton
B. L. TRAHERN
City Clerk of the City of Stockton

WHEREAS, Said proposed amendments to the charter of the City of Stockton ratified by the electors of said city, as aforesaid, have been, and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Stockton, after being presented to, adopted and ratified by the qualified electors of said City of Stockton as hereinbefore fully set forth, be and the same are herby approved as a whole without amendment or alteration as amendments to and a part of the charter of the City of Stockton.

CHAPTER 6

Assembly Concurrent Resolution No. 1—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of June, 1951.

[Filed with Secretary of State March 10, 1952.]

City of Long Beach Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 5TH DAY OF JUNE, 1951, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF LONG BEACH.

We, Burton W. Chace, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows: Certificate

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted on the 17th day of April, 1951, and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of the City of Long Beach three (3) amendments to the charter of said City numbered Proposition 1, Proposition 2 and Proposition 3, and ordered that said proposed amendments be submitted to said qualified electors of said City at a general municipal election to be held in said City on the 5th day of June, 1951; and

That said amendments numbered Proposition 1, Proposition 2 and Proposition 3 were, on the 24th day of April, 1951, duly published in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was

the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by ordinance designated as Ordinance No. C-3037, order the holding of a general municipal election in said City of Long Beach on the 5th day of June, 1951, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and which ordinance was published at least three times in said Long Beach Independent prior to the date of said election, to wit: On the 27th, 28th and 29th days of May, 1951, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That said general municipal election was held in said City of Long Beach on the 5th day of June, 1951, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in the Long Beach Independent, as aforesaid; and

That at said general municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon, voted against said Proposition 1 and thereby defeated the same; and

That at said general municipal election, held as aforesaid, a majority of the qualified voters of said City voting on said Proposition 2 and Proposition 3, voted in favor of each of said Propositions and thereby carried and ratified the same; and

That the City Council of said City of Long Beach did, at the time and in the manner and form provided by law, to wit, on the 22nd day of June, 1951, regularly canvass the returns of said general municipal election, and did then and there duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting on said Proposition 1 voted against said Proposition 1 and thereby defeated the same; and

That said City Council did then and there also duly find, determine and declare that a majority of the qualified voters of said City voting on said Proposition 2 and Proposition 3 voted in favor of each of said Propositions and thereby carried and ratified the same; and

That said proposed amendments to the charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION 2

That the Charter of the City of Long Beach be amended by repealing Section 131 thereof and by adding a new section thereto to be known as Section 266.1, to read as follows:

Transfer of funds

Sec. 266.1. With the approval of the City Manager, money may be transferred from one fund of the City to another to satisfy charges for services rendered or labor or materials furnished by one department or division of the City to another department or division. Such transfers shall be made from the fund to which appropriations are made for the support of the department or division receiving such services, labor or materials, to the fund to which appropriations are made for the support of the department or division rendering said services or furnishing said labor or materials. All such transfers shall be made by journal entry on the books of the City in the manner approved by the City Manager. No such charges shall be made for such services, labor or materials unless approved in advance by the City Manager. The provisions of this section shall not apply to charges and actions authorized by Section 260 of this Charter.

PROPOSITION 3

That the Charter of the City of Long Beach be amended by amending Section 231 thereof to read as follows:

Planning commission Members

Sec. 231. The City Planning Commission shall be composed of seven (7) electors of the City of Long Beach, who shall be appointed by the City Manager, subject to the approval of the City Council, and shall receive such compensation, if any, as may be fixed by ordinance by the City Council. The electors who, on the effective date of this amendment, are members of the City Planning Commission shall constitute six (6) members of the City Planning Commission and shall serve until the expiration of their present respective terms or until their successors are appointed and qualified. Within thirty (30) days after the effective date of this amendment the City Manager shall appoint, subject to the approval of the City Council, an elector of the City of Long Beach a member of the City Planning commission for a term of four (4) years. Said term shall commence on the day following the date of the approval of said appointment by the City Council. At the expiration of the term of each member, the City Manager shall appoint a successor, with the approval of the City Council, to serve for a term of four (4) years. If a vacancy shall occur otherwise than by expiration of term, the City Manager shall likewise appoint an elector of the City of Long Beach to fill such vacancy for the unexpired term.

That the foregoing is a full, true and correct copy of said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, Burton W. Chace, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 20th day of February, 1952.

(SEAL)

BURTON W. CHACE
Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore,

Approval

Be it resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as a part of the charter of the City of Long Beach.

CHAPTER 7

Assembly Concurrent Resolution No. 2—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State March 10, 1952.]

Legislative Counsel

Resolved by the Assembly of the State of California, the Senate thereof concurring, That, pursuant to Section 10201 of the Government Code, Ralph N. Kleps is selected Legislative Counsel of California.

CHAPTER 8

Assembly Concurrent Resolution No. 4—Relative to designating March 16, 1952, as West Point Day in California.

[Filed with Secretary of State March 10, 1952.]

West Point Day

WHEREAS, Our Military Academy at West Point, New York, since its establishment by Congress 150 years ago, has given to our Nation generations of capable leaders who have led our armed forces in war and peace; and

WHEREAS, In addition to strengthening the security of our Nation, the graduates of West Point have contributed to the breath-taking march of American civilization by surveying and mapping the topography, coasts, and resources of our Country, by planning and supervising magnificent engineering projects for flood control, water power development, harbor improvements and irrigation, and by making possible such great achievements as the Panama Canal; and

WHEREAS, In upholding the inspiring motto of the military academy—"Duty, Honor, Country"—the graduates of West Point have been a credit to our academy, our Flag, and our Country; and

WHEREAS, On March 16, 1952, Americans everywhere will proudly join in the proper observance of the sesquicentennial of the establishment of the United States Military Academy at West Point, New York; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California respectfully recommends to His Excellency, Honorable Earl Warren, Governor of the State of California, the issuance of a proclamation designating the day of March 16, 1952, as West Point Day in California, and calling upon the citizenry of the State to hold appropriate patriotic observances throughout the State in commemoration of the founding of our Military Academy at West Point, New York; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit a copy of this resolution to the Honorable Earl Warren, Governor of the State of California.

CHAPTER 9

Assembly Concurrent Resolution No. 6—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the sixth day of November, 1951

[Filed with Secretary of State March 10, 1952.]

City and County of San Francisco Charter amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the

qualified electors of the city and county twelve (12) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said twelve (12) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general municipal election to be held in the City and County of San Francisco on the sixth day of November, 1951, the said twelve (12) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the sixth day of November, 1951, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "The San Francisco News," and each edition thereof as hereinbefore set forth; and

WHEREAS, the board of supervisors of said city and county did thereafter, in regular meeting assembled, by resolution duly adopted by said board and entered in the minutes thereof, direct that a canvass of said general municipal election held on the sixth day of November, 1951, be immediately begun and made by the registrar of voters of said city and county, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said general municipal election held on the sixth day of November, 1951, from each election precinct in the City and County of San Francisco in which polls were opened had theretofore been received by the said registrar of voters; and

WHEREAS, Thereafter, to wit, on the third day of December, 1951, said board of supervisors duly approved the "official statement" of votes cast at the general municipal election held in the City and County of San Francisco, State of California, on Tuesday, the sixth day of November, 1951; and

WHEREAS, At said general municipal election so held on the sixth day of November, 1951, seven (7) of said proposed amend-

ments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions B, D, E, F, H, I and L, and five (5) other charter amendments submitted at said general municipal election, to wit, charter amendments designated as Propositions A, C, G, J and K, received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION B

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 7 thereof, relating to residential qualifications of officers and employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1951, a proposal to amend the charter of said city and county by amending Section 7 thereof so that the same shall read as follows:

Qualifications of Officers and Employees

Officers and employees Qualifications

Section 7. No person shall be a candidate for any elective office, nor shall be appointed as a member of any board or commission or as an officer of the city and county unless he shall have been a resident of the city and county for a period of at least five years and an elector thereof for at least one year immediately prior to the time of his taking office, unless otherwise specifically provided in this charter. All employees of the city and county shall be citizens and shall have been residents thereof, for at least one year prior to the appointment, unless otherwise specifically provided in this charter, and members of the fire and police departments shall be citizens and shall have been residents of the city and county for at least five years next preceding appointment, and every elected officer, member of any board or commission and employee, including members of the fire and police departments, shall continue to be a resident of the city and county during incumbency of office or employment, and upon ceasing to be such resident, shall be removed from such office or employment; provided that where competent citizens who are residents of the city and county cannot be secured to fill positions outside of the city and county, then non-resident citizens may be appointed to fill such positions; provided, further, that employees who at the time of original appointment to positions in city and county service

were or at such time are residents of the city and county, and who now or at any time occupy positions the usual and major duties of which require their presence daily at places which are outside the city and county, may establish and continue residence in any county convenient to such place of duty for the duration of their employment at any such places, and shall have all rights in relation to any such employment or to any other position in any department of the city and county, including but not restricted to all rights respecting participation in examinations for appointment to, or occupancy of such other positions, to the same extent as though they had continued to be residents of the city and county during all of such time; and provided, also, that positions requiring expert or technical training may, on the recommendation of the department head and the mayor, and with the approval of the civil service commission and the board of supervisors, be exempted from the requirements of this section. A "resident" within the intent and purpose of this section, means one who actually lives within the city and county and maintains an abode therein, where such resident with his family, if any, customarily spends the night, provided, however, that residence outside the confines of the city and county for a period not to exceed three months in any calendar year, or absence of a resident from the city and county upon any bona fide journey, whether for business or pleasure and for whatever length of time, or absence of a resident while in the performance of any duties as an elected or appointed official or employee of the State of California or the government of the United States, shall not be within the contemplation of this section. Any officer or employee except elected officers of the city and county, however, may live outside the City and County of San Francisco upon authorization granted exclusively by the retirement board, if on the basis of medical and any other available information, that board believes that such authorization should be granted on account of the ill health of said officer or employee or the ill health of a member of the immediate family of said officer or employee. Such authorization and any modification or termination thereof shall be filed in the office of the civil service commission. Officers and employees shall make application for such authorization directly to the retirement board, on forms provided by the retirement board, without any requirement of prior application to or permission of any officer, board or commission. At the same time they shall file a copy of such application with their respective department heads, who shall have ten days thereafter in which to file any objections thereto with the retirement board. The retirement board may require medical examinations and such information in regard to any such application as it shall deem reasonable. Such authorization shall be terminated after sixty days notice, by the retirement board when in its opinion the authorization no longer is justified; and the retirement board may at any time, and from time to time shall, require such medical examinations and information as it may

deem reasonable to determine the continued existence of such justification. Non-compliance with requests of the retirement board or any physician designated by it, shall be good cause for denial or termination of such authorization.

The retirement board shall review, without unnecessary delay, all authorizations to live outside the City and County of San Francisco which have been granted by the director of public health and which are now in effect. The board shall have the same powers in respect to such authorizations as are provided herein in respect to authorizations granted by it.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 134 thereof, relating to the Board of Education.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1951, a proposal to amend the charter of said city and county by amending Section 134 thereof so that the same shall read as follows:

SCHOOLS

Board of Education

Section 134. All of the public schools of the school district of the city and county shall be under the control and management of a board of education, composed of seven commissioners, who shall be nominated by the mayor and be subject to confirmation or rejection by vote of the electors as in this section provided, and who shall be subject to recall, and to suspensions and removal in the same manner as elective officers, as provided by this charter. The term of each member shall be five years, commencing on the 8th day of January following their respective nominations, provided that each such five-year term shall begin at the expiration of the respective terms of members as existing at the time this charter shall go into effect. The compensation of each member shall be one hundred dollars ($100) per month. Board of education

Nominations of members of the board of education shall be made, subject to confirmation by the electors, by the filing by the mayor, with the registrar of voters between the first and the tenth day of September in each year prior to the expiration of the term or terms of members, the name of one qualified citizen, or two, as the case may be, to serve as a member or members, respectively, of said board for the regular term or terms commencing on the 8th day of January in the succeeding year.

The form of ballot shall be as provided in section 184 of this charter and if a majority of the qualified electors voting on said

nomination or nominations shall vote in favor thereof, said nomination shall be confirmed and the person or persons named shall take office on the 8th day of January next following. If a majority of the electors vote "No," the nomination shall stand rejected, and such person shall not be eligible for nomination as a member of the board of education for a period of at least three years. If a majority of the electors vote "No," the mayor shall appoint a qualified citizen to serve as a member of the board until the 8th day of January following the next general election or general municipal election, whichever shall first be held. Between the first and tenth day of September before such general election or general municipal election, the mayor shall nominate, subject to confirmation by the electors at such election, as herein provided, a qualified citizen to serve as a member of the board for the remainder of the five year term for which the nomination first made by the mayor was rejected. Vacancies otherwise occurring on said board shall be filled by the mayor for the unexpired terms.

PROPOSITION E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 136 thereof, relating to Superintendent of Schools.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1951, a proposal to amend the charter of said city and county by amending Section 136 thereof so that the same shall read as follows:

SCHOOLS (CONTINUED)

Superintendent of Schools

Schools: Superintendent

Section 136. The superintendent of schools shall be the executive officer of the board of education. He shall be appointed by said board to serve for a term of four years and he shall receive an annual salary of $10,000 unless an increase in said salary shall be fixed by the board of education and approved by the board of supervisors.

During his term of office the superintendent may be removed from his office, as in this section hereinafter provided, for misconduct or incompetency after charges setting forth the nature and character of said misconduct or incompetency are filed against the said superintendent. Said charges must be in writing and shall be signed by at least two members of the board of education. A copy of said charges, together with a notice of the time and place of the hearing on the same, shall within five days after the filing of the same be served upon the said superintendent. The mailing of a copy of said charges, with notice of time and place of hearing on the same, by United

States registered mail, with the proper amount of postage prepaid thereon, addressed to said superintendent at his last known place of residence, shall be deemed to be a service of said charges as provided for in this section. A public hearing on said charges shall be had by the board of education not less than ten, nor more than twenty, days after the filing of said charges, provided that full power and authority is hereby given to the board of education to continue said hearing from time to time not to exceed sixty days from the commencement thereof, provided that for good cause said board may grant a further continuance on said hearing. The superintendent shall have the right to answer said charges, to appear at the hearing thereof and to be represented by counsel thereat for the purpose of defending himself against said charges. Pending the determination of said charges, the superintendent may be suspended from his office by a majority vote of the board of education, and the board may appoint a qualified person to discharge the duties of said superintendent during the period of suspension. If the board of education after hearing said charges shall by a two-thirds vote of all the members, determine that said charges have been sustained, it may by the same vote remove said superintendent from his office. No member of the board shall be entitled to vote on the removal of said superintendent unless he or she has been present at the entire hearing of such charges, provided that any member of the board who has not been present may vote for the removal of the superintendent, if such member has read a transcript of all the testimony taken on said hearing during his absence therefrom, and shall file with the board an affidavit to this effect. If said charges are not sustained by a two-thirds vote of all the members of said board, or if after said charges are sustained, the superintendent is not removed from office as a result thereof, said superintendent shall be reinstated in his position and shall be allowed his salary for the time that he has been under suspension, together with the costs of defending himself against said charges, including a reasonable fee for his attorney to be fixed and allowed by the board. If the charges are sustained, and as a result thereof said superintendent is removed from office, no further salary shall be allowed to said superintendent from the date of his suspension. In the hearing and determination of said charges filed against said superintendent, the judgment of said board of education shall be final unless in determining the sufficiency of said charges said board of education commits a clear abuse of discretion.

The superintendent shall have the powers and duties specified by this charter for department heads, in addition to such powers and duties as are fixed by general law.

The positions of superintendent and associate and assistant superintendents shall be held only by persons of expert or technical training, but shall not be subject to any provisions of this charter prescribing a residence qualification for officers or appointees, provided however, that during their incumbency appointees to such positions shall reside in the city and county,

and in case any appointee shall fail so to do, his appointment shall at once be revoked by the board.

The superintendent may appoint a confidential secretary who shall hold office at his pleasure.

PROPOSITION F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by repealing Section 137, relating to Deputy Superintendents, Section 138, relating to Duties of Superintendent, and Section 139, relating to City Board of Examination.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1951, a proposal to amend the charter of said city and county by repealing Sections 137, 138 and 139 thereof. Said sections now read as follows:

Deputy Superintendents

Deputy superintendents

Section 137. The superintendent shall appoint such deputy superintendents as shall be authorized by the board of education, and in case of vacancy, such vacancy shall be filled by the superintendent. Such appointments of deputy superintendents shall require the confirmation of the board of education and the appointees shall serve during the pleasure of the superintendent and the board of education. Deputy superintendents shall have had at least five years' experience as teachers. Should it be advantageous to appoint one or more deputy superintendents to supervise a special line of educational work, such appointment may be made regardless of teaching experience by an affirmative vote of five members of the board, but the appointee must have had five years' experience in the line of work which he will be called upon to supervise.

Duties of Superintendent

Additional duties of superintendent

Section 138. In addition to the duties imposed by the general laws of the state, it shall be the duty of the superintendent to observe and enforce the regulations of the board of education and to see that no religious or sectarian books or teachings are allowed in the schools; to report to the board of education annually, on or before the 1st day of October, and at such other times as the board may require, all matters pertaining to the condition and progress of the public schools of the city and county during the fiscal year, with such recommendations as he may deem proper; to inform the board of the condition of schools, school houses and of other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city and county and for

the care and improvement of the property of the school department; to visit and examine, with the assistance of his deputies, all the schools at least twice a year and determine their condition and needs and to report to the board once a month upon the standing of schools examined by him and his deputies; to recommend rules for the promotion of pupils from grade to grade, from school to school, and for the transfer and graduation of pupils; to recommend to the board the courses of study, the text books and books for supplementary use in the public schools, and the purchase of such apparatus, books, stationery and other classroom supplies as may be required in the schools.

City Board of Examination

Board of examination

Section 139. The superintendent and the deputies shall constitute the city board of examination and shall have power to recommend to the board of education the issuance of teachers' certificates in accordance with the laws of the state, and, for immoral or unprofessional conduct, profanity, intemperance or evident unfitness for teaching, to recommend to the board of education the revocation of any certificates previously granted by the board.

Proposition H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 161 thereof, and by adding Sections 161.1 and 161.2 thereto, referring to absences in military service as they relate to membership in the San Francisco City and County Employees' Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1951, a proposal to amend the charter of said city and county by amending Section 161 thereof and by adding Sections 161.1 and 161.2 thereto so that the same shall read as follows:

Continuous Service

Retirement system Continuous service

Section 161. Continuous service shall be defined by the board of supervisors, but the absence prior to September 14, 1940, of any officer or employee of the city and county from service caused by reason of the service of such officer or employee in the military or naval forces of the United States in any war in which the United States has engaged, shall not be deemed to be absence from service for the purposes of the retirement system and such officer or employee shall receive credit under the retirement system, for the period of such absence, in the same manner as if he had not been absent.

Absence on military service

On and after September 14, 1940, a member is absent on military service when he is absent from city service by reason of (1) service with the armed forces of the United States or the State of California; (2) service on ships operated by or for the United States Government when such service is granted as "military leave" pursuant to section 153 of the charter; (3) service connected with the war effort for which leaves of absence shall be authorized pursuant to section 153 of the charter; or (4) any other service, under an order of the Government of the United States or the State of California, or by lawful order of any of the departments or offices of said governments, provided that such absence in any of such services occurs (1) either during a war involving the United States as a belligerent or in time of national emergency, declared by the President of the United States or by the Congress, and for such time thereafter as may be provided by rule of the civil service commission, but not to exceed two years after the proclamation of peace, except in case of disability incurred in line of duty with said armed forces or said ships when such disability extends beyond such period; or (2) in time of peace if he is drafted for such services by the United States Government or volunteers for such service while subject to such draft.

For the purposes of this section a war involving the United States as a belligerent exists: (a) whenever Congress has declared any war which has not been terminated by any truce, treaty of peace, or otherwise; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security

Contributions: Member

Section 161 1. Any member so absent on military service may contribute to the retirement system during such absence, at times and in the manner prescribed by the board, amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence, if he had remained in city service.

Any member who makes the contributions as provided in the preceding paragraph shall receive credit for the absence as service in the same manner as if he had not been absent If, however, a member does not affirmatively exercise the option herein provided, or if he exercised it affirmatively and defaults in any of the contributions due to the retirement system under said election, and in either event if such contributions are not made for him, he shall be considered absent during the period for which no contributions are made, and he shall not receive credit as service for the city and county for such period; but the absence during such period shall not break the continuity of such service required of such member to entitle him to a retirement allowance, as provided under the retirement system.

Any member who was absent on military service and who did not make the contributions as provided in this section, and whose contributions are not paid for him by the city and county as provided herein, may make such contributions upon his return to city service at times and in the manner prescribed by the board. If he does so contribute, he shall receive credit for the absence as service in the same manner as if he had not been absent.

When a member makes the contributions as provided herein, the same contributions shall be made by the city and county in respect to such absence that would have been made if the member had not been absent on military service, except that such contributions shall be determined by the employer's rate of contribution in effect when such contributions are made, and on the basis of his compensation earnable at the commencement of his absence.

City and county

Section 161.2. Notwithstanding other provisions of this charter to the contrary, the city and county shall contribute for each member of this system who was absent on military service after September 14, 1940, amounts equal to the contribution which would have been made by such member and the City and County of San Francisco, on the basis of his compensation earnable at the commencement of his absence, provided that the member's base pay in such military service is less than $100.00 per month, and provided, further, (1) that if the absence in military service was by reason of service in the armed forces of the United States; (2) that the absence began on or after June 25, 1950; and (3) that the member's base pay in such service was less than $250.00 per month, the city and county shall pay the contributions which would have been made by both the member and the city and county on the basis of his compensation earnable at the commencement of his absence. Contributions made by the city and county, in lieu of contributions which otherwise would be required of the member, shall be administered as if made by said member as normal contributions. Any such member who exercises or did exercise the right to contribute to the system during the period of absence on military service, and whose contributions otherwise would be paid by the city and county under this section, shall have his contributions plus credited interest, refunded.

PROPOSITION I

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Sections 168.1.5.1, 168 1.16, and 168 1.17 thereto, and amending Sections 168.1.2, 168.1.5, and 168 1.7 thereof, relating to Police Department retirement and death allowances.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the city and county, at an election to be held therein on November 6,

1951, a proposal to amend the charter of said city and county by adding sections 168.1.5.1, and 168.1.16 and 168.1.17 thereto, and amending sections 168.1.2, 168.1.5, and 168.1.7 thereof, so that the same shall read as follows:

Police department: Retirement allowances

Section 168.1.2. Any member of the Police Department who completes at least thirty years of service in the aggregate, regardless of age, or at least twenty-five years of service in the aggregate, and attains the age of fifty-five (55) years, said service to be computed under Section 168.1.9, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-seven years during the twelve months ending June 30, 1949; the age of sixty-six years during the twelve months ending June 30, 1950, and thereafter, following the attainment of the age of sixty-five years. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to fifty per cent of the final compensation of said member, as defined in Section 168.1.1, plus an allowance at the rate of one and two-thirds ($1\frac{2}{3}$) per cent of said final compensation, for each year of service rendered prior to attaining age 60 and after qualifying as to age and service for retirement. A member retired after attaining the age of 65 years, but before completing twenty-five years of service in the aggregate computed under Section 168.1.9, shall receive a retirement allowance which bears the same ratio to fifty per cent of the final compensation of said member, as defined in Section 168.1.1 as the service with which he is entitled to be credited, bears to twenty-five years. Any member may retire, regardless of age, after rendering twenty-five years of service in the aggregate, computed under Section 168.1.9, but in such event, his retirement allowance shall be such as can be provided at the age of retirement, by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled at the date upon which he would qualify for retirement under the first sentence of this paragraph, deferred to that date. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section 168.1.3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Super-

visors to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

Death after retirement

Section 168.1.5. Upon the death of a member after qualification for service retirement under Sections 166, 168 or 168.1.2 or after retirement for service or because of disability which resulted from injury received in, or illness caused by the performance of duty, and if death shall result from other cause than such injury or illness, one-half of his retirement allowance to which he would have been entitled if he had retired for service at the time of his death or one-half his retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife, except that if he was a member under Section 168 1 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death, prior to retirement, or unless she was married to the member at least one year prior to his retirement. The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section 168.1.7 in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age of eighteen, may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore or hereafter retired under other charter sections, as members of the Police Department at the time of retirement, shall be subject to the provisions of this section. With respect to members under Section 168.1, "Qualified for service retirement", "Qualification for service retirement" or "Qualified as to age and service for retirement", as used in this section and other sections to which persons who are

members under Section 168.1 are subject, shall mean completion of thirty years of service regardless of age, or twenty-five years of service and attainment of age fifty-five, said service to be computed under Section 168.1.9.

Adjustment

Section 168.1.5.1. Every allowance based on the average monthly compensation earnable by the member during the three or ten years prior to retirement or death, and payable for time commencing on the effective date of this section, to or on account of persons who were retired or who died prior to January 1, 1951, as members of the Police Department, shall be adjusted to the amount it would be if it had been based on the monthly compensation fixed in Section 35 5 of the Charter as of July 1, 1951, for the rank of Police Officer in the respective years of service, regardless of the rank or position the member held in the Department prior to his retirement, or death before retirement. Every service retirement allowance under Section 168, which is included in the sentence next preceding, shall be adjusted to what it would have been, if prior to optional modification, the allowance had been fifty per cent of said monthly compensation. Allowances payable under Sections 168.1.3, 168.1.4, or 168.3 to or on account of persons who were retired for disability or died prior to January 1, 1951, on and after the date such persons would have qualified for service retirement, shall be calculated as provided in said Sections 168.1.3, 168.1.4, or 168.3, respectively. The provisions of Section 168 1.5 with respect to continuance of one-half of retirement allowance upon deaths after retirement, shall be applied from the effective date of this section as if they were effective on November 2, 1948. This section does not authorize any decrease in any allowance from the amount being paid at said effective date, nor does this section give any retired member, or any beneficiary of such member, or his successors in interest, any claim against the city and county for any increase in any allowance paid or payable for the time prior to its effective date. Adjustment in reserves under allowances which are changed according to this section, shall be made on the basis of current interest rate and mortality tables.

The increase in the retirement allowance shall be apportioned according to service rendered by the member in the same manner that the allowance prior to increase was apportioned. Contributions to the retirement system, necessary for the payment of the increase of the portion of the retirement allowances which is paid from reserves held by the retirement system, shall be provided from the reserves held by the retirement system on account of members under section 168.1, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city and county currently, as a percentage of salaries of persons who are members under section 168 1, shall be increased to a percentage determined by the actuary as necessary to replace

the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to current and prior service portions of the allowances which are not paid from reserves held by the retirement system, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

Death before retirement

Section 168.1.7. If a member of the Police Department shall die, before retirement, from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 168.1.4 or 168 1.5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, the sum of five hundred dollars shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar benefit upon the death of other retired members.

Section 168.1.16. Added new section 168.1.5.1, and amended sections 168.1.2, 168 1.5 and 168 1.7, contained in the propositions therefor submitted to the electorate on November 6, 1951, shall take effect on the first day of the month next following their ratification by the state legislature.

Effect of sections

Section 168.1.17. Any section or part of any section in this charter, insofar as it should conflict with new section 168.1.5.1, or amended sections 168.1.2, 168.1.5, and 168.1.7, or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause, or section of these sections, shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

PROPOSITION L

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 172 thereof, relating to compensation insurance payments to members of the fire and police departments.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1951, a proposal to amend the charter of said city and county by amending Section 172 thereof so that the same shall read as follows:

Compensation Insurance Payments

Fire and police departments Compensation insurance

Section 172 The benefit provisions of the workmen's compensation laws included in the Labor Code of the State of California, as they affect the benefits provided for or payable to or

on account of officers and employees, including teachers of the city and county, shall be administered exclusively by the retirement board, provided that the retirement board shall determine whether the city and county, through the retirement system, shall assume the risks under the said law, in whole or in part, or whether it shall reinsure such risks, in whole or in part, with the state compensation insurance fund. Benefits under such risks as may be assumed by the city and county, and premiums under such risks as may be reinsured shall be paid by the retirement system, and an amount equal to the total of such benefits and premiums, as determined by the actuary for any fiscal year, including the deficit brought forward from previous years, shall be paid during such fiscal year to the retirement system by the city and county.

Every patrol special police officer, as referred to in section 35 of this charter shall be entitled, under this section, to the benefits of such compensation law, if injured while performing regular city and county police duties, which shall include only duties performed while preventing the commission of a crime, or while apprehending the person or persons committing such crime, and shall not include duties of any character performed for private employers either on or off the premises of such employers, provided that no payments shall be made under this paragraph in the event that the patrol special officer shall receive the benefits of such compensation law from any other source.

Whenever any member of the fire or police department, as defined in sections 171.1.1 and 168.1.1, respectively, is incapacitated for the performance of his duties by reason of any bodily injury received in or illness caused by the performance of his duty, as determined by the retirement board, he shall become entitled, regardless of his period of service with the city and county, to disability benefits equal to and in lieu of his salary as fixed by the charter, while so disabled, for a period or periods not exceeding twelve months in the aggregate, with respect to any one injury or illness. Said disability benefit shall be reduced in the manner fixed by the board of supervisors by the amount of any benefits other than medical benefits payable to such person, under the Labor Code concurrently with said disability benefit, and because of the injury or illness resulting in said disability. Such disability benefits as are paid in the absence of payments of any benefits other than medical benefits under the workmen's compensation laws included in said Labor Code, shall be considered as in lieu of such benefits, payable to such person under the said Code concurrently with said disability benefits, and shall be in satisfaction and discharge of the obligations of the city and county to pay such benefits under the Labor Code. Medical treatment which may become necessary to relieve or cure said member from the effects of the injury or illness shall be furnished by the city and county, in the same manner that such treatment is furnished under said Labor Code, but without first requiring continuing awards of

such treatment by the Industrial Accident Commission of the State of California, relating to impairments of permanent or of extended and uncertain duration. The provisions of this paragraph shall be administered exclusively by the retirement board, and the city and county shall pay to the retirement system during each fiscal year, an amount equal to the total disability benefits paid by said system during that year. A member of the fire or police department shall receive credit as service, under the retirement system, for time during which he is incapacitated for performance of duty and receives said disability benefit. Contributions for the retirement system shall be deducted from said benefits in the same manner as they would be deducted from salary paid to him, and the city and county shall contribute, in addition to its other contributions provided herein, to the retirement system on the basis of said benefits in the same manner as it would contribute on salary paid to said member.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss

Certificate

This is to certify that we, George Christopher, President of the Board of Supervisors of the City and County of San Francisco, and John R. McGrath, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a general municipal election held on Tuesday, the sixth day of November, One Thousand Nine Hundred Fifty-One, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this 3rd day of December, One Thousand Nine Hundred and Fifty-One.

(SEAL)

GEORGE CHRISTOPHER
President of the Board of Supervisors
of the City and County of San
Francisco
Approved as to form:
DION R. HOLM
City Attorney
By Walker Peddicord
Deputy City Attorney

JOHN R. MCGRATH
Clerk of the Board of Supervisors
of the City and County of San Francisco

Now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members

elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 10

Senate Concurrent Resolution No. 6—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State March 13, 1952.]

Legislative Budget Committee: Appropriation

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of two hundred thousand dollars ($200,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 11

Senate Concurrent Resolution No. 12—Approving the charter of the City of Grass Valley, County of Nevada, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighteenth day of September, 1951.

[Filed with Secretary of State March 19, 1952.]

City of Grass Valley: Charter

WHEREAS, The City of Grass Valley, in the County of Nevada, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, Proceedings have been had in and taken by the said City of Grass Valley for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Grass Valley, all as set forth in the following certificate of the mayor and city clerk of said City of Grass Valley, to wit:

CERTIFICATE OF ADOPTION OF NEW CHARTER FOR THE CITY OF GRASS VALLEY, CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF NEVADA } ss.
CITY OF GRASS VALLEY

Certificate

We, the undersigned, Gilbert G. Cramer, Mayor of the City of Grass Valley, State of California, and Lois M. Goldsberry, Clerk of said city, do hereby certify and declare as follows:

That the City of Grass Valley, in the County of Nevada, State of California, now is and at all times herein referred to was a city containing a population of more than 3500 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said city of Grass Valley at all times mentioned herein was, and now is, organized and existing under the freeholders' charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which said charter was duly adopted and ratified by a majority of the qualified electors on the 30th day of November, 1920, and approved by the legislature of the State of California on the 20th day of January 1921.

That on the 18th day of May, 1950, there was filed in the office of the city clerk of said city, a petition praying that an election be called for the purpose of electing a board of fifteen freeholders to frame, prepare and propose a new charter for the City of Grass Valley; that said petition was duly verified by R. E. Deeble, County Clerk of the County of Nevada, State of California, and certified as signed by, and that said petition was signed by not less than fifteen per cent of the registered electors of said city; that pursuant thereto the city council of the city of Grass Valley did, by ordinance, call such special election to be held on the 14th day of July, 1950; that at such election held on said day, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the electors thereof, which said board within one year after the result of said election was declared duly prepared and proposed, and on the 12th day of June, 1951, filed in the office of said city clerk a new charter for the government of said city and upon said charter designated the 18th day of September, 1951, as the date upon which said charter should be submitted to the electors of said city for ratification; that said proposed charter and said declaration of the date for the submission thereof to the electors for ratification were duly signed by all of the members of the said board of freeholders; that thereupon the said city council duly called and gave notice of such special election to be held on the 18th day of September, 1951, and did within fifteen (15) days after the filing of said charter cause the same to be published once, to-wit: On the 23rd day of June, 1951, in each edition of The Union, a newspaper of general circulation, printed and published in the said city and did cause such copies of said charter to be printed in convenient pamphlet form, and

until the date fixed for election upon such charter, did advertise in said named paper a notice that such copies of said city charter could be had at the office of the city clerk upon application therefor; that at said election duly and regularly held upon the 18th day of September, 1951, a majority of the qualified voters voting thereon voted in favor of such proposed charter and the city council of said city at a meeting held in the manner required by law, duly canvassed the returns of said election and it duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said charter; that said charter, as the same was prepared, proposed and ratified as herein set forth is as follows, to-wit:

PROPOSED NEW CHARTER FOR THE
CITY OF GRASS VALLEY
CALIFORNIA

Article I
Name of City Rights & Liabilities

Name

Section 1: Name of City. The Municipal Corporation now existing and known as the City of Grass Valley, shall remain and continue a body politic and corporate as at present in fact and in law by the name of the City of Grass Valley, and by such name shall have perpetual succession.

Rights and liabilities

Section 2: Rights & Liabilities. The City of Grass Valley shall remain vested with and continue to have, hold and enjoy, all property, rights and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Article II
Boundaries

Boundaries

The boundaries of the City of Grass Valley shall continue as now established until changed in some manner authorized by law.

Article III
Powers of the City

Powers

The city shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

Article IV
Form of Government

"Council-Mayor" The Municipal government established by this Charter shall be known as the "Council-Mayor" form of government.

Article V
Legislative Department

Legislative powers Section 1: Legislative Powers. The Legislative power of the City of Grass Valley shall be vested in the people through the initiative and referendum and the Council.

General powers Section 2: General Powers. Subject to the provisions and restrictions in this Charter contained and the valid delegation by this Charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State of California, of which now or hereafter it would be competent for this Charter to specifically enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

Legislative department Section 3: Legislative Department. The Legislative body of the City of Grass Valley shall consist of five persons, elected at large and to be known as the Council.

Eligibility for office Section 4: Eligibility for Office. No person shall be eligible for election to, or to hold, any elective office of said City unless he shall have been a resident and a registered voter thereof or of territory legally annexed thereto, on or prior to the date of such election or appointment, for at least two years next preceding his election thereto, or his appointment to fill a vacancy therein

Election of city council Section 5: Election of City Council. Council members shall be elected at large at the general municipal election, to be held the first Monday in May, 1953, and each odd-numbered year thereafter The members of the Council shall hold office for four years (4) from the 1st day of July next succeeding their election and until their successors are elected and qualified.

In the first City Council elected, the three (3) members elected by the highest number of votes shall hold office for four (4) years, and the two (2) members elected by the lowest number of votes shall hold office for two (2) years. If two or more persons are elected by the same number of votes, the terms of each shall be decided by lot.

Initiative, referendum and recall Section 6: Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be

amended governing the initiative and referendum and of the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with this Charter.

Article VI
The Council, Powers and Duties

Regular meetings

Section 1: Meetings. The City Council shall hold regular meetings at least twice a month at times fixed by ordinance or resolution. It may adjourn any regular or adjourned meeting to a date specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

Adjourned meetings

Section 2: Adjourned Meetings. When an order of adjournment of a regular meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Adjournment

Section 3: Adjournment of Regular Meetings. If all councilmen are absent from any regular meeting, the City Clerk shall declare the meeting adjourned to a stated day and hour. He shall cause a written notice of the adjournment to be delivered personally to each councilman at least three (3) hours before the adjourned meeting.

Special meetings

Section 4: Special Meetings. Special meetings may be called by the Mayor, or by a majority of the members of the Council, but written notice of every such meeting must be served personally upon every member not joining in the call not less than three hours before the time of such special meeting or left at the place of residence or of business of such person to be served not less than six (6) hours before the time of such special meeting.

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting.

Written notice may be dispensed with if all councilmen give their written consent to the meeting, and the consent is filed in the clerk's office when the meeting is held. A councilman may give such consent by telegram.

At any special meeting the city council shall act only on matters referred to in the notice or consent.

Place

Section 5: Place of Meetings. Meetings of the Council shall be held within the corporate limits of the City at a place designated by ordinance or resolution. Meetings shall be public.

Quorum

Section 6: Quorum. A majority of the Council constitutes a quorum for transaction of business. Less than a majority may adjourn from time to time, and compel attendance of absent members in the manner and under the penalties prescribed by ordinance or resolution.

Mayor Election

Section 7: Mayor—Mayor pro Tem. a) Election by Council—The Council shall meet on the first day of July next succeeding its election at 9:00 A.M. at the City Hall and shall elect from its members an officer of the City to have the title of

Mayor, who shall preside at meetings of the Council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The Council shall also elect an assistant mayor who shall act as mayor during the absence or disability of the Mayor, and, if a vacancy shall occur, shall become Mayor for the completion of the unexpired term. The Mayor and the assistant Mayor shall be elected for a term of two (2) years.

Powers and duties

b) Powers and Duties—The Mayor shall be the executive head of the City. In the name and on behalf of the City he shall sign all legal instruments and documents to which the City is a party except where otherwise provided herein or by general law, ordinance, or resolution. He shall, consistent with the provision thereof, possess such other powers and perform such duties, as may be prescribed by this charter, by law, by ordinance, or by resolution of the Council.

The Mayor may make or second any motion and may vote and present and discuss any matter as a member of the Council.

Except as otherwise provided by ordinance or resolution, in case of riot, insurrection, or extraordinary emergency, he shall assume general control of the city government and all of its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions.

City council Members

Section 8: Judge of Qualifications of Members. After incorporation, the City Council is judge of the qualifications of its members and of election returns. It shall determine contested elections of city officers.

Rules of conduct

Section 9: Rules of Conduct. The Council shall determine its own rules of procedure, and may punish its members or other persons present at any meeting, for disorderly conduct.

Records

Section 10: Records. The Council shall cause a correct record of its proceedings to be kept. The ayes and noes shall be taken and entered therein.

Vacancies

Section 11: Vacancies. Any member of the Council who is absent from all meetings thereof for two (2) consecutive months, unless excused by the Council, shall forfeit his office. Any vacancy occurring in the council shall be filled by a person appointed by a majority vote of the council. Said person appointed shall serve during the unexpired term and until the successor is elected and qualified. Provided, that if, for any reason the seats of a majority of the council shall become vacant, the City Clerk shall call a special election to fill the vacancies for the unexpired portions of the term, which election shall be conducted as hereinafter provided for the general municipal election.

Compensation

Section 12: Compensation. Each councilman shall receive the sum of ten ($10.00) dollars per month as his total compensation.

Legislation

Section 13: Legislation. The council shall act in legislative matters by ordinance or resolution only. Other action of the

council, unless herein otherwise provided, may be taken by resolution, motion or order.

Article VII
Ordinances

Enacting clause and adoption

Section 1: Enacting Clause and Adoption. The enacting clause of every ordinance passed by the council shall be: "Be it ordained by the Council of the City of Grass Valley". The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of Grass Valley". At least five (5) days must elapse between the introduction and the final passage of any ordinance; provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought up for final passage; provided, any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, regular or special, and, if passed by a four-fifths (4/5) vote, shall become effective immediately upon publication. A final vote on any other ordinance or any vote on any appropriation, must be taken only at a regular or adjourned regular meeting Every ordinance must be signed by the Mayor, attested by the Clerk and published once in the official newspaper.

Effective date

Section 2· Effective Date of Ordinances. Except as otherwise provided in this charter, every ordinance shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure. No ordinances or measures passed by the council granting any franchise or privilege shall go into effect in less than thirty days from its final passage. But ordinances declared by the council to be necessary as emergency measures, as hereinbefore provided, ordinances ordering or otherwise relating to elections, ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments and ordinances providing for tax levies or appropriations for the usual current expense of the City or the rate of tax to be levied may go into effect at the will of the council.

Amendments

Section 3: Amendments. No ordinance shall be amended by reference to its title, but the sections or sub-sections thereof to be amended shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Codification

Section 4: Codification. Any or all properly enacted and unrepealed ordinances of the City may be compiled, consolidated, revised and indexed, including such restatements and substantive changes as are necessary for clarity, in a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed

for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Violations

Section 5: Penalties for Violations of Ordinances. The city legislative body may impose fines, penalties and forfeitures for violations of ordinances. It may fix the penalty by fine or imprisonment, or both. A fine shall not exceed five hundred ($500.00) dollars. Imprisonment shall not exceed six (6) months.

Article VIII
Administration

Administrative officers boards, etc

Section 1: Administrative Officers, Boards, Departments, and Commissions. There shall be the following Officers, Boards, Departments, and Commissions, who shall perform the duties assigned to them by this Charter or by ordinances or resolutions: Director of Public Works, City Engineer, Director of Recreation, Planning Commission, Police Department, City Clerk, City Auditor, City Assessor, City Treasurer, City Attorney, Building Inspector, Department of Health, Fire Department, Board of Library Trustees, and such other officers, boards, departments or commissions as may be hereafter established by ordinance.

Except as otherwise provided in this Charter, all officers and their assistants, deputies, clerks and employees shall be appointed by the City Council and shall hold office or position at its pleasure. The compensation of all officers and employees, excepting members of the Council, shall be fixed by the Council

The removal of any of them shall be only on a four-fifths ($\frac{4}{5}$) vote of the whole of such Council.

Consolidation of offices

Section 2: Consolidation of Officers. More than one office and the powers and duties thereof may be consolidated under a single officer by ordinance or resolution of the Council. Additional powers, functions, and duties may be assigned by ordinance or resolution to any office, board, department or commission hereby established.

The Council may abolish or change any office established by ordinance or resolution, and may prescribe, distribute, and consolidate the functions and duties of officers so established.

Notwithstanding the foregoing, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government as permitted by law, and in case of such transfer or consolidation, the provisions of this Charter providing for the function of the City government so transferred or consolidated, shall be deemed

suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

Department rules

Section 3: Department Rules. Each department head shall have power to prescribe and enforce reasonable rules and regulations not inconsistent with this Charter or ordinances of the City, or general laws of the State, for the conduct of the employees of the department of which he is in charge, for the distribution and transaction of its business, and for records and property under his control.

Bonds

Section 4: Official Bonds. The Council shall determine by ordinance or resolution which officers shall give bonds for the faithful performance of their official duties and fix the amount of such bonds. Such officers, before entering upon their duties, shall execute bonds to the City in the penal sum required, which bonds shall include other offices of which they may be ex-officio incumbents. Said bonds shall be approved by the Council and filed with the City Clerk. That of the City Clerk shall be filed with the Mayor. The premium of such bonds shall be paid by the City.

Oaths

Section 5: Oath of Office Each officer or member of a board, department or commission shall take the constitutional oath of office and subscribe thereto before entering upon his official duties. Such oaths shall be filed with the clerk. The oath of the City Clerk shall be filed with the Mayor.

Director of public works

Section 6: Director of Public Works. There shall be a Department of Public Works, the head of which shall be the Director of Public Works. He shall have charge of streets, water, lighting and sewer systems of the City; and shall exercise such other powers or perform such other duties as may be imposed by the Council by ordinance or resolution.

City engineer

Section 7: City Engineer. The City Engineer shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indices thereof. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work in behalf of the City, made or done by him or under his direction or control during his term of office shall be the property of the City, and shall be kept in the city vaults. He shall perform all engineering work and surveying in prosecuting public improvements in or for the City, and in relation to public streets, lanes, alleys, ways, places and real property of the City, and shall possess such other powers and perform such additional duties not in conflict with this Charter, as may be prescribed by ordinance or resolution or the general laws of the State.

Director of recreation

Section 8: Director of Recreation. There shall be a Department of Recreation, the head of which shall be the Director of Recreation. The Director of Recreation shall have charge of the administration of all recreation activities in the City of Grass Valley, and exercise such other powers or perform such other duties as may be imposed by the Council by ordinance or resolution.

Building inspector

Section 9: Building Inspector. The Building Inspector shall supervise and be responsible for the inspection and regulation of building construction and alteration, and enforce all ordinances and laws pertaining thereto; he shall supervise and be responsible for the inspection and regulation of plumbing, electrical, heating and cooling installations and enforce all ordinances and laws pertaining thereto.

Police department

Section 10: Police Department. There shall be a Police Department, the head of which shall be the Chief of Police. As such head, he shall have power and be required to:

a) Preserve the public peace,

b) Execute and return all process issued to him by legal authority,

c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the State,

d) Exercise such other powers and perform such other duties as may be imposed by the Council by ordinance or resolution.

Fire department

Section 11: Fire Department. a) Organization: The Fire Department of the City of Grass Valley shall consist of a fire chief, a first assistant fire chief, a second assistant fire chief, a rescue squad captain, a Board of Fire Delegates and such other officers as may be deemed necessary, and such companies of volunteer firemen as now composes same or may be hereafter admitted. Such Fire Department and companies of volunteer firemen shall elect their own officers.

b) Board of Fire Delegates:—The Fire Department shall be governed by the Board of Fire Delegates which shall be composed as herein provided. Each and every company shall at its regular meeting in December of each year, elect three (3) of its members, who shall constitute the Board of Fire Delegates, who shall qualify themselves by taking an oath or affirmation to well and truly perform the duties of the office of a delegate; they shall meet in January to organize by the election of a president, vice-president, secretary and treasurer. Said officers shall be styled as the president, vice-president, secretary and treasurer of the Grass Valley Fire Department.

The Board of Fire Delegates shall have the power to make all laws and regulations for the government of the Fire Department provided that they do not conflict with the Charter or ordinances of the City. All laws and regulations made by them shall be binding upon every company and every member of the department and any engineer, officer, company or member of the department who shall violate any of said laws or regulations shall

be tried and dealt with by the Board as they may see proper in their judgment and their decision shall be final.

The City Council shall have the power to suspend or remove for cause, by a four-fifths (4/5) vote, any officer or member of the Fire Department only upon recommendation to the Council for such suspension or removal after a hearing before a Board called upon notice by the City Council and composed as follows: One delegate member from each fire company to be appointed by the president of the Board of Fire Delegates and an equal number of councilmen to be appointed by the Mayor. These members shall in turn appoint an equal number of disinterested electors of the City. Said Board shall convene as soon as it is appointed and shall hold the hearing for which it was convened within five (5) days thereafter. Notice of the time and place of hearing shall be given to all interested parties at least three (3) days before the time for said hearing Upon the conclusion of said hearing, said Board shall make its recommendation to the City Council forthwith. The accused person may waive any hearing before said Board at any time before the same is appointed and convened.

Fire chief

c) Fire Chief:—The Chief of the Fire Department shall:

1) Inquire into, and keep a record of the cause of every fire occurring in the City,

2) Have exclusive control of the workings of the Fire Department during a conflagration or fire and he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policemen, shall be subject to his orders,

3) Aid in enforcement of all fire ordinances,

4) Examine buildings being erected,

5) Report violation of fire prevention and extinguishment ordinances when directed by the proper authorities and institute proceedings therefor.

6) Have general control, management and direction of all apparatus and equipment of the Fire Department.

7) Perform such other duties imposed upon him by the Board of Fire Delegates, City ordinances or such general laws, as the City Council shall agree to accept by ordinance or resolution.

Clerk

Section 12. City Clerk. The City Clerk shall be required to and shall have the power to:

a) Attend all meetings of the City Council and the Board of Equalization and be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council and the Board of Equalization in books that shall bear appropriate titles and be devoted to such purposes.

b) Maintain separate books, in which a record shall be recorded respectively of all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter.

c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use.

e) Be the custodian of the seal of the City.

f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, certify copies of official records; and

g) Have charge of all City elections.

h) Collect all city taxes, licenses and fees.

i) Draw and sign all warrants for payment of moneys out of the Treasury.

j) Exercise such other powers or perform such other duties as may be imposed by the Council by ordinance or resolution.

Auditor

Section 13: City Auditor. a) The City Auditor shall be the general accountant and responsible fiscal officer of the City. He shall keep a complete set of books. He shall have power to administer oaths, summon witnesses and order the production of books, papers or other evidence of any purpose connected with the financial administration of the City. No money shall be drawn from the City Treasury except by warrant drawn by the City Clerk, countersigned by the Mayor and approved by the auditor.

Independent audit

b) Independent Audit:—The City Council shall employ for a stipulated compensation, every two (2) years at least, a certified public accountant who shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. Such accountant shall have unlimited privilege of investigation and the right to examine under oath or otherwise all officers or employees of the City and all such officers or employees shall give all required assistance and information to such accountant and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office.

Assessor

Section 14: City Assessor. There shall be a City Assessor. As soon after the first Monday of March of each year as practicable, he shall assess all taxable property within the City as of 12:00 o'clock noon on such day; he shall prepare all special assessments for public improvements, and give notice of such assessments to property owners He shall verify the assessment list by his oath and deposit the same with the City Clerk on or before the first Monday in August of the year in which such list is made.

He shall possess such other powers and perform such other duties as may be prescribed by the Council by ordinance, or as are required by City Assessors under the laws of the State.

Treasurer

Section 15: City Treasurer. a) The City Treasurer shall receive and safely keep all money coming into his hands as treasurer.

b) He shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession.

c) He shall pay out money only on warrants signed by legally designated persons.

d) Regularly, at least once each month, the City Treasurer shall submit to the City Clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.

Attorney

Section 16: City Attorney. a) The City Attorney shall be an elector of said City, admitted and qualified to practice before the Supreme Court of the State of California for at least three (3) years next preceding his appointment. The City Attorney shall be legal advisor of the Council, and all other city officials, boards and departments, and when requested in writing for a legal opinion by any city official or the head of any department of the City (Except the Board of Education) concerning city business, his opinion must be in writing. He shall prosecute all violations of City ordinances and shall draft all ordinances, resolutions, contracts and other legal documents and instruments required by the Council.

b) Approval of Bonds and Contracts:—He shall approve, as to form, all official and other bonds given for the benefit of said City, and all contracts with said City, and no contract shall become enforceable as against said City without the endorsement thereon of such approval.

c) Attendance at Council Meetings:—He shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three (3) members or by the Mayor.

d) Inability to Act:—When from any cause the City Attorney is unable to perform the duties of his office he may, with the consent of the Council, appoint some other qualified attorney temporarily to act in his place, and whenever, in the judgment of the Council, the interests of the City require it, it may employ assistant counsel.

e) Records:—The City Attorney shall deliver all books, records, documents, and personal property of every description, owned by the City to his successor in office and the City shall provide a means of safe-guarding the same.

f) Additional Powers and Duties:—He shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance or resolution or imposed upon the chief legal officer of municipalities by law.

Health department

Section 17: Department of Health. a) There shall be a Department of Health consisting of a Board of Health of five (5) members—a health officer, a health inspector, a health nurse, and such other officers and employees as may be appointed from time to time by the City Council upon recommendation of the said Board. All members of the Board of

Health shall be appointed by the City Council to hold office at its pleasure and shall serve without compensation.

b) The chairman of the Board of Health shall be ex-officio Health Officer of the City and shall have police powers.

c) At least three members of the Board of Health, including the Health Officer, shall be persons who are licensed to practice medicine in the State of California.

d) The Health Inspector and Health Nurse shall be appointed by the Health Board with the consent of the City Council and shall have such powers and shall perform such duties as may be delegated to them by the Board of Health or the Health Officer and they shall have police power.

e) The compensation of all officers and employees of the Department shall be fixed by the City Council.

f) The Board of Health shall exercise general supervision over the health and cleanliness of the City, and shall take all necessary measures for the preservation and promotion thereof; shall enforce all laws, ordinances, and regulations relative to the preservation of the public health, the prevention and suppression of disease and unsanitary conditions, and sanitary inspection, and shall also exercise supervision of the production, transportation, storage, and sale of food stuffs.

Board of library trustees

Section 18: Board of Library Trustees. a) The Board of Public Library Trustees shall consist of five (5) members, to be appointed by the City Council, whose term of office shall be in accordance with the laws of the State of California relative to Free Public Libraries.

b) The laws of the State of California relating to Public Libraries shall be in full force and effect as the laws governing the Public Library of the City of Grass Valley.

c) The Board of Public Library Trustees shall serve without pay.

d) All fees, fines or other moneys collected by the librarian shall be paid into the city treasury once each month.

Planning commission

Section 19: Planning Commission. a) There shall be a City Planning Commission consisting of the City Engineer and four (4) persons to be appoined by the City Council to serve for a term of four (4) years who shall serve without compensation.

b) This Commission shall be governed by the general laws of the State relating to planning commissions, and shall have and exercise all powers and duties which are now or may hereafter be granted to or imposed upon said commission, or department, and such additional powers and duties as may be granted or imposed by ordinance or resolution.

Article IX
Civil Service

Civil service

Section 1: Policy. a) In order to establish an equitable and uniform procedure for the administration of personnel matters; in order that employment be made on the basis of merit and fitness so that the best qualified persons available are

brought into the service of the City; in order that employment by the City provide for security of tenure; the following merit system is hereby adopted.

b) Therefore, the employees of the City of Grass Valley shall give their faithful and complete service and shall understand that their tenure is subject to efficiency in the performance of their duties, good behavior, the necessity of the work and the appropriation of sufficient funds.

Merit system

Section 2: The Merit System. a) There is hereby created a merit system for the appointment and administration of the employees in the service of the City of Grass Valley. The merit system shall include all positions in the Police Department and in the Public Works Department in the service of the City. At any time the City Council may include in the merit system, in accordance with the provisions of chapter 48, statutes of 1935, any position or group of positions presently excluded

Personnel commission

Section 3: Personnel Commission Created. a) There is hereby created a Personnel Commission consisting of five (5) members, who shall be electors of the City of Grass Valley and who shall have otherwise no connection with the City government. Their term of office shall be six (6) years except as provided herein. The members shall be appointed by the Mayor with the advice and consent of the City Council. The members first appointed subsequent to the adoption of this Charter shall by drawing lots determine one (1) member to serve two (2) years, two(2) members to serve four (4) years, and the other two (2) members to serve six (6) years. Annually one of the members, by a majority vote of the Commission shall be elected chairman Members may be removed from the Personnel Commission by a four-fifths ($\frac{4}{5}$) vote of the Council, for malfeasance, neglect of duty and inefficiency

b) Members shall serve until their successors have been appointed and duly qualified.

Powers

Section 4: Powers of the Personnel Commission. a) The Personnel Commission shall adopt, amend, abolish or revise rules and regulations for the government of the merit system and these shall be effective upon adoption by the Commission.

b) Rules and regulations shall be adopted only after an open meeting of the Personnel Commission (by a majority vote) at which all interested parties may appear and be heard. One week's notice of the proposed meeting shall be given. A majority vote of the Commission shall be required for adoption.

c) Commission meetings shall be held regularly each month, or whenever the chairman or a majority of members shall determine, and shall be open to the public.

d) The Personnel Commission shall hear appeals submitted by any person in the classified service relative to any situation connected with his employment status or condition of employment as provided herein.

e) The Personnel Commission shall prepare or cause to be prepared a classification plan consisting of the classes to which positions in the classified service are, or are to be allocated.

Classes of positions are to be determined upon the comparability, difficulty and responsibility of the duties performed on the job. The Commission shall make rules for the adoption and operation of the plan.

f) The Personnel Commission shall devise and recommend to the City Council a compensation plan for the positions and classes of positions in the merit system. It shall be the responsibility of the City Council to adopt a fair and equitable compensation plan giving due consideration to the difficulty and responsibility of the work performed and to wages paid for similar positions or classes of positions in industry, business and other governmental jurisdictions, wherever positions with comparable duties and responsibilities are found.

g) As necessary, the Commission shall hold or cause to be held examinations for positions or classes of positions in the merit system and shall establish eligible lists. Examinations shall be competitive in nature and shall fairly test the applicants for the duties and responsibilities of the position for which they are applying. The Personnel Commission shall make rules for the preparation and conduct of examinations.

Section 5: Personnel Clerk. The City Council shall appoint a Personnel Clerk whose duty it shall be to act in the capacity of clerk for the Personnel System. The duties of the office of Personnel Clerk may be combined with those of any other office in the event the work involved does not warrant, in the discretion of the City Council, the creation of a special position. The Personnel Clerk shall: Personnel clerk

a) Attend all meetings of the Personnel Commission.

b) Be the custodian of all personnel records and shall be the official upon whom all notices, requests for hearings, complaints, and other official documents shall be served and filed.

c) Administer all provisions of the merit system and the rules established hereunder, not specifically reserved to the Personnel Commission or the City Council.

Section 6: Disciplinary Action. Every officer and employee shall retain his office or employment, so long as it exists under the same or a different title, during good behavior, and shall not be suspended, fined, demoted, removed, or otherwise penalized, except as in this paragraph provided. This paragraph is subject, however, to every provision of the Constitution, and applicable State Statutes designated as a general ground or general grounds of forfeiture of office or employment or imposing a criminal liability. No person who has served a probationary period in a permanent office or employment, shall be removed therefrom or penalized therein except on written charges by the Council, Department heads or qualified elector of the City. Such written charges shall be specific as to time, place and circumstance, and after opportunity to be heard in his own defense, personally or by counsel Charges must be preferred within 15 days of the commission of the alleged offense Pending such hearing, the appointing authority may suspend the accused for not more than thirty (30) days, unless Disciplinary action

the hearing be delayed beyond that time by act of the accused. A copy of the charges and written notice of the time and place of hearing shall be given the accused personally or shall be mailed to him by registered mail at his last known address by Personnel Commission not less than ten (10) days before the hearing. If he fails to appear thereat, without showing good cause for such failure to appear, he may be dismissed without further proceeding. If he appears at the time and place set, the Personnel Commission shall publicly hear and determine the charges, and may exonerate, reprimand, fine, suspend, demote or dismiss the accused, and its order, except for bad faith or lack of evidence, shall be final. The Personnel Commission shall hear and act on every signed written complaint, specific as to time, place and circumstance, filed against an officer or employees. The Personnel Commission shall have the power to prefer charges of its own motion. Any penalty herein provided for may be imposed for incompetence, habitual intemperance, being intoxicated while on duty, immoral conduct, insubordination, repeated discourteous treatment of the public, dishonesty, conviction of a felony, inattention to duties, engaging in prohibited political activity, or other grounds of penalty or forfeiture specified by the Constitution, City Charter, or applicable State Statute. Nothing herein shall restrict the right to make bona-fide reductions in force, or to enact legislation requiring retirement for disability or age.

Appointments

Section 7: Appointments. a) All appointments to the classified service shall be made in accordance with the provisions of the merit system and the rules and regulations adopted by the Personnel Commission.

b) Temporary appointments may be made for no longer than 120 working days and in accordance with the rules of the Personnel Commission.

c) Emergency appointments necessary to prevent the stoppage of public business may be made by department heads for a period not to exceed 15 working days without reference to any merit system eligible list.

d) Appointments shall be made by the City Council, except as in this Charter otherwise provided. Upon receipt of notice of a vacancy in the Classified Service, the officer under the City Council having charge of personnel administration, shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. The appointing power may appoint, of the three thus certified, whichever one in his opinion is best qualified for such position. No candidate may be certified more than three times for any one classified position.

e) 1) The Personnel Commission shall make rules concerning a probationary period to be served by each person appointed to a position in the Classified Service. The period shall not be less than six (6) months or more than one (1) year.

2) Persons appointed to positions may be dismissed by the appointing power during the probationary period without right of appeal as provided herein, except that if an employee with

permanent status in a prior position be dismissed, he shall have the right to return to his former position unless charges are filed and an appeal is possible.

Abolishment of positions

Section 8: Abolishment of Positions—Layoff—Reinstatement. a) Whenever in the judgment of the City Council it becomes necessary in the interests of economy and efficiency or because the need for the performance of the work no longer exists, the City Council may abolish any position or positions in the Classified Service.

Layoff

b) The employee or employees holding such position are to be laid off in accordance with the rules adopted by the Personnel Commission.

Reinstatement

c) Should such position or positions involving the same or comparable duties be reinstated or created during the next four (4) years, the employee or employees laid off shall be eligible for appointment in preference to other persons on the eligible lists for such position or positions in accordance with the rules of the Personnel Commission.

Political activity

Section 9: Political Activity. a) No person holding a position in the competitive service shall directly or indirectly use or seek to use his authority or official influence to control or modify the political action of any person, nor, during the hours of duty, engage in any form of political activity, nor, at any other time, take such part in political activities or political campaigns as to impair his usefulness in the position in which he is employed. Nothing in this section, however, shall be construed as prohibiting or preventing any such officer or employee from taking a legitimate interest as a citizen in his government and in casting his vote for the person of his choice.

b) No officer, agent, clerk or employee under the government of the City shall directly or indirectly, solicit or receive, or be in any manner concerned with soliciting or receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatever, from any one on the eligible lists or holding any position under the Classified Service.

c) Any wilful violation thereof or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of any officer or employee.

d) Prohibitions: No person shall wilfully or corruptly make any false statements, certificate, mark, rating or report in regard to any application, test, certification or appointment held or made under the Civil Service provisions of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such Civil Service provisions or rules and regulations made hereunder. In addition to the penalties provided for in this Charter for violations of its provisions, any person who by himself or with others wilfully or corruptly violates any of the provisions of this article shall upon conviction thereof be ineligible for a period of five (5) years for employment in the City Service and shall immediately forfeit his office or position if he be an officer or employee of the City.

Inimical activities

Section 10: Inimical Activities. An officer or employee in the Classified Service shall not engage in any other activity or enterprise inconsistent, incompatible, or in conflict with his duties as an officer or employee

Contracts for technical services

Section 11: Contract for Performance of Technical Services. The Personnel Commission may contract with the legislative body or governing body of any municipality or county within this State, or with any State Department or private agency for the performance by the other governmental or private agency of such technical services in connection with the personnel selection and administration as may be desired.

Funds

Section 12: Funds. Sufficient funds necessary for the administration of the Personnel program shall be recommended by the Personnel Commission to the City Council and moneys expended shall be a charge on the City.

Incumbent employees

Section 13: Status of Present Employees. a) All persons employed by the City of Grass Valley who have been employed by the City of Grass Valley for the six (6) months prior to the effective date of this Charter shall be granted status as permanent employees immediately following the effective date of this Charter without further working tests or examinations.

b) All persons employed by the City of Grass Valley who have been employed less than six (6) months prior to the effective date of this Charter will become probationary employees, and shall serve the part of the six (6) months remaining prior to becoming permanent employees

Penalties

Section 14: Penalties. Any person who appoints another contrary to the provisions of this Charter and to the rules adopted by the Personnel Commission shall be personally liable to the other for any salary or compensation which might become due or payable for the services of the other and the City shall not pay the amount so due.

Separability

Section 15: Separability. If any section, sub-section, subdivision, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article.

Article X
Finances

Fiscal administration

Section 1: Fiscal Administration. Expenditures and Indebtedness: No money shall be expended and no indebtedness shall be incurred on behalf of the City, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council, or in case of bonds, by vote of the people

Fiscal year

Section 2: Fiscal Year The Fiscal Year of the City government shall begin on the first day of July of each year and end on the 30th day of June of the following year, unless the Council shall provide otherwise by ordinance or resolution.

Budgets

Section 3: Budgets. Not later than the first day of June, the City Clerk shall submit to the Council a proposed budget

for all of the offices, departments, and agencies, to be known as the General Budget. Said budget shall include estimates of the revenues and expenditures of each city department, office, or agency, for the ensuing year. These estimates shall be compiled from detailed information obtained from the several offices, departments and agencies on uniform blanks to be furnished by the Clerk The classification of the estimates of expenditures shall be as nearly uniform as possible for all offices, departments and agencies and shall give in parallel columns the following information:

a) A detailed estimate of the expense of conducting each department as submitted by the department.

b) Expenditures for corresponding items for the last two fiscal years.

c) Expenditures for corresponding items for the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year

d) Amount and description of supplies and material on hand at the date of the preparation of the invoice.

e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

f) Such other information as is required by the Council.

After reviewing the proposed budget and making such revisions as it may deem advisable, the Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten (10) days prior to said hearing.

At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and on or before the 30th day of June, it shall adopt the budget with revisions, if any, by the affirmative votes of at least four (4) members. Upon final adoption of the budget it shall be in effect for the ensuing fiscal year. A certified copy thereof shall be filed in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, officers, and agencies of the City.

Appropriations

Section 4: Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered or set aside for capital outlay.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four (4) members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

Tax system

Section 5: Tax System. Except as otherwise herein provided, the Council shall, by ordinance or resolution, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the State; provided, that all sales for delinquent taxes shall be made to the City of Grass Valley Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate of the current year.

Board of equalization

Section 6: Board of Equalization. The Council shall meet at its usual meeting place on the first Monday in August of each year, at 7:30 p.m., and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized.

The Board of Equalization shall have power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to any one whose assessment is proposed to be raised, excepting in case of a uniform increase in the assessed valuation of the property of the entire City.

Annual tax levy

Section 7: Annual Tax Levy. The Council must finally adopt, not later than its first regular meeting in September, an ordinance or resolution levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budgets and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The Council shall then deliver the assessment roll to the Auditor, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the Auditor as being the assessment roll of said tax.

Tax limit

Section 8: Tax Limit. Exclusive of special levies permitted by this Charter, the Council shall not levy a property tax in excess of the total levy authorized by general law of the State of California for cities of the sixth class, unless authorized by the affirmative vote of the majority vote of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

Special levies

Section 9: Special Tax Levies. The Council shall have the power to levy and collect, at the time and in the same manner as other property taxes for municipal purposes are levied and collected, additional property taxes sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due, during the ensuing fiscal year, and for the following purposes:

a) For the maintenance and support of a free public library in accordance with the provisions of State laws.

b) For parks and recreation, the acquisition and/or construction, as the case may be, of permanent public improvements, or real property, of public buildings and structures including equipping and furnishing the same, and of utilities including maintenance and operation thereof, and the tax levied for any and all such purposes combined shall not exceed 25¢ on each $100.00 of assessed value of taxable property in the City.

c) For any other purpose for which special levies are permitted by any law of the State.

Tax liens

Section 10: Tax Liens. All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March at 12 o'clock noon of each year, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due and delinquent thereon, the same shall be sold to the city in like case and manner, and with like effect and right of redemption as may be struck off and sold to the State when offered for sale for county taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter.

Funds
Cash basis

Section 11: Funds. a) Cash Basis: The Council shall maintain a revolving fund, to be known as the "Cash Basis Fund" for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the Council deems sufficient with which to meet all lawful demands against the City for the first five (5) months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfer may be made by the Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such fund, as nearly as possible, on a cash basis.

Capital outlay

b) Capital Outlay: A fund for capital outlays, generally, is hereby created, to be known as the "Capital Outlays Fund". The Council may create by ordinance a special fund or funds for a special capital outlay purpose. The Council may levy and

collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purpose, and if for a special capital outlay, then for such purposes only, unless the use of such for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any capital outlay fund has been created has been accomplished the Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays, generally, established by this Charter.

Depreciation

c) Depreciation: The Council shall establish reserve funds into which shall be paid annually the equivalent of the established rate of depreciation on all equipment and other physical facilities of the City. Such reserve funds shall not lapse annually but shall be cumulative; and the Council may appropriate from such funds only for the purpose of replacing equipment or other physical assets

Actions against city

Section 12: Actions Against City. No suit shall be brought on any claim for money or damages against the City or any department, officer, or agency thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be presented to the City Clerk within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety (90) days after the last item of the account or claim accrued.

In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the day the same is filed with the City Clerk shall be deemed a rejection thereof.

Revenue bonds

Section 13: Revenue Bonds. The Council shall have power to issue revenue bonds for the purposes and by the procedures now or hereafter authorized by the general laws of the State of California, including the issuance of refunding revenue bonds.

Such bonds may be issued in negotiable or non-negotiable form, and be made payable or collectible within or without the State of California.

Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such bonds, and the interest accruing thereon, shall be a charge upon, and payable solely from, the revenues derived from the operation of such works, facilities or property, and shall not be a charge, lien, encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against, any other property of the City or upon or against any other income, receipts, revenues or funds of the City, and neither the credit nor the existing power of the City shall be deemed to be pledged to, or charged with such payment, nor shall the holder of any such bond have any right to compel the exercise of any taxing power of the City

Limit of bonded indebtedness

Section 14: Limit of Bonded Indebtedness. The bonded debt of the City shall at no time exceed a total of fifteen (15%) percent of the assessed valuation of all property taxable for City purposes; provided, however, that bonds issued for the acquisition, extension, betterment or maintenance of municipally owned public utilities shall not be considered in fixing such limitation.

Article XI
Elections

Elections General

Section 1: General Municipal Elections. General municipal elections for the filling of elective offices shall be held the first Monday in May of each odd-numbered year.

Special

Section 2: Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or by any law, shall be known as Special Municipal Elections.

Procedure

Section 3: Procedure for Nominations and Elections. Unless otherwise provided by ordinance, hereafter enacted, all nominations and elections shall be governed in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class insofar as the same are not in conflict with this Charter.

Article XII
Franchises

Franchises

Section 1: Franchises to Operate. No person, firm or corporation shall exercise any franchise right or privilege mentioned in this Article, except insofar as he or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, in the City of Grass Valley, unless he or it shall have obtained a grant therefor in accordance with the provisions of this Article of this Charter and in accordance with the procedure prescribed by ordinance. Nothing in this Article contained shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the ob-

taining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

Authority to grant

Section 2: Authority to Grant Franchises. The City Council is empowered to grant, by ordinance, a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, or any other public utility or service, or to use the public streets, ways, alleys and places as the same may now or may hereafter exist, in connection therewith, or to traverse any portion of the City for the transmitting or conveying of any such utility or service elsewhere.

Terms conditions and procedures

Section 3: Franchise Terms, Conditions and Procedures. Subject to the provisions of this Charter, the City Council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted and the procedure for granting franchises, and may in such franchise impose such other and additional terms and conditions not in conflict with this Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interests.

Resolution of intention

Section 4: Resolution of Intention Notice of Public Hearing: Before granting any franchise, the Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the Council and be heard thereon. It shall direct the Clerk to publish said resolution at least once, within fifteen (15) days of the passage thereof, in the official newspaper. Said notice shall be published at least ten (10) days prior to the date of hearing.

At the time set for the hearing the Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive Thereafter, it may grant, or deny, the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people. If the Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Terms

Section 5: Terms of Franchise. Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five (25) years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by

law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

Eminent domain

Section 6: Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

In lieu grant

Section 7: Grant to Be in Lieu of All Other Franchises. Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they are now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California, as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten (10) days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Duties of grantees

Section 8: Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the Council in the exercise

of its police power governing the constructions, maintenance and operation of its plants, works or equipment;

b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;

d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley, or place, including the construction of any subway or viaduct; or if the public health, comfort, welfare, convenience, or safety so demands; and

e) Pay to the City during the life of the franchise a percentage to be specified in the grant of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the Council may prescribe in the grant.

Misdemeanor

Section 9: Exercising Rights Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Article XIII
Public Schools

Schools

Section 1: Public Schools. School Law to Apply: The method of election of school trustees and all other matters concerning the public schools within the City of Grass Valley shall be governed by the general laws of the State of California pertaining to schools and this Charter does not regulate in any manner whatsoever any school districts which now are or which may be hereafter established within or partially within the City of Grass Valley.

Article XIV
City Court

Court

Section 1: City Court. A City Court is hereby established in the City to be presided over by the City Judge of said City. The jurisdiction of the City Court shall be the same as is now or may hereafter be provided by law for the Justice's Court, exercising jurisdiction within the City of all actions and proceedings, other than civil actions, arising within the corporate limits of the City and which might be tried in such Justice's Court. It shall have jurisdiction of all actions, both civil and criminal, for violation of this Charter or of any ordinance of the City.

The rules of practice in said City Court shall be the same as are now, or may hereafter be, prescribed by law for such Jus-

tice's Court in like cases. Appeals may be taken to the Superior Court of the County, in like manner as in cases of appeals from such Justice's Court. In the event the system of Justice's Courts shall be succeeded by a new system of courts inferior to the Superior Court, then the criminal jurisdiction and rules of practice of the City Court shall be the same as shall be prescribed by law for such new system of inferior courts.

Judge

Section 2: City Judge The City Judge shall preside over the City Court and shall have the power and perform the duties of a magistrate. In all cases where the City Judge is disqualified or unable to act, any other City Judge or Justice of the Peace may be called in. The City Judge shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office.

Limitation

Section 3: This Article shall become operative upon the effective date of this Charter, but shall cease to be operative to the extent that it shall conflict with Article VI of the Constitution of California as amended in 1950 or the laws relating to municipal and Justice's Courts and to judicial districts enacted by the Legislature at its 1949 regular session

Article XV
Public Works and Supplies

Contracts

Section 1: Contracts All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City, by an officer or officers authorized to sign the same, and must be countersigned by the City Clerk who shall number and register the same in a book kept for that purpose.

Progressive payments

Section 2: Provisions in All Contracts a) Progressive Payment of Contracts· Any contract may provide for progressive payments if in the ordinance or resolution authorizing or ordering the work, permission is given for such payment But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at any time seventy-five (75%) percent of the contract price before the completion and acceptance of the work.

Public works

b) Contracts on Public Works: Except as hereinafter provided, every contract involving an expenditure of more than Two Thousand ($2,000.00) Dollars for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four (4)

affirmative votes it may proceed to have said work done in the manner stated, without further observance of the provisions of this sub-section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four (4) affirmative votes and containing a declaration of the facts constituting such urgency. And provided further, that the respective City Departments shall do the ordinary work in making repairs and maintenance with its regular City employees without calling for bids for the doing of said work or the purchase of supplies, materials or equipment but the doing of said work shall be subject to the provisions of this Charter on purchase of materials, supplies and equipment.

Hours and wages

c) Hours and Minimum Wages: The time of service of any laborer, workman or mechanic employed upon any of the public works of the City, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said City, or for any contractor or sub-contractor doing work under contract upon any public work aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight (8) hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon any public, military or naval defenses or work in time of war. The minimum wage of any laborer, workman or mechanic employed upon any public work, whether so employed directly by the City and its officers, or by contractor or sub-contractor, or by any other person or persons, shall be the scale of wages then generally prevailing in the City for like work.

Preference to citizens

d) Preference to Citizens of the City: When laborers, workmen or mechanics are employed upon any public work, whether so employed directly by the City and its officers, or by contractors or sub-contractors, or by any other person or persons, such laborers, workmen or mechanics whenever available must be qualified electors of the City; provided that this sub-section shall not apply if it shall conflict with the terms of any federal grant to said City. A stipulation incorporating the foregoing provisions of this sub-section shall be incorporated in every contract for such public work. The Council shall by resolution fix the amount of liquidated damages for violation of this subsection.

When making purchases for any department of the City, local merchants shall be given the preference, quality and price being commensurate.

Bids

e) Competitive Bidding: All purchases or contracts for supplies, materials or equipment involving an expenditure of more than One Thousand ($1,000.00) Dollars shall be let to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be

at least ten (10) days before the time for opening bids, provided, however, the Council, without advertising for bids or after rejecting bids or if no bids are received, may declare and determine that in its opinion the supplies, materials or equipment may be purchased more economically by the City and after the adoption of a resolution to this effect by at least four (4) affirmative votes it may proceed to purchase such supplies, materials or equipment without further observance of the provisions of this sub-section. The Council may by passage of a resolution, authorizing same by four (4) affirmative votes of the members thereof, authorize the purchase of supplies, materials or equipment without advertising for bids if such purchases shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property.

Centralized purchasing

Section 3: Centralized Purchasing. The City Council shall establish a centralized purchasing system for all City Departments, offices and agencies. The Purchasing Agent shall recommend and the Council shall consider and adopt all ordinances, rules and regulations governing the contract for, purchasing, storing, distribution or disposal of all supplies, materials and equipment required by any department, office or agency of the City government.

Article XVI
Miscellaneous

Applicability of general laws

Section 1: General Laws. All general laws of the State applicable to municipal corporations, now or hereafter enacted and which are not in conflict with the provisions of this Charter or with ordinances, or resolutions adopted in pursuance of this Charter, shall be applicable to the City when such general laws are accepted by the City Council by ordinance or resolution.

Residence requirement

Section 2: Residents of City. Except as otherwise provided in this Charter all officers and employees of the City shall be residents of the City; provided, however, that the Council may by resolution appoint as temporary employees non-residents of the City and may appoint a non-resident of the City as City Engineer.

Vested rights and liabilities

Section 3: Continuity of Rights and Liabilities. All vested rights of the City shall continue and shall not in any manner be affected by the adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this Charter, unless otherwise herein expressly provided. All contracts entered into by the City for its benefit prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this Charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Severability

Section 4: Invalidity. If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section,

unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Discrimination

Section 5: Discrimination. a) Political and Religious Discrimination Prohibited: No person in the service of the City of Grass Valley or seeking admission thereto, shall be appointed, demoted or removed, or be in any way favored or discriminated against because of his political or religious opinions or affiliations.

Women in office

b) Women in Office: Nothing in this Charter shall be construed as prohibiting the election or appointment of women to any office or employment or as a member of any board or commission, and the words used in this Charter in the masculine gender shall include the feminine.

Definitions

Section 6: Definitions. Whenever in this Charter the word "City" occurs, it means the City of Grass Valley; and every department, board or officer, whenever either is mentioned, means a department, board of officer, as the case may be, of the City of Grass Valley.

Whenever in this Charter, the word "State" occurs, it means the State of California. Whenever the term "General Laws" is used herein, it means general laws of this State.

Officers Interest in contracts

Section 7: Personal Interest in Contracts. City officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall city officers be purchasers at any sale, or vendors at any purchase, made by them in their official capacity. Nor shall either or any of them receive any gratuity or advantage from any contract or persons furnishing labor or material for the same.

Any contract made in violation of this section may be voided at the instance of any party except the officer interested in the contract. Contracts not made by officers in their official capacity, or by any body or board of which they are members are valid.

Any wilful violation of this section is a misdemeanor and ground for removal from office.

Forfeiture of office

Section 8: Forfeiture of Office a) Forfeiture of Office For Fraud: Every officer who shall wilfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on his official bond, for the amount of the demand so approved, allowed, or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City.

b) Forfeiture of Office for Other Causes: An elective office becomes vacant when the incumbent thereof is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter or ordinance.

Public records

Section 9: Public Records. All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and

regulations for the efficient conduct of the business of such department or office; but the records of the police department and the fire department shall not be subject to such inspection except by permission of the proper police or fire authorities

Existing ordinances

Section 10: Old Ordinances. All ordinances and resolutions in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Charter amendments

Section 11: Amendment of Charter. This Charter may be amended in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, or any amendment thereof or provisions substituted therefor.

Property rights

Section 12: Property Rights, Etc. Unless otherwise provided in this Charter, the right and title of the City in and to its streets and the land thereunder, its parks and other public property, and all other public places, and the bed of Wolf Creek, and real property, are hereby continued in the City, and are declared to be inalienable except when otherwise provided by a majority vote of the people. No franchise or right to use the streets, water, or any part of or lands under said streets, shall be granted without reserving to the City the power and right of eminent domain.

Publishing of legal notices

Section 13: Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published, in a newspaper of general circulation published and circulated in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Violations of charter

Section 14: Violations of Charter. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred ($500.00) Dollars or by imprisonment for a term of

not exceeding six (6) months or by both such fine and imprisonment.

Article XVII
Succession in Government

Incumbent officers

Section 1: Continuation of Present Officers. Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinances or laws.

Effective date of charter

Section 2. Effective Date of Charter. If this Charter is approved by the State Legislature, then for the purpose of nominating and electing the new City Council, it shall take effect on the first day of March, 1953. For all other purposes this Charter shall take effect on the first day of July, 1953.

Certificate

Certificate Freeholders

WHEREAS, the City of Grass Valley, for years last past, has been and now is a city containing more than Three Thousand Five Hundred (3,500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, on the 14th day of July, 1950, at a municipal election duly and regularly held on that day in the City under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect

HOWARD C. BENNETTS
HAROLD BIGGS
EARL L. COVEY
ARLETTA M. DOUGLAS
DOROTHY DYKE
JOHN L. FRANK
CLARE F. HUGHES
JOHN J. LOOSER
VICTOR L. MONTRE
LAWRENCE M. MYERS
DON T. RADEMAKER
JOHN B. STENNETT
WM. H. STRICK
EDWARD C. WHITING
ELTON F. WILLIAMS

who were all electors of said City and eligible as candidates under said election, a Board of fifteen Freeholders to prepare a Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body of the City of Grass Valley on the 17th day of July, 1950, and said electors thereafter duly qualified as such Freeholders in accordance with law;

BE IT KNOWN that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing Charter as the Charter for the government of the said City of Grass Valley; and

BE IT FURTHER KNOWN that said Board of Freeholders hereby requests said legislative body of the City of Grass Valley to cause

the publication of said proposed Charter as provided in said Constitution and does hereby fix and designate Tuesday, the 18th day of September, 1951, as the date for the special election at which the proposed Charter shall be submitted to the qualified electors of the City of Grass Valley for their ratification and adoption.

IN WITNESS WHEREOF, we, the duly elected, qualified and undersigned Freeholders of the City of Grass Valley, County of Nevada, State of California, have hereunto set our hands at the City of Grass Valley, County of Nevada, State of California, this 6th day of June, 1951.

CLARA F. HUGHES
Chairman
ARLETTA M. DOUGLAS
Secretary
HOWARD C. BENNETTS
HAROLD BIGGS
EARL L. COVEY
DOROTHY DYKE
JOHN L. FRANK
JOHN J. LOOSER
VICTOR L. MONTRE
LAWRENCE M. MYERS
D T. RADEMAKER
JOHN B. STENNETT
WILLIAM H. STRICK
EDWARD C. WHITING
ELTON F. WILLIAMS
Freeholders of the City of Grass Valley, County of Nevada, State of California.

ATTEST:
ARLETTA M. DOUGLAS
Secretary of the Board of Freeholders.

CERTIFICATION

STATE OF CALIFORNIA,
COUNTY OF NEVADA } ss.
CITY OF GRASS VALLEY

I, Lois M. Goldsberry, the duly appointed, qualified and acting clerk of the City of Grass Valley, County of Nevada, State of California, do hereby certify to the foregoing which is a full, true and correct copy of the proposed charter of the City of Grass Valley, prepared and proposed by a qualified board of fifteen freeholders duly elected on the 14th day of July, 1950; that a copy of the said charter was duly filed with the clerk of the said city of Grass Valley on the 12th day of June, 1951, said copy being signed by all of the members of the board of freeholders. That thereafter within the period prescribed by law the said charter was duly published in each edition of The Union, the official newspaper of said city of Grass Valley, and that a special municipal election was held on the 18th day of September, 1951, the date of the said election having been fixed by the Board of Freeholders, the said date being not less than sixty (60) days from the completion of the publication of such charter as required by law; and that at such election the qualified electors of the said city of Grass Valley duly ratified the same. And I further certify that at all of the times herein mentioned

City clerk

the city of Grass Valley contained a population of more than 3500 inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Grass Valley, County of Nevada, State of California, this 22nd day of January, 1952.

LOIS M. GOLDSBERRY
(SEAL) City Clerk of the City of Grass Valley

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the said city to be affixed this 22d day of January, 1952.

GILBERT G. CRAMER
(SEAL) Mayor of the City of Grass Valley
LOIS M. GOLDSBERRY
City Clerk of the City of Grass Valley.

and

WHEREAS, The said charter as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said charter of the City of Grass Valley, as presented to, and adopted, and ratified, by the electors of said city and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as and for the charter of the City of Grass Valley.

CHAPTER 12

Senate Joint Resolution No. 4—Relative to memorializing the United States Fish and Wildlife Service in relation to open seasons on migratory birds.

[Filed with Secretary of State March 20, 1952.]

Open season on migratory birds

WHEREAS, Pursuant to certain treaties of the United States with Mexico and Great Britain, respectively, and pursuant to the Federal Migratory Bird Treaty Act, the open seasons on migratory birds, including ducks, are fixed by the Fish and Wildlife Service in the United States Department of the Interior; and

WHEREAS, The conservation of the available supply of wild ducks is admittedly a desirable objective but it is apparent that the presence of large numbers of wild ducks in areas where growing crops are also present is conducive to crop depredations; and

WHEREAS, It appears to be a demonstrable fact that when the ducks are being shot at the depredations committed are more or less sporadic and isolated but when the ducks are not disturbed, as is the case during the closed season, they are likely to settle in large numbers on particular fields and destroy all of the growing crops thereon; and

WHEREAS, The farmers of this State, by and large, recognize that some destruction of their crops is a necessary concomitant to the preservation of migratory birds but believe that the wholesale destruction of entire fields of growing crops is a greater burden than they should be called upon to bear, and

WHEREAS, The periods of the year during which growing crops palatable to wild ducks are present varies from area to area within the State; and

WHEREAS, If the open season on wild ducks in the various areas of the State were coordinated to the times that the growing crops were present in such areas the crop depredations would not occur on such a massive and wholesale scale; and

WHEREAS, The production of agricultural crops is one of the most important industries of this State and such crops should not be destroyed if by any means such destruction can be prevented or ameliorated; and

WHEREAS, The synchronization of the open season on wild ducks with the periods during which there are growing crops in the several areas of this State would tend to reduce not only the total of the crop depredations but the impact of such depredations upon particular individuals' crops; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Fish and Wildlife Service of the United States Department of the Interior is hereby requested to give serious consideration to the possibility of synchronizing the open season on wild ducks with the seasons during which there are growing crops in the various areas of the State and fixing at least three seasons applicable to the southern, central, and northern areas of the State to the end that crop depredations by wild ducks shall be reduced to the minimum; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of the Fish and Wildlife Service, United States Department of the Interior and to each Senator and Member of the House of Representatives in the Congress of the United States from California.

CHAPTER 13

Senate Joint Resolution No. 7—Relative to assuring a fair share of national defense work for California shipyards.

[Filed with Secretary of State March 20, 1952.]

National defense work for California shipyards

WHEREAS, The shipyards of California have been deprived of more than one hundred million dollars ($100,000,000) of ship

work for the Federal Government which has been diverted to the Atlantic Coast shipyards; and

WHEREAS, This deprivation of work has been a serious blow to the economic stability of California and has resulted in unemployment; and

WHEREAS, The failure to provide the existing California shipyards with a fair amount of the construction and repair of ships for the United States Government undermines the national defense program by making it impossible for the west coast shipyards to maintain the employment of skilled personnel when there is insufficient work for them in the shipyards; and

WHEREAS, Since some of the ships now projected will not be able because of their size to transit the Panama Canal and since many of such ships will be used in the Pacific, such ships should be built on the West Coast; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Defense, Secretary of the Navy, and the Congress of the United States to take immediate action which will assure that California shipyards will receive a fair share of national defense work, and, particularly, that California shipyards be assigned a reasonable part of the work of reconverting aircraft carriers, and constructing new supercarriers and atomic submarines; and be it further

Resolved, That the Department of Defense adopt a policy of dividing shipwork between the west coast and the east coast shipyards in such a manner as to maintain west coast shipyards at a standard of efficiency which will permit their prompt and full utilization and expansion in the event of a drastic national emergency; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Secretary of Defense, the Secretary of the Navy, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 14

Senate Concurrent Resolution No. 7—Relative to open seasons on wild ducks.

[Filed with Secretary of State March 20, 1952.]

Wild ducks
Open season

WHEREAS, It has been represented to an interim committee of the Legislature that the open season on wild ducks in the Imperial Valley, particularly, ends some weeks before the annual northward migration of the ducks commences, with the result that wholesale depredations on growing crops are committed by the ducks; and

WHEREAS, It has been represented that during the open season the ducks are nervous and scattered and that while some crop destruction is apparently inevitable the depredations are

more scattered than during the closed season when multitudes of ducks alight on single fields and devour or destroy all that is growing thereon; and

WHEREAS, It has been represented that if the open seasons were synchronized with the periods when growing crops palatable to the ducks were present in the various areas of the State much of the more serious depredations could be prevented; and

WHEREAS, The fixing of the seasons in migratory birds is a function of the Fish and Wildlife Service of the United States Department of the Interior; and

WHEREAS, The Fish and Game Commission of the State of California, acting through the Department of Fish and Game, is the appropriate state agency to cause a study to be made of the biological and other factors relevant to the solution of the problem of duck depredations; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Fish and Game Commission of the State of California is requested to study the advisability of providing for at least three separate open seasons on ducks in the southern, central, and northern areas of the State, respectively, which seasons shall be synchronized with the periods when growing crops are present in such areas so as to reduce the crop depredations by wild ducks to the greatest extent possible and said commission is further requested to cooperate with the Fish and Wildlife Service of the United States Department of the Interior in working out a solution to this problem along the lines indicated in this resolution if said commission shall find that such solution is feasible; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to each member of the Fish and Game Commission and to the Director of the Department of Fish and Game.

CHAPTER 15

Assembly Concurrent Resolution No. 12—Relative to adjournment in respect to the memory of the Hon. Daniel C. Murphy.

[Filed with Secretary of State March 21, 1952.]

Death of Daniel C. Murphy

WHEREAS, It is with regret and with sorrow that the Members of the California State Legislature learn of the passing of Daniel C. Murphy, Sheriff of the City and County of San Francisco; and

WHEREAS, Daniel C. Murphy was born of Irish parents in San Francisco, December 3, 1881, started his education by attending the grammar schools in San Francisco, attended school at old St. Ignatius College, now the University of San Francisco, and at the age of 15 years started to work. At the age of 25 on April 25, 1906, he married Annie M. Kelly of San Francisco, the union being blessed with the arrival of five lovely children, Daniel C.

Murphy, Jr., J. Philip Murphy, Richard A. Murphy, Francis J. Murphy and Dorothy A. Murphy; and

WHEREAS, All who had the privilege of following the long and continued service of Daniel C. Murphy to the people of the beloved city of his birth, San Francisco, and the people of the State of California, recognized him as a "self-made" individual who climbed to the heights in public life through his own efforts, starting his working career as an errand boy, working as a teamster and a longshoreman on the water front of San Francisco, and a printing pressman, in which capacity he worked on such San Francisco newspapers as the San Francisco Call-Bulletin and the San Francisco Examiner; and

WHEREAS, In the year 1922 Daniel C. Murphy was elected to the Senate of the State of California, serving for eight years in that honorable body; and

WHEREAS, The record of his achievements and the advances he made during his life record him as having been President of the Web Pressmen's Union, President of the Allied Printing Trades Council, President of the San Francisco Labor Council, President of the California State Federation of Labor, President of the San Francisco Public Utilities Commission, President of the South of Market Street Boys Association, a member of Mission Parlor, N.S.G.W., a member of the State Board of Education, the Fraternal Order of Eagles, Knights of Columbus, Loyal Order of Moose, Peace Officers Association and as having been employed as a vice president and branch manager for the Bank of America; and

WHEREAS, The loss of Sheriff Daniel C. Murphy will be mourned by the thousands of persons who knew him not only in San Francisco and in California but throughout the Nation, because he did participate in important roles in the interest of his Country on every occasion and availed himself of every opportunity to extol what true Americanism means to all who have the privilege of living under a Democracy such as ours. This kind-hearted man, hailed as a high-minded, quiet, able and impeccably honest official, taken to his eternal reward, will be sadly missed by all who knew and loved him but we can be assured that his kind acts, deeds and accomplishments will be forever in the memory of those he has left behind; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature take this means of according recognition to the outstanding public service of Daniel C. Murphy, and that when the respective Houses of the Legislature adjourn this day, they shall do so in respect to the memory of Daniel C. Murphy; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send suitably engrossed copies of this resolution to Mrs. Daniel C. Murphy, and to Daniel C. Murphy, Jr., J. Philip Murphy, Richard A. Murphy, Francis J. Murphy, and Dorothy A. Murphy, all of San Francisco.

CHAPTER 16

Assembly Concurrent Resolution No. 13—Relative to commending Mrs. Lucile Derr Fitts.

[Filed with Secretary of State March 21, 1952.]

Commendation of Lucile Derr Fitts

WHEREAS, Mrs. Lucile Derr Fitts, instructor in United States history and government, Benjamin Franklin High School, Los Angeles, California, and President, Los Angeles City High School Teachers' Association, impelled by patriotic and educational motives of the highest order, prepared the draft of Assembly Bill No. 3240 which was passed by both houses of the Legislature, signed by the Governor and enacted into law as Chapter 383 of the Statutes of 1951, amending Sections 10051, 10052, and 10053 of the Education Code; and

WHEREAS, The said law promotes the study of government at all levels of the educational system, emphasizing particularly, American ideals and placing great emphasis on the principles and problems of state and local government; and

WHEREAS, The said law enables students of our high schools and colleges to better understand the problems of government and better prepare them for the exercise of their right to vote when they reach voting age; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Mrs. Lucile Derr Fitts be commended for her devotion to duty and leadership in the teaching of American government to the youth of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Mrs. Lucile Derr Fitts.

CHAPTER 17

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States in relation to the furnishing of federal assistance, including arms, ammunition, clothing and equipment, to the California Guard.

[Filed with Secretary of State March 24, 1952.]

Federal assistance to California Guard

WHEREAS, Public Law 849, 81st Congress, September 27, 1950, amends Section 61 of the National Defense Act to authorize the maintenance of state troops in the absence of the National Guard while in federal service; and

WHEREAS, Public Law 849 authorizes the Secretary of the Army in his discretion and under regulations determined by him to issue for the use of state troops, upon request of the Governor, such arms, ammunition, clothing and equipment as he deems necessary; and

WHEREAS, The Governor has requested the Secretary of Defense, the Secretary of the Army, the Chief of the National

Guard Bureau, Supply Division of the General Staff, the Office of the Chief of Ordnance, the Office of the Provost Marshal General, the Headquarters Army Field Forces, and all federal officials concerned to furnish to the California Guard the assistance authorized by Public Law 849; and

WHEREAS, The California Legislature during the 1951 Regular Session by Assembly Joint Resolution No. 29 memorialized the Congress of the United States to take such necessary legislative action as may be necessary to assure the prompt and immediate grant to state troops of the federal assistance described in Public Law 849; and

WHEREAS, The Federal Government and the agencies and officials thereof have not acted under the authority granted in Public Law 849, and have not authorized the issue or sale to the California Guard of any excess or obsolete property or equipment that may be in the control of the federal armed forces; and

WHEREAS, Until federal assistance is available to the California Guard it cannot organize, train or be employed as an effective state internal security force; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to again amend Section 61 of the National Defense Act to eliminate the provisions thereof which authorize the Secretary of the Army, in his discretion, to furnish the assistance therein described and to add thereto a provision directing and requiring the Secretary of the Army to supply such federal assistance to state troops; and be it further

Resolved, That the Legislature of the State of California further respectfully memorializes the Congress of the United States to take such further legislative action as may be necessary to assure the prompt and immediate grant to state troops of the federal assistance described in Public Law 849; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 18

Assembly Joint Resolution No. 3—Relative to memorializing the Congress of the United States to authorize the immigration of 500 skilled sheepherders.

[Filed with Secretary of State March 24, 1952.]

Authorization of immigration of sheepherders

WHEREAS, Our national defense effort requires an increased quantity of wool which is considered a strategic and essential material by our armed forces; and

WHEREAS, The wool industry has found it impossible to increase sheep production or even to check the downward trend in sheep production because of the serious shortage of skilled sheepherders; and

WHEREAS, In recognition of this shortage which cannot be met on the domestic labor market, the United States Senate on February 25, 1952, unanimously passed S. 2549 to authorize the immigration of 500 skilled alien sheepherders and the bill is now before the House of Representatives for consideration; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be memorialized to enact S. 2549 at the earliest possible date in order to secure for our national defense effort a greater domestic supply of wool; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives of the Congress of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 19

Senate Concurrent Resolution No. 16—Relative to approving a certain amendment to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, voted for and certified by the qualified electors of said city at a regular municipal election held therein on the twenty-sixth day of February, 1952.

[Filed with Secretary of State March 24, 1952.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, as hereinafter set out in the certificate of the mayor and city clerk of said city as follows, to wit: City of Piedmont Charter amendment

To the Legislature of the State of California:

PETITION OF CITY OF PIEDMONT, A MUNICIPAL CORPORATION, IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR APPROVAL OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF PIEDMONT VOTED FOR AND RATIFIED BY THE QUALIFIED ELECTORS OF SAID CITY AT A REGULAR MUNICIPAL ELECTION HELD THEREIN ON THE 26TH DAY OF FEBRUARY 1952.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss
CITY OF PIEDMONT }

We, the undersigned, Osgood Murdock, President of the Council of the City of Piedmont, State of California, and John Certificate

D. Preston, City Clerk of said City do hereby certify and declare as follows:

That the City of Piedmont is a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized, existing and acting under a free holder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose February 27, 1923, and approved by the legislature of the State of California by concurrent resolution filed with the Secretary of State on the 23rd day of March 1923. (Statutes 1923, Page 1564).

That in pursuance of Section Eight of Article Eleven of the Constitution of the State of California, on its own motion the Council of the City of Piedmont being the legislative body of said City, by and in pursuance of a certain Resolution passed by the City Council on the 20th day of December 1951 duly submitted to the qualified electors of said City of Piedmont, a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a regular municipal election held in said City on the 26th day of February, 1952, which said proposal was and is in the words and figures following, to-wit:

A PROPOSAL TO AMEND SECTION 38 OF THE CHARTER OF THE CITY OF PIEDMONT TO MAKE THE HEREINAFTER SET FORTH ARTICLES READ AS FOLLOWS:

SECTION 38. Department of Education.

Members of board of education

Article 1. The Board of Education shall consist of five members elected from the City of Piedmont at large for a term of four years and until their successors are elected and qualified. Members of the Board of Education shall be elected at the times and in the manner in this Charter provided for members of the Council. They shall receive no compensation except for necessary expenses when acting as designated representatives of said Board.

Election

Article 2. At the 1954 and 1956 general municipal elections two and three members, respectively, of the Board of Education shall be elected for the full term of four years. Thereafter, at each general municipal election either two or three members of said Board, as the case may be, shall be elected to fill the vacancies caused by the expiration of such terms. The terms of members of said Board holding office at the time this Article becomes effective shall not be affected.

Eligibility

Article 3. No person shall be eligible to hold office as a member of the Board of Education unless he shall have been a resi-

dent and elector of the City of Piedmont for at least two years next preceding the date of his election or appointment.

Vacancies in office

Article 4. A vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee entitled to hold office until the first Thursday following the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a member shall be elected to serve for the remaining period of any unexpired term.

In the event that three or more vacancies exist in said Board at one time, sufficient vacancies shall be filled by the County Superintendent of Schools to make a majority of such Board to act and fill the remaining vacancies. All such appointed members shall hold office for the same length of time as if appointed by said Board.

Absence from meetings

Article 5. If a member of the Board of Education absents himself from all regular meetings of the Board for a period exceeding two months consecutively, from and after the last regular Board meeting attended, unless by permission of the Board expressed in its official minutes, or removes from the City, or is convicted of a felony, or is adjudged insane, his office shall become vacant and shall be so declared by the Board of Education.

That said proposed amendment was published and advertised in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in "The Piedmonter," which was then and there a newspaper of general circulation within said City of Piedmont, and in all the editions thereof issued during the day of publication, there being no official newspaper printed and published within the said City of Piedmont.

That the Council of the City of Piedmont, a legislative body of said City, by its certain resolution passed on the 20th day of December 1951, did order the holding of a regular municipal election of said City of Piedmont on the 26th day of February 1952, and did provide in said resolution for the submission of the proposed amendment to the Charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the 26th day of February 1952, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendment to the Charter of the City of Piedmont hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified the said proposed amendment to said Charter as hereinabove set forth, and

we and each of us further certify that we have compared the foregoing enclosed and ratified amendment to the Charter of the City of Piedmont with the original proposal, submitted to the electors of said City at the election held on the 26th day of February 1952, and find that the foregoing is a true, full, correct, and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this 17th day of March 1952.

OSGOOD MURDOCK,
President of the City Council and ex officio Mayor.

JOHN D. PRESTON,
City Clerk

(SEAL)

Approved as to form:
J. MARCUS HARDIN
City Attorney

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Piedmont as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of said City of Piedmont.

CHAPTER 20

Senate Concurrent Resolution No. 11—Relative to the case of United States v. Alpine Land and Reservoir Co. et al.

[Filed with Secretary of State March 24, 1952.]

United States v Alpine Land and Reservoir Co et al · Assistance by state officers

WHEREAS, The United States Attorney, at the request of the Secretary of Interior instigated an action in the United States District Court of the District of Nevada to adjudicate the rights of parties to the action including approximately 450 named defendants and 100 unnamed defendants to use of the water of Carson River and its tributaries; and

WHEREAS, The Carson River is a nonnavigable stream consisting, primarily, of an east fork and a west fork which originate in California and flow into Nevada where they join to form the Carson River; and

WHEREAS, The County of Alpine, in the manner provided by California law, filed several applications to appropriate the unappropriated water of the East and West Forks of the Carson River; and

WHEREAS, The County of Alpine, through its district attorney, is intervening in the action to protect the rights of the county to acquire water from the forks of the Carson River; and

WHEREAS, Engineering and legal information available to the Attorney General, the State Engineer, and the Legislative Counsel may be of considerable assistance to Alpine County in connection with this action; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Attorney General, the State Engineer, and the Legislative Counsel are requested to render to Alpine County such engineering and legal assistance as may be possible upon the request of its district attorney; and be it further

Resolved, That the Secretary of the Senate is requested to transmit a copy of this resolution to the Attorney General, the State Engineer, the Legislative Counsel, and the District Attorney of Alpine County.

CHAPTER 21

Senate Concurrent Resolution No. 10—Relative to examinations for proposed position of Regional Fish and Game Manager, Department of Fish and Game

[Filed with Secretary of State March 24, 1952]

Regional fish and game manager examination

WHEREAS, Under the proposed reorganization plan for the Department of Fish and Game (Assembly Journal, March 6, 1952, 1952 Budget Session) it is proposed to divide the State of California for the purposes of fish and game administration and enforcement into five regions and to conduct the operation of the department to the fullest extent possible upon a regional, rather than on a state-wide, basis; and

WHEREAS, The reorganization plan provides that in each region so established there shall be a regional fish and game manager who shall manage the operations of the department in his region; and

WHEREAS, The key to the successful operation of the Department of Fish and Game on a regional basis lies in the selection of regional managers who can weld the diverse operations of the department within the respective regions into a coordinated and integrated program in accordance with departmental policies; and

WHEREAS, It will be to the various regional offices that local sportsmen and citizens will go for information and for discussion of fish and game and law enforcement problems; and

WHEREAS, The position of regional fish and game manager will be entirely new in the state civil service and the duties and responsibilities of such position will be essentially different in character from those of any other established position; and

WHEREAS, The considerations which justify the filling of positions by promotions from lower positions are not applicable to

situations where a new position is to be filled which is essentially different from any existing lower position; and

WHEREAS, The State Personnel Board in choosing the type of examination to be given for the position of regional fish and game manager should choose the type of examination which is most likely to produce the personnel who will prove competent to fill these positions which are vitally important to the successful operation of the reorganization plan; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Personnel Board is hereby requested to provide that the first examinations for the position of regional fish and game manager shall be given upon an "open" and not upon a "promotional" basis, that California residence shall not be required, and that said board make every effort to attract to such examinations and such positions the thoroughly competent personnel which will be necessary to permit the reorganization plan to be carried out effectively; and be it further

Resolved, That the Secretary of the Senate is directed to submit copies of this resolution to each member of the State Personnel Board.

CHAPTER 22

Assembly Concurrent Resolution No. 5—Relative to the donation of blood for our armed forces in Korea.

[Filed with Secretary of State March 25, 1952.]

Blood donations for soldiers in Korea

WHEREAS, Our soldiers, both men and women, many of whom shed civilian life only yesterday, are combating the vicious onslaughts of the enemy in Korea; and

WHEREAS, Casualties of those in the field require a constant flow of blood plasma from us at home; and

WHEREAS, We here can succor this need by gratefully contributing our blood; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby appeals to the people of California to donate blood for these guardsmen in this grave endeavor to stop an encroaching enemy who seeks to usurp our freedoms and destroy our way of life.

CHAPTER 23

Assembly Joint Resolution No. 8—Relative to the "Fallbrook Water Case."

[Filed with Secretary of State March 28, 1952.]

"Fallbrook Water Case"

WHEREAS, A decisive moment has arrived in the struggle of citizens of California against unwarranted federal encroachment upon individual and state rights in the "Fallbrook Water Seizure Case"; and

WHEREAS, The State of California is vitally interested in preventing the seizure of individual and state rights by the Federal Government; and

WHEREAS, More than 3,200 individual citizens of the Santa Margarita River Watershed already have been served with complaints by the Office of United States Attorney General J. Howard McGrath, and there is a promise by the Attorney General to serve approximately 14,000 defendants altogether; and

WHEREAS, There is no practical reason or necessity for causing the enormous expenditures of public and private funds in this costly lawsuit, and the resultant staggering waste of man-hours involved in the entire procedure; and

WHEREAS, The United States Attorney General is suing churches, schools, cemeteries, fraternal lodges and even fellow federal officials without any regard for their water holdings, rights, or sensibilities; and

WHEREAS, The attempt is being made by the United States Attorney General to seize, without compensation, the water rights of these citizens in violation of the Constitution of the United States; and

WHEREAS, The attempted seizure is based upon a doctrine of "paramount" federal rights and alleged federal "exclusive jurisdiction" in regard to water rights in military establishments; and

WHEREAS, Such doctrines of "paramount" rights and "exclusive jurisdiction" are contrary to American principles and all the recognized state and federal laws; and

WHEREAS, The State of California already has suffered grievously at the hands of federal officials who, under the dubious doctrine of "paramount" rights, have wrested the submerged coastal lands of California from this State; and

WHEREAS, Any extension of this doctrine as now represented in the Fallbrook case, to the inland waters of the State of California, will cause great additional injury both to individuals and the State; and

WHEREAS, The Federal Government, if it is sincere in obtaining an adequate water supply for Marine Camp Joseph H. Pendleton, as it alleges in its suit, can be assured of such a supply merely by application to the Metropolitan Water District at the same reasonable rates available to other users; and

WHEREAS, Such a procedure of the use of Colorado River water via the second unit of the San Diego Aqueduct would remove the necessity for the pending gigantic and wasteful suit; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature deplores the pending federal suit to seize water rights in California under a specious guise of "national defense," which doctrine if carried on under a precedent established here would jeopardize all private property rights in the United States; and be it further

Resolved, That the Attorney General of the United States is urged to dismiss the suit at once; and be it further

Resolved, That the United States is urged to take advantage of the opportunity to obtain Colorado River water, via the aqueduct, for Camp Pendleton; and be it further

Resolved, That Congress is urged to enact, at the earliest possible date, House Resolution 5368 which would confirm an agreed apportionment of the waters of the Santa Margarita River between local citizens and the military establishments of the United States and would forbid future suits of this nature by the Federal Government in defiance of state law; and be it further

Resolved, That Congress is urged to enact, at the earliest possible date, legislation to compel all agencies of the Federal Government to recognize state laws pertaining to water rights and to preclude any such agency from claiming any right which is not recognized by state law; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States, and to the Governor and the Attorney General of the State of California.

CHAPTER 24

Senate Concurrent Resolution No. 8—Relative to appropriation of water for federal reclamation projects.

[Filed with Secretary of State March 28, 1952.]

Appropriation of water for federal reclamation projects

WHEREAS, The Joint Committee on Water Problems has adopted the following resolution:

"WHEREAS, The desirability of a comprehensive and coordinated plan for the conservation and distribution of the water resources of this State has long been recognized as essential to its agricultural and general economic development; and

"WHEREAS, Commencing in 1850 the Legislature of the State of California, in recognition of that need, made appropriations for studies of California's water resources, particularly in the Sacramento and San Joaquin Valleys; and

"WHEREAS, Millions of dollars have been expended by the State in conducting these studies; and

"WHEREAS, Almost continuously for more than 25 years the Legislature through the investigations, studies and hearings of its committees, has sought to expedite the solution of California's water problems; and

"WHEREAS, As a result of these studies, detailed information and proposals for the comprehensive development of the water resources of this State have been made, as evidenced by the reports of the State Engineer, the Division of Water Resources, and the Department of Public Works; and

"WHEREAS, In order to carry out definite and concrete plans for the development of said water resources within the Sacra-

mento and San Joaquin Valleys of California and other areas that might be served, in 1933 the Legislature adopted and the people approved the act creating the Water Project Authority of the State of California with specific power and duty to construct, operate and maintain the project and to collect all rates, charges and revenues therefrom, and in said act it was and is provided 'the public interests, welfare, convenience, and necessity require construction, in the manner provided in this part, of a system of works for the conservation, development, storage, distribution, and utilization of water, with incidental generation, transmission and distribution of electric power, which system of works is designated as the Central Valley Project and is specifically approved and authorized'; and

"WHEREAS, In 1941 the Legislature adopted an over-all plan for the conservation, development and utilization of the water resources of the State known and designated as the 'State Water Plan'; and

"WHEREAS, The Legislature directed the Department of Finance to make and file applications for the appropriation of all unappropriated water within the State that was or might be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization or conservation of the water resources of the State, and the department, pursuant to said legislative authorization and direction, did, in 1927 and 1928 and in a few instances thereafter, make and file with the State Engineer applications to appropriate such unappropriated water of most of the major streams within the central valleys and a few streams in adjacent areas, which applications are now pending before the State Engineer; and

"WHEREAS, In those applications, the source from which said water is to be taken and the areas which are to be served by the waters so appropriated were and are designated; and

"WHEREAS, In conjunction with the construction of works used and to be used in connection with federal reclamation projects, the United States has requested and procured assignments of several of these applications and has filed numerous applications on its own behalf, the water so applied for to be used in furtherance of those projects which applications are now pending before the State Engineer for the issuing of permits thereon; and

"WHEREAS, It is now and has been the fundamental and underlying water law of this State and most of the seventeen western states, that the right to the use of water is appurtenant to the land to be served, being permanent in nature to the extent of beneficial use; and

"WHEREAS, Section 8 of the Reclamation Act of 1902 (Act of Congress of June 17, 1902) provided and still provides that the Secretary of the Interior in carrying out the provisions of the Reclamation Act, shall proceed in conformity with the laws of the State relating to the control, appropriation, use, or distri-

bution of water and the right to the use of water shall be appurtenant to the land irrigated; and

"WHEREAS, Since 1913 the laws of this State have provided that an application to appropriate water properly made gives, as to the applicant, priority of right as of the date of his application to appropriate the water and the issuance of a permit continues in effect the priority of right as of the date of the application; and

"WHEREAS, The State Engineer, in exercise of this authority to issue permits to appropriate water for beneficial uses, is required to enumerate such terms and conditions of the permit as, in the judgment of the State Engineer will best develop, conserve, and utilize in the public interest the waters involved within the application and permit and requires that the State Engineer shall reject any application when in the judgment of the department the proposed appropriation would not best conserve the public interest; and

"WHEREAS, The principle of meeting and satisfying the requirements of the watershed or area wherein the water originates or an area immediately adjacent thereto that can be conveniently supplied with water therefrom has been established by legislative enactments within this State and in the interests of the over-all water development of the State to the extent that such needs constitute a reasonably beneficial use of such water; and

"WHEREAS, It is the considered opinion of this committee that it is necessary in the public interest that the established principles of the water law of this State and conditions necessary for the protection of the rights and interests of the water users prescribed by state and federal law should be specifically defined in any permits or licenses issued to the United States for federal reclamation projects by the State Engineer; and

"WHEREAS, The United States Supreme Court, in the case of Nebraska v. Wyoming, held that permits to use water secured in connection with a reclamation project were properly issued to the contracting water user or irrigation district rather than the United States; now, therefore, be it

"*Resolved by the Joint Committee on Water Problems*, That the Legislature of the State of California is urged to adopt a concurrent resolution memorializing the Director of Public Works and the State Engineer as follows:

"1. That, in issuing permits and licenses to appropriate water for federal reclamation projects, due consideration be given to the possibility and desirability of issuing such permits and licenses to appropriate water for irrigation purposes to the contracting public agencies of the State rather than the United States.

"2. That licenses issued to the United States for irrigation purposes in connection with federal reclamation projects be limited to water subject to contracts between public agencies of the State and the United States which the State Engineer finds to be in the public interest and to conform to state law and that

any permits and licenses issued for such purposes contain, in the public interest, the following conditions among, but not to the exclusion of, other conditions:

"(a) That the beneficiaries of each permit and each license are and shall be the public agency or agencies of the State together with the owners of land within such agency or agencies to be served with the water appropriated under the permit and license.

"(b) That the rights of the agencies and owners of land within the agencies to be served with the water appropriated under the permits and licenses are, subject to continued beneficial uses, permanent and appurtenant to the lands upon which the water is used.

"(c) That the use of water appropriated under the permits and licenses are subject to the reasonable requirements of the watershed or area wherein the water originates or area immediately adjacent thereto that can be conveniently supplied with water therefrom; and that no transfer of water of one watershed or area of origin to another watershed or area shall be consummated unless and until provision is made to meet such reasonable water requirements of the former; and be it further

"*Resolved,* That the chairman of this committee cause a copy of this resolution to be transmitted to the President of the Senate and the Speaker of the Assembly." now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves the resolution adopted by the Joint Committee on Water Problems, finds the recommendations therein to be in conformity with the public interests and policy of the State of California and requests the Director of Public Works and the State Engineer to give it full consideration in issuing permits and licenses to appropriate water for irrigation purposes; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works and the State Engineer.

CHAPTER 25

Senate Concurrent Resolution No. 9—Relative to adjudication of rights to water of Sacramento River.

[Filed with Secretary of State March 28, 1952.]

Sacramento River water right adjudication

WHEREAS, In October 1951 the Joint Committee on Water Problems was informed of efforts being made to initiate litigation against all users of water from the Sacramento River to adjudicate their water rights; and

WHEREAS, That committee is now informed that efforts are presently being made by the Federal Government to institute proceedings in the federal courts against most, if not all, users of water in the Sacramento River and its tributaries, and have proposed that the Attorney General of California on behalf of

the State of California, join with the Federal Government as a party plaintiff against those water users; and

WHEREAS, Mass litigation similar to that proposed is being experienced by the citizens of this State in the Fallbrook case now pending in Southern California; and

WHEREAS, The matter of water rights in the Sacramento River is an intrastate problem that should be determined by the agencies of State Government charged with that duty; and

WHEREAS, It is believed that the fostering of such mass litigation is unwise, untimely and unnecessary, and is productive of litigation, costly and burdensome not only to the State but to the thousands of users of water from the Sacramento River; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the initiation of any litigation which would involve the rights of the thousands of users of the water of the Sacramento River be discouraged; and be it further

Resolved, That the proposal that the Attorney General of California join in such suit on behalf of the State of California as a party plaintiff in an action to adjudicate the water rights on the Sacramento River and its tributaries, is contrary to the best interests of the people of the State of California, and be it further

Resolved, That the Attorney General be requested to decline to join such suit as a party plaintiff, and be it further

Resolved, That the Secretary of the Senate transmit copies of the resolution to the Governor, the Attorney General and the State Engineer.

CHAPTER 26

Senate Concurrent Resolution No. 13—Relative to lawsuits by the United States Department of Justice against California residents in the Santa Margarita watershed area.

[Filed with Secretary of State March 28, 1952.]

Investigations re Santa Margarita watershed

WHEREAS, Some of the earliest settlements in California were made in the basin of the Santa Margarita River, where they have enjoyed a long and interesting history and have reached a very high state of development, until today the City of Fallbrook is located in one of the most beautiful and attractive agricultural districts of this State; and

WHEREAS, The natural scenery of the rugged mountains of the Santa Margarita watershed area is attractive to visitors and is a great natural asset to this State; and

WHEREAS, The United States Department of Justice has filed suit against thousands of farm and home owners in this area, falsely alleging that they are wrongfully using the natural waters of the streams and underground basins, although they have been so using the natural water for several generations; and

WHEREAS, The United States Department of Justice has included as defendants in the prodigious number of suits filed several schools, seven churches and various community cemeteries, indicating an intent to render the presently prosperous communities in the area uninhabitable; and

WHEREAS, The area of the Santa Margarita watershed is very extensive and is important to the economy of California, including as it does many productive farm communities, the towns of Fallbrook, Rainbow, De Luz, Temecula, Murrieta, Wildomar, Menifee, Sage, Aguanga, Cahuilla and Anza, and large rural areas of San Diego and Riverside Counties; and

WHEREAS, The Department of Justice alleges that this Legislature, by ceding police jurisdiction over the Pendleton Military Reservation also ceded jurisdiction over our water rights, a thing farthest and most remote from the intention of any Member of this Legislature; and

WHEREAS, The average annual run-off of floodwater of the Santa Margarita River, if conserved and stored, would provide ample water for the development and expansion of the military reservation and for moderate growth of the community of Fallbrook, so that the latter could properly serve as a community center for the residents and military and naval personnel of the Pendleton reservation; and

WHEREAS, The Fallbrook Public Utility District, a political subdivision of this State, has the first lawful and recognized filing on rights to the storage and use of the floodwaters of the Santa Margarita River at the most feasible dam site on the river where storage could economically be provided for the conservation of the water of flood years, for use during dry years; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Water Problems is directed to fully investigate the plight of the citizens of California in the Santa Margarita watershed who are defendants in the Fallbrook case, and report to the Legislature at the earliest possible date as to the most direct and feasible action that the State can take to enable the Fallbrook Public Utility District to conserve the floodwaters.

CHAPTER 27

Senate Joint Resolution No. 6—Relative to memorializing Congress to enact H. R. 565.

[Filed with Secretary of State March 28, 1952.]

National forest receipts

WHEREAS, It has come to the attention of the Legislature of the State of California that on January 3, 1951, H. R. 565 was introduced in the House of Representatives of the Congress of the United States, and was referred to the Committee on Agriculture; and

WHEREAS, H. R. 565 is entitled "A bill relating to the disposition of moneys received from the national forests."; and

WHEREAS, H. R. 565 is of vital importance to the United States and the State of California because its enactment would permit the Secretary of Agriculture to expend 10 percent of national forest receipts for the development, maintenance, and operation of recreational resources and areas and sanitation uses in the national forests; and

WHEREAS, The development, maintenance, and operation of recreational resources and areas and sanitation uses in our national forests is urgently needed at the present time because heavy public use of the national forests in the United States and in the State of California has been increasing tremendously in recent years, resulting in the overtaxing of many national forest recreation facilities, and impairing the complete utilization and enjoyment of our national forests; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully memorialized and requested to enact H. R. 565 without further delay; and be it further

Resolved, That the Secretary of the Senate is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Chairman and each member of the House Committee on Agriculture, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 28

Senate Joint Resolution No. 9—Relative to federal insurance for almond crops.

[Filed with Secretary of State March 28, 1952.]

Federal insurance for almond crops

WHEREAS, Approximately 25 percent of the 1951 California almond crop is now held in storage as surplus under the requirements of a federal marketing order; and

WHEREAS, The federal crop insurance program under the Federal Crop Insurance Act does not at present include almonds as it does other crops in which there have been declared surpluses; and

WHEREAS, The Board of Directors of the Federal Crop Insurance Corporation is authorized by the Federal Crop Insurance Act, under the general supervision of the Secretary of Agriculture, to include any agricultural commodity within the crop insurance program; and

WHEREAS, The Legislature of the State of California believes that the California almond crop should be protected by the federal crop insurance program just as are other major crops; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Board of Directors of the Federal Crop Insurance Corporation and the Secretary of Agriculture of the United States to include almonds in the federal crop insurance program established under the provisions of the Federal Crop Insurance Act and to provide for the payment of premiums in almonds from the surplus crop, as permitted by the act; and be it further

Resolved, That the Secretary of the Senate be requested to transmit copies of this resolution to the Board of Directors of the Federal Crop Insurance Corporation, to the Secretary of Agriculture of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 29

Senate Joint Resolution No. 10—Relative to federal funds for range improvement in national forests.

[Filed with Secretary of State March 28, 1952.]

Federal funds for range improvement in national forests

WHEREAS, The Congress of the United States provided in Public Law 478, approved April 24, 1950, that out of the moneys received from grazing fees on each national forest during each fiscal year there shall be available, when appropriated by Congress, an amount equal to two cents ($0.02) per animal-month for sheep and goats and ten cents ($0.10) per animal-month for other kinds of livestock under permit on such national forest in which the fiscal year begins, for expenditure for (1) artificial revegetation, including the collection or purchase of necessary seed, (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements, (3) control of range-destroying rodents, or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range; and

WHEREAS, By Public Law 135, approved August 31, 1951, Congress appropriated seven hundred thousand dollars ($700,000) for such purposes, to remain available until expended, but attached to this appropriation a proviso that no part thereof shall be available in any national forest in excess of three times the amount available for such forest from sources other than federal sources; and

WHEREAS, There appears to be no logical or plausible reason for the requirement that additional funds from local sources be contributed for expenditure for range improvement in and upon the national forests; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully memorialized and requested to amend Public Law

135, 1951, to repeal the proviso requiring local contributions for range improvement in national forests and to permit the immediate expenditure of the appropriation made for that purpose without requiring such contribution; and be it further

Resolved, That the Congress of the United States is requested to eliminate any requirement for local contributions in appropriations hereafter made for range improvement in the national forests; and be it further

Resolved, That the Secretary of the Senate is instructed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 30

Senate Joint Resolution No. 1—Relative to the need for materials for construction of additional school and college buildings in California.

[Filed with Secretary of State March 31, 1952]

Materials for Riverside branch of University of California

WHEREAS, The population of the State of California has increased by almost 4,000,000 during the past 10 years; and

WHEREAS, The colleges of California are so overcrowded that the youth of this State are being deprived of an opportunity to secure technical and professional training to fit them to cope with the demands of modern life and industry or to successfully serve the military and naval establishments of our Country in a time of rapidly growing military science; and

WHEREAS, Private nontax-supported higher educational institutions in this State have been unable to adequately expand their limited facilities to meet an unprecedented population increase and a correspondingly great increase in the number of persons seeking an education at the college and university level because of the difficulties created by the present inflationary cycle and by the military demands of this Nation and its allies; and

WHEREAS, $6,000,000 has been made available for the construction of the Riverside Branch of the University of California but bidders on contracts cannot be obtained until allocations of materials are made; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the National Production Authority to immediately allocate the needed material for the construction of the Riverside Branch of the University of California to serve a growing surrounding population of a million people now without any state-supported university or college level institution; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Production Authority.

CHAPTER 31

Assembly Joint Resolution No. 7—Relative to the issuance of a medal for service in the American Expeditionary Force in Siberia.

[Filed with Secretary of State March 31, 1952]

Medal for A E F in Siberia

WHEREAS, The California Constitution, as well as the constitutions and laws of other states, contains a provision exempting a limited amount of the property of veterans from property taxation; and

WHEREAS, This exemption extends only to veterans who served in the armed forces of the United States in time of war or in time of peace in a campaign or expedition for service in which a medal has been issued by the Congress of the United States; and

WHEREAS, The members of the American Expeditionary Force in Siberia, serving from November 12, 1918, to April 20, 1920, do not receive such tax exemptions due to the fact that Congress has never specifically authorized the issuance of a medal for the Siberian occupation; and

WHEREAS, The forces of the American Expeditionary Force in Siberia received many casualties and ably served their Country during this campaign; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to authorize the issuance of a medal for service with the American Expeditionary Force in Siberia from November 12, 1918, to April 20, 1920; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 32

Senate Joint Resolution No. 11—Relative to memorializing Congress, the Department of Defense, the Department of the Interior, and the Department of the Navy to give careful consideration to the interests of national defense and the inhabitants and mining industry of Inyo County before

authorization is given for the withdrawal of land in Saline Valley in Inyo County from the public domain for acquisition and use thereof for an aerial gunnery range.

[Filed with Secretary of State April 1, 1952.]

Use of Inyo County land for naval gunnery range

WHEREAS, Representatives of the Eleventh and Twelfth Naval Districts have completed a preliminary investigation as to the feasibility of the use of a portion of Saline Valley in Inyo County for an air to air gunnery range to be used in connection with the training of Marine Corps pilots at the permanent Navy air base at Mojave, California; and

WHEREAS, It has been determined by said representatives that this location is suitable for an aerial gunnery range and that the establishment of such a range at this location is justified; and

WHEREAS, The determination and justification of the representatives of the Eleventh and Twelfth Naval Districts will be sent through appropriate channels to the Department of the Navy, the Department of Defense, and the Department of the Interior in Washington, D C., for approval of the proposed withdrawal of land from the public domain for such purpose, and necessary legislation for such purpose will be sought in the Congress of the United States; and

WHEREAS, It is felt by the Legislature of the State of California that the use of the proposed area by the Navy would be extremely detrimental to national defense efforts due to the resulting curtailment of production of minerals in this area which are vitally important to the national defense effort; and

WHEREAS, Within the proposed area there are currently being developed rich deposits of such minerals, including talc (including steatite talc, which is used in the manufacture of high frequency insulators for electronic equipment of all kinds, and of which this area is a major source), asbestos, lead, zinc, tungsten, and manganese; and

WHEREAS, Other extremely rich deposits of such minerals are currently being developed in areas not included in the proposed aerial gunnery range but to which the only access is a county road running through the proposed range, so that the development of these deposits will also, of necessity, come to an end; and

WHEREAS, Many of the above-mentioned minerals are currently on the critical list of raw materials essential for national defense production; and

WHEREAS, The United States Geological Survey has expended approximately one hundred fifty thousand dollars ($150,000) upon a geological survey of a portion of the Saline Valley area, it being regarded by the United States Geological Survey as a potential storehouse of strategic and critical materials; and

WHEREAS, In addition to the critical blow that would be dealt to the national defense production program, the acquisition and use of the proposed portion of Saline Valley would, to a great extent, wipe out substantial investments made by various mining interests in this region; and

WHEREAS, Such acquisition and use would further impoverish the County of Inyo, where already approximately 96 percent of the area in the county is not subject to taxation by the county, by taking more land off the tax rolls; and

WHEREAS, Such acquisition and use would, in addition, have a serious effect upon the economy of Inyo County, by increasing unemployment and decreasing the spending power of its inhabitants; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California strongly disapproves of further withdrawals of lands from the public domain unless such action is absolutely necessary for valid federal purposes; and be it further

Resolved, That the Congress of the United States, the Department of Defense, the Department of the Interior, and the Department of the Navy be respectively memorialized to give careful consideration to the factors pointed out in this resolution before authorization is given for withdrawal of the proposed land in Saline Valley in Inyo County from the public domain for acquisition and use thereof for an aerial gunnery range; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the Secretary of Defense, the Secretary of the Interior, the Secretary of the Navy and the Commander, Naval Air Base, Eleventh and Twelfth Naval Districts.

CHAPTER 33

Senate Joint Resolution No. 5—Relative to the need for congressional action to restore the taxing power of the states.

[Filed with Secretary of State April 1, 1952.]

Taxation of contractors on atomic energy projects

WHEREAS, The Congress of the United States has provided statutory exemption from state taxation of "activities" of the Atomic Energy Commission (60 Stat. 765, 42 U. S. C. Section 1809b); and

WHEREAS, The Supreme Court of the United States has recently held that the activities of a private contractor performing services for the Atomic Energy Commission come within the meaning of activities of the Atomic Energy Commission for the purpose of tax immunity (Carson v. Roane-Anderson Co. and Carson v. Carbide and Carbon Corporation, 96 Law Ed. Adv. Sheet 198, decided January 7, 1952); and

WHEREAS, The published congressional hearings on the bills which matured into the Atomic Energy Act furnish no indication that the Congress intended to provide for such an all-inclusive exemption from the normal incidence of state and local taxation as indicated by the above decision; and

WHEREAS, It has not been the policy of the United States to extend immunity from state taxation to the vendors of private contractors with governmental agencies or to such contractors but, on the contrary, the Congress has repeatedly rejected any and all such suggestions; and

WHEREAS, By the interpretation placed upon the Atomic Energy Act, the court has extended the scope of intergovernmental tax immunity far beyond that heretofore permitted; and

WHEREAS, This results in a serious interference with state and local tax powers and strikes directly at the rights of the states to support the essentials of government by nondiscriminatory taxation; and

WHEREAS, It is apparent that the section of the Atomic Energy Act of 1946 upon which this decision was based should be amended so that independent contractors with the Atomic Energy Commission and their vendors are subject to the same state and local taxes as are other federal contractors; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to amend the Atomic Energy Act so as to eliminate therefrom any language which may be interpreted as providing for the extension of tax exemption to private contractors with the Atomic Energy Commission or to the vendors of such contractors, contrary to the well-established principles of intergovernmental relations which have assured to the states and their political subdivisions full power to impose nondiscriminatory taxation upon private persons who deal with the government; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 34

Assembly Joint Resolution No. 9—Relative to the construction of the Coyote Creek Flood Control Project.

[Filed with Secretary of State April 2, 1952.]

Coyote Creek Flood Control Project

WHEREAS, The Coyote Creek Flood Control Project is a vital segment of the comprehensive plan for flood control in the basins of the Los Angeles and San Gabriel Rivers and Bollona Creek which was approved by the Seventy-sixth Congress and adopted by the State of California at the estimated cost to the State of twenty-two million five hundred thousand dollars ($22,500,000); and

WHEREAS, The completion of the Coyote Creek Flood Control Project will afford protection from disastrous floods to numerous growing communities such as Los Alamitos, Cypress, Norwalk, Artesia, La Mirada, Santa Fe Springs and Hawaiian Gardens; and

WHEREAS, During the past months these communities, which include many new homes purchased by veterans, sustained heavy flood losses estimated at several million dollars; and

WHEREAS, The increased danger of recurrent floods due to the quick water runoff induced by the gigantic postwar construction program in Los Angeles County makes it imperative that the Coyote Creek Flood Control Project be constructed at the earliest possible time; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to appropriate the sum of eleven million two hundred ninety-one thousand dollars ($11,291,000) for the construction of the Coyote Creek Flood Control Project; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 35

Assembly Joint Resolution No. 6—Relative to social security coverage of public employees.

[Filed with Secretary of State April 2, 1952.]

Social Security coverage for public employees

WHEREAS, The Congress of the United States amended the Social Security Act in 1950 to permit coverage of public employees under the old age and survivors' insurance provisions thereof; and

WHEREAS, The Legislature of California in October, 1950, adopted the necessary state legislation to permit local public agencies and their employees to take advantage of such extended coverage; and

WHEREAS, Public employees of any local government already under any form or type of pension or retirement system are precluded by federal law from coverage under the Social Security Act of 1950; and

WHEREAS, It would benefit both public employers and public employees to eliminate this obvious and unfair discrimination between public and private employees, and to permit existing retirement systems to be supplemented by old age and survivors' insurance; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to amend the old age and survivors' insurance provision of the Social Security Act, to permit the integration of existing public retirement systems with social security, to eliminate the present discrimination against public employees; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 36

Assembly Joint Resolution No. 10—Relative to the completion of the Pacoima Diversion Channel.

[Filed with Secretary of State April 2, 1952.]

Pacoima Diversion Channel

WHEREAS, The residents of the San Fernando Valley in the County of Los Angeles have suffered flood damages amounting to several million dollars due to the recent heavy storms which took several lives and carried mud, water and debris into countless homes, schools, churches, and business properties; and

WHEREAS, Similar heartbreaking tragedies will occur until the heavy runoffs can be harnessed by the completion of the Pacoima Diversion Channel; and

WHEREAS, The Pacoima Diversion Channel is a vital part of the General Comprehensive Los Angeles County Flood Control Plan which was recommended by the United States Corps of Engineers and approved by Congress on August 18, 1941; and

WHEREAS, A federal appropriation of one million five hundred seventy-five thousand dollars ($1,575,000) is needed for the Pacoima Diversion Channel, which when completed will protect residents of the area from similar costly and tragic floods; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to appropriate the sum of one million five hundred seventy-five thousand dollars ($1,575,000) for the completion of the Pacoima Diversion Channel at the earliest possible time; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 37

Assembly Concurrent Resolution No. 16—Relative to the San Francisco Office of the Legislative Counsel.

[Filed with Secretary of State April 2, 1952.]

Legislative Counsel San Francisco office

WHEREAS, The San Francisco Office of the Legislative Counsel is located in a private office building, and by reason of such location is unable to serve the needs of the Legislature adequately; and

WHEREAS, Said office should be located in the State Building in San Francisco, in which building the other legislative offices are located, and in which building the committees of the Legislature ordinarily hold their meetings; and

WHEREAS, It appears that, upon the completion of the new building for the Hastings College of Law, space will become available in the State Building in San Francisco; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Finance is requested to make every effort to furnish office space to the Legislative Counsel on either the first, second, third, or fifth floor of the State Building in San Francisco and that all officers and agencies now housed on said floors are requested to assist in making such space available for the needs of the Legislature; and be it further

Resolved, That the Clerk of the Assembly shall transmit copies of this resolution to the Director of Finance, with additional copies to be transmitted by him to the other officers and agencies concerned.

CHAPTER 38

Assembly Concurrent Resolution No. 15—Relative to the Central Valley Project.

[Filed with Secretary of State April 2, 1952.]

Sale of power from Central Valley Project

WHEREAS, The Central Valley Project was originally conceived as a state project, a part of the coordinated plan for the conservation, development and utilization of the water resources of the State, reflecting the type of development envisioned by the requirements of the California Constitution that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that conservation of the water resources of the State be exercised with a view to the reasonable and beneficial use thereof in the interests of the public for the public welfare; and

WHEREAS, The United States Department of the Interior, by act of Congress, undertook the construction and operation of the Central Valley Project in accordance with federal reclamation laws which require the Secretary of the Interior to proceed in conformity with the laws of the State relative to the control,

appropriation, use, and distribution of water used in irrigation; and

WHEREAS, The act of Congress of August 26, 1937, which "reauthorized" the Central Valley Project, specifically provided for the generation and sale of electric energy in order to permit full utilization of the works constructed to accomplish the purposes of the project which included the storage and delivery of stored waters for the reclamation of arid and semi-arid lands and other beneficial uses; and

WHEREAS, It is clear that the fulfillment of the purposes for which the Central Valley Project was conceived and full recognition of the provisions of state and federal law require that the power generated in connection with the Central Valley Project be utilized first to meet the needs of the people within the State and to accomplish the full utilization of the Central Valley Project works before any power is made available for use outside of the State; and

WHEREAS, The United States Bureau of Reclamation is considering a proposal to sell hydroelectric power which is being generated in connection with the Central Valley Project, which sale would be made, in effect, to a purchaser outside the boundaries of the State without regard to the needs within the State; and

WHEREAS, State law has long provided for the appropriation of water under such terms and conditions as to best develop, conserve and utilize in the public interest the water sought to be appropriated; and

WHEREAS, It is essential in the public interest that conditions be imposed with respect to the appropriation of water to require that public power generated by water appropriated for federal reclamation projects be first made available for proper uses within the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges the State Engineer, in allowing the appropriation of water for power purposes in connection with any federal reclamation project, to include appropriate conditions to such appropriations so as to preclude the transmission beyond the boundaries of the State of any power generated therefrom for which there is an available market within the State when offered at a reasonable rate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Director of Public Works and to the State Engineer.

CHAPTER 39

Assembly Concurrent Resolution No. 11—Relative to "I Am an American Day."

[Filed with Secretary of State April 2, 1952.]

"I Am an American Day"

WHEREAS, On February 29th President Truman designated September 17th of each year as "Citizenship Day," thereby

abolishing the annual celebration of "I Am an American Day"; and

WHEREAS, "I Am an American Day" was espoused and promoted for many years throughout the Nation by the Hearst newspapers, the American Legion, the Veterans of Foreign Wars of the United States, civic and patriotic organizations; and

WHEREAS, The celebration of "I Am an American Day" permits Americans to show their devotion to the United States of America, to draw inspiration from its glorious history, to honor its magnificent founders and express gratitude to its patriotic defenders; and

WHEREAS, The appeal and warmth, patriotism and love for our Country is lost in the vague coldness of "Citizenship Day"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California is hereby requested to proclaim the second Sunday in September "I Am an American Day" in conformance with tradition heretofore established and reverently observed by all patriotic Americans throughout the great State of California.

CHAPTER 40

Assembly Concurrent Resolution No. 9—Relative to the Armed Forces Radio Services.

[Filed with Secretary of State April 2, 1952.]

Commendation of Armed Forces Radio Service

WHEREAS, The Armed Forces Radio Service will celebrate the eleventh anniversary of the establishment of this branch of the Armed Forces Information and Education Division, Office of the Secretary of Defense; and

WHEREAS, A majority of the radio production and transcription of this joint Army-Navy-Air Force operation is accomplished in Los Angeles and beamed throughout the world from transmitters in San Francisco and other points in the State of California; and

WHEREAS, This command has been rendering an invaluable service in programs of information, education, and entertainment to the members of our armed forces abroad as well as to some 90,000,000 civilians through its 60 overseas radio stations, its 54 hospital carrier stations, and its constant short-wave broadcasts; and

WHEREAS, This activity is even now contributing greatly to the morale of the armed forces in Korea through its stations in the forward area of operations; and

WHEREAS, This month they will celebrate the sending of their 5,500,000th record overseas to the armed forces of the United States; and

WHEREAS, Many citizens in this State of the radio, television and movie industries are contributing much valuable time to the only Armed Forces Radio Service reserve program in the United States; and

WHEREAS, The Legislature of the State of California is mindful of the responsibility of keeping the armed forces overseas well informed and their morale at a high level; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That upon the celebration of this eleventh anniversary, the Legislature of the State of California congratulates the commanding officer of the Armed Forces Radio Service, Colonel William Mason Wright, Jr., AGC, USA; its deputy commanding officer, Commander Davis N. Lott, USN; its executive officer, Lt. Colonel Charles A. Moore, USAF; its liaison officer, Lt. Commander George Marakas, USN; the commanding officer of the Navy Reserve Unit 11-1, Lt. Commander Robert Schuetz, USN; and its public information officer, Lt. Kenneth A. Ross, Jr., USN; and wish them continued success in their commands; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the above-named officers.

CHAPTER 41

Assembly Concurrent Resolution No 7—Relative to the Sawtelle-Westwood Flood Control Unit.

[Filed with Secretary of State April 2, 1952]

Extension of Sawtelle-Westwood flood control unit

WHEREAS, The Sepulveda Boulevard in the area south of National Boulevard in Los Angeles was flooded during the heavy rains this last January; and

WHEREAS, Such flood conditions threaten to inflict great damage to this highly developed residential area; and

WHEREAS, The Sawtelle-Westwood system is a unit of a county-wide flood control program approved by Congress in 1941 for construction by the Corps of Engineers, United States Army, as funds are made available by Congress; and

WHEREAS, Extension from Charnock Road to Pico Boulevard of a recently completed portion of the Sepulveda Channel in the Sawtelle-Westwood system, would afford flood protection to the Sepulveda Boulevard in the area south of National Boulevard; and

WHEREAS, Federal funds have not been made available by Congress for this extension, and will not be made available until recommended by the State Water Resources Board; and

WHEREAS, The recommendations of the Water Resources Board for the 1953 Fiscal Year do not include the said extension; and

WHEREAS, The danger of reoccurring floods in the Sepulveda Boulevard area and the consequent possibility of great damage to homes and other buildings in that area make necessary flood control works at the earliest possible date; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Water Resources Board is requested to study the advisability of extending the Sepulveda Channel from Charnock Road to Pico Boulevard as necessary flood control works for the 1954 Fiscal Year; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Chairman of the State Water Resources Board.

CHAPTER 42

Senate Concurrent Resolution No. 15—Relative to purchase by the State of the painting, "The Discovery of San Francisco Bay."

[Filed with Secretary of State April 2, 1952.]

State purchase of "The Discovery of San Francisco Bay"

WHEREAS, There is in existence an original painting entitled "The Discovery of San Francisco Bay," by William Keith; and

WHEREAS, This painting is well known and stands very high in both historical and artistic value and has been authenticated by an authority on the work of William Keith. It is in a splendid gilded frame and measures four and one-half feet high by five feet wide, fully retains its original luster, and is available for purchase at this time for six thousand dollars ($6,000); now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Finance investigate the advisability of the purchase by the State of California of the painting, "The Discovery of San Francisco Bay," for display either at the State Capitol in Sacramento or the State Building in San Francisco; that the Director of Finance determine the propriety of the price of six thousand dollars ($6,000); and that he report to the Governor and the Members of the Legislature on this matter on or before January 1, 1953; and be it further

Resolved, That the 1953 Budget include an item for the appropriation of an amount to be used for the purchase of the painting, "The Discovery of San Francisco Bay," if such purchase seems proper.

CHAPTER 43

Senate Concurrent Resolution No. 17—Relative to the Joint Interim Committee on Agriculture and Livestock Problems.

Joint Committee on Agriculture and Livestock Problems

[Filed with Secretary of State April 2, 1952.]

Inspection of agricultural expenditures at state institutions

WHEREAS, There are numerous items appropriating large sums of money for capital outlay in the State Budget for 1952-53

which include providing structures and facilities for agricultural activities at the several institutions, schools and colleges; and

WHEREAS, There are similar capital outlay items in the postwar building program from funds already appropriated but as yet unexpended; and

WHEREAS, The inspection, recommendation and advice of the Joint Interim Committee on Agriculture and Livestock Problems resulting from its activity in 1948, 1949, 1950, 1951 and 1952 has resulted in a more orderly and economical development of agricultural activities at the several state institutions and schools; and

WHEREAS, The procedure of having the said joint committee inspect and review such expenditures has met with the general approval of all concerned; and

WHEREAS, In the process of making a review of the budgets of various institutions it has come to the attention of this committee that the manner in which expenditures are made for agricultural facilities at the institutions materially affects the operating costs of the institutions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That no money be spent which was appropriated by the Budget Act of 1952 or previously appropriated for capital outlay providing for plans, specifications, construction or purchase of new facilities which is used for agricultural purposes until such facilities, equipment or item to be provided thereby is reviewed and inspected by the Joint Interim Committee on Agriculture and Livestock Problems and a report thereon has been filed with the Director of Finance of the State of California; and be it further

Resolved, That the recommendations of said committee be immediately put into effect by the Department of Finance in order that any resulting economies may be reflected in the 1952-53 Budget as soon as practicable.

CHAPTER 44

Senate Concurrent Resolution No. 18—Relative to making additional funds available to the Legislative Budget Committee established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State April 2, 1952.]

Additional funds for Legislative Budget Committee

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of additional studies and other expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 45

Senate Concurrent Resolution No. 19—Relative to augmenting the funds of the Joint Legislative Committee on Soil Conservation.

[Filed with Secretary of State April 2, 1952.]

Additional funds for Joint Committee on Soil Conservation

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available the sum of three thousand dollars ($3,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Legislative Committee on Soil Conservation (created by Resolution Chapter No. 222 of the Statutes of 1951) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 46

Senate Concurrent Resolution No. 20—Relative to authorizing certain expenditures in connection with the storing and distribution of documents printed for the Legislature.

[Filed with Secretary of State April 2, 1952.]

Expenditures for repairs, etc., of legislative bill room

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Finance, through the State Printing Office, is authorized and directed to expend the sum of fifteen thousand dollars ($15,000), or so much thereof as may be necessary, from the Legislative Printing Fund for necessary purchases of fixtures, installation costs connected therewith, and repairs for, the legislative bill room, in order that documents printed for the Legislature may be properly stored and distributed. Claims for expenses incurred pursuant to this resolution shall be certified by the State Printer and the Director of Finance and presented to the State Controller who shall thereupon draw his warrant in payment upon the State Treasurer.

CHAPTER 47

Senate Joint Resolution No. 8—Relating to use of land in California for defense by the United States Government.

[Filed with Secretary of State April 2, 1952.]

Use of state grazing lands by Federal Government

WHEREAS, The State of California has ever been ready to meet emergencies which arise to trouble the Nation and has always

contributed its share of manpower and economic contributions toward the defense of the United States; and

WHEREAS, Because of the Korean Campaign the State of California is leasing state-owned lands at Camp San Luis Obispo to the Federal Government for its use in its defense efforts; and

WHEREAS, Such land has heretofore been licensed according to law to citizens of the State of California for the purposes of farming and cattle grazing; and

WHEREAS, The Department of the Army in occupying the state land has recently given such licensees dictatorial and unreasonable terms under which they are to remove all livestock and crops and have given no opportunity for the licensees to accomplish their exodus in a practical and cooperative manner; and

WHEREAS, The licensees have offered to post guards, to install gates, and to do and undertake any and all precautionary measures during the time it will take for the removal of their livestock and crops; and

WHEREAS, The Department of the Army has refused such reasonable offers, and proposes to burn the grasses upon such state lands because of claimed fire hazards; and

WHEREAS, The production of farm products and other foods in California are most essential to the defense effort to the maintenance of the Army and to the defense of the Nation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California protests the unreasonable and dictatorial methods by which the United States Army is exercising its right of entry upon state lands, and memorializes the Department of National Defense and the Department of the Army that due regard should be given for the continuing production of materials and food in California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Secretary of Defense, the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 48

Senate Joint Resolution No. 12—Relative to memorializing Congress with regard to published remarks by the Librarian of Congress.

[Filed with Secretary of State April 2, 1952.]

Remarks by Librarian of Congress

WHEREAS, It has come to the attention of the Legislature of the State of California that Luther H. Evans, Librarian of Congress, in a recent article published in the Sunday Star, in Washington, D. C., has made statements which question the sincerity

of investigations made of books used in the American school system; and

WHEREAS, The Librarian of Congress has charged that the school system has been threatened with and exposed to such investigations only for selfish purposes of political and economic expediency and that literary classics as well as journals of opinion have been banned from student reading lists because portions of them gave offense to some organized group; and

WHEREAS, The Senate Committee on Education and other California legislative committees have found that certain textbooks used in the public schools and other books recommended for additional reading by students were subversive in character and inimicable to the principles of citizenship, the instruction of which the American system of education should have as its objective; and

WHEREAS, Such legislative investigations were launched at the request of parents and public-minded citizens greatly concerned with the subversive character of some of the books and reading material being used in our schools; and

WHEREAS, The findings of the committees of the Legislature of California were based upon facts presented to them and all conclusions were reached after a fair evaluation of those facts together with the testimony of many witnesses from among those who championed the publications as well as those who condemned them; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the published remarks of the Librarian of Congress are highly objectionable in view of the legitimate investigations which have been made and will be made by the committees of the Legislature of the State of California; and be it further

Resolved, That the Legislature of California respectfully urges the Congress of the United States to advise the Librarian of Congress against further reflection upon the integrity of the purpose of such legislative investigations; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Librarian of Congress.

CHAPTER 49

Senate Joint Resolution No. 13—Relative to requesting the President of the United States to move to bring about settlement of the issues involved in the Pacific Greyhound bus strike.

[Filed with Secretary of State April 2, 1952.]

Settlement of Pacific Greyhound bus strike

WHEREAS, A strike of Pacific Greyhound line bus drivers, involving about 3,100 Greyhound employees, has been going on a

month and has completely deprived hundreds of California communities, including many whole counties, of all passenger transportation; and

WHEREAS, This strike is causing untold hardships to many persons of humble means, and is injuriously affecting the economic life of the whole State, and has produced a state-wide emergency in the transportation industry; and

WHEREAS, Many local groups representing thousands of daily travelers of the Pacific Greyhound Lines and vital commercial interests are clamoring for an immediate termination of this strike; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to forthwith move to bring about a settlement of the issues involved in said strike by arbitration, conciliation, or other peaceful means, which will be fair to all parties concerned, including the public; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States, to each Senator and Representative from California in the Congress of the United States, and to all the Governors of the other six western states affected by this strike.

CHAPTER 50

Senate Concurrent Resolution No. 14—Relative to the creation of a Joint Fact-Finding Committee on the State Highway System and on Major Highways in Metropolitan Areas.

[Filed with Secretary of State April 2, 1952.]

Creation of Joint Fact-finding Committee on State Highway System and on Major Highways in Metropolitan Areas

WHEREAS, The public highways of California are overburdened, particularly due to the tremendous increases in population and motor vehicle registrations that have occurred in recent years; and

WHEREAS, The Division of Highways of the Department of Public Works has prepared an inventory of deficiencies on the State Highway System; and

WHEREAS, The Legislature is in need of an adequate study and report covering the progress made in highway improvement since 1947, a determination of what portion of deficiencies on the State Highway System and on major highways in metropolitan areas is of the most urgent importance according to engineering and traffic needs and traffic safety, and an analysis of the revenues necessary and the methods and procedures of financing appropriate to satisfy such needs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Fact-Finding Committee on the State Highway System and on Major Highways in Metropolitan Areas is

hereby created and appointed and authorized and directed to ascertain, study and analyze all facts and matters relating or pertaining to the cost of correcting the most urgent deficiencies on the State Highway System and on major highways in metropolitan areas and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of the President pro Tempore of the Senate, the Speaker of the Assembly, six Members of the Senate appointed by the Rules Committee thereof, and six Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular session, with authority to file its final report not later than the last legislative day of the next regular session. The committee may prepare and submit a preliminary report containing such information and data as then may be available to it to be submitted to the Legislature at any extraordinary session and shall prepare and submit such a preliminary report within 15 legislative days after the next general session convenes.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership. The chairman and vice chairman shall not be members of the same house of the Legislature.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(c) To employ a secretary, engineers, auditors and other personnel as it deems necessary to carry out the purposes for which it is created.

(d) To contract with such other persons or agencies, public or private, as it deems necessary for the rendition and conferring of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(g) To meet and act any place within the State or within the United States, and to authorize its members or employees to travel within or without this State but within the United States.

6. The committee is authorized in its discretion to appoint an advisory council to consist of nonlegislative members, but which shall include representatives of major state-wide public and private agencies and organizations having a primary interest in streets and highways, as may be determined and appointed by the committee, which council shall aid and advise the committee in the studies conducted by the latter in carrying out the purposes of this resolution. The advisory council shall have and exercise powers and duties as shall be defined from time to time by the committee within the scope of the powers and duties committed to the latter by this resolution.

7. The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its employees, and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

8. Wherever a power or duty is conferred or imposed upon the chairman of the committee by any provisions of this or any other concurrent resolution of the Legislature or by any provision of the Joint Rules of the Senate and Assembly, or by any statute, the joint action of both the chairman and vice chairman shall be required to exercise the power or to perform the duty. Whenever the committee by motion or resolution delegates any of its powers, the motion or resolution shall state whether the chairman or chairman and vice chairman shall exercise such powers.

9. The committee shall not act on any matter nor exercise any of its powers, nor shall any subcommittee be created or given the power to issue subpenas, unless a majority of the members of the committee from each of the houses vote in favor thereof.

STATUTES OF CALIFORNIA

FIRST EXTRAORDINARY SESSION

1952

Began Monday, March 3, 1952, and Adjourned
Wednesday, April 2, 1952

PROCLAMATIONS BY THE GOVERNOR

CONVENING THE LEGISLATURE IN FIRST EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California, to meet in extraordinary session at Sacramento, California, on the third day of March, 1952, at 12.30 p m. of said day for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to provide for capital outlay for construction or improvement of public schools.
2. To consider and act upon legislation relating to the providing of funds for the purchase of farms and homes under the Veterans' Farm and Home Purchase Act of 1943.
3. To consider and act upon legislation relating to civil defense.
4. To consider and act upon legislation to amend Section 1170 of the Probate Code, relating to the termination of joint tenancies.
5. To consider and act upon legislation relating to the administration of the Los Angeles State College of Applied Arts and Sciences.
6. To consider and act upon legislation relating to sex offenses.
7. To consider and act upon legislation relating to the repayment to the Highway Fund of such amounts as the Legislature may determine for expenses heretofore incurred from the Highway Fund in the maintenance and operation of the toll bridge known as the San Francisco-Oakland Bay Bridge.
8. To consider and act upon legislation relating to the construction, reconstruction, or alteration of the toll bridge known as the San Francisco-Oakland Bay Bridge.
9. To consider and act upon legislation to appropriate money for the purpose of bringing surveys and plans for a southern crossing of San Francisco Bay to the same state of completion as those heretofore made for a northern crossing or crossing parallel to the toll bridge known as the San Francisco-Oakland Bay Bridge.
10. To consider and act upon legislation to provide relief for school districts which, through clerical error in fixing tax rates, have raised insufficient funds with which to provide for their operation during the present fiscal year.
11. To consider and act upon legislation relating to the jurisdiction as to subject matter of Class "B" Justice Courts.
12. To consider and act upon legislation relating to the issuance of revenue bonds by port districts issued under Article 2 of Chapter 4 of Part 4 of Division 8 of the Harbors and Navigation Code.
13. To consider and act upon legislation relating to Stockton Slough.
14. To consider and act upon legislation to validate the organization, boundaries, governing officers or boards, acts, proceedings and bonds of public bodies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this first day of March, 1952.

(SIGNED) EARL WARREN
Governor of California

(SEAL)

ATTEST: FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California convened on March 3, 1952, in extraordinary session pursuant to my Proclamation dated March 2, 1952, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated March 2, 1952, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to-wit:

15. To consider and act upon legislation to amend Section 34 of the State Water Resources Act of 1945, relating to the description of the project for the control of water in Littlejohn Creek.

16. To consider and act upon legislation authorizing the exchange or sale of portions of the bed of Corte Madera Creek and adjoining land by the State Lands Commission and acquisition of other lands in Marin County for the purpose of straightening the channel of said creek for flood control and navigational purposes.

17. To consider and act upon legislation authorizing districts formed under the Municipal Water District Act of 1911 to contain land in more than one county.

18. To consider and act upon legislation creating a Vallejo Sanitation and Flood Control District.

19. To consider and act upon legislation creating a Sacramento County Water Agency.

20. To consider and act upon legislation relating to the Santa Clara County Flood Control and Water Conservation District.

21. To consider and act upon legislation relating to compensation for public service in counties of the twenty-second class.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-fourth day of March, 1952.

(SIGNED) EARL WARREN
Governor of California

(SEAL)

ATTEST: FRANK M. JORDAN
Secretary of State
By CHAS. J. HAGERTY
Deputy Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California convened on March 3, 1952, in extraordinary session pursuant to my Proclamation dated March 2, 1952, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated March 2, 1952, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to-wit:

22. To consider and act upon legislation to amend Section 4932 of the Education Code relating to the effective date of the unification of school districts.

23. To consider and act upon legislation relating to the continuance of membership of employees of school districts in local retirement systems after separation from service in such districts.

24. To consider and act upon legislation to extend the provisions of Chapter 47 of the 1944 Fourth Extraordinary Session, and the provisions of the Construction and Employment Act to cities incorporated on and after September 22, 1951.

25. To consider and act upon legislation relating to the number and compensation of attaches in the San Bernardino Municipal Court and the filing fees of that court.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this first day of April, 1952.

(SEAL)

(SIGNED) EARL WARREN
Governor of California

ATTEST: FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California convened on March 3, 1952, in extraordinary session pursuant to my Proclamation dated March 2, 1952, and is now in session; and

WHEREAS, On account of an extraordinary occasion which has arisen and now exists, it is deemed desirable and necessary to submit an additional subject to the Legislature for consideration; now, therefore,

I, EARL WARREN Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated March 2, 1952, by adding the following additional purpose thereto, and thereby permitting the Legislature to legislate upon the following subject, in addition to the subjects specified in the original Proclamation, to-wit:

26. To consider and act upon legislation relating to the expenditure of money for the support of the public schools.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this first day of April, 1952.

(SEAL)

(SIGNED) EARL WARREN
Governor of California

ATTEST: FRANK M. JORDAN
Secretary of State

By CHAS. J. HAGERTY
Deputy Secretary of State

STATUTES OF CALIFORNIA

PASSED AT THE 1952 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

An act to declare that a certain portion of Stockton Slough (Channel) situated in the City of Stockton, County of San Joaquin, is no longer necessary for navigation or fisheries.

[Approved by Governor March 24, 1952. Filed with Secretary of State March 25, 1952.]

In effect July 2, 1952

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

Stockton Slough Navigation and fishery use

SECTION 1. It is hereby determined that because of (a) lack of navigational use; (b) changes in the bulkhead line established by the United States Government; and (c) the imminent filling in of the land shoreward of said bulkhead line for street purposes by the City of Stockton, the following portion of Stockton Slough (Channel) is no longer necessary or useful for navigation or fisheries:

All that portion of Stockton Channel, situate, lying and being in the City of Stockton, County of San Joaquin, State of California, more particularly bounded and described as follows, to wit:

All that portion of Stockton Channel bounded on the north by the northerly harbor line of Stockton Channel; on the east by the easterly harbor line of Stockton Channel; on the south by the southerly harbor line of Stockton Channel and on the west by a line, said line being drawn parallel to the easterly line of Center Street produced northerly and distant one hundred sixty (160) feet westerly, at right angles, therefrom, as said streets and harbor lines are so designated and delineated upon that certain map entitled, "Map showing Harbor Lines and Wharf Space for McLeod's Lake and Fremont Channel and that portion of Stockton Channel east of Edison Street to accompany Ordinance No. 584 prepared by W. G. Hunter, City Engineer," adopted by the city council and filed with the city clerk, December 9, 1913, L. F. Kuhn, City Clerk. Said portion containing 1.43 acres more or less.

SEC. 2. The lands described in Section 1 of this act are hereby freed of the public trust for navigation and fisheries.

CHAPTER 2

An act to amend Section 105 of the Harbors and Navigation Code, relating to navigation of Stockton Slough.

In effect July 2, 1952

[Approved by Governor March 24, 1952. Filed with Secretary of State March 25, 1952.]

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

SECTION 1. Section 105 of the Harbors and Navigation Code is amended to read:

Navigable streams and waters

105. The following streams and waters are also navigable and are public ways:

Sacramento River, between its mouth and a point 100 feet below Reid's Ferry, in Shasta County.

Salinas River and Elkhorn Slough, or Estero Viejo, in Monterey County, from its mouth to a point as far up as tidewater flows.

San Joaquin River, between its mouth and Sycamore Point.

San Leandro Bay, in the County of Alameda, the waters included in the estuary of San Antonio and the tidal canal connecting it with San Leandro; and the airport channel extending from the bay

San Rafael Creek, in Marin County, from its mouth to a point as far as tidewater flows therein.

Sonoma River, between its mouth and a point opposite Fowler's hotel in the town of San Luis.

Stockton Slough, between its mouth and a line 160 feet west of the east line of Center Street extended in Stockton.

Suisun River, between its mouth and the Town of Suisun embarcadero.

Tuolumne River, between its mouth and Dickinson's Ferry.

Yuba River, between its mouth and a point at the mouth of the slough at the foot of F Street, in the City of Marysville

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CHAPTER 3

An act to amend Section 1170 of the Probate Code, relating to the termination of joint tenancies upon the death of one joint tenant, declaring the urgency of this act, to take effect immediately.

In effect immediately

[Approved by Governor March 24, 1952. Filed with Secretary of State March 25, 1952.]

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

SECTION 1. Section 1170 of the Probate Code is amended to read:

Joint tenancy Termination on death

1170. Whenever title to or an interest in real property is affected by the death of any person, any person who claims

any interest in such real property, which interest is affected by the death of such person, may file in the superior court of the county of which the decedent was a resident at the time of his death, or in any county in which any part of the real property is situated, a verified petition setting forth those facts, and particularly describing the real property and his interest therein.

In the event of no opposition to, or contest of, such petition, the same, or affidavits in support thereof, may be received in evidence and acted upon by the court with the same force and effect as if the petitioner or affiants were personally present and testified to the facts set forth.

Urgency

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

At the 1951 Regular Session of the Legislature certain legislation was enacted which, in terms at least, requires that upon the death of one joint tenant of real property the surviving joint tenant or joint tenants shall commence a prescribed judicial proceeding for the establishment of the fact of death of the deceased joint tenant. While the exact legal effect of this legislation is apparently misunderstood there nevertheless has been widespread criticism of the Legislature for having enacted such legislation. This criticism appears to be based upon the assumption that such legislation will operate to impair the security of the land titles of persons holding real property in joint tenancies. Even though such criticism is without foundation the effect of such legislation has been to instill a certain feeling of insecurity in the minds of many citizens, accompanied by some loss of confidence that the Legislature is watchful of their interests. It is essential to the functioning of a representative form of government that the confidence of the people in their elected representatives shall not be impaired and that any action which may have a tendency to impair such confidence should be undone as speedily as possible. This act will delete the 1951 amendment which has been the cause of certain unrest among the people.

CHAPTER 4

An act to amend Sections 6340, 6341, and 6344 of the Harbors and Navigation Code, relating to the powers of port districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1952. Filed with Secretary of State April 4, 1952.]

In effect immediately

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

SECTION 1. Section 6340 of the Harbors and Navigation Code is amended to read:

Incurring of additional indebtedness

6340. Pursuant to this article, a district may also create an additional bonded debt up to but not in excess of 3 percent

of the assessed value of all taxable real and personal property within the district.

SEC. 2. Section 6341 of said code is amended to read:

Purpose

6341. This bonded indebtedness may be created solely for the purpose of providing funds for the acquisition or construction of revenue producing harbor improvements of a self-liquidating character.

SEC. 3. Section 6344 of said code is amended to read:

Bonds

6344. The bonds may be issued in such denominations as the board determines, except that no bond shall be of a denomination less than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000).

The bonds shall be payable on the day and at the place or places fixed in such bonds, with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum of the face amount, payable annually or semiannually.

The board may provide for redemption of the bonds before maturity at prices and upon terms and conditions determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital on its face to that effect.

Urgency

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

The facilities now existing at the Port of Stockton are inadequate for the proper handling of army cargo destined to Korean and European destinations. Facilities for the proper handling of such cargo are necessary for earliest possible use. The port district has not sufficient money to construct the necessary facilities out of its surplus and cannot borrow money for capital investment except by way of bond issue.

CHAPTER 5

An act to add Section 5083.3 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 14, 1952. Filed with Secretary of State April 15, 1952.]

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

SECTION 1. Section 5083.3 is added to the Education Code, to read:

Conditional apportionments to school districts Validation

5083.3. Whenever, subsequent to the date when a conditional apportionment is made to a district and before such conditional apportionment becomes final the boundaries of such district are changed so that the territory of the district is reduced by not to exceed 1 percent of the assessed valuation

of the district, as determined by the last equalized assessment roll immediately preceding the effective date of such change of boundaries, and the superintendent of schools of the county having jurisdiction over the district has failed to file the certificate required by Section 5088, showing such change of boundaries, and prior to the effective date of this section the board has certified to the State Controller that the apportionment made to the district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the Public School Building Loan Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

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

In order that the construction of schools, as provided in Chapter 1.6, Division 3 of the Education Code, may be continued without delay or restriction to meet the dire need of the children of this State for adequate and safe classrooms, it is essential that this act take effect immediately.

CHAPTER 6

An act to amend Section 4932 of the Education Code, relating to the unification of school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1952. Filed with Secretary of State April 15, 1952.] In effect immediately

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

SECTION 1. Section 4932 of the Education Code is amended to read:

4932. For the following purposes, such unification of school districts shall be effective as of the date the county superintendent of schools notifies the board of supervisors thereof: Effective date of unification

(a) The determination of the assessed valuation of the district and any other districts affected.

(b) The election of members of the governing board of the district or districts affected.

(c) The preparation and submission of school district budgets.

(d) The election or appointment of employees for the school year in which the unification becomes effective for all purposes.

(e) The calling and conducting of elections for and the issuance and sale of school district bonds.

(f) The exercise by the governing board of the school districts affected of other powers and duties vested in governing

boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(g) The calling and conducting of elections to increase the maximum rates of tax for district or districts affected.

Urgency

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

Under the present law when school districts are unified the new district becomes operative on the succeeding July 1st except in certain specified situations. The excepted situations do not apply where it is necessary to increase the maximum rate of district taxes. Consequently, such tax rate may not be increased during the first year or part of a year of the existence of the district. The financial condition of certain newly unified districts is such that it is practically impossible for them to operate without an increase in the maximum tax rate. Therefore, in order that such school districts may properly function, it is necessary that this act take immediate effect.

CHAPTER 7

An act to add Chapter 18 to Division 3 of the Education Code, relating to school districts which through error in fixing the tax rate have become ineligible for any part of the state aid provided by Chapter 15 of Division 3 of the Education Code and providing for aid and assistance to such districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 14, 1952. Filed with Secretary of State April 15, 1952.]

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

SECTION 1. Chapter 18 is hereby added to Division 3 of the Education Code, to read:

CHAPTER 18. APPORTIONMENTS NECESSITATED BY ERRORS IN DISTRICT TAX RATES

Filing of verification of error

7650. Whenever during the year 1951 the rate of district tax for any elementary school district has been, through error, fixed at a rate of 50 cents ($0.50) or more per one hundred dollars ($100) of assessed valuation within the district lower than that required by Section 6355 of the Education Code, the county auditor, district attorney, and county superintendent of schools of the county having jurisdiction over such district may, with the written approval of the governing board of the district, file with the Superintendent of Public Instruction not later

than April 10, 1952, a statement in such form as may be prescribed by the Superintendent of Public Instruction verifying the existence of the error and the amount of district tax money lost to the district as a result of the error.

Advance of funds

7651. Not later than April 15, 1952, the Superintendent of Public Instruction shall apportion to each such district from the State General Fund as an advance against future apportionments from the State School Fund to such district an amount equal to the amount of district tax money lost to the district as shown in the statement filed with him pursuant to Section 7650.

Abstract of apportionments

7652. The Superintendent of Public Instruction shall furnish an abstract of all apportionments made to the school districts of any county under this article to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the school districts of the county.

Transfer of funds

7653. All moneys received by the treasurer of a county under this article shall be credited by the treasurer to the general fund of the district of the county exactly as apportioned by the Superintendent of Public Instruction. The county auditor shall transfer from such general fund to its proper fund any amount which would have been paid into such proper fund had the error not been made in the entering and computing of the tax of the district.

Repayment of advancement

7654. During each of the four successive fiscal years commencing with the 1952-53 Fiscal Year the State Controller shall deduct from apportionments made to each such district from the State School Fund under this division one-fourth of the amount apportioned to such district under this chapter and shall pay the same into the State General Fund.

Effect of provisions

7655. Notwithstanding anything in this division to the contrary, a district on behalf of which a statement was filed with the Superintendent of Public Instruction under Section 7650 shall be entitled to all apportionments to which it would have been entitled had such district tax been fixed in 1951 at the rate required by Section 6355.

Tax increase

7656. The aggregate maximum rate of school district taxes otherwise permitted by law which may be levied in each school district which receives an apportionment pursuant to this chapter during each of the four fiscal years commencing with the 1952-1953 Fiscal Year is increased by such percentage as is estimated by the board of supervisors will produce in each such year an amount equal to one-fourth of the apportionment made to the district pursuant to this chapter.

Urgency

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

go into immediate effect. The facts constituting such necessity are:

Because of a clerical error the rate of tax collected in at least one school district was only 10 percent of the proper rate. The result is that the district affected will not during the current school year receive the income anticipated from district taxes and might possibly during the school year 1952-1953 be ineligible to receive all of the school apportionments it would otherwise receive. This act affords relief to the district from any such result. Unless this relief is afforded the school district concerned will be unable to maintain essential educational programs during the remainder of the current school year or during the next school year to the great detriment of the pupils of the district. In order that the welfare of the pupils of such district be not impaired it is necessary that this act take immediate effect.

CHAPTER 8

An act relating to civil defense and making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 15, 1952. Filed with Secretary of State April 15, 1952.]

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

Civil defense appropriation

SECTION 1. The unexpended balance of the twelve million dollars ($12,000,000) appropriated from the General Fund by Item 362.1 of Section 2 of the Budget Act of 1951 is hereby reappropriated for expenditure by the Office of Civil Defense for facilities, materials, supplies, equipment and other requirements for civil defense, as provided in this act and in accordance with the schedule set forth in Section 2. In addition, there is hereby appropriated any amounts made available by the Federal Government for civil defense purposes.

The appropriation made by this act shall be expended only pursuant to allotments recommended by the Director of Civil Defense and the State Disaster Council and approved by the Director of Finance and the Governor. This appropriation shall remain available for expenditure until June 30, 1953.

Schedule

SEC. 2. The expenditure of the state funds appropriated by this act shall be limited by, and subject to, the following schedule:

(a) For construction, improvements and equipment of communications facilities, the unexpended balance of the amount set forth in paragraph (a) of the schedule contained in Item 362.1 of the Budget Act of 1951.

(b) For medical and first-aid supplies and equipment, the unexpended balance of the amount set forth in paragraph (b) of the schedule contained in Item 362.1 of the Budget Act of 1951.

(c) For instruments and equipment for radiological services, including installation and maintenance, the unexpended balance (as augmented) of the amount set forth in paragraph (c) of the schedule contained in Item 362.1 of the Budget Act of 1951.

(d) For attack warning:

State-wide attack warning network	$56,634
(e) For instruments and equipment for radiological services	400,000
(f) For one-half of the cost of providing city and county communication facilities networks, the balance to be provided by the respective cities and counties	418,747
(g) For storage and handling of supplies and protective service	168,932
(h) For other civil defense purposes for which federal or local matching funds are not available	100,000
(i) For attack warning system, primarily sirens	160,617
(j) For rescue equipment	303,500
(k) For fire equipment, pumpers	489,818

(*l*) For other civil defense requirements, the remainder of the unexpended balance of the amount set forth in paragraph (d) of the schedule contained in Item 362.1 of the Budget Act of 1951; provided, that no expenditure shall be made therefrom until federal grants are available for matching and until this item is implemented by a specific enactment of this State allocating this item.

No expenditure shall be made from paragraphs (f), (i), (j), and (k) of this section until federal grants are available therefor, and no expenditure shall be made from paragraphs (f), (i), and (j), until, in addition to federal grants, the affected county and city governments shall have provided an amount equal to the proposed expenditure from said paragraphs.

Title to any equipment purchased from money made available by this section shall remain vested at all times in the State. In the event that any of said equipment is salvaged there shall be distributed to the city or county government which contributed to the purchase of the salvaged equipment a percentage of the amount realized upon sale of the salvaged equipment equal to the percentage of its contribution to the total purchase price of the equipment salvaged.

Limitation

SEC. 3. Whenever a federal grant is made available to this State for a particular civil defense purpose there may be expended by the State from the amount made available by paragraphs (f), (i), (j), (k), and (*l*) of the schedule in Section 2 of this act not to exceed one-half of the amount proposed to be expended for such purpose. Whenever the State Disaster Council determines that there is a joint state-local responsibility for a particular civil defense purpose, the affected county and city governments shall be required to provide twenty-five percent (25%) of the total amount proposed to be expended

for such purpose. In making expenditures for purposes in which there is a state-local responsibility, it is the general policy of the State that the total amount provided by the State and by its local governmental agencies shall not exceed the amount granted by the Federal Government for the particular purpose.

Urgency

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

The appropriation for civil defense made by the Budget Act of 1951 is subject to limitations and restrictions that prevent acceptance of the benefits of available federal grants, which grants will lapse in the immediate future.

CHAPTER 9

An act to provide for the continuous operation of aid to veterans under the Veterans' Farm and Home Purchase Act of 1943 pending approval and sale of bonds for that purpose by adding Section 987.11 to the Military and Veterans Code and making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 15, 1952. Filed with Secretary of State April 16, 1952.]

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

SECTION 1. Section 987.11 is added to Article 3, Chapter 6, Division 4 of the Military and Veterans Code, to read:

Advances from General Fund

987.11. Whenever the money in the Veterans' Farm and Home Building Fund of 1943 is insufficient to enable the Department of Veterans Affairs to aid veterans in the acquisition of, or payments for, farms and homes pursuant to this article, the department shall apply to the Director of Finance for advances of money for that purpose. Upon receipt of each such application the Director of Finance shall provide for advances of money to the department in the amount determined by the Director of Veterans Affairs to be necessary, out of any money appropriated from the General Fund for that purpose. The money so advanced shall be transferred from the General Fund to the Veterans' Farm and Home Building Fund of 1943 and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes in accordance with the provisions of this chapter. Each such advance shall be made on condition that it be repaid, together with interest at the rate of one and seventy-four one-hundredths percent (1.74%) per annum, to the General Fund at the earliest possible date, out of the proceeds of the sale of any bonds which may hereafter be authorized to be issued to create a fund to be expended in accordance with the provisions of this article, and on the further condition that in

the event such bonds are not authorized, said advances, together with interest at the rate of one and seventy-four one-hundredths percent (1.74%) per annum, shall be returned to the General Fund in the State Treasury from the Veterans' Farm and Home Building Fund of 1943 within a period of twenty-one (21) years from the effective date of this section as added at the 1952 First Extraordinary Session of the Legislature.

Appropriation

SEC. 2. The sum of fifty-five million dollars ($55,000,000), or so much thereof as is necessary, is hereby appropriated from the General Fund to the Department of Finance to be used solely and exclusively for the purpose of carrying out the provisions of Section 987.11 of the Military and Veterans Code. In the event that the amendment to the Constitution proposed by Assembly Constitutional Amendment No. 40 of the 1951 General Session is rejected by the people, the unexpended and unobligated balance of the appropriation made by this section shall immediately cease to be available for the purposes herein stated and shall revert to and remain a part of the General Fund in the State Treasury.

Urgency

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

The money available in the Veterans' Farm and Home Building Fund of 1943 for aiding veterans in the acquisition of farms and homes is exhausted at the very time when returning veterans of the Korean campaign, among others, have become eligible for such aid. A constitutional amendment ratifying an act providing for the issuance of bonds to raise money for this purpose is to be submitted to the people for approval in November, 1952, but in the meantime no funds are available to assist homeless veterans to acquire homes or farms In order to provide the necessary funds for this period, and to prevent hardship to veterans in need of homes and farms, it is necessary that this act take effect immediately.

CHAPTER 10

An act to create a district to be called "the Sacramento County Water Agency" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with the United States, the State of California, municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water, and the obtaining of water or a water supply and the sale or other disposition of water; to provide for the powers of such district necessary to carry out its purposes including among other powers, the right to contract, the right to acquire property and to acquire water or a water supply, the

Definitions

SEC. 2. As used in this act, the following words shall have the following respective meanings unless by the context otherwise indicated:

(a) "The agency" shall mean the Sacramento County Water Agency;

(b) "The county" shall mean the County of Sacramento of the State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "District" means any of the following lying within or partially within the agency; irrigation districts, county water districts, water conservation districts, municipalities, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and to deliver water to users;

(g) "Member unit" shall mean any district which enters into a contract with the agency for (i) the repayment in whole or part to the agency or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State to vote in the county at general elections;

(i) "May" is permissive and "shall" is mandatory.

Powers: SEC. 3. The Sacramento County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

Succession SEC. 3.1. The agency shall have perpetual succession.

Seal SEC. 3.2. The agency shall have the power to adopt a seal and to alter it at its pleasure.

Legal actions SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

Eminent domain SEC. 3.4. The agency shall have the power of eminent domain to acquire within or outside the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution and Title 7, Part 3 of the Code of Civil Procedure, as now existing or hereafter amended, all

property or interests therein necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law. The agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that, notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board of directors by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

Acquisition of property

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 8.2.

Contracts

SEC. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board of directors of the agency may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendents as hereinafter provided.

Water supply

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary to be done, that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

Flood control

SEC. 4.2. The agency shall have the power: to control flood and storm waters within the agency and the flood and storm waters of streams outside of the agency, which flow into the agency; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses

within the agency; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs; and otherwise to reduce the waste of water and to protect life and property from floods within the agency; provided, that the agency may not construct or acquire any works or undertake any project for flood control purposes, except in conjunction with and as part of the construction or acquisition of works or the undertaking of projects for the purposes enumerated in Section 4 of this act.

Acquisition of works, surface waters, water rights

SEC. 4.3. The agency shall have the power within or outside the agency to construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

Appropriation of water

SEC. 4.4. Anything in this act to the contrary notwithstanding, the agency shall have the power to appropriate water or acquire water rights only on behalf of lands not then included within the limits of any public corporation empowered to appropriate water, and the agency shall promptly assign any such appropriation or water right to any such public corporation formed to include such lands; provided, that at any time after July 1, 1954, the agency shall have the further power to appropriate water or to acquire water rights to whatever extent and for whatever purposes all member units having an interest therein or affected thereby shall have agreed to in writing.

Operation, repair, etc., of works

SEC. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

Surveys, investigations

SEC. 4.6 The agency shall have the power to make surveys and investigations for works and projects and of the water supply and resources of the agency, and to carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, control of flood and use of water both within and without the agency, and for these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

Conduits

SEC. 4.7. The agency shall have the power to construct its pipes, pipelines, canals, flumes and tunnels and other conduits, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal ditch or flume which the route of said pipes, pipelines, canals, flumes, tunnels or other conduits may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and the agency shall restore at its own expense any such crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company, municipality or district whose right of way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency

in forming said intersections and crossings and grant the rights therefor.

Rights of way

SEC. 4.8. There is hereby granted to the agency the right of way for the location, construction and maintenance of any and all of its works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, the board of directors thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made, it shall endorse its approval upon the plat and issue to the agency a permit to use such right of way and lands.

Relocation of highways and railroads

SEC. 4.9. If by any judgment in condemnation or by agreement the agency shall be required to relocate any street, road, highway or railroad, subject or devoted to public use, the board shall have power to acquire in the name of the agency by agreement or condemnation, all rights of way and other property necessary or proper for the compliance with said agreement or judgment and thereafter, and without further authorization, to make such conveyance of such relocated street, road, highway or railroad, as may be proper to comply with said agreement or judgment.

Sale, lease, etc., of water

SEC. 5. The agency shall have the power, but only as to member units, to sell, lease or otherwise dispose of water or any rights to the use of the works of the agency for the conservation, control or transportation of water, and shall have the power to fix rates and charges for such purposes.

Contracts with member units

SEC. 5.1. The agency shall have the power to enter into contracts with any member unit or with any district which thereby becomes a member unit of the agency for any of the following purposes:

1. The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

2. The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit; or for the furnishing or sale by the agency or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.

3. The sale, lease or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such member unit.

4. The operation of works and the delivery of water by the agency or by such member unit; provided:

(a) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(b) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(c) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit; provided, that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water; provided further, that any quantity of water assigned under Section 5.6 or released under Section 5.7 by one member unit to another member unit shall be delivered to the latter.

Limitation

SEC. 5.2. The agency shall have no power to sell, lease, or otherwise dispose of water or of any right to the use of the works of the agency for the conservation, control or transportation of water, except to member units and except as all member units having rights to such water or interest in such works shall grant such power by written contract; the power so granted shall be limited to the extent and by the conditions set forth in the most restrictive of such contracts.

Suspension of delivery of water

SEC. 5.3. Anything in this act to the contrary notwithstanding, the agency shall have the power, in its discretion, to suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payments for or obligations due in respect to such water under any contract entered into by it with the agency.

Liability of member units

SEC. 5.4. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of works acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by such member unit in accordance with the laws governing such member unit. No such contract shall be altered or modified without the consent of the agency and the legal approval of such member unit.

Each such contract may provide among other things:

(1) The total capital obligation which the member unit agrees to bear.

(2) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(3) The quantity or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(4) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(5) The quantity or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit.

Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

Reduction of obligations

SEC. 5.5. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such unit remains unchanged in respect to its obligation to pay any remaining interest.

Assignment of rights

SEC. 5.6. Any member unit may reduce its obligations under its contract with the agency by assignment to another member unit of any part of its right to receive water under its contract; provided, that such assignment is legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to such assignment; provided further, that the total of all payments to be made by such member units to the agency shall not be reduced by virtue of such assignment; and provided further, that the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

Storage of water

SEC. 5.7. (a) Any member unit may elect that any water to which it is entitled be held in storage in the agency's reservoirs so long as there is unfilled capacity in the reservoirs from which such water would otherwise be withdrawn for delivery to it; provided, that if two or more member units desire simultaneously to store water as aforesaid and there is not sufficient capacity to accommodate such member units, the storage capacity shall be apportioned between them in accordance with the amount of capital cost of such reservoir they have respectively underwritten, or in accordance with the amount of water they have respectively contracted to purchase during the period of such storage.

Release of stored water

(b) Any member unit may release for the use of any other member unit any amount of water which may then be held temporarily in storage for its account, and in such event the agency shall deliver such water to such other member unit; but

such delivery shall be deemed to be for the account of the member unit releasing such water.

Disposition of proceeds from sale, etc., of assets

SEC. 5 8. (a) If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of such member units to the agency as by contract may be provided, in proportion which the amount contributed by each such member unit to the cost of such capital asset is to the total cost of such capital asset.

(b) However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the aforesaid sale or other disposal thereof, the agency shall have the power to apply as much of the proceeds of such sale toward the extinguishment of such liability as may be necessary. In extinguishing such liability, the proceeds of such sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

Cooperation with United States

SEC. 6. The agency shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and to carry out and perform the terms of any contract so made; and for said purposes the agency shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

Authorization

SEC. 6.1. (a) Each contract providing for repayment of the cost of any works, or for the payment of any water or water supply, which is entered into with the United States pursuant to Section 6, shall be authorized at an election, unless, by a resolution adopted by a four-fifths vote of the members of the board of directors, said board shall determine that all liabilities of the agency thereby incurred can be repaid and liquidated both as to principal and interest from revenues derived from taxes levied pursuant to Section 10.1 and from payments to be made to the agency by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of said cost underwritten by said member units or providing for the payment currently of whatever amounts may be necessary to pay the portion of the cost of any water or water supply to be furnished or sold to such member units. Upon the adoption of such resolution the board of directors shall have the power on behalf of the agency, without

the necessity of an election, to enter into such a repayment contract or into such a contract for the purchase of water or a water supply with the United States, subject to all provisions of this act applicable to such contracts, except provisions requiring an election to authorize such contracts.

Election

(b) Except as otherwise in this act provided, proceedings at the election shall be had insofar as applicable in the manner provided in the case of the issuance of agency bonds; provided, that all qualified voters of the agency shall be entitled to vote in such an election.

Notice of the election shall contain, in addition to the information required in the case of bond elections, a statement of the maximum amount of money to be payable to the United States for construction purposes and cost of water supply and acquisition of property, exclusive of penalties and interest, and a general statement of the property, if any, to be conveyed by the agency pursuant to the contract.

The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words "Contract—Yes" and "Contract—No" or "Contract and bonds—Yes" and "Contract and bonds—No," whichever may be applicable A favorable majority of two-thirds of the votes cast at such election shall be necessary to authorize the execution of the contract or issuance of the bonds.

Payment from revenues

SEC. 6.2. (1) All payments to the United States under any contract between the agency and the United States, including payments of interest and principal on bonds deposited with or transferred to the United States, shall be paid so far as possible from revenue other than that derived from agency taxes, unless otherwise provided by the contract or this act, and the balance, if any, of such payments shall be paid from revenue derived from annual taxes upon all taxable property within the agency assessable for agency purposes under the laws of the State, and the taxable property shall be and remain liable to be assessed and levied upon for the payments.

Assessment of federal lands

(2) Public land of the United States within the agency shall be subject to assessment and tax for all purposes of contracts with the United States to the extent provided for by the act of Congress approved August 11, 1916, entitled "An act to promote reclamation of arid lands," or any other law which may hereafter be enacted by Congress in the same relation, upon full compliance therewith by the agency.

"United States Contract Fund"

(3) All money collected in pursuance of the contract with the United States shall be paid into the county treasury to the credit of the agency and held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under the contract

Cooperation with other agencies

SEC. 6.3. The agency shall have the power to cooperate, act in conjunction and contract with the United States, State of California, municipalities, and public districts of any kind,

in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purposes of conserving and transporting said waters for beneficial use, and for the use, operation, management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district of any kind, public corporation, any person or any number of them for the joint acquisition, disposition, or operation of any property or works or water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users shall have the power: (a) to cooperate, act in conjunction and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate, act in conjunction and contract with such districts, municipalities, and political subdivisions; (b) and to carry out the terms of such contracts.

Directors

SEC. 7. The board of supervisors of the county shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the Sacramento County Water Agency and said board of directors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Each member of the board of supervisors shall serve without additional compensation for acting as a member of said board of directors, except such member shall be allowed his actual, necessary and reasonable traveling expenses. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

Interest in contracts

SEC. 7.1. No director of the agency shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof, he shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail of the County of Sacramento for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of his office; provided, that this section shall not be construed to apply to any contract made

with a corporation for its general benefit where such a director is a minority stockholder therein.

Officers and employees

SEC. 7.2. The county clerk, county assessor, county tax collector, county auditor, county treasurer, surveyor and district attorney of the county, their assistants, deputies, clerks and employees, shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the Sacramento County Water Agency, and shall respectively perform, unless otherwise provided by said board of directors, without additional compensation the same various duties for the agency as for the county in order to carry out the provisions of this act.

In the event any of the aforementioned county offices is consolidated, enlarged, abolished or changed, the duties thereof shall be performed for the agency by the holder of the office to which such duties have been transferred as a result of such consolidation, enlargement, abolishment or change, and such latter officer, his deputies, clerks, employees and assistants, shall be respectively ex officio such officer, deputies, clerks, employees and assistants of the agency.

In addition to the officers and employees herein otherwise prescribed, the board of directors may in their discretion appoint such other officers, agents and employees (including county officers, agents and employees) for said board or agency as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or positions during the pleasure of said board; provided, no county officer, agent or employee shall receive additional compensation for acting as an agency officer, agent or employee except his actual and necessary traveling expenses.

Ordinances and resolutions

SEC. 8. All ordinances, resolutions and other legislative acts for said agency shall be adopted by the board of directors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejectment of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

Claims

SEC. 8.1. Claims against the agency shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

Property

SEC. 8.2. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the agency, and shall be held by the agency, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess

said property, as herein provided; and said board of directors may determine, by resolution duly passed and entered in their minutes that any property, real or personal, held by the agency is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties; provided, that the title to real property, water rights or water works shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

Contracts

SEC. 8.3. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board of directors of the agency shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the agency inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or the work consists of emergency work necessary in order to protect life and property, the board of directors by unanimous vote of all members present may without advertising for bids therefor have said work done by force account. The agency shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 6, or to a contract authorized by a vote of the electorate of the agency.

Limitation on indebtedness or liability

SEC. 9. The agency shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable; provided, that this section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any

indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose.

Maximum indebtedness

SEC. 9.1. The aggregate of agency indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments and the execution of contracts, shall not exceed a sum equal to: (1) That amount which can be repaid and liquidated as to both principal and interest in not to exceed 40 years by an annual tax at the rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of all property in the agency taxable for agency purposes, measured by the assessment roll last equalized prior to the incurring of such indebtedness; plus (2) the amount of all capital obligations underwritten by member units of the agency; plus (3) the amounts agreed to be paid by member units to the agency or to the United States for water or a water supply.

Tax powers

SEC. 10. The agency shall have the power as provided in this act to cause taxes to be levied for the purpose of paying any obligation of the agency and to accomplish the purposes of the agency and of this act.

Ad valorem tax

SEC. 10.1 If from any cause, the revenues of the agency shall be, or in the judgment of the board of directors are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board of directors of the agency shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of said agency and to carry out any of the objects, purposes or powers of this act; provided, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied to meet the bonded indebtedness of the agency and the interest thereon duly authorized by a vote of the electors of the agency, and exclusive of any special assessment levied to meet any indebtedness or contractual liability duly authorized by vote of the electors of the agency, and exclusive of any tax levied for the payment of any portion of any indebtedness represented by capital obligations underwritten by member units or represented by the amounts agreed to be paid by member units for any water or water supply to be furnished or sold such member units.

Said taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenue derived from said taxes shall be paid into the county treasury to the credit of the agency, and the board of directors shall have the power to control and order the expenditure thereof for said purposes.

Expenditure of funds

SEC. 10.2. The agency shall have the power to expend any or all of its funds as contributions in aid of: (a) the construction or payment of the cost of works; (b) the purchase or obtaining of water or a water supply; or (c) the payment of any liability assumed as principal, guarantor or underwriter on any

indebtedness in connection with such construction, payment, purchase or obtaining; if such works are constructed or said water or water supply is obtained for or on behalf of the agency or its member units.

Unless by a resolution adopted by a vote of four-fifths of the members of the board of directors, said board determines that facts exist which make a different allocation preferable in the best interests of the agency, such contributions in aid of construction or of the payment of works or any liability assumed in connection therewith shall be in proportion to and for the same purposes as payments made in the same year by each member unit in amortization of a portion of the cost of such works, and such contributions in aid of the purchase or obtaining of water or a water supply or any liability assumed in connection therewith shall be in proportion to and for the same purposes as payments made in the same year by each member unit.

Special ad valorem taxes

SEC. 10.3. The agency shall have the power to levy a special ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the agency by such member unit under any contract entered into by them. Such tax shall be levied only at a rate sufficient to raise an amount equal to the amount delinquent. Such tax shall be levied and collected at the same time and in the same manner as general agency taxes, and shall be paid into the county treasury to the account of the agency and shall be used only to reduce the liability of such delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay for such delinquency.

Manner of collecting taxes

SEC. 10.4. The provisions of law of this State, prescribing the priority, time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted for the agency and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Issuing of bonds

SEC. 11. The agency shall have the power as provided in this act to borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

Procedure

SEC. 11.1. (1) Whenever the board of directors shall determine that a bonded indebtedness should be incurred to pay all or any part of the cost of acquisition or construction of any works for any of the purposes of the agency, the said board may by resolution determine and declare the respective amounts of bonds in order to raise the amount of money necessary for such work and the denomination and rate of interest of said bonds and said resolution shall generally describe said work. Said

board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Sacramento County within five days after its passage. From and after said filing, the said board shall be deemed vested with the authority to proceed with said bond election.

(2) Thereafter, the board of directors may call a special election at which shall be submitted to the qualified electors of the agency the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated.

(3) Said board of directors shall call such special election by ordinance and not otherwise and submit to the qualified electors of the agency the proposition of incurring a bonded indebtedness in the agency in the amount and for the purposes stated in said resolution and shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by the board of directors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred therefor and the rate of interest thereon, and what part of such indebtedness shall be paid each and every year, which shall be not less than one-fortieth of the whole amount of such principal indebtedness, and the proportion or part of such indebtedness to be underwritten by each member unit, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 6 percent per annum. For the purposes of said election, the board of directors shall in said ordinance establish election precincts within the boundaries of the agency and may form election precincts by consolidating the precincts established for general election precincts in the agency.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

(4) Said board of directors shall cause a plan or plans to be prepared covering a general description of the work to be done, which said plan shall show the location of the proposed works and shall cause the said plan to be posted in a prominent place in the county courthouse for public inspection for at least 30 days before the date fixed for such election.

(5) Said ordinance calling for such election shall prior to the date set for such election, be published in a newspaper of general circulation published in the agency for three consecutive times if published in a daily newspaper of general circulation published in the agency, or two times if published in a weekly newspaper of general circulation published in the agency; the last publication of such ordinance must be at least 14 days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in

the agency for at least 30 days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds of the votes cast are in favor of incurring such bonded indebtedness, then bonds of the agency for the amount stated in such proceedings shall be issued and sold as in this act provided.

Additional bonds

SEC. 11.2. Whenever bonds have been authorized by the agency and the proceeds of the sale thereof have been expended as in this act authorized, and the board of directors shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, said board of directors may again proceed as in this act provided, and issue bonds pursuant to Section 11 4, or if said section is not applicable, submit to the qualified voters of the agency the question of issuing additional bonds in the same manner and with like procedure as in this act provided, and all the provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Refunding bonds

SEC. 11.3. (a) The board of directors may by resolution submit to the electors of the agency, a proposition for the issuance of new bonds for the purpose of refunding any or all of the bonds outstanding voted by such electors, which proposition may be voted on at any general or special election. The procedure upon such election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, and the favorable vote of a majority of the electors voting upon the proposition shall be sufficient to authorize the issuance of refunding bonds. Such refunding bonds shall not bear a higher rate of interest than the bonds to be refunded and may be issued and sold in the manner and form prescribed for an original issue of bonds and may, if the holders of bonds of an original issue and board of directors so agree, be exchanged for such original bonds; provided, that the face value of the refunding bonds so exchanged shall not exceed the face value of the original bonds. The board of directors may raise money to pay principal and interest of such refunding bonds in the same manner as prescribed for the payment of bonds of an original issue.

(b) When original bonds are issued by the board of directors without a vote of the electors, the board of directors may issue refunding bonds without calling an election for that purpose. The provisions of subsection (a) hereof (except in regard to elections) shall apply to such refunding bonds issued by the board of directors.

Revenue bonds

SEC. 11.4. In the event the board of directors shall determine by a resolution duly adopted by a four-fifths vote of the members of said board that a bonded indebtedness to pay the cost of acquisition or construction of any works for any of the purposes of the agency or for refunding any outstanding bonds

should be incurred and can be repaid and liquidated as to both principal and interest from revenues derived from taxes levied pursuant to Section 10.1 and from payments required to be made to the agency by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of said cost underwritten by said member units, said board shall be vested with the authority to issue bonds of the agency in such amount as can be so repaid and liquidated Thereafter the board of directors may issue bonds without the necessity of an election, subject to all applicable provisions of this act pertaining to bonds and bonded indebtedness, except provisions requiring authorization of bonded indebtedness by an election.

Form

SEC. 11.4a. The board of directors shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

Denomination

The bonds shall be issued in such denomination as the said board of directors may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and said bonds shall be signed by the chairman of the board of directors, and countersigned by the auditor of the county, and the seal of the agency shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of the county by his engraved or lithographed signature. In case of any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Callable bonds

SEC. 11 5. Any bonds, original or refunding, issued by the agency, may be made callable by resolution of the board of directors adopted at or prior to the time of issuing such bonds and providing for the calling and redemption of such bonds, in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest. If any such bonds are so made callable, a statement to that effect shall be set forth on the face of the bond. Notice of any such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the agency. The first publication of such notice shall be not less than 30 nor more than 90 days prior to the date fixed for such redemption. After the date fixed for such redemption, if the agency shall have provided funds available for payment of the principal and interest

of the bonds so called, interest on such bonds shall thereafter cease.

Sale of bonds

SEC. 11.6. The board of directors may issue and sell the bonds of such agency authorized as hereinbefore provided at not less than 95 percent par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the agency for the uses and purposes of the said bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and said funds shall be applied exclusively to the purposes and objects for which such bonds were issued, subject to the provisions in this act contained. Payments from said funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

Said bonds shall be sold at a public sale to the highest bidder, after notice of such sale has been given by publication at least two times in a newspaper of general circulation published in the agency at least one week prior to such sale and after such other notice as the board of directors may deem proper.

The manner of making, submitting and opening bids and conducting such sale and the terms thereof shall be determined by the board of directors The said board is hereby given the right to reject any and all buds which in the judgment of said board are too low to be in the best interests of the agency.

Payment of bonds

SEC. 11.7. Any bonds issued under the provisions of this act and the interest on such bonds if no other funds are available shall be paid by revenue derived from the tax authorized by Section 11.9 and all the taxable property within the agency shall be and remain liable to be taxed for such payments as in this act provided until such bonds and the interest are fully paid or the liability therefor legally discharged.

The accrued liability due on the bonds of any issue shall have preference in payment over the accrued liability due on the bonds of any subsequent issue.

Release of liability on bonds

SEC. 11.8. The repeal or amendment of this act, or the dissolution of the agency created by this act, shall not in any way affect or release any of the property in the agency from its liability on or from the obligations of any outstanding bonds or indebtedness or contracts for which such property is in any way security until all such bonds and outstanding indebtedness and contracts have been fully paid or discharged.

Annual tax levy

SEC. 11.9. The board of directors shall levy a tax or assessment each year upon all the taxable property in the agency sufficient to pay such portion of the interest for that year upon bonds issued by the agency, and such portion of the principal thereof as is to become due before the time for making the next general tax levy as cannot be paid from revenue due the agency from member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of the cost underwritten by said member units of works financed by said bonds. Such tax shall be levied and collected together with and not separately from

taxes for county purposes, when collected shall be paid into the county treasury of the county to the credit of the agency, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the treasurer of the county in the manner provided by law for the payment of principal and interest on bonds of said county.

Validation proceedings

SEC. 11.10. The agency may bring at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract an action in the Superior Court of the State of California in and for the County of Sacramento to determine the validity of the bonds or of the levy or of the contract. The action is in rem Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete 10 days after the completion of the publication of summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract. If no proceedings have been brought by the agency pursuant to this section, any agency assessment or taxpayer may at any time within 30 days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the said superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within 30 days after the entry of the judgment. No contest of any thing or matter herein provided shall be made other than in the time and manner in this section provided. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

Conformance with plans, etc

SEC. 11.11. Any works for which bonds or contracts or special assessments are authorized under the provisions of this act shall be made in conformity with the report, plans and specifications theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or any incidental part of such work be rendered contrary to the best interests of the agency by some change of

conditions in relation thereto, in which event the board of directors by a four-fifths vote may order necessary incidental changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor. In no event shall changes be made from such original plans, reports and specifications which would have any material effect on the purpose for which such works were intended or which would materially affect any obligations of or benefits to any member unit.

Bonds as legal investments

SEC. 11.12. The bonds of the agency shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in said bonds of the agency, issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, such bonds of the agency may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict herewith are hereby repealed.

Taxation of bonds

SEC. 11.13. All bonds issued by the agency under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the Sacramento County Water Agency is a district, including a reclamation and irrigation district, within the meaning of Section $1\frac{3}{4}$ of Article XIII and Section 13 of Article XI of the Constitution of the State of California.

Limitation on holding bond elections

SEC. 11.14. Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board of directors of the agency shall not for six months after such election call or order another election in the agency for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

Special assessments

SEC. 12. The agency shall have the power as provided in this act to levy special assessments for the purpose of paying any obligation of the agency or to accomplish any of the purposes of the agency.

Same

SEC. 12.1. Whenever the board of directors shall determine by resolution that facts exist which make a special assessment preferable in the best interests of the agency to incurring a bonded indebtedness for paying all or any part of the cost of any work or for carrying out any contract for any purpose of the agency, the board of directors may levy special assessments

as hereinafter provided. The facts making such a special assessment preferable to a bonded indebtedness shall be stated in the resolution. Such special assessments shall be payable in equal annual installments over a period of not to exceed 40 years, and shall be levied only after being duly authorized by a two-thirds majority of the votes cast by the qualified electors of the agency voting at an election held for that purpose.

Except as in this section otherwise provided, the procedure and requirements of this act for notices and elections for issuance of agency bonds shall apply with like effect to special assessments levied hereunder. If such special assessments are to be levied in annual installments, the ballot shall specify the number of such installments.

The funds raised by said special assessments shall be placed in the treasury of the county to the credit of the agency and said funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special assessment election. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

The provisions of this act relative to taxes for the payments of bonds and the liability of property for the payment of such taxes shall apply with like effect to payment of special assessments levied hereunder, and to the liability of property for the payment of such special assessments.

Taxation of agency property

SEC. 13 The rights of way, ditches, flumes, pipelines and other conduits, drains, water, water rights, reservoirs, dams, franchises, works and all other property used for the purposes of the agency and belonging to it shall not be taxed nor assessed for state, county, municipal or any district purposes.

Effect of establishment

SEC. 14. The establishment of the agency or anything in this act contained shall not affect, restrict nor supersede the existence, property, right or power of any municipality, public district or public agency now or hereafter established in or partially within the limits of the agency for the purpose or purposes in whole or part of flood control or for the purpose or purposes in whole or part of reclamation, conservation, storage, distribution, sale, use or development of water. The Legislature because of conditions special to the county hereby expressly declares its intent to permit within the limits of the Sacramento County Water Agency the existence of more than one district or municipality having similar powers over similar territory in regard to flood control, reclamation, water conservation, storage, distribution, sale, use and development.

Impairment of water rights

SEC. 15. The formation of the agency or the enactment of this act shall not impair the vested right of any person, association, corporation, municipality or public district in or to water or the use thereof.

Validation of district

SEC. 16. The agency in order to determine the legality of its existence, in addition to any other remedy it may have for that purpose, may institute a proceeding therefor in the Superior

Court of the State of California in and for the County of Sacramento, by filing a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal district formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four successive weeks in some newspaper of general circulation published in said agency. Within 30 days after the last publication of said summons shall have been completed, any property owner or resident or registered voter in said agency, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. Appeals may be taken from said judgment in the same manner as in other civil cases The procedure provided by this section shall be cumulative and not exclusive.

Dissolution

SEC. 16.5. The agency may be dissolved in the manner provided for the dissolution of districts by Article 10 of Chapter 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all the provisions of such article.

Legislative intent

SEC. 17. The Legislature hereby finds that water problems in the county require county-wide water conservation, development of water resources and flood control; that these problems are not general or state-wide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, and irrigation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply; that to adequately and feasibly conserve the water supply and control the floods of said county, it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the geography of the county is such that there are numerous noncontiguous watersheds therein, and that the county cannot be supplied with water from a common source or by a common system of works; investigation having shown conditions in said county to be peculiar to it, it is hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

Constitutionality

SEC. 18. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Short title

SEC. 19. This act may be designated and referred to as "The Sacramento County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 11

An act making an appropriation for payment of the expenses of Members of the Assembly necessarily incurred by them while attending the 1952 First Extraordinary Session of the Legislature, to take effect immediately.

In effect immediately

[Approved by Governor April 15, 1952. Filed with Secretary of State April 16, 1952.]

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

Appropriation Expenses of Members of Assembly

SECTION 1. The sum of twenty thousand dollars ($20,000) is hereby appropriated out of the General Fund in the State Treasury for the payment of the expenses of Members of the Assembly necessarily incurred by them while attending the 1952 First Extraordinary Session of the Legislature, as provided by Section 2(b) of Article IV of the Constitution and the Joint Rules of the Senate and Assembly

Current expenses

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

CHAPTER 12

An act to add Sections 7000.1, 7000.2, 7000.3, 7036.5, 7111.1, 7114.1, 7116.1, and 7118 to the Education Code, to amend Sections 5153.3, 7035, 7036, 7037.1, 7037.2, 7091, 7109.2, 7109.3, 7111, 7114, 7117, and 7252 of said code, and to declare Item 414 of the Budget Act of 1952 ineffective for all purposes, all relating to the Public School System.

In effect July 2, 1952

[Approved by Governor April 16, 1952. Filed with Secretary of State April 17, 1952.]

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

SECTION 1. Section 5153.3 of the Education Code is amended to read:

State School Fund Additional provisions

5153.3. In addition there shall be provided:

(a) The amount apportioned by the Superintendent of Public Instruction under Article 11.6 of Chapter 15 of this division.

(b) Such of the amount allowed by the Superintendent of Public Instruction under Article 2 of Chapter 15 of this division as is in excess of the amount computed by multiplying the

total average daily attendance in all schools and classes maintained by county superintendents of schools and by the elementary school districts, high school districts, and junior college districts of the State during the preceding fiscal year by two dollars ($2).

(c) The total of the amount allowed school districts by the Superintendent of Public Instruction under subdivision (a) of Section 7117.

(d) Seven hundred thousand dollars ($700,000) for apportionment to high school districts.

(e) The amounts allowed school districts by the Superintendent of Public Instruction under Sections 7111.1, 7114.1, and 7118.

(f) One million six hundred thousand dollars ($1,600,000) for apportionment to elementary school districts.

(g) The amount apportioned to school districts under Section 7116.1. Such amount shall be apportioned only pursuant to Section 7116.1.

SEC. 2. Section 7000.1 is added to said code, to read:

Computation of allowances and apportionments

7000.1. Whenever in any section of this chapter any computation is required to be made which is based in whole or in part on the assessed valuation of a school district as shown by the equalized assessment roll of the district for the preceding year or preceding fiscal year, there shall be substituted for such assessed valuation, as to such computation, a sum determined by adding to such assessed valuation an amount which would, if the current tax rate, as defined in Section 7000.2, of such district were levied on such added amount, produce or will produce in the Fiscal Year 1951-1952 40 percent, in the Fiscal Year 1952-1953 60 percent, and in the Fiscal Year 1953-1954 and in each fiscal year thereafter 80 percent of the equivalent of all federal funds, as such federal funds are defined in Section 7000.3, received or to be received by such district for the fiscal year for which such added amount was determined.

Should the amount of federal funds actually received by a school district during any fiscal year be more or less than that reported for such district by the United States Commissioner of Education to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding that in which the district has received all of the federal funds actually paid the district for the first mentioned fiscal year, withhold from, or add to, the apportionment made to the district from the State School Fund the amount of the excess or deficiency, as the case may be.

SEC. 3. Section 7000.2 is added to said code, to read:

"Current tax rate"

7000.2. "Current tax rate" as used in Section 7000.1 shall mean the total of the rates of school district taxes levied for any school district and rates of municipal taxes levied for school purposes of such district in the fiscal year for which such added amount of assessed valuation is determined on each one hundred dollars ($100) of assessed valuation within the district or municipality, as the case may be, other than rates

of tax levied under Sections 4963, 5063, 6357.2, 7516, and 19613.6.

SEC. 4. Section 7000.3 is added to said code, to read:

"Federal funds"

7000.3. "Federal funds" as used in Section 7000.1 means the total amount the United States Commissioner of Education has determined, and reported to the Superintendent of Public Instruction that, the district is entitled to for a fiscal year under Section 3, except subsection (g) thereof, and exclusive of increases in local contribution rates made because of unusual geographic factors, and under subsection (c) of Section 5, of the act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—Eighty-first Congress), or under any similar provisions of any other act of Congress.

SEC. 5. Section 7035 of said code is amended to read:

Computation of amount Elementary school districts with attendance from 76 to 82

7035. For each elementary school district which had an average daily attendance during the preceding fiscal year of 76 or more but less than 82, as computed under Sections 6911 and 6944, he shall compute twelve thousand four hundred fifty dollars ($12,450).

SEC. 6. Section 7036 of said code is amended to read:

Attendance of 82 or more

7036. For each elementary school district which had an average daily attendance during the preceding fiscal year of 82 or more as computed under Sections 6911 and 6944, he shall multiply the number of units of average daily attendance so computed by one hundred fifty-three dollars ($153).

SEC. 7. Section 7036.5 is added to said code, to read:

Reduction of amount for schools with attendance of less than 82

7036.5. The amount by which the foundation program computed under the article for an elementary school district having an average daily attendance of less than 82 exceeds the foundation program which would have been computed for such district by multiplying the number of units of average daily attendance of such district by one hundred fifty-three dollars ($153) shall, beginning with the Fiscal Year 1955-56, be reduced by an amount equal to 20 percent of the amount of such excess and for each of the four succeeding fiscal years by an additional 20 percent except as to any elementary school district in which any one or more of the following conditions obtain:

(a) If not less than five pupils residing in the district and attending grades kindergarten to eight, inclusive, would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school, or

(b) If not less than 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified were required to be traveled or if during the fiscal year the roads

which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

SEC. 8. Section 7037.1 of said code is amended to read:

High school districts Attendance of less than 301

7037.1. For each high school district which maintained two or more high schools, he shall compute for the district an amount which shall be determined by allowing for each day high school having an average daily attendance of less than 301 the amount which would otherwise be computed for the district under Section 7037 except that with respect to any such high school maintaining less than four years the amount computed for such high school shall be an amount determined by multiplying the number of units of average daily attendance of such high school by two hundred ten dollars ($210) or the following percentage of the amount computed under Section 7037, whichever amount is the larger:

(a) Fifty-five percent if the high school maintains but one year,

(b) Sixty-five percent if the high school maintains but two years, or

(c) Eighty percent if the high school maintains but three years.

No computation shall be made under this section for any high school established after July 1, 1952, without the approval of the Superintendent of Public Instruction.

SEC. 9. Section 7037.2 of said code is amended to read:

Attendance of 301 or more

7037.2. For each high school district which had an average daily attendance during the preceding school year of 301 or more he shall multiply the number of units of average daily attendance, exclusive of the average daily attendance of a day high school having an average daily attendance of less than 301, by two hundred ten dollars ($210).

SEC. 10. Section 7091 of said code is amended to read:

State equalization aid Elementary school districts

7091. The Superintendent of Public Instruction shall then compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Articles 6 and 9 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any elementary school district pursuant to Articles 6 and 9 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this

chapter, he shall add to the amount computed for such district pursuant to Articles 6 and 9 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Notwithstanding anything in this article to the contrary, the amount computed for any elementary school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6911 and 6944 by one hundred sixty-five dollars ($165) and had the tax used in making the computation for the district under Article 9 of this chapter been seventy cents ($0.70).

SEC. 11. Section 7109.2 of said code is amended to read:

Apportionment for growth Computation of allowance for existing districts

7109.2. The Superintendent of Public Instruction shall allow, for each period referred to above, to each school district which was in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year and for the same period in the preceding fiscal year shall be computed in the manner prescribed in Chapter 14 of this division, except that the computation of a day of attendance shall be determined according to the law in effect during said preceding fiscal year.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for the first period of the then current fiscal year exceeds that of the average daily attendance for the same period during the preceding fiscal year, an amount determined by dividing the total of the amounts allowed the district during the current fiscal year as basic state aid and state equalization aid plus the amount added under Section 7118 to the amounts so apportioned, by the total average daily attendance of the district during the preceding fiscal year multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for the second period of the then current fiscal year exceeds that of the average daily attendance for the same period during the preceding fiscal year, an amount determined by dividing the total of the amounts allowed the district during the current fiscal year as basic state aid and state equalization aid, plus the amount added under Section 7118 to the amounts so apportioned, by the total average daily attendance of the district during the preceding fiscal year multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175, except that for the second period

of the Fiscal Year 1951-1952 the amount computed shall be multiplied by the ratio of the days the regular day schools of the district were maintained during the second period of the then current fiscal year to 175.

SEC. 12 Section 7109.3 of said code is amended to read:

7109.3. The Superintendent of Public Instruction shall allow, for each period referred to above, to each school district which was not in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows: Same New districts

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year shall be computed in the manner prescribed in Chapter 14 of this division, except that the computation of a day of attendance shall be determined according to the law in effect during the preceding fiscal year.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the first period of the then current fiscal year an amount determined by dividing the total of the amounts of basic state aid and state equalization aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance plus the amounts which would have been added under Section 7118 to the amounts so apportioned had the district been in existence for all purposes during the preceding fiscal year and had the tax required to be levied for such district under Sections 7095 and 7118 been levied, by such average daily attendance multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the second period of the then current fiscal year an amount determined by dividing the amounts of basic state aid and state equalization aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance, plus the amounts which would have been added under Section 7118 to the amounts so apportioned had the district been in existence for all purposes during the preceding fiscal year and had the tax required to be levied for such district under Sections 7095 and 7118 been levied, by such average daily attendance multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175, except that for the second period of the Fiscal Year 1951-1952 the amount computed shall be multiplied by the ratio of the days the regular day schools of the district were maintained during the second period of the then current fiscal year to 175.

In making any computation under Section 7081 for the purposes of this section, the assessed valuation of the district for the current year shall be used.

SEC. 13. Section 7111 of said code is amended to read:

Recomputation of allowances Additional apportionments to elementary school districts

7111. If the total amount allowed from the State School Fund to all elementary school districts and to all county school service funds under Articles 5, 6 and 10 of this chapter on account of the average daily attendance of pupils in elementary school districts and in schools or classes of elementary school grade maintained by county superintendents of schools, is less than the total amount provided in the State School Fund on account of such average daily attendance, minus an amount equal to the amounts allowed under Sections 7001 and 7011 on account of such average daily attendance plus three-fourths of the amount allowed under Section 7003, the balance shall be allowed by the Superintendent of Public Instruction to elementary school districts receiving state equalization aid during the then current fiscal year in proportion to the units of average daily attendance in each such district during the preceding fiscal year as computed under Chapter 14 of this division

SEC. 14. Section 7111.1 is added to said code, to read:

Districts not receiving equalization aid

7111.1 If an allowance is made under Section 7111 to elementary school districts receiving state equalization aid, the Superintendent of Public Instruction shall allow to each elementary school district not receiving state equalization aid an amount which would have been allowed for each such district under Articles 6 and 10 of this chapter had the foundation program provided in Article 4 of this chapter been increased by the amount of the balance computed under Section 7111 divided by the average daily attendance during the preceding fiscal year as computed under Chapter 14 of this division in all districts receiving state equalization aid. Amounts apportioned under this section are not subject to Sections 7111 and 7117.

SEC. 15. Section 7114 of said code is amended to read:

Reduction in apportionment Elementary school districts

7114. If the total amount allowed from the State School Fund to all elementary school districts and to all county school service funds under Articles 5, 6 and 10 of this chapter on account of the average daily attendance of pupils in elementary school districts and in schools or classes of elementary school grade maintained by county superintendents of schools is larger than the total amount provided in the State School Fund on account of such average daily attendance, minus an amount equal to the amounts allowed under Sections 7001 and 7011 on account of such average daily attendance plus three-fourths of the amount allowed under Section 7003, the amount allowed each such district as state equalization aid, or as basic state aid, from the State School Fund shall be reduced in proportion to the units of average daily attendance in each district during the preceding fiscal year as computed under Chapter 14 of this division. The reduction required by this section shall be first made in the amount allowed each such district as equalization aid to the extent that such equalization aid is allowed, and if further reduction is necessary such further reduction shall be made in the basic state aid.

SEC. 16. Section 7114.1 is added to said code, to read:

7114.1. If pursuant to Section 7114, any reduction is made in the basic state aid allowed a district, the Superintendent of Public Instruction shall allow such district such amount as will when added to the amount of basic state aid so reduced equal the amount which the district would have been allowed as basic state aid, had such aid not been reduced. Same

SEC. 17. Section 7116.1 is added to said code, to read:

7116.1. If the federal funds as defined in Section 7000.3 for any current fiscal year commencing with the 1952-1953 Fiscal Year are reduced below the total amount received by the district for the preceding fiscal year, the Superintendent of Public Instruction shall then apportion to the district such additional amount as equalization aid in such current fiscal year as will make the total amount of equalization aid allowed the district in such current fiscal year equal to that which would have been allowed in such current fiscal year had the reduction occurred in such preceding fiscal year. Such additional amount shall be apportioned on or before June 30th of such current fiscal year. The amount apportioned pursuant to this section shall be apportioned pursuant to this section only and shall not be apportioned pursuant to Article 13 of this chapter. Junior college districts

SEC. 18. Section 7117 of said code is amended to read:

7117. In addition to any and all other amounts allowed under this chapter, the Superintendent of Public Instruction shall allow to: Additional allowances

(a) Each elementary school district an amount equal to 40 percent of the state equalization aid computed for the district. Elementary school districts

SEC. 19. Section 7118 is added to said code, to read:

7118. In addition to any and all other amounts allowed under this chapter, the Superintendent of Public Instruction shall allow to each district for which there was levied under Division 3 of this code a tax not less than that set forth in Article 9 of this chapter, five dollars ($5) for each unit of average daily attendance in the district during the preceding fiscal year as computed under Chapter 14 of this division. Other districts

SEC. 20. Section 7252 of said code is amended to read:

7252. In addition, the Superintendent of Public Instruction shall allow for all secondary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools an amount computed by multiplying the average daily attendance in such secondary schools during the preceding fiscal year by two hundred ten dollars ($210). Juvenile halls, etc Secondary schools

SEC. 21. Item 414 of the Budget Act of 1952 is declared to be ineffective for all purposes and no transfer shall be made to the State School Fund under said item. Stats 1952, Ch 3

SEC. 22. This act may be cited as "The State School Fund Apportionment Act of 1952." Short title

SEC. 23. This act shall remain in effect until July 1, 1953. Duration

CHAPTER 13

An act to add Section 5048.7 to Chapter 1.6 of Division 3 of the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 15, 1952. Filed with Secretary of State April 17, 1952.]

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

SECTION 1. Section 5048.7 is added to Chapter 1.6 of Division 3 of the Education Code, to read:

State School Building Fund

5048.7. The sum of two million dollars ($2,000,000) is hereby made available from the Public School Building Loan Fund for apportionment by the board pursuant to this chapter, except as otherwise provided by this section and shall be transferred by the Controller as needed into a separate account in the State School Building Fund which is hereby created in the State Treasury.

Apportionments made under this section shall be available as grants to those school districts to which apportionments have been made under this chapter prior to April 1, 1952, and only for such amounts thereof as are in excess of the apportionments the voters of such districts voted to accept and repay under Sections 5050, 5050.1, and 5050.2.

If and when the electors of districts receiving apportionments under this section, vote to accept and repay additional amounts under Sections 5050, 5050.1 and 5050.2, the board may make apportionments under other sections of this chapter in substitution in whole or in part of the grants made under this section.

In the event the electors of the district fail to vote to accept and repay such additional amounts or if apportionments covering such amounts are not made under other sections of this chapter, beginning in September, 1953, and annually for nine years thereafter, apportionments made to such districts from the State School Fund under Chapter 15 of this division, or any successor thereof, shall be reduced by an amount equivalent to one-tenth of the amount apportioned under this section. This section shall not be applied so as to reduce any average daily attendance apportionment below the constitutional minimum. During the year beginning September, 1953, and each year thereafter in which the Controller determines that the apportionment of any district is to be reduced as herein provided, he shall deduct the total amount of the annual repayment of each district in equal amounts from each installment of the apportionments made to such district.

Notwithstanding any other provision of law, taxes in such districts shall be increased sufficiently to offset the amounts by which such average daily attendance apportionments are reduced under this section. Such tax increases shall be made in the manner prescribed under Section 5063 of this chapter.

Any amounts made available by this section which are not apportioned by June 30, 1953, and any recovery by substitution of apportionments made in accordance with this section shall be transferred to the Public School Building Loan Fund.

Urgency

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

Certain school districts have received apportionments under this chapter which are in excess of the amount approved by the electors of such districts under Sections 5050, 5050.1, and 5050.2. While such apportionments were made in good faith and accordance with Section 5048.1 of this chapter permitting such apportionments, it now appears that such apportionments are in violation of Section 18 of Article XI of the Constitution of the State of California. As a result such school districts have let contracts and made other commitments under this chapter and urgently need funds to replace the invalid portions of such apportionments. It is therefore necessary that this act go into effect immediately.

CHAPTER 14

An act prescribing the jurisdiction of justices' courts of Class B, and declaring the urgency thereof.

[Approved by Governor April 15, 1952. Filed with Secretary of State April 17, 1952.]

In effect immediately

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

Jurisdiction of Class B justices' courts

SECTION 1. Notwithstanding any law to the contrary, justices' courts of Class B shall have jurisdiction as follows:

a. Original jurisdiction of civil cases and proceedings as follows:

(1) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five hundred dollars ($500) or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine;

(2) In all proceedings in forcible entry, or forcible or unlawful detainer where the rental value is seventy-five dollars ($75) or less per month, and where the whole amount of damages claimed is five hundred dollars ($500) or less, and in such proceedings any competent evidence may be given and any question properly involved therein may be determined;

(3) In all cases to enforce and foreclose liens on personal property where the amount of such liens is five hundred dollars ($500) or less;

(4) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of the Code of Civil Procedure, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to appoint receivers in the cases mentioned in Section 547a of the Code of Civil Procedure, or any amendment thereof, and to make all orders and perform all acts mentioned in said sections in connection with such cases.

b. In all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars ($1,000), or imprisonment not exceeding six months, or by both such fine and imprisonment, where the offense charged was committed within the county in which the court is established; and in cases amounting to misdemeanor under Section 270 of the Penal Code. The provisions of Section 1462.2 of the Penal Code shall apply to justices' courts of Class B.

Pending actions

SEC. 2. Actions pending in the superior court of a county upon the effective date of this act, which if thereafter commenced would be within the jurisdiction of justices' courts of Class B, shall continue in such superior court until final determination.

Duration

SEC. 3. This act shall continue in force until January 5, 1953, and shall have no further effect thereafter.

Urgency

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

Certain Class B justices' courts will remain in existence until January 5, 1953, under the inferior court reorganization program, after which time there will be no courts in the State inferior to the superior courts except municipal and justice courts.

Until that time an undue burden will be cast upon certain superior courts within the State and great confusion in the orderly administration of justice will result unless the jurisdiction of Class B justices' courts is increased to that of justice courts.

It is therefore necessary that this act take effect immediately.

CHAPTER 15

An act to amend Section 14744 of the Education Code, relating to continuation of membership in school district retirement plans after discontinuance of service, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1952. Filed with Secretary of State April 17, 1952.] In effect immediately

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

SECTION 1. Section 14744 of the Education Code is amended to read:

14744. Any other provision in this article to the contrary notwithstanding, if the service of a member is discontinued other than by retirement or death, and he has been employed by the district for five years and has made the contributions required for that period, he shall have the right to elect within 90 days thereafter and without right of revocation, whether to allow his accumulated contributions to remain in the retirement fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A member whose membership continues under this section is subject to the same age requirements as apply to other members for service retirement, but he is not subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the district's contributions held for him and calculated in the same manner as for other members, except that the provisions in this article for minimum service retirement allowances do not apply to him, unless he meets such minimum service requirements. If the district retirement plan provides for a death benefit, upon the death of such a member prior to retirement under this section, the death benefit payable shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of service for the district prior to such termination not to exceed six. Election re contributions on discontinuance of service

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

On July 1, 1952, there will come into existence a unified school district created by vote of the voters of San Leandro which will have the effect of removing the San Leandro High School from the Oakland City School District, and any teachers of that high school who remain at the school, rather than continuing in the employment of the Oakland City School District and teaching at other schools, from active membership in the local

retirement system established for teachers of the Oakland City School District. Unless the amendment to Section 14744 of the Education Code made by this act is then in effect, such teachers will not be eligible for continued membership in that retirement system, and so will lose the right to retirement benefits therefrom based upon their prior service, for which they have made the required contributions To protect such retirement rights of such teachers, and all others throughout the State who find themselves in like situations, it is necessary that this act take effect immediately.

CHAPTER 16

An act to amend Section 28122 of the Government Code, relating to compensation for public services in counties of the twenty-second class

In effect July 2, 1952

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 28122 of the Government Code is amended to read:

Marin County officers Salaries

28122. In a county of the twenty-second class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand nine hundred dollars ($6,900) a year.

(b) The district attorney, at the rate of thirteen thousand dollars ($13.000) a year commencing on the effective date of the 1952 amendment of this section, and continuing for a period of six months, and thereafter ten thousand dollars ($10,000) a year

He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, two hundred dollars ($200) a month and eight cents ($0 08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars ($50) for each in any one year.

(d) Grand and trial jurors, five dollars ($5) per day.

The compensation provided for by this section shall be payable to incumbent officers

Effective date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall, nevertheless, be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 17

An act to create a sanitation and flood control district to be called "Vallejo Sanitation and Flood Control District"; to provide a complete and comprehensive sanitary sewerage disposal system for said district, including all works, property or structures necessary or convenient for the collection and disposal of sanitary sewerage; to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; to provide for the payment of the costs and expenses of such acquisitions and improvements, and the issuance of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the enforcement of such bonds and assessments; to provide for the issuance of revenue bonds payable from revenues of any facility of the district; to provide for the establishment and administration of revolving funds to assist in the carrying out of such acquisition, work and improvements; to provide for the annexation of property to said district; to provide for the government and control of said district; to define the powers and duties of the officers thereof; to authorize the incurring of obligations, not exceeding two hundred thousand dollars ($200,000), by said district in advance of the authorization of any bonds by said district; to provide for the redemption of warrants evidencing said indebtedness; to declare the necessity for this special act; and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.] In effect immediately

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

SECTION 1. Vallejo Sanitation and Flood Control District Created. A sanitation and flood control district is hereby created, to be called "Vallejo Sanitation and Flood Control District," within the County of Solano, and the boundaries of and territory included within said district shall be as follows: Vallejo Sanitation and Flood Control District Boundaries

Beginning at the southeast corner of that certain parcel of land as described in deed from Manuel Dos Reis, et al to the Great Western Power Co., recorded February 1, 1917, in Book 225, of Deeds, page 436, Instrument No. 414, thence from said point of beginning northeasterly along the southeasterly line of said Great Western Power Co. parcel of land and the extension thereof to the northwesterly line of County Road No. 267, thence continuing along said northwesterly line and the extension northeasterly thereof, to the northwesterly corner of that certain parcel of land as described in deed from John Bernardo De Souza to Maria B. Souza, recorded August 6, 1934 in Book

127, of Official Records, page 36, Instrument No. 3228; thence southeasterly along the northerly line of said Souza parcel and the extension southeasterly thereof to the intersection of the northwesterly line of that certain parcel of land as described in Parcel No. 8 of deed recorded September 6, 1918, from Selby Smelting and Lead Company to American Smelters Securities Company, in Book 233 of Deeds, page 465, Instrument No. 2871; thence northeasterly along the northwesterly line of said American Smelters Securities Company property and the northeasterly continuation thereof said northeasterly extension being the northwesterly boundary line of that certain parcel of land described in deed to Antonio Borges recorded November 11, 1941, in Book 251 of Official Records, page 42, Instrument No. 11153, to the most northerly corner of said Borges parcel thence N. 12° 12′ 38″ W. to the north line of Section 34, Township 4 North Range 3 West, if said section were projected, running thence west along the north line of said Section 34 and the extension westerly thereof to the county boundary line between Napa and Solano Counties, thence southerly and westerly along said county boundary line to the center line of Mare Island-Napa River Channel; thence southerly following the center line of Mare Island-Napa River Channel to the boundary line between Contra Costa and Solano County; thence on the Solano County boundary line, generally southerly and easterly to a point due south of the point of beginning; thence northerly to the point of beginning.

Objects and purposes

SEC. 2. Objects and Purposes of Act and Powers of District. The objects and purposes of this act are to provide for the collection and disposal of sewage and industrial waste and for the control and disposition of the storm and flood waters of said district, and to protect the public health and also to protect from damage from such storm and flood waters the waterways, property, public highways and public places in said district. The Legislature hereby declares that special facts and circumstances peculiar to the area within the district having the boundaries hereinabove defined makes the accomplishment of the objects and purposes of this act impossible under existing general law and special legislation is necessary. The State and the people thereof have a primary and supreme interest in the securing to the inhabitants and property owners within the district hereinabove described adequate facilities for the collection and disposal of sewage and the protection from waters naturally flowing into the district from the surrounding mountainous watershed Special investigation has shown that the conditions within the district hereinabove described are peculiar to that area and that this act is essential to carry out the objects and purposes herein expressed and for the elimination of duplication of governmental authority and securing greater economy of administration. It is further found and determined that the area within the district herein defined has no facilities for the sanitary treatment and disposal of sewage and is consequently contaminating and polluting the waters of San Francisco Bay.

The area within the district is of strategic importance due to the proximity of Mare Island Navy Yard. The influx of Navy personnel and their families and civilian workers at the Mare Island Navy Yard has greatly aggravated the problem of sewage disposal in that area; said problem of sewage disposal is further aggravated by lack of adequate drainage and flood-water control and the infiltration of storm and flood waters into existing sanitary sewers; both the problem of sanitary sewage and drainage and the problem of storm water flood control are so correlated and interrelated that the special problems relating to each can only be solved by uniform administration and a uniform control plan of sewage disposal and flood control works.

Powers

The Vallejo Sanitation and Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

(a) Succession. To have perpetual succession.

(b) Suits. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) Seal. To adopt a seal and alter it at pleasure.

(d) Ownership of Property. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) Acquisition of Property. To acquire or contract to acquire lands, rights of way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) Eminent Domain. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof.

(g) Sanitary Sewage Disposal Works. To acquire, construct, reconstruct, alter, own, operate, maintain and repair sewage treatment plants, including digesters, sludge heaters, sludge drying beds, effluent pumping plants, screens, clarifiers, storage ponds, control buildings, oxidizing ponds, sewage digestive systems, intercepting, collecting and outfall sewers, laterals, pipes, manholes, machinery, equipment, and all other facilities for the collection, transmission and disposition of sewage and industrial wastes, together with all works, properties or structures necessary or convenient for sewage disposal purposes. The terms "sanitary sewage disposal works," "sewage disposal works," "sanitary sewage disposal purposes" or "sewage disposal purposes" or similar terms whenever used

herein shall include and comprehend all of the works, properties or structures necessary or convenient for sewage disposal purposes.

(h) Drainage and Flood Control Works. To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, machinery and equipment necessary therefor, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and/or complete the same. The terms "storm water flood control works," "drainage works," "storm water flood control purposes" and "drainage purposes" and similar terms whenever used in this act shall mean and include all works, properties, or structures necessary or convenient for drainage and flood control purposes.

(i) Indebtedness. To incur indebtedness, and to issue bonds or other evidence of indebtedness in the manner herein provided, and to provide for the issuance of warrants of the district and the registration of any warrants not paid for want of funds and interest thereon after registration and until payment, and also to issue bonds or other securities payable from revenues.

(j) Revenues From Revenue Producing Utilities. To prescribe, revise and collect tolls, rents or other charges for any services or facilities furnished by the district; to contract with the City of Vallejo or any other public or private agency for the collection of tolls, rents or other charges for any facility or service furnished by the district and to provide for the collection of such tolls, rates and charges along with the collection of water charges by the City of Vallejo or any other public or private agency.

(k) Assessments. To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(*l*) Employees. To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including a secretary or clerk, superintendent of work or manager, and define their powers and duties as in this act provided, and fix and determine the amount of bond required of each appointee and pay the premium on such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district; provided, however, that the compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of appointment of each such person. Said board shall have the power to combine any two or more offices in its discretion.

(m) Zones. To establish and fix the boundaries of zones in said district as in this act hereinafter provided; to make transfers of money from the operation fund of said district to any special fund and to create and administer such special funds

as in their discretion may seem advisable; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works and improvements provided for herein, and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(n) Contracts. To make and enter into contracts with the United States of America, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States of America, and/or any person, firm, association or corporation, jointly and/or severally, for the acquisition of property or rights and/or the construction, maintenance and/or operation in whole or in part of any and/or all works and/or improvements provided in this act.

(o) Lease of Property. To lease and/or rent to or from the City of Vallejo, the County of Solano, or any public or private agency, or person, firm or corporation, any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(p) Contributions. To receive and accept any and all contributions in labor, materials or money to be applied to the works or improvements herein provided for.

Trustees

SEC 3. Trustees. The Vallejo Sanitation and Flood Control District herein created shall be governed by and under the control of four trustees, to be selected as hereinafter provided, who shall constitute the board of trustees thereof. Each trustee shall be a registered voter and a freeholder of the district and shall have resided therein at least one year next preceding his appointment. Said trustees, except those first appointed, shall take office on the first day of January next succeeding their appointment, and shall hold office for the term of four years and until their successors are appointed and qualified

Appointment

SEC. 4. Appointment of Trustees and Successors. Immediately upon the going into effect of this act, the Mayor of the City of Vallejo and the Chairman of the Board of Supervisors of Solano County shall each appoint from their respective governing bodies two trustees. The appointments by the Mayor of the City of Vallejo shall be subject to the approval and confirmation of the Council of the City of Vallejo, and the appointments by the Chairman of the Board of Supervisors of Solano County shall be subject to the approval and confirmation of the Board of Supervisors of Solano County. In addition to the regular appointees said mayor and said chairman, respectively, shall each appoint from their respective governing bodies two alternative trustees, each of whom shall be designated as an alternative trustee for one of the regular appointees of said mayor and said chairman, respectively. Each alternate trustee shall act

as a member of the board of trustees in place of the regular trustee for whom he is acting as alternative only during the absence or inability of the regular appointee to act, and each of said alternative trustees shall likewise be subject to confirmation by the City Council of the City of Vallejo and the Board of Supervisors of Solano County, respectively. The regular and alternative trustees appointed by the Mayor of the City of Vallejo shall be members of the City Council of the City of Vallejo. The regular and alternative trustees appointed by the Chairman of the Board of Supervisors of Solano County shall be members of the Board of Supervisors of Solano County. The four regular trustees so appointed and confirmed shall constitute the initial board of trustees of the district. The alternative members of the board of trustees shall have the right to receive notice of and attend meetings of the board of trustees, but no alternate trustee shall be entitled to vote so long as the regular appointee, for whom such trustee is acting as alternative, is present and able to act. Immediately following their appointment, said trustees shall meet and organize, and determine by lot their respective terms of office in this: Two trustees (one of whom shall be a trustee appointed by the Mayor of the City of Vallejo and one of whom shall be a trustee appointed by the Chairman of the Board of Supervisors of Solano County) shall serve until the first day of January, 1953, and the other two shall serve until the first day of January, 1954, and until their successors are appointed and qualified. Any regular appointed trustee and any alternate trustee shall forthwith cease to be a trustee or alternate trustee in the event and at any time that he ceases to be a member of the City Council of the City of Vallejo or a member of the Board of Supervisors of Solano County, respectively.

Successor trustees and alternates shall be appointed by the same appointive official then in office who appointed the predecessor trustee; that is, any vacancy in the office of any trustee or alternate trustee appointed by the Mayor of the City of Vallejo shall be filled by the mayor of said city then in office, and any vacancy in the office of any trustee or alternate trustee appointed by the Chairman of the Board of Supervisors of Solano County shall be filled by the chairman of said board of supervisors then in office. Such appointments shall be made within five days following any vacancy in the office of any trustee or alternate trustee, howsoever caused. The appointments of successor trustees and successor alternate trustees shall in each case be subject to confirmation by the City Council of the City of Vallejo or the Board of Supervisors of Solano County, respectively.

Qualifications

SEC. 5. Public Office Not to Disqualify Trustees. Nothing in this act contained shall be construed as prohibiting any member of the City Council of the City of Vallejo or of the Board of Supervisors of Solano County from being a trustee of said district.

SEC. 6. Compensation and Meetings of Trustees. The trustees shall receive no compensation. They shall elect one of their own number president. They shall establish and maintain an office within the district for the transaction of the business thereof, at which office all books, records and papers of the districts must be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by resolution prescribe. Special meetings may be held on written order of any two trustees and 24 hours written notice to any trustee not joining in the order. The order must specify the business for which the special meeting is called and no other business shall be transacted thereat. The County Treasurer of Solano County shall be the treasurer of the district.

Compensation

Meetings

SEC. 7. Surveys and Reports on Proposed Work and Zones. Said board of trustees shall have jurisdiction, and it shall be their duty to employ, by resolution, a competent engineer or engineers or firm of engineers and direct such engineer to investigate carefully the best plan to collect and dispose of sewage and industrial waste and to control the flood and storm waters that may flow to or upon said district, or which may originate thereon, and to prepare all necessary and incidental plans, detail drawings, profiles, cross-sections and specifications of and for said work, together with a detailed description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work and improvement, and a statement of the estimated cost of the whole of said work and improvement (inclusive of all incidental expenses and all work and proceedings thereunder); also, to prepare maps or plats of the whole district showing the location of all proposed work and improvement and also the different zones within said district, if any are necessary because of varying benefits, containing the property to be benefited in like measure but in a different measure from those in other zones therein, with a statement as to what percentage of the sum to be raised each year for the payment on the principal and interest of the bonds should be raised from each zone. It shall not be necessary that all of said plan be prepared by the same engineer, but different engineers may be employed for the different projects, whether sanitary sewage disposal or storm water control. Said district may be divided into as many zones as may be deemed necessary, and each zone shall be composed of and include all the property in the district which, in the opinion of the board of trustees, will be benefited in like measure. Each such zone shall be designated by a different letter or number and shall be plainly shown upon the map or plat of the district, either by separate boundaries, coloring, or other convenient or graphic method, together with a statement of the percentage of the costs and expenses to be raised from each zone. Zones, if any, for sanitary sewage disposal may be the same as or separate and distinct from zones for storm water control. If the same zones are established for both sanitary

Surveys and reports

sewage disposal and storm water control purposes, different percentages of benefits for each of such purposes may be attributed to each such zone.

It shall not be necessary that all of the work and improvement authorized under this act be included in any one report but different reports may be made from time to time and separate proceedings may be had on each separate report.

Upon the filing of the report of the engineer or engineers, together with the maps, plats, plans, profiles, drawings, cross-sections, specifications and estimates as herein provided for, the board of trustees shall consider the same, and may, by resolution, approve them or order modifications or changes to be made therein. Whenever the board of trustees shall determine and declare by resolution that the proposed plan of works as set forth in any such report is satisfactory and is feasible, the trustees shall determine the amount of bonds that should be issued in order to raise the amount of money necessary to accomplish the matters covered by such report, and in determining said amount sufficient shall be included in the estimate to pay interest on the bonds to be issued for a period of not to exceed three years, together with the cost of inspection of works in course of construction.

Notices

The said trustees shall thereafter prepare a notice of intention to adopt said zones and percentages as finally established by said trustees as the respective zones and percentages of benefit of the district and set a date for the hearing of all interested parties as to whether said zones and percentages should be approved. Said notice shall contain a statement of the time and place of said hearing and reference to the map of said zones and percentages of benefit and shall be published in a newspaper of general circulation printed and published in said district at least once each week for two successive weeks. At such hearing any person interested shall have the right to appear and be heard. The trustees may continue said hearing by public announcement from time to time until the hearing is completed. Upon the final hearing the trustees by resolution shall approve, modify or change any of the zones or percentages of benefit applicable to each and shall finally determine and adopt the zones into which the district shall be divided and the percentage of benefit attributable to each zone for sewage disposal and flood control purposes. Said resolution shall also state the amount of the estimated cost for which bonds payable from assessments are to be voted.

The said resolution shall be subject to judicial review as to the facts contained therein and as to the regularity of the proceedings pursuant to which it was passed, by any court of competent jurisdiction, provided that proceedings for that purpose are instituted within 20 days from the date of the adoption of the resolution of the board of trustees, and if such action or proceeding is not commenced within said time the findings and determination of the board of trustees as to the

extent and boundaries of the zones and the percentages to be raised therefrom shall be final and conclusive.

"Incidental expense"

The term "incidental expense" wherever used in this act shall mean and include all compensation for all clerical, engineering, legal, superintendence and inspection services, printing and advertising of all resolutions, notices and other matter required herein to be printed, posted or published, costs and expenses of legal actions or proceedings, and also rental or purchase of real or personal property used in connection with such work and improvement or incidental thereto, during the progress of the work and improvement and proceedings thereunder and/or otherwise.

Validity of proceedings

Any error or informality in the appointment of any officer or employee by the board of trustees shall not invalidate or in any way affect the proceedings.

Bond elections

SEC. 8. Bond Election. After the adoption of said final resolution by the board of trustees above provided, said board may call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said resolution.

Said board shall call said special election by resolution, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes; and said resolution shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 6 percent per annum, and shall fix the date on which said special election shall be held and the manner of voting for or against incurring such indebtedness. A proposition for incurring indebtedness for sanitary sewage disposal purposes and for flood control purposes may be united and be submitted as a single proposition, or separate propositions may be submitted for each of said purposes separately.

For the purposes of said election, said board of trustees shall in said resolution establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint one inspector, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election every then qualified elector of Solano County residing within the district shall be entitled to vote thereat.

Notice

Such resolution calling said election shall, prior to the date set for said election, be published once a day for at least seven days in a newspaper published at least six days a week in said district, or once a week for two weeks in a newspaper published

less than six days a week in said district, and one insertion each week for two successive weeks shall be a sufficient publication in such newspaper published less than six days a week. No other notice of such election need be given.

Validity of proceedings

No defect or irregularity in the proceedings prior to the election shall affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided. Said bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon all the land within said district, and all the land in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

Bonds Form and terms

SEC. 9. Form and Terms of Bonds. The said board of trustees shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, and of the interest coupons attached thereto. The trustees may divide any authorized issue into one or more series or divisions and fix different dates for the bonds of each such series or division. The bonds of each such series or division shall mature and become payable in not to exceed 40 years from the date of each such series or division in such amounts as the trustees may determine; provided, that the earliest maturity of the bonds of any series shall not be more than five years from the date of such series.

The bonds shall be issued in such denominations as the said board of trustees may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the day and at the place fixed in said bonds (which may be within or without the State of California) and with interest specified in such bonds, which rate shall not be in excess of 6 percent per annum, and shall be payable semiannually (except that interest for the first year may be paid in one installment), and said bonds shall be signed by the president of the board of trustees (or such other member of the board of trustees as the board of trustees shall by resolution designate) and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of said district. The signature on all coupons and one signature on the bonds may be by engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Sale

SEC. 10. Sale of Bonds. The said board of trustees may issue and sell the whole, or from time to time any part, of said bonds but only to the highest bidder or bidders for cash after notice of such sale given by publication in at least one news-

paper of general circulation published in said district by one insertion therein; provided, no sale shall be had prior to the expiration of 15 days from the first publication of said notice. Said board shall have the right to reject any and all bids when in the discretion of said board it appears to the best interests of the district so to do, and thereafter readvertise as in this section provided for original sale.

Actions to determine validity

SEC. 11. Action to Determine Validity of Bonds. At any time prior to the sale and delivery of said bonds, an action may be commenced by the board of trustees in the name of the district in the Superior Court of the State of California, in and for the County of Solano, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Solano County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the Vallejo Sanitation and Flood Control District to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. Such action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board of trustees to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Solano, and if the action or proceeding shall be commenced by the board of trustees as in this section provided, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board of trustees. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

Registration

SEC. 12. Registration. Bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

Validity

SEC. 13. Validity of Bonds. All bonds issued under this act shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder, which does not affect the jurisdiction of the board of trustees to order the doing of the thing or things proposed to be done, shall avoid or invalidate such proceeding or any bonds issued thereunder.

Legal investments

SEC. 14. Legal Investments. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds, and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or irrigation districts within the State of California, such money or funds may be invested in the bonds issued under this act, and whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act may be so used.

Proceeds of sale

SEC. 15. Proceeds of Sale of Bonds. All proceeds received from the sale of the bonds issued hereunder shall be deposited with the treasurer and be paid out by him only by warrant drawn upon authority of the board of trustees. All proceeds from the sale of bonds and interest on such proceeds in excess of the final actual cost of all work and improvement and proceedings thereunder shall be deposited by the treasurer in the interest and sinking fund of the district and applied to the retirement of the bonds issued by the district.

Assessments

SEC. 16. Assessments for Bond Principal and Interest. The board of trustees shall file with the Board of Supervisors of Solano County a certified copy of the map or plat of the district showing the zones into which the district has been divided and the percentage of the amount to be raised from each zone. All assessments for district purposes shall be made and collected by the County Assessor and Tax Collector, respectively, of the County of Solano. All lands situated within the district subject to assessments for district purposes but not included on the county roll for taxation for county purposes shall immediately upon the effective date of this act be placed upon and thereafter carried on the county roll of Solano County. The assessed valuation of said lands shall be determined and fixed by the county assessor and the amount of such assessed valuation corrected and equalized by the Board of Supervisors of Solano County at

the same time or times and in the same manner as the assessed valuation of other lands upon said assessment rolls are fixed, determined, corrected and equalized by said county officials.

On or before the second Monday of August of each year the County Auditor of Solano County shall transmit to the board of trustees of the district a statement in writing showing the total value of all land within the district, which value shall be ascertained from the assessment book of said county for that year as equalized and corrected by the board of supervisors of said county and which said statement shall also show the total value of all land in each of said zones, respectively.

The board of trustees shall on or before the third Monday in August determine the total amount to be raised by district assessment for the then current fiscal year and shall fix the rate of assessment for each zone and the number of cents per each one hundred dollars ($100) using as a basis the value of land as it is assessed by the county assessor, and returned to the board of trustees of the district by the county auditor as hereinabove provided, which rate of taxation shall be sufficient to raise the total amount previously fixed by the board as hereinabove subscribed. Such acts by the board of trustees of the district shall constitute a valid assessment of the property and a valid levy of the assessment so fixed. The board of trustees must immediately thereafter transmit to the County Auditor of Solano County a statement of the rate of assessment so fixed by said board for each zone into which the district may be divided, and the county auditor shall enter such rate upon the county tax roll. Such assessment so levied shall be collected at the same time and in the same manner as county taxes, and when collected the net amount thereof shall be credited to the treasurer of the district and shall be kept by the county treasurer in a separate fund to be designated "Vallejo Sanitation and Flood Control District Interest and Sinking Fund." and the moneys in said fund shall be applied exclusively to the payment of principal and interest on the bonds of the district. Said special assessments by the district shall be in addition to all other taxes and assessments levied for state, county or municipal purposes If the district has been divided into zones and the percentage of the amount to be raised for the redemption of principal and interest of bonds of the district from each such zone has been determined as provided in this act, said amount of said assessment levy shall be divided according to said percentages and the percentage to be raised from the lands within each zone shall be levied upon and against the property of such zone as hereinabove provided. Said district assessments shall be payable only with and not separately from county taxes when collected. Whenever any land situated in such district has been sold for assessments and has been redeemed, the money paid for such redemption shall be apportioned and credited by the county treasurer to said district in the proportion which the assessment due to said district bears to the total tax for which such property was sold. All assessments levied under the provisions of this act shall be a lien

upon the property on which they are levied and shall become due and payable and be delinquent at the same time and in the same manner as county taxes, and enforced in the same manner and by the same means as provided by law for the enforcement of liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

Manner of collection

It shall be the duty of the Board of Supervisors of Solano County and of each and every officer of Solano County charged with any official duty relating to the levy and collection of county taxes to cause such district assessments to be levied and collected at the time and in the same manner as county taxes are levied and collected, and in any event it shall be the duty of the board of trustees to cause such assessments to be levied against and upon all land within the district at the time for fixing the general tax levy for county purposes, and in the manner for such general tax levy provided, and to cause to be collected annually each year until said bonds are paid or until there shall be a sum in the treasury of said district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, assessments sufficient to pay the interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy, in which assessments may be included a sum sufficient in the judgment of the board of trustees to take care of anticipated delinquencies; provided, however, that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of issuance thereof such assessments shall be levied and collected at the time and in the manner aforesaid annually each year in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The assessments herein required to be levied and collected shall be in addition to all other assessments levied for district purposes and shall be collected at the same time and in the same manner as other district assessments are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Limitation

All assessments levied by the district shall be levied solely upon lands within the district, including any land which is the operative property of any public utility, but excluding any personal property or any lands belonging to any county, municipality or political subdivision within such district or lands belonging to the United States of America or the State of California or said district.

Operation and maintenance assessments

SEC. 17. Assessments for Maintenance and Operation. The board of trustees of said district shall have power, in any year, to levy an assessment upon the taxable property in said district as set forth in Section 16 hereof at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or im-

provement of said district for the ensuing fiscal year, and said board of trustees shall have power to control and order the expenditures for said purposes of all revenue so derived; provided, that such assessments levied under this section for any one year shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of the assessed valuation of the land in said district as said assessed valuation is shown on the last preceding assessment roll for state and county purposes; provided, further, that such assessments shall be in addition to any assessment levied to meet the bonded indebtedness of said district and all interest thereon. Such assessments, when collected, shall be held by the treasurer in a special fund to be designated "Vallejo Sanitation and Flood Control Operation Fund." The moneys in said fund shall be withdrawn on warrants authorized by the trustees. Prior to said bond election at which bonds shall be authorized as herein provided, the district shall have the right to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental expenses as in this act specified, to an amount not exceeding two hundred thousand dollars ($200,000), said indebtedness to be evidenced by warrants of said district issued in payment of valid obligations incurred by said district, and which warrants shall be paid by the treasurer of the district out of the first proceeds of the sale of bonds of said district or out of moneys collected from the annual assessment to be levied under this Section 17, and until so paid said warrants shall bear interest at the rate of 6 per centum per annum from date of presentation and registration until paid. If funds are not available for the payment of said warrants at the time of their presentation to the treasurer, the same shall be registered in the office of the treasurer and shall be paid in the order of their registration. The treasurer shall publish notice once in a newspaper of general circulation in said district of call for redemption of said warrants or any thereof whenever funds are available for their payment, and interest on said warrants shall cease upon the date fixed for such redemption.

Initial levy

The provisions in this Section 17 contained for the levy and collection of assessments for the payment of maintenance and operation costs of the district shall be effective for the Fiscal Year 1952-1953, and it shall be the duty of the County Assessor of Solano County and the State Board of Equalization forthwith upon the effective date of this act to take all necessary steps to enable the district to levy and collect an assessment for the Fiscal Year 1952-1953 for maintenance and operation and the payment of the initial costs of the organization of the district and other expenses incident thereto; provided, that such assessment for the Fiscal Year 1952-1953 shall be levied at a uniform rate on all land in the district. The creation of any zone in the district shall not be effective for the purposes of any assessment unless and until the board of trustees shall file with the county assessor and also with the State Board of Equalization a map or plat showing the zones into which the

district is to be divided and the percentages to be raised from each zone.

Revenue bonds

SEC. 18. Revenue Bonds. As an alternative procedure for the raising of funds, the district is hereby authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the "Sanitation, Sewer and Water Revenue Bond Law of 1941," constituting Title 5, Division 2, Part 1, Chapter 6 of the Government Code, as now or hereafter amended, all of the provisions of which are hereby made applicable to the district. The district is hereby declared to be a local agency within the meaning of said law. The district may issue revenue bonds under said law for any one or more facilities or enterprises authorized to be acquired, constructed or completed by the district or, in the alternative, may issue revenue bonds under said law for the acquisition, construction and completion of any one of such facilities and also issue bonds payable from assessments in accordance with the procedure provided by this act for any other of such facilities. Nothing in this act contained shall prevent the district from availing itself of or making use of any procedure provided hereunder for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all such proceedings may be carried on simultaneously or, in the alternative, as the trustees may determine.

Boundary changes

SEC. 19. Change in Boundaries of District. The boundaries of said district may be altered and additional land may be annexed to the district if the land will be benefited thereby, and any tract of land within the district may be excluded if not benefited thereby. The procedure for the annexation and exclusion of territory shall be as set forth in Sections 58230 to 58243, inclusive, of the Government Code, and all provisions of the District Organization Act, constituting Title 6, Chapter 1, of the Government Code and amendments thereto are hereby adopted as part of this act insofar as the same relate to the annexation and exclusion of territory; provided, however, that no change in the boundaries of said district shall impair or affect its organization or its rights in or to property or any of its rights or privileges of whatsoever kind or nature, or shall affect, impair or discharge any contract, obligation, lien or charge for or upon any lands in the district or for which the district was or might become liable or chargeable had such change of boundaries not been made.

Construction contracts

SEC. 20. Construction Contracts. In all work of improvement or repair of any of the works or property of the district and in the furnishing of materials or supplies therefor, when the expenditures required for the same exceeds the sum of two thousand dollars ($2,000), the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in the district for at least two insertions in a weekly or at least three insertions in a daily newspaper and by posting such notice for at least five days at or near the door of the meeting place of

the board of trustees prior to the date set for opening bids; such notices shall distinctly state the work contemplated and/or the materials or supplies required; provided, the board of trustees may reject any and all bids presented and readvertise and post in their discretion; and provided, further, that said board may declare and determine that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and they may thereafter proceed to have the work done or the materials purchased without further observance of the foregoing provisions of this section; and provided, further, that in case of a great public calamity such as sudden fire, flood, storm, epidemic or act of God, the board of trustees may declare a state of great public emergency and proceed to have all necessary work done and materials and supplies furnished without further observance of the foregoing provisions of this section. Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Solano, in such manner as to afford security for life and property, but the said board of trustees shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

Additional bonds

SEC. 21. Additional Bonds. Whenever bonds have been issued by said district and said board of trustees has determined that the public interest or necessity of said district demand the issuance of additional bonds for carrying out any work or improvements of the district herein provided for, said board of trustees may again proceed as in this act provided, and have an engineering report made, a hearing on the question of benefits and zones, if any, into which the district may be divided, and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all of the provisions of this act (including the division of the district into zones) and for the issuance and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds The district may also issue any additional revenue bonds from time to time in accordance with the procedure set forth in Section 18 of this act.

Revolving funds

SEC. 22. Revolving Funds. The board of trustees of said district shall have power to create such revolving or other funds, to abolish same, and to make transfers of the funds of said district from any fund to any other as they may deem necessary to effect the provisions of this act (except that no funds shall be transferred from the Interest and Sinking Fund except for the payment of bonds and interest thereon), to make and enforce all needful rules and regulations for the administration and government of said district, to employ in their discretion and fix the compensation of all needful agents and employees to look after the performance of any work or improvement provided

for in this act, and to perform all other acts necessary or proper in their discretion to accomplish the purposes of this act.

Said board of trustees shall have power to do all work and to construct and acquire all improvements necessary, incidental or useful for carrying out any of the purposes of this act, and to acquire either within or without the district by purchase, condemnation, donation or by other lawful means in the name of said district, from private persons, public and private corporations, associations, agencies or districts, all lands, rights of way, easements, property or materials, and to make, execute, carry out and enforce all contracts of every character necessary, incidental or useful for carrying out the provisions or purposes of this act; to compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes.

Eminent domain

SEC. 23. Condemnation Proceedings. In case of condemnation proceedings, the board of trustees shall proceed in the name of the district under the provisions of Title 7, Part 3, of the Code of Civil Procedure of the State of California, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights of way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and said board of trustees of said district is hereby granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county or incorporated city or town.

Construction of act

SEC. 24. Directory Provisions The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory.

Same

SEC 25. Construction of Act. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity or informality, and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board of trustees to order the work done or improvement to be made shall avoid or invalidate such proceeding or any assessment for the cost of work or improvement done thereunder.

Special assessment proceedings

SEC. 26. Special Assessment Proceedings In addition to all other powers granted under this act, the district shall have the right to acquire, construct and complete any improvements authorized hereunder by special assessment proceedings. The Improvement Act of 1911 and the Improvement Act of 1915

are applicable to the district and the powers and duties conferred by those acts upon the boards, officers and agents of cities shall be exercised by the board of trustees, officers and agents of the district, provided that the improvements authorized to be constructed or acquired by this section are limited to those permitted to be constructed or acquired by the district under the provisions of this act.

Constitutionality

SEC. 27. Constitutionality. In case any section, subsection, sentence, clause or phrase of this act shall be declared unconstitutional or invalid for any reason, the remaining portions of this act shall not be invalidated but shall remain in full force and effect.

Short title

SEC. 28. Short Title. This act may be designated and referred to as "Vallejo Sanitation and Flood Control District Act."

Urgency

SEC. 29. Urgency Clause. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution, and shall go into immediate effect.

The facts constituting such necessity are: The area surrounding the City of Vallejo has experienced an extraordinary growth due primarily to the influx of civilian workers and Navy personnel and their families at Mare Island Navy Yard, and the City of Vallejo and the surrounding territories are so located that adequate sanitary sewage disposal facilities cannot and have not been provided by any unified agency, and many of the homes have no facilities for the disposal of sewage. Much of the sewage from the City of Vallejo and surrounding area is now flowing into and contaminating the waters of San Francisco Bay. The problem of sanitary sewage disposal is aggravated by lack of adequate drainage and flood control facilities and the infiltration of storm and flood waters into existing sanitary sewers within the City of Vallejo. Said city and its immediately surrounding territory is located at the foot of a range of hills from which storm water naturally flows down into the populated areas. The problem of sanitary sewage disposal and the problem of storm water and flood control are so correlated and interrelated that the special problems relating to this particular area can only be solved by uniform administration and a uniform plan of control. No existing legislation is available and no uniform law can be made available to take care of the peculiar problems of this particular locality which are special and particular to the locality in question. Experience with the heavy rainfall of the winter of 1951-52 has shown the necessity for the prompt and immediate adoption of a complete unified system of sanitary sewage disposal and storm water flood control in an area of strategic importance to the national defense. Engineering plans must be prepared immediately for a project of this character and construction work started in order to prevent a recurrence of the disastrous floods

and the contamination from present sanitary sewage outlets into San Francisco Bay. It is therefore necessary that this act take effect immediately.

CHAPTER 18

An act authorizing the State Lands Commission to exchange property of the State of California for property in Marin County for purposes of navigation and flood control and providing for actions against the State to quiet title to the land exchanged and to determine the validity of the title to such land.

In effect July 2, 1952

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

Exchange of state land for Marin County lands

SECTION 1. The State Lands Commission is hereby authorized to grant to any person, persons, or corporations, parcels of land, held by the State of California, lying and being in Marin County, such grant to be conditioned upon the granting of all right, title and interest by such person, persons, or corporation to the State of California of parcels of land lying and being in Marin County. Such lands to be conveyed to the State shall be of equal or greater value than the lands conveyed by the State. The determination of said State Lands Commission, as to the value of lands so respectively conveyed by and granted to the State of California, shall be final, and, in the event of a deficiency in value of lands conveyed to the State, said State Lands Commission is authorized to accept cash in lieu of land, for the purpose of equalizing values.

Description

SEC. 2. The lands authorized in Section 1 of this act to be granted by the State of California and the lands to be granted as a condition to such grant by any person, persons, or corporation are more particularly described and will come within the following parcels, to wit: southeast quarter of Section 9; the southwest quarter of Section 10; the north half of Section 15; and the northeast quarter of Section 16, Township 1 North, Range 6 West, M. D. B. & M.

Purpose

SEC. 3. Said grant of lands by the State is hereby authorized, for the purpose of improving navigation and flood control by the substitution of the lands granted to the State in lieu of the lands conveyed by it. It is hereby determined that, upon the completion of said grant by the State, and the said conveyance of other lands to it, the lands authorized to be conveyed by the State will be no longer necessary or useful for navigation or fisheries, and such lands, upon the delivery of such respective conveyances, are hereby freed of the public trust for navigation and fisheries.

Quiet title actions

SEC. 4. The grantee or grantees of any lands, pursuant to the provisions of this act, or his or their successor or successors

in interest, immediate or remote, is and are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed, or to obtain declaratory relief determining the validity of such title so conveyed, in the same manner, and subject to the same procedure, as is prescribed in an act of the Legislature of the State of California, entitled, "An act authorizing suits against the State of California concerning real property purchased under the provisions of an act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, and of an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868," approved April 1, 1870, and of an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also an act approved April 1, 1870," approved March 30, 1874," approved May 18, 1921.

CHAPTER 19

An act to amend Section 34 of the State Water Resources Act of 1945, relating to the description of the plan of improvement for flood control in Littlejohn Creek, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.] In effect immediately

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

SECTION 1. Section 34 of the State Water Resources Act of 1945 is amended to read:

Sec. 34. The plan of improvement for flood control and other purposes on the Calaveras River and Littlejohn Creek and tributaries is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 545, Seventy-eighth Congress, Second Session, at an estimated cost to the State of two hundred four thousand dollars ($204,000), including the enlargement of channels of Littlejohn Creek below the Farmington Dam as subsequently approved by letter of the Chief of Engineers dated November 12, 1951, at an additional estimated cost to the State of such sum as may be available for state cooperation for that purpose in the Flood Control Emergency Fund, pursuant to written authorization of the Department of Finance for flood control projects, payable from the Flood Control Fund of 1946, upon approval of the general plan for such channel enlargements by, and the recommendation of, the State

Flood control Calaveras River and Littlejohn Creek

Water Resources Board, or as may be otherwise appropriated for state cooperation by the Legislature, payable from the Flood Control Fund of 1946, upon approval of the general plan for such channel enlargements by, and with the recommendation of, the State Water Resources Board.

Urgency

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

The Farmington Dam has been completed and water is now being discharged therefrom in such quantities as to threaten to overflow the channels of the Littlejohn Creek below the dam. Since there is a constant threat of floods in the area concerned, it is necessary that the channels of the Littlejohn Creek below the Farmington Dam be enlarged at the earliest possible date to enable the effective use of the dam for flood control purposes.

CHAPTER 20

An act to amend Sections 2, 4, 6, 8 and 20 of the Santa Clara County Flood Control and Water Conservation District Act, relating to the Santa Clara County Flood Control and Water Conservation District declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 16, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 2 of the Santa Clara County Flood Control and Water Conservation District Act is amended to read:

Santa Clara County Flood Control and Water Conservation District. Creation

Sec. 2. A flood control district is hereby created to be called the Santa Clara Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of Santa Clara lying within the exterior boundaries of said county. As used in this act "district" means the Santa Clara County Flood Control and Water Conservation District.

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

Objects and purposes

Sec. 4. The primary objects and purposes of this act are to provide for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district.

Incidental to such primary objects and purposes, it is the object and purpose of this act to provide for the conservation of flood and storm waters for beneficial and useful purposes by

spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood or other waters from any sources, within or without the watershed in which the district is located for beneficial use within the district.

SEC. 3. Section 6 of the said act is amended to read:

Sec. 6. The district shall have and may exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law. Eminent domain

Nothing in this act shall authorize the district to condemn any of the properties, structures or works, now owned or hereafter to be constructed or acquired, by any water conservation district within the County of Santa Clara.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by

resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement, or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for flood or storm water control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

SEC. 4. Section 8 of said act is amended to read:

Ex officio officers, assistants, etc.

Sec. 8. The district attorney, county counsel, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Santa Clara and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Santa Clara County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Santa Clara County Flood Control and Water Conservation District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said Santa Clara County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of Santa Clara County.

SEC. 5. Section 20 of said act is amended to read:

Assessments

Sec. 20. Notwithstanding Section 54903 of the Government Code, the Santa Clara County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the Santa Clara County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1950-1951 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 54903 of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the Santa Clara County Flood Control and Water Conservation District.

For the Fiscal Years 1951-1952 and 1952-1953, but for no other fiscal years, notwithstanding Section 19 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Years 1951-1952 and 1952-1953 are liens on the property the same as if they were

county taxes, except that the district assessment liens for 1951-1952 attach as of noon on July 11, 1951, and for 1952-1953 as of noon on July 20, 1952.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Years 1951-1952 and 1952-1953 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1951, and between noon on the first Monday in March, 1952, and the date on which attaches the lien for assessments of the district for the Fiscal Years 1951-1952 and 1952-1953 respectively, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

In equalizing the assessments made by the county assessor, the Board of Supervisors of Santa Clara County, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Years 1951-1952 and 1952-1953. Except as provided in this section, Section 19 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Years 1951-1952 and 1952-1953.

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

This measure will permit the organization of an effective district which can provide adequate flood control facilities for the area within its boundaries. Because of the immediate danger of

flood it is necessary that this act take effect immediately to permit the organization of the district and the prompt construction of flood control facilities.

CHAPTER 21

An act to amend Sections 160, 253, 320, 321, 559, 566, 640, and 641 of the Military and Veterans Code, and to add Section 643.2 to the Military and Veterans Code, relating to command of the California National Guard, appointment of noncommissioned officers, determination of longevity and state service, the California National Guard Reserve and enlistment and service therein, restoration to employment after military service, Good Conduct Medal and Medal of Valor, declaring the urgency thereof, to take effect immediately

In effect immediately

[Approved by Governor April 17, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 160 of the Military and Veterans Code is amended to read:

Adjutant General

160. The Adjutant General is chief of staff to the Governor, subordinate only to him and is the commander of all state military forces.

SEC. 2. Section 253 of said code is amended to read:

Appointment of enlisted men

253. Privates, privates first class and noncommissioned officers shall be appointed within authorized allotments and pursuant to the rules and regulations prescribed by the United States for the government and administration of the National Guard.

SEC. 3. Section 320 of said code is amended to read:

Pay and allowances Officers

320. Officers and warrant officers on active duty in the service of the State shall receive the same pay and allowances as officers of similar grade in the United States Army, United States Air Force and United States Navy. All full time active duty heretofore or hereafter performed in the service of the State shall be credited for purposes of determining longevity and service within the provisions of this section and Section 340 of this code.

SEC. 4. Section 321 of said code is amended to read:

Enlisted men

321. Enlisted men while on active duty in the service of the State shall receive the same pay and allowances except family allowances as enlisted men of similar grade in the United States Army, United States Air Force, and United States Navy. All full time active duty heretofore or hereafter performed in the service of the State shall be credited for purposes of determining longevity and service within the provisions of this section and Section 340 of this code.

SEC. 5. Section 559 of said code is amended to read:

559. No person shall be commissioned or enlisted in such forces who is not a citizen of the United States or who has not declared his or her intention to become such citizen or who has been expelled or dishonorably discharged from any military or naval organization of this State, or of another state, or of the United States. Prohibited commissions or enlistments

SEC. 6 Section 566 of said code is amended to read:

566. Sections 9, 16, 141, 176, 188, 361, 366, 389, 395.1, 395.01, 395.2, 395.02, 395.3, 395.03, 395.4, 395.5, 395.05, 395.06, 395.8, 411, 421, 423, 439, 612, 640, 641, 642, 643, 643.1, 644, 645, 646, 647, 648, and 649 of this code shall apply to and include the forces authorized herein. Applicable provisions

SEC. 7. Section 640 of said code is amended to read:

640. The following decorations are authorized for members of the National Guard, California National Guard Reserve, and Naval Militia: Decorations

(a) Medal of Valor
(b) Military Cross
(c) Medal of Merit
(d) Commendation Ribbon
(e) Service Medal
(f) Good Conduct Medal

The Adjutant General may provide and procure appropriate emblematic devices for each such decoration, together with suitable ribbons and insignia to be worn therewith or in lieu thereof.

SEC. 8. Section 641 of said code is amended to read:

641. A Medal of Valor may be presented to each person who, while an officer or enlisted man of the National Guard or Naval Militia, distinguishes himself by courageous conduct at the risk of his life, above and beyond the call of duty while in the service of the State or of the United States. Medal of Valor

No award of the Medal of Valor shall be made except upon clear and incontestable proof by affidavit of at least one eyewitness or person having personal knowledge of the act or deed.

A Medal of Valor may be presented to each person who has been awarded the Congressional Medal of Honor and proof by affidavit or otherwise of the act or deed shall not be required in such cases.

SEC. 9. Section 643.2 is added to the Military and Veterans Code, to read:

643.2. A good conduct medal may be presented to each person who, while an enlisted man of the California National Guard, California National Guard Reserve, or Naval Militia, has demonstrated fidelity through faithful and exact performance of duty, efficiency through capacity to produce desired results, and whose behavior has been such as to deserve emulation. Good conduct medal

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Urgency

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

The proper functioning of the California National Guard and the California National Guard Reserve is an important and integral part of the civil defense preparations of the State. The international situation requires immediate changes in administrative procedures which control, and in the status and employment of, the California National Guard and the California National Guard Reserve. It is imperative that during the present emergency adequate provisions be immediately made concerning the adoption of disaster rules and regulations and the employment of the state military forces.

CHAPTER 22

An act to amend Sections 188, 341, 562, and 647 of the Military and Veterans Code and to add Section 322 to the Military and Veterans Code, relating to emergency services for the California National Guard and California National Guard Reserve, workmen's compensation benefits for the state military forces, participation in rifle competition and reimbursement for necessary travel expenses, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 17, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 188 of said code is amended to read:

Securing of emergency services, etc.

188. In the event of a call to active duty in case of insurrection, invasion, tumult, riot, breach of the peace, public calamity or catastrophe, or other emergency, or imminent danger thereof, the Adjutant General, with the approval of the Governor, may secure all necessary supplies, equipment, meals, quarters, subsistence, transportation, medical, surgical, and hospital services, and dental and artificial devices for the officers and men called to active duty. Such purchases and services shall be exempt from the rules and regulations of the State Board of Control, and Chapter 4 of Part 3 of Division 3 of Title 2 of the Government Code. Claims for expenses thus incurred, when approved by the Adjutant General as purchases for the emergency, shall be deemed valid claims against appropriations for military purposes.

Except as otherwise provided in this act all claims shall be subject to all the provisions of law relating to audit by the Controller and the Department of Finance and the requirements of Chapter 4 of Part 3 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 341 of said code is amended to read:

341. In the determination of the benefits to be awarded any member of the militia or his dependents under the provisions of Section 340, it shall be conclusively presumed that the average yearly earning of such injured or deceased member is not less than two thousand five hundred dollars ($2,500). Any injury, death, or disability shall be deemed to have been suffered in line of duty unless the same resulted from misconduct or disobedience of lawful orders by the injured or deceased member. Presumption of earnings

SEC. 3. Section 562 of said code is amended to read:

562. In all cases in which any officer, warrant officer or enlisted man or woman of the California National Guard Reserve when ordered into the active service of the State is wounded, injured, disabled or killed in active service and in line of duty, such officer or warrant officer or enlisted man or woman or the dependents of such officer or warrant officer or enlisted man or woman shall be entitled to receive compensation from the State in accordance with the provisions of the Workmen's Compensation Insurance and Safety Act of 1917, as amended. In all such cases, such an officer, warrant officer, enlisted man or woman shall be held and deemed to be an employee of the State. The compensation to be awarded to any such officer, warrant officer, enlisted man or woman shall be ascertained, determined, and fixed upon the basis of his average income from all sources during the year immediately preceding the date of such injury or death or the commencement of such disability, but such compensation shall in no case exceed the maximum prescribed in the Workmen's Compensation Insurance and Safety Act of 1917, as amended. Compensation for death or injury

In the determination of the benefits to be awarded any member of the California National Guard Reserve or his or her dependents under the provisions of this section it shall be conclusively presumed that the average yearly earning of such injured or deceased member is not less than two thousand five hundred dollars ($2,500). Any injury, death or disability shall be deemed to have been suffered in line of duty unless the same resulted from misconduct or disobedience of lawful orders by the injured or deceased member.

SEC. 4. Section 647 of said code is amended to read:

647. The Adjutant General may hold and conduct competitions and competitive military exercises, may procure and issue appropriate badges or insignia in connection therewith and for excellence in marksmanship, for drill attendance and for military training, and may authorize participation in national or state military or civil rifle competitions. All expenses in relation thereto shall be paid from state funds Marksmanship, attendance, etc., badges

SEC. 5. Section 322 is added to the Military and Veterans Code, to read:

322. Officers, warrant officers and enlisted men on active duty in the service of the State, except in situations described Travel expenses

in Section 188 of this code shall be reimbursed for their necessary traveling and other expenses in accordance with the rules and regulations adopted by the State Board of Control.

Urgency

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The proper functioning of the California National Guard and the California National Guard Reserve is an important and integral part of the civil defense preparations of the State. The international situation requires immediate changes in administrative procedures which control, and in the status and employment of, the California National Guard and the California National Guard Reserve. It is imperative that during the present emergency adequate provisions be immediately made concerning benefits and exemptions for the state military forces.

CHAPTER 23

An act to amend Sections 264, 286, 288a, 311, and 647a of the Penal Code, relating to sex crimes.

In effect July 2, 1952

[Approved by Governor April 17, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 264 of the Penal Code is amended to read:

Punishment Rape

264. Rape is punishable by imprisonment in the state prison not less than three years, except where the offense is under subdivision 1 of Section 261 of the Penal Code, in which case the punishment shall be either by imprisonment in the county jail for not more than one year or in the state prison for not more than 50 years, and in such case the jury shall recommend by their verdict whether the punishment shall be by imprisonment in the county jail or in the state prison; provided, that when the defendant pleads guilty of an offense under subdivision 1 of Section 261 of the Penal Code the punishment shall be in the discretion of the trial court, either by imprisonment in the county jail for not more than one year or in the state prison for not more than 50 years.

SEC. 2. Section 286 of said code is amended to read:

Crime against nature

286. Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the state prison not less than one year.

SEC. 3. Section 288a of said code is amended to read:

Oral copulation

288a. Any person participating in an act of copulating the mouth of one person with the sexual organ of another is

punishable by imprisonment in the state prison for not exceeding 15 years, or by imprisonment in the county jail not to exceed one year; provided, however, that one more than 10 years older than his coparticipant in such an act, which coparticipant is under the age of 14, or one compelling another's participation in such an act by force, violence, duress, menace, or threat of great bodily harm, shall be punished by imprisonment in the state prison for not less than three years.

SEC. 4. Section 311 of said code is amended to read:

311. Every person who wilfully and lewdly, either: Indecent exposure

1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,

2. Procures, counsels, or assists any person so to expose himself or to take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adopted to excite to vicious or lewd thoughts or acts; or,

3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book; or designs, copies, draws, engraves, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or otherwise makes any obscene or indecent figure; or, Obscene material

4. Writes, composes, or publishes any notice or advertisement of any such writing, paper, book, picture, print or figure; or, Advertising

5. Produces, prepares, manufactures, sells, distributes, keeps for sale, exhibits, buys, rents, operates, uses, keeps, or maintains recordings, transcriptions, or mechanical, chemical, or electrical reproductions, or any other articles, equipment, machines, or materials, used or intended to be used in producing or reproducing any lewd or obscene song, ballad, or other words, whether spoken or sung; or, Recordings, etc

6. Sings or speaks any lewd or obscene song, ballad, or other words, in any public place, or in any place where there are persons present to be annoyed thereby, is guilty of a misdemeanor. Misdemeanor

Upon the second and each subsequent conviction under subdivision 1 of this section, or upon a first conviction under subdivision 1 of this section after a previous conviction under Section 288 of this code, every person so convicted is guilty of a felony, and is punishable by imprisonment in the state prison for not less than one year. Felony

The provision of subdivision 6 of this section shall not apply to any person participating in violation thereof only as an actor, unless and until the proper court shall have passed upon the matter and found the actor to have violated the said subdivision 6 of this section, except where after a complaint has been filed against the owner, manager, producer or director charging a violation of said subdivision 6 of this section, and pending the determination thereof an actor or actress utters the Actors

particular word or words complained against or other word or words of the same or similar import, in connection with such performance, act, play, drama, exhibition or entertainment.

SEC. 5. Section 647a of said code is amended to read:

Vagrancy
Molesting; children

647a. (1) Every person who annoys or molests any child under the age of 18 is a vagrant and is punishable upon first conviction by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment and is punishable upon the second and each subsequent conviction or upon the first conviction after a previous conviction under Section 288 of this code by imprisonment in the state prison for not less than one year.

Loitering near schools or public toilets

(2) Every person who loiters about any school or public place at or near which school children attend, or who loiters in or about public toilets in public parks, is a vagrant, and is punishable by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

CHAPTER 24

An act to amend Sections 5501, 5503, 5505, 5511, 5512, and 5517 of, and to add Sections 5500.5, 5501.5, 5503.5, 5512.3, 5519, 5520, and 5521 to, the Welfare and Institutions Code, to amend and renumber Section 5502 of the Welfare and Institutions Code to be Section 5511.7, and to amend Section 27706 of the Government Code, to provide for the prevention of sex offenses by revising the procedure for the commitment of sexual psychopaths.

In effect July 2, 1952

[Approved by Governor April 17, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 5500.5 is added to the Welfare and Institutions Code, to read:

Application of chapter

5500.5. This chapter shall not apply to any person sentenced to death. This chapter shall not apply to any person convicted of an offense the punishment for which may be death until after a sentence other than death has been imposed, at which time this chapter shall apply to such person and he may be certified to the superior court as provided in Section 5501.

SEC. 2. Section 5501 of said code is amended to read:

Adjournment of criminal proceedings

5501. (a) When a person is convicted of any criminal offense, whether or not a sex offense, the trial judge, on his own motion, or on motion of the prosecuting attorney, or on application by affidavit by or on behalf of the defendant, if it appears to the satisfaction of the court that there is probable cause for

believing such person is a sexual psychopath within the meaning of this chapter, may adjourn the proceeding or suspend the sentence, as the case may be, and may certify the person for hearing and examination by the superior court of the county to determine whether the person is a sexual psychopath within the meaning of this chapter. Conviction upon a charge of violation of Section 290 of the Penal Code by failure to register as required thereby is conviction of a criminal offense within the meaning of this subdivision.

Misdemeanor

(b) When a person is convicted of a sex offense involving a child under 14 years of age and it is a misdemeanor, and the person has been previously convicted of a sex offense in this or any other state, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a sexual psychopath within the meaning of this chapter.

Felony

(c) When a person is convicted of a sex offense involving a child under 14 years of age and it is a felony, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a sexual psychopath within the meaning of this chapter.

When an affidavit is filed under (a) it shall be substantially in the form specified for the affidavit of mental illness in Section 5049 of this code except that the title and body of the affidavit shall refer to such person as "an alleged sexual psychopath" and shall state fully the facts upon which the allegation that the person is a sexual psychopath is based. If the person is then before the court or is in custody, the court may order that the person be detained in a place of safety until the issue and service of a warrant of apprehension as provided by this chapter.

When the court certifies the person for hearing and examination by the superior court of the county to determine whether the person is a sexual psychopath, the court shall transmit to the superior court its certification to that effect, accompanied by a statement of the court's reasons for finding that there is probable cause for believing such person is a sexual psychopath within the meaning of this chapter in cases certified under (a), or a statement of the facts making such certification mandatory under (b) or (c).

The judge or justice presiding in such court, whenever it is deemed necessary or advisable, may issue and deliver to some peace officer for service, a warrant directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination to determine whether the person is a sexual psychopath. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit if one was filed, the certification, accompanied by the court's statement, and the warrant shall be personally delivered to the person and copies thereof shall also be delivered to the superior court to

which the person was certified and to the district attorney of the county.

The warrant of apprehension shall be substantially in the form provided by Section 5050.1 of this code for the apprehension of a person alleged to be mentally ill.

SEC. 3. Section 5501.5 is added to said code, to read:

Certification Form

5501.5. Whenever a person is certified to the superior court for hearing and examination under Section 5501 the certification may be made in substantially the following form:

(Title of Court and Cause)

ORDER ADJOURNING PROCEEDINGS AND CERTIFYING ALLEGED SEXUAL PSYCHOPATH TO THE SUPERIOR COURT.

Upon the court's own motion, the motion of the prosecuting attorney, application by or on behalf of the defendant (strike the conditions not applicable), it appearing to the satisfaction of the court that the above-named defendant has been convicted of a criminal offense, to wit, violation of _____ of the State of California, and that there is probable cause for believing that said defendant is a sexual psychopath within the meaning of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code of the State of California, as amended, in that __he is a person affected in a form predisposing to the commission of sexual offenses, and in a degree constituting him (her) a menace to the health or safety of others, with one or more of the following conditions:

A. Mental disease or disorder,

B. Psychopathic personality,

C. Marked departures from normal mentality;

NOW, THEREFORE, THE ABOVE PROCEEDING IS ADJOURNED AND IT IS HEREBY ORDERED THAT THE ABOVE-NAMED DEFENDANT IS CERTIFIED TO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF _____ for hearing and examination by said court to determine whether said defendant is a sexual psychopath within the meaning of said Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code of the State of California, as amended. The above-named defendant shall be taken before said court, as provided in Section 5503 of said code, on the _____ day of _____, 19____, at the hour of _____.* A copy of this certification of said defendant to said superior court shall be delivered to said defendant.

Dated this _____ day of _____, 19___.

_____
Judge

* This sentence may be included if such date and hour have been set by the superior court upon the request of the certifying judge.

SEC. 4. Section 5502 is amended and renumbered to read:

5511.7. If, upon the hearing of sexual psychopathy, the person is found by the superior court not to be a sexual psychopath, the superior court shall return the person to the court in which the case originated for such disposition as that court may deem necessary and proper. Return to court

SEC. 5. Section 5503 of said code is amended to read:

5503. The person certified or alleged to be a sexual psychopath shall be taken before a judge of the superior court of the county. The judge shall then inform him that he is certified or alleged to be a sexual psychopath, and inform him of his rights to make a reply and to produce witnesses in relation thereto. The judge shall by order fix such time and place for the hearing and examination in open court as will give reasonable opportunity for the filing of the probation officer's report as provided in Section 5503.5, and for the production and examination of witnesses. If, however, the person is too ill to appear in court, or if appearance in court would be detrimental to the mental or physical health of the person, the judge may hold the hearing at the bedside of the person. The order shall be entered at length in the minute book of the court or shall be signed by the judge and filed, and a certified copy thereof served on the person. The judge shall order that notice of apprehension of the person and of the hearing of sexual psychopathy be served on the district attorney of the county and on such relatives of the person known to be residing in the county as the judge deems necessary or proper. Hearing

SEC. 6. Section 5503.5 is added to said code, to read:

5503.5. The court shall refer the matter to the probation officer, along with a copy of the certification accompanied by the certifying court's statement, and the name and address of each psychiatrist appointed pursuant to Section 5504, to investigate and report to the court within a specified time, upon the circumstances surrounding the crime and the prior record and history of the person. The report shall include the criminal record, if any, of the person, obtained from the State Bureau of Criminal Identification and Investigation. The probation officer shall, within the specified time, transmit a copy of this report and a copy of the certification accompanied by the certifying court's statement to each psychiatrist appointed by the court. Report of probation officer

SEC. 7. Section 5505 of said code is amended to read:

5505. Each psychiatrist so appointed shall file with the court a separate written report of the result of his examination, together with his conclusions and recommendations. At the hearing each psychiatrist shall hear the testimony of all witnesses, and shall testify as to the result of his examination, and to any other pertinent facts within his knowledge. Report of psychiatrist

SEC. 8. Section 5511 of said code is amended to read:

5511. The alleged sexual psychopath shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or the judge may order the county Appointment of counsel

public defender to represent him at the hearing, if he determines that the person is not financially able to employ counsel.

SEC. 9. Section 5512 of said code is amended to read:

Order of commitment

5512. If, after examination and hearing, the judge finds that the person is a sexual psychopath within the meaning of this chapter, he shall make and sign an order that the person be placed temporarily in a suitable psychiatric facility maintained by a county or in a state hospital of the Department of Mental Hygiene designated by the court for observation and diagnosis for a period not to exceed 90 days, with the further provision in said order that the superintendent of the hospital or person in charge of the county facility shall report to the court the diagnosis and recommendations concerning such person within the 90-day period. The court shall attach to the order for observation its findings and copies of the certification and statement from the other court, any affidavits filed, the written reports of the court-appointed psychiatrists, and the report of the probation officer, together with such social and other data that it has available bearing upon the case, and the same shall be delivered to the institution with such order

The superintendent of the hospital or person in charge of the county facility shall within 90 days cause the person to be examined and forward to the committing court his opinion as to whether or not the person is a sexual psychopath, whether or not he is a menace to the health and safety of others, and whether or not he will benefit by care and treatment in a state hospital, including therein a report, diagnosis and recommendation concerning the person's future care, supervision and treatment.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is not a sexual psychopath or that he is a sexual psychopath but will not benefit by care and treatment in a state hospital, the person shall be returned to the court for further disposition of his case. The court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is a sexual psychopath and that the person could benefit by treatment in a state hospital, the court shall proceed with the case and make such orders for the return of the person to the court and for the time, place and notice of the further hearing as the court may deem necessary and proper under all of the circumstances. The court may accept the report of the superintendent of the hospital or person in charge of the county facility, if verified, in lieu of the examination by and testimony of court-appointed psychiatrists, or may consider the report as additional evidence.

Upon such further hearing the court may make an order committing the person to the department for placement in a state hospital designated by the court for an indeterminate period, or may make other suitable disposition of the case. No person shall

be committed for an indeterminate period as a sexual psychopath unless an observation placement has been made and reported, diagnosed and recommended upon as provided by this section.

SEC. 10. Section 5512.3 is added to said code, to read:

Progress reports

5512.3. If the court orders the commitment of the person to the department for placement in a state hospital for an indeterminate period, the court may, in the order of commitment, require the superintendent of the state hospital to make periodic reports to the court concerning the person's progress towards recovery from his sexual psychopathy.

SEC. 11. Section 5517 of said code is amended to read:

Disposition on recovery

5517. Whenever a person who is committed for an indeterminate period to the department for placement in a state hospital as a sexual psychopath (a) has recovered from his sexual psychopathy to such an extent that in the opinion of the superintendent the person is no longer a menace to the health and safety of others, or (b) has been treated to such an extent that in the opinion of the superintendent the person will not benefit by further care and treatment in the hospital and is not a menace to the health and safety of others, or (c) has not recovered from his sexual psychopathy, and in the opinion of the superintendent the person is still a menace to the health and safety of others, the superintendent of the hospital shall file with the Director of Mental Hygiene a certification of his opinion under (a), (b), or (c), as the case may be, including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. The director may, by general rules and regulations, provide standards and procedures for the guidance of the superintendents in carrying out their functions under this chapter. If the rules and regulations of the department have been followed, the director shall transmit the certification of the superintendent to the committing court. If the opinion so certified is under (a) or (b), the committing court shall forthwith order the return of the person to said committing court and shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings, upon the return of the person to the court, and after considering all the evidence before it may place the person on probation for a period of not less than five years if the criminal charge permits such probation and the person is otherwise eligible for probation. As a condition of such probation the person shall totally abstain from the use of alcoholic liquor or beverages.

SEC. 12. Section 5519 is added to said code, to read:

Report of hospital superintendent

5519. After a person has been committed for an indeterminate period to the department for placement in a state hospital as a sexual psychopath and has been confined for a period of not less than six months from the date of the order of commitment, the committing court may upon its own motion or on motion by or on behalf of the person committed, require the

superintendent of the state hospital to which the person was committed to forward to the committing court, within 30 days, his opinion under (a), (b), or (c) of Section 5517, including therein a report, diagnosis and recommendation concerning the person's future care, supervision, or treatment. After receipt of the report, the committing court may order the return of the person to the court for a hearing as to whether the person is still a sexual psychopath within the meaning of this chapter.

The hearing shall be conducted substantially in accordance with Sections 5504 to 5511, inclusive. If, after the hearing, the judge finds that the person has not recovered from his sexual psychopathy and is still a menace to the health and safety of others, he shall order the person returned to the Department of Mental Hygiene under the prior order of commitment for an indeterminate period, or, if the opinion of the superintendent of the state hospital was under (c) of Section 5517, he may make and sign an order recommitting the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of such sexual psychopaths designated by the court and provided pursuant to Section 5518. A subsequent hearing may not be held under this section until the person has been confined for an additional period of six months from the date of his return to the department. If the court finds that the person has recovered from his sexual psychopathy to such an extent that he is no longer a menace to the health and safety of others, or that he will not benefit by further care and treatment in the hospital and is not a menace to the health and safety of others, the committing court shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

SEC. 13. Section 5520 is added to said code, to read:

Privileges available to confinees

5520. The superintendent of a state hospital or person in charge of a county psychiatric facility may extend to any person confined therein pursuant to this chapter such of the privileges granted to other patients of the hospital or facility as are not incompatible with his detention or unreasonably conducive to his escape from custody.

SEC. 14. Section 5521 is added to said code, to read:

Appearance of district attorney

5521. The district attorney of the county may appear on behalf of the people at any of the hearings held pursuant to this chapter.

SEC. 15. Section 27706 of the Government Code is amended to read:

Public defender Duties

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior court at all stages of the proceedings, including the

preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code.

CHAPTER 25

An act to add Sections 12011.5, 12011.7, 12107, 12756, 12785, 13001.3, and 14002.3 to the Education Code, relating to persons convicted of sex offenses in respect to employment in the Public School System and to certification documents in connection therewith.

[Approved by Governor April 17, 1952. Filed with Secretary of State April 18, 1952.] In effect July 2, 1952

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

SECTION 1. Section 12011.5 is added to the Education Code, to read:

12011.5. A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury is deemed to be a conviction within the meaning of Sections 12107, 12756, 12785, 13001.3, and 14002.3 of this code, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information. The record of such conviction of a sex offense as defined in Section 12011.7 shall be sufficient proof of conviction of a crime involving moral turpitude for the purposes of Article 2 of Chapter 11 of Division 7 of this code, relating to the dismissal of permanent employees. Conviction of sex offense

SEC. 2. Section 12011.7 is added to said code, to read:

"Sex offense"

12011.7. "Sex offense" as used in Sections 12107, 12756, 12785, 13001.3, and 14002.3 of this code means any offense defined in Sections 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, subdivision 5 of Section 647, or subdivision 1 or 2 of Section 311 of the Penal Code; or any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; or any attempt to commit any of the above-mentioned offenses; or any offense committed or attempted in any other state which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses.

SEC. 3. Section 12107 is added to said code, to read:

Teaching credentials, etc Denial

12107. The State Board of Education shall deny any application for the issuance of a credential or a life diploma or for the renewal of a credential made by any applicant who has been convicted of any sex offense as defined in Section 12011.7.

SEC. 4. Section 12756 is added to said code, to read:

Suspension

12756. Whenever the holder of any credential, life diploma, or document issued by the State Board of Education has been convicted of any sex offense as defined in Section 12011.7, the State Board of Education shall forthwith suspend the credential, life diploma, or document. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith terminate the suspension of the credential, life diploma, or document.

Revocation

When the conviction becomes final or when imposition of sentence is suspended the board shall forthwith revoke the credential, life diploma, or document.

SEC. 5. Section 12785 is added to said code, to read:

County certificate Suspension

12785. Whenever the holder of a certificate issued by a county board of education has been convicted of any sex offense as defined in Section 12011.7, the county board of education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith

Revocation

terminate the suspension of the certificate. When the conviction becomes final or when imposition of sentence is suspended the board shall forthwith revoke the certificate.

SEC. 6. Section 13001.3 is added to said code, to read:

Employment of convicted persons

13001.3. Governing boards of school districts shall not employ or retain in employment persons in public school service who have been convicted of any sex offense as defined in Section 12011.7. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him are dismissed, this section does not prohibit his employment thereafter.

SEC. 7. Section 14002.3 is added to said code, to read:

Effect of acquittal

14002.3. No person shall be employed or retained in employment by a school district who has been convicted of any sex offense as defined in Section 12011.7. If, however, any such

conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him are dismissed, this section does not prohibit his employment thereafter.

CHAPTER 26

An act to add Section 35 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs and making an appropriation to be allocated to cities incorporated on or after September 22, 1951, and before the effective date of this act.

[Approved by Governor April 17, 1952. Filed with Secretary of State April 18, 1952.] In effect July 2, 1952

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

SECTION 1. Section 35 is added to the act cited in the title hereof, to read:

Appropriation Cities incorporated after September 22, 1951

Sec. 35. The sum of nine thousand six hundred dollars ($9,600) is hereby appropriated out of any money in the Postwar Unemployment and Construction Fund not otherwise appropriated to be expended in carrying out the provisions of this section in making allocations to cities incorporated on and after September 22, 1951, and before the effective date of this section.

Cities incorporated on or after September 22, 1951, and before the effective date of this section may apply for an allocation from the appropriation made by this section for expenditure within such cities for the purpose of defraying the State's share of the cost of plans, sites, and rights of way. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its population bears to the total population of all cities in the State incorporated on or after September 22, 1951, and before the effective date of this section. In the case of a city incorporated subsequent to the date of official publication of the 1950 Federal Decennial Census the population shall be as ascertained and determined by the county board of supervisors in the proceedings for incorporation, or in the absence of such determination, as set forth in the petition for incorporation filed with the board of supervisors.

CHAPTER 27

An act to add Sections 39 and 40 to the Construction and Employment Act, relating to the allocation of funds to cities, and making an appropriation therefor.

In effect July 2, 1952

[Approved by Governor April 17, 1952. Filed with Secretary of State April 18, 1952.]

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

SECTION 1. Section 39 is added to the Construction and Employment Act, to read:

Allocation to cities incorporated after September 22, 1951

Sec. 39. Cities incorporated on or after September 22, 1951, and before the effective date of this section may apply for an allocation from the appropriation made in Section 40 for expenditure within such cities for the purpose of defraying the State's share of the cost of the construction of projects. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its total population bears to the total population of all cities in the State incorporated on or after September 22, 1951, and before the effective date of this section. In the case of a city incorporated subsequent to the date of official publication of the 1950 Federal Decennial Census the population shall be as ascertained and determined by the county board of supervisors in the proceedings for incorporation, or in the absence of such determination, as set forth in the petition for incorporation filed with the board of supervisors.

SEC. 2. Section 40 is added to said act, to read:

Appropriation

Sec. 40. The sum of fifty-nine thousand four hundred dollars ($59,400) is hereby appropriated out of any money in the Postwar Unemployment and Construction Fund not otherwise appropriated to be expended in carrying out the provisions of Section 39 of this act in making allocations to cities incorporated on or after September 22, 1951, and before the effective date of this section.

CHAPTER 28

An act to validate, confirm, ratify and declare legally effective certain contracts between cities and housing authorities and counties and housing authorities for the acquisition from the United States of temporary war housing projects in critical defense housing areas, the operation of such projects, the use and disposal of the revenues from the operation of such projects, the sale or other disposal of the property so acquired and the termination of such projects.

In effect July 2, 1952

[Approved by Governor April 21, 1952. Filed with Secretary of State April 22, 1952.]

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

SECTION 1. As used in this act:

Definitions

(a) "Project" means a housing project which may be relinquished by the United States to a local governmental agency

or a housing authority pursuant to the Housing Act of 1950 (Public Law 475, Chapter 94, Eighty-first Congress, Second Session) and any act of Congress supplemental thereto.

(b) "County" means a county the whole area of which has been declared a critical defense housing area pursuant to the Defense Housing and Community Facilities and Services Act (Public Law 139, Chapter 378, Eighty-second Congress, First Session).

(c) "City" means a city lying within a county as defined in subdivision (b) of this section.

(d) "Authority" means a housing authority.

(e) "United States" includes any agency, instrumentality, officer, agent, or employee who is authorized to act in relation to a project.

(f) Any reference to a project is a reference to a portion of a project when less than the whole of a project is involved.

(g) The singular includes the plural and the plural the singular.

Validation of contracts

SEC. 2. Every contract between a city and an authority in relation to a project within the city and every contract between a county and an authority in relation to any project within the county and not within any city, which contract conforms to the requirements of this act is hereby validated, confirmed, ratified, and declared legally effective. This act shall be construed to supply such legislative authorization as might have been necessary to authorize the making of any such contract.

Conditions

SEC. 3. In order to conform to the requirements of this act a contract between a city and an authority must relate to a project within the city and contain a description of the project and all of the following provisions:

(a) That the authority shall apply for and accept the transfer and relinquishment of the project to it from the United States in accordance with the Housing Act of 1950 and acts supplemental thereto, except that it shall not do so as to any project if the city deems it in the best interests of the city that the authority shall not do so.

(b) That the city shall approve such requests as the authority is required to make pursuant to the next preceding paragraph.

(c) That the authority will operate, maintain and administer the project in accordance with the contract.

(d) That if the authority abandons or fails to use any land so acquired it will quitclaim said land to the city, or, if the city elects to direct the authority to sell said lands and pay the proceeds of the sale to the city, the authority shall do so.

(e) That the revenue received from the project by the authority shall be used and disposed of as follows:

(1) To pay the purchase price of the project, of which not more than one-tenth shall be paid in any year unless the city and the authority otherwise agree.

(2) To pay the necessary costs and expenses incurred by the authority in the operation, administration, and management of

the project consistent with good business practice and principles for operating, administering and managing private housing rental projects, including the cost of the annual audit provided for in the contract.

(3) There shall be set aside such amounts as the city and the authority agree upon not later than August 31st of each year to be set aside for the establishment of adequate reserves for repairs, maintenance, and replacement of facilities, for demolition and removal of structures and improvements, for payment of principal and interest, and for anticipated operating deficits to be incurred during the deprogramming of the projects.

(4) To the extent that the money is available there shall be paid to the city an amount equal to the amount of the real and personal property taxes and special assessments which would normally be levied or imposed upon the project or upon the authority with respect thereto if the project were privately owned.

(5) All revenue over and above that required for the foregoing purposes shall be paid to the city.

(f) That the payments to the city shall be made at the end of each fiscal year but not later than August 31st of each year.

(g) That the city will not levy or impose any real or personal property taxes upon the project or upon the authority with respect thereto.

(h) That the books and accounts of the authority with respect to the project shall be audited annually by a certified public accountant selected by the authority and approved by the city and that copies of the audit shall be filed with the clerk, each member of the governing body, and the principal executive officer of the city.

(i) That the project shall be disposed of by the authority in the event that the city determines by resolution that the project shall no longer be operated.

(j) That upon the sale of any property comprising the project (should the city so elect) the authority shall pay the net proceeds thereof to the city.

(k) That upon the final and complete liquidation of the project the authority within 90 days shall pay to the city any net balance remaining from revenues derived from the operation of the project, including the net balances remaining in any reserve accounts established for the project.

(*l*) That the contract shall be operative only in the event that the project is transferred and relinquished to the authority by the United States.

(m) That the authority shall not accept the transfer or relinquishment of the project unless the city and the authority have legislative authorization to execute the contract and to accomplish all of the terms, covenants and conditions thereof.

Same

SEC. 4. In order to conform to the requirements of this act a contract between a county and an authority shall meet the

requirements of the next preceding section as that section would read if the word "county" were substituted for the word "city" at each place the word "city" appears in said section.

CHAPTER 29

An act to add Section 5035 to the Education Code, relating to state school building aid.

[Approved by Governor April 21, 1952. Filed with Secretary of State April 22, 1952.] In effect July 2, 1952

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

SECTION 1. Section 5035 is added to the Education Code, to read:

Validation of increase in apportionments

5035. If, after the effective date of the inclusion of an elementary school district in a unified district and prior to the effective date of this section, the board increases an apportionment originally made to the elementary school district, to meet the increased cost of construction of the project for which such original apportionment was made, and such unified school district thereupon enters into construction contracts for the project, such apportionment as increased is hereby confirmed, validated, and ratified. Such unified school district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the elementary school district with respect to the original and increased apportionment and the property acquired or to be acquired with the funds provided thereby. All amounts which would, after the effective date of the inclusion of the elementary district in the unified district, have been otherwise paid to the elementary school district under the terms of the apportionments, shall be paid to the unified district.

CHAPTER 30

An act to amend Section 1 of an act entitled "An act providing for the constitution of a municipal court in a district embracing the City of San Bernardino, and prescribing the number and compensation of the judges, officers and attaches thereof," approved June 28, 1951, relating to the number and salaries of attaches thereof.

[Approved by Governor April 21, 1952. Filed with Secretary of State April 22, 1952.] In effect July 2, 1952

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

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

San Bernardino municipal court Salaries

Section 1 The municipal court established in a district embracing the City of San Bernardino shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be three judges each of whom shall receive seven thousand two hundred dollars ($7,200) per annum, payable in equal monthly installments;

(2) There shall be one chief municipal court clerk who shall receive a minimum salary of three hundred twenty-seven dollars ($327) monthly with increments of sixteen dollars ($16) after six months, seventeen dollars ($17) after one and one-half years, eighteen dollars ($18) after two and one-half years, nineteen dollars ($19) after four and one-half years, and twenty dollars ($20) after six and one-half years, to a maximum of four hundred seventeen dollars ($417) monthly.

The clerk may appoint the following:

Three court clerks at a minimum salary of two hundred thirty-two dollars ($232) monthly, with increments of twelve dollars ($12) after six months, twelve dollars ($12) after one and one-half years, thirteen dollars ($13) after two and one-half years, thirteen dollars ($13) after four and one-half years, and fourteen dollars ($14) after six and one-half years, to a maximum of two hundred ninety-six dollars ($296) monthly;

Two clerks, civil and criminal, at a minimum salary of two hundred thirty-two dollars ($232) monthly, with increments of twelve dollars ($12) after six months, twelve dollars ($12) after one and one-half years, thirteen dollars ($13) after two and one-half years, thirteen dollars ($13) after four and one-half years, and fourteen dollars ($14) after six and one-half years, to a maximum of two hundred ninety-six dollars ($296) monthly;

Two clerks at a minimum salary of two hundred ten dollars ($210) monthly, with increments of eleven dollars ($11) after six months, eleven dollars ($11) after one and one-half years, twelve dollars ($12) after two and one-half years, twelve dollars ($12) after four and one-half years, and thirteen dollars ($13) after six and one-half years, to a maximum of two hundred sixty-nine dollars ($269).

Seven clerks at a minimum salary of one hundred ninety dollars ($190) monthly, with increments of ten dollars ($10) after six months, ten dollars ($10) after one and one-half years, eleven dollars ($11) after two and one-half years, eleven dollars ($11) after four and one-half years, and twelve dollars ($12) after six and one-half years, to a maximum of two hundred forty-four dollars ($244).

(3) There shall be one marshal who shall receive a salary of three hundred dollars ($300) per month, and who may appoint the following:

One chief deputy marshal who shall receive a minimum salary of two hundred sixty-nine dollars ($269) monthly, with increments of thirteen dollars ($13) after six months, fourteen dollars ($14) after one and one-half years, fifteen dollars ($15)

after two and one-half years, sixteen dollars ($16) after four and one-half years, and sixteen dollars ($16) after six and one-half years, to a maximum of three hundred forty-three dollars ($343).

Two deputies, each of whom shall receive a minimum salary of two hundred forty-four dollars ($244) monthly, with increments of twelve dollars ($12) after six months, twelve dollars ($12) after one and one-half years, thirteen dollars ($13) after two and one-half years, thirteen dollars ($13) after four and one-half years, and fourteen dollars ($14) after six and one-half years, to a maximum of three hundred eight dollars ($308);

Two deputy (bailiffs) who shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly, with increments of eleven dollars ($11) after six months, twelve dollars ($12) after one and one-half years, twelve dollars ($12) after two and one-half years, thirteen dollars ($13) after four and one-half years, and thirteen dollars ($13) after six and one-half years, to a maximum of two hundred eighty-two dollars ($282).

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 31

An act to repeal Chapter 1717 of the Statutes of 1951, relating to the validation of the West Side County Water District.

[Approved by Governor April 21, 1952. Filed with Secretary of State April 22, 1952.] In effect July 2, 1952

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

SECTION 1. Chapter 1717 of the Statutes of 1951 is repealed. Repeal

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CHAPTER 32

An act to add Section 6.5 to an act entitled "An act to provide for the expansion of publicly supported higher education by the establishment of a state college in the City of Los Angeles; and to repeal Chapters 1082 and 1089 of the Statutes of 1947, all relating to the system of publicly supported higher education," approved April 25, 1949 (Chapter 86, Statutes of

1949), relating to the Los Angeles State College of Applied Arts and Sciences.

In effect July 2, 1952

[Approved by Governor April 21, 1952. Filed with Secretary of State April 22, 1952.]

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

SECTION 1. Section 6.5 is added to the act cited in the title hereof, to read:

Effect

Sec. 6.5. Sections 3, 4, and 6 of this act shall remain in effect only until the Los Angeles State College of Applied Arts and Sciences is removed, and such action is hereby authorized, by the State from the site of the Los Angeles Junior College, also known as the Los Angeles City College, and is housed on a campus or other quarters provided for it by the State.

All agreements between the Director of Education and Board of Education of the City of Los Angeles entered into pursuant to Section 6 of this act and in effect on the date said section ceases to be effective shall terminate and be of no further force and effect from and after said date, except that all amounts owed by either party to the other under any of said agreements as of the date said agreements are terminated hereunder shall be paid by the party owing such amounts.

CHAPTER 33

An act to add Section 31 to the Municipal Water District Act of 1911, relating to municipal water districts comprised of land in two or more counties.

In effect July 2, 1952

[Approved by Governor April 23, 1952. Filed with Secretary of State April 24, 1952.]

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

SECTION 1. Section 31 is hereby added to the act cited in the title hereof, to read:

Districts containing lands in more than one county

Sec. 31. Notwithstanding other provisions of this act, districts formed thereunder may contain lands situate in more than one county and an existing district may annex lands situate in another county or counties. In either such case the lands need not be contiguous. Procedure relating to formation, annexation, disorganization, disincorporation, exclusion, fiscal matters and taxation shall conform as near as may be to such provisions with respect to districts containing lands located in one county, subject to the following provisions:

(a) Procedure relating to petitions and supplemental petitions prior to formation shall be filed with the county clerk of the principal county, who shall present petitions found and certified by him to be sufficient to the board of supervisors of the principal county; the board of supervisors of the principal

county shall perform all functions pertaining to formation of the district in the same manner, insofar as is possible, as the board of supervisors of a county with respect to a district to be situated entirely within that county.

(b) The secretary of the board of directors of any district containing land in more than one county shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with district elections and such duties of county clerks as are required by this act which relate to annexation, disorganization, disincorporation and exclusion, and, where necessary, such secretary is authorized to procure from the proper county officials all requisite registration books and copies of indexes thereof; all papers required by this act to be filed with a county clerk shall be filed with said secretary and the board of directors shall perform all duties prescribed by law to be performed by boards of supervisors in connection with district elections and such duties as are required by this act which relate to annexation, disorganization, disincorporation and exclusion of territory.

(c) Immediately after equalization and not later than the fifteenth day of August of each year, it shall be the duty of the auditor of each county wherein such district or any part thereof shall lie, to prepare and deliver to the secretary of the district or such other officer thereof as may be designated by the board of directors therefor a certificate showing the assessed valuation of all property within the district lying within the county. Thereafter, the board of directors shall make the certification and statement, and issue the directions, as required by Section 24 of this act. After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the district.

Whenever an improvement district within a municipal water district is itself located in two or more counties, the method and procedure for the apportionment of district taxes between counties shall apply to such improvement district.

(d) Whenever provision is made in this act for notice within a county, it shall be construed to require notice within each county in which district lands are located.

(e) "Principal county" as used in this section means the county in which the greater portion of land of a district or a proposed district is located.

Concurrent and Joint Resolutions
and
Constitutional Amendments
First Extraordinary Session
1952

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1952 First Extraordinary Session of the Legislature

CHAPTER 1

Assembly Concurrent Resolution No. 1—Relative to the passing of Harold F. Sawallisch.

[Filed with Secretary of State March 6, 1952.]

WHEREAS, The Members of the Legislature were saddened to hear of the passing of Harold F. Sawallisch, last November; and Death of Harold F Sawallisch

WHEREAS, As Assemblyman from the Tenth District from 1936 to 1946, he gathered the respect of those with whom he served for his conscientious devotion to his public duties; and

WHEREAS, He left his birthplace, El Reno, Oklahoma, to attend the University of Oregon, being graduated from San Francisco Law School and admitted to the State Bar in 1932 to enter the practice of law in Richmond, California; and

WHEREAS, He unselfishly headed the March of Dimes Campaign in Contra Costa County for many years, was legal counsel for the Richmond Housing Authority, and was prominent in political affairs in that county; and

WHEREAS, As past patron of Miramar Chapter, Order of Eastern Star, a Mason, Elk and Eagle he worked for the welfare of the community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the personal condolences of the Members of the Legislature are hereby extended his wife, Nora; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitable copy of this resolution to Mrs. Sawallisch at 3727 Barrett Avenue, Richmond.

CHAPTER 2

Assembly Concurrent Resolution No. 3—Relative to the passing of Frank J. Agnew.

[Filed with Secretary of State March 18, 1952.]

WHEREAS, The recent passing of Frank J. Agnew has taken from the fields of business and insurance a man distinguished by his great wealth of knowledge and ability; and Death of Frank J Agnew

WHEREAS, Frank J. Agnew for many years devoted his talents and energies to the advocation of legislation to insure ethical and sound methods in insurance affairs and other business dealings as well; and

WHEREAS, He was the chief representative of the legal department of the national board, and advised the fire insurance industry in legislative matters; and

WHEREAS, As a legislative representative for the capital stock fire companies he won not only the warm friendship and respect of his colleagues, but also of the Members of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California consider the passing of Frank J. Agnew a great loss to the people of California who are ever in need of able advocates of sound legislation and extend expression of deep sympathy to the family of Frank J. Agnew; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his widow, Mrs. Helen K. Agnew, his son, Mr. W. Dean Agnew, and to his daughters, Mrs. Alberta Veltman and Mrs Martha Callaghan.

CHAPTER 3

Assembly Joint Resolution No. 3—Relative to closing the United States-Mexico border to unescorted minors.

[Filed with Secretary of State March 18, 1952.]

Closing of Mexican border to unescorted minors

WHEREAS, Citizens of the United States are permitted to visit and return from many towns across the Mexican border without restriction; and

WHEREAS, A congressional committee has reported information that many minors are visiting these towns for the sole purpose of obtaining drugs, including marijuana and heroin; and

WHEREAS, Restrictions on narcotic drugs under the laws of the United States are of little benefit if children have free access to the drugs; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the State Department to take such measures as may be necessary to close the United States-Mexico border to all minors who are not accompanied by adults; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and to the Secretary of State of the United States.

CHAPTER 4

Assembly Concurrent Resolution No. 2—Relative to appropriation of water for federal reclamation projects.

[Filed with Secretary of State March 28, 1952.]

Appropriation of water for federal reclamation projects

WHEREAS, The Joint Committee on Water Problems has adopted the following resolution:

"WHEREAS, The desirability of a comprehensive and coordinated plan for the conservation and distribution of the water resources of this State has long been recognized as essential to its agricultural and general economic development; and

"WHEREAS, Commencing in 1850 the Legislature of the State of California, in recognition of that need, made appropriations for studies of California's water resources, particularly in the Sacramento and San Joaquin Valleys; and

"WHEREAS, Millions of dollars have been expended by the State in conducting these studies; and

"WHEREAS, Almost continuously for more than 25 years the Legislature through the investigations, studies and hearings of its committees, has sought to expedite the solution of California's water problems; and

"WHEREAS, As a result of these studies, detailed information and proposals for the comprehensive development of the water resources of this State have been made, as evidenced by the reports of the State Engineer, the Division of Water Resources, and the Department of Public Works; and

"WHEREAS, In order to carry out definite and concrete plans for the development of said water resources within the Sacramento and San Joaquin Valleys of California and other areas that might be served, in 1933 the Legislature adopted and the people approved the act creating the Water Project Authority of the State of California with specific power and duty to construct, operate and maintain the project and to collect all rates, charges and revenues therefrom, and in said act it was and is provided 'the public interests, welfare, convenience, and necessity require construction, in the manner provided in this part, of a system of works for the conservation, development, storage, distribution, and utilization of water, with incidental generation, transmission and distribution of electric power, which system of works is designated as the Central Valley Project and is specifically approved and authorized'; and

"WHEREAS, In 1941 the Legislature adopted an over-all plan for the conservation, development and utilization of the water resources of the State known and designated as the 'State Water Plan'; and

"WHEREAS, The Legislature directed the Department of Finance to make and file applications for the appropriation of all unappropriated water within the State that was or might be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the

development, utilization or conservation of the water resources of the State, and the department, pursuant to said legislative authorization and direction, did, in 1927 and 1928 and in a few instances thereafter, make and file with the State Engineer applications to appropriate such unappropriated water of most of the major streams within the central valleys and a few streams in adjacent areas, which applications are now pending before the State Engineer; and

"WHEREAS, In those applications, the source from which said water is to be taken and the areas which are to be served by the waters so appropriated were and are designated; and

"WHEREAS, In conjunction with the construction of works used and to be used in connection with federal reclamation projects, the United States has requested and procured assignments of several of these applications and has filed numerous applications on its own behalf, the water so applied for to be used in furtherance of those projects which applications are now pending before the State Engineer for the issuing of permits thereon; and

"WHEREAS, It is now and has been the fundamental and underlying water law of this State and most of the 17 western states, that the right to the use of water is appurtenant to the land to be served, being permanent in nature to the extent of beneficial use; and

"WHEREAS, Section 8 of the Reclamation Act of 1902 (Act of Congress of June 17, 1902) provided and still provides that the Secretary of the Interior in carrying out the provisions of the Reclamation Act, shall proceed in conformity with the laws of the State relating to the control, appropriation, use, or distribution of water and the right to the use of water shall be appurtenant to the land irrigated; and

"WHEREAS, Since 1913 the laws of this State have provided that an application to appropriate water properly made gives, as to the applicant, priority of right as of the date of his application to appropriate the water and the issuance of a permit continues in effect the priority of right as of the date of the application; and

"WHEREAS, The State Engineer, in exercise of this authority to issue permits to appropriate water for beneficial uses, is required to enumerate such terms and conditions of the permit as, in the judgment of the State Engineer will best develop, conserve, and utilize in the public interest the waters involved within the application and permit and requires that the State Engineer shall reject any application when in the judgment of the department the proposed appropriation would not best conserve the public interest; and

"WHEREAS, The principle of meeting and satisfying the requirements of the watershed or area wherein the water originates or an area immediately adjacent thereto that can be conveniently supplied with water therefrom has been established by legislative enactments within this State and in the interests of the over-all water development of the State to the extent

that such needs constitute a reasonably beneficial use of such water; and

"WHEREAS, It is the considered opinion of this committee that it is necessary in the public interest that the established principles of the water law of this State and conditions necessary for the protection of the rights and interests of the water users prescribed by state and federal law should be specifically defined in any permits or licenses issued to the United States for federal reclamation projects by the State Engineer; and

"WHEREAS, The United States Supreme Court, in the case of Nebraska v. Wyoming, held that permits to use water secured in connection with a reclamation project were properly issued to the contracting water user or irrigation district rather than the United States; now, therefore, be it

"*Resolved by the Joint Committee on Water Problems*, That the Legislature of the State of California is urged to adopt a concurrent resolution memorializing the Director of Public Works and the State Engineer as follows:

"1. That, in issuing permits and licenses to appropriate water for federal reclamation projects, due consideration be given to the possibility and desirability of issuing such permits and licenses to appropriate water for irrigation purposes to the contracting public agencies of the State rather than the United States.

"2. That licenses issued to the United States for irrigation purposes in connection with federal reclamation projects be limited to water subject to contracts between public agencies of the State and the United States which the State Engineer finds to be in the public interest and to conform to state law and that any permits and licenses issued for such purposes contain, in the public interest, the following conditions among, but not to the exclusion of, other conditions:

"(a) That the beneficiaries of each permit and each license are and shall be the public agency or agencies of the State together with the owners of land within such agency or agencies to be served with the water appropriated under the permit and license.

"(b) That the rights of the agencies and owners of land within the agencies to be served with the water appropriated under the permits and licenses are, subject to continued beneficial uses, permanent and appurtenant to the lands upon which the water is used.

"(c) That the use of water appropriated under the permits and licenses are subject to the reasonable requirements of the watershed or area wherein the water originates or area immediately adjacent thereto that can be conveniently supplied with water therefrom; and that no transfer of water of one watershed or area of origin to another watershed or area shall be consummated unless and until provision is made to meet such reasonable water requirements of the former; and be it further

"*Resolved,* That the chairman of this committee cause a copy of this resolution to be transmitted to the President of the Senate and the Speaker of the Assembly"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature approves the resolution adopted by the Joint Committee on Water Problems, finds the recommendations therein to be in conformity with the public interests and policy of the State of California and requests the Director of Public Works and the State Engineer to give it full consideration in issuing permits and licenses to appropriate water for irrigation purposes, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works and the State Engineer.

CHAPTER 5

Assembly Concurrent Resolution No. 4—Relative to Mills College.

[Filed with Secretary of State March 28, 1952.]

100th anniversary of Mills College

WHEREAS, Mills College is celebrating its one hundredth anniversary this year; and

WHEREAS, Mills is the oldest nonsectarian college for women in the State, and one of the oldest in the Nation; and

WHEREAS, The college traces its origin to the Young Ladies' Seminary of Benicia, which began in 1852, two years after California achieved statehood, and was established at its present campus in Oakland in 1871; and

WHEREAS, The college is noted for the high standards of its academic tradition and for the contributions it has made to the advancement of music and the arts; and

WHEREAS, By stressing the citizenship responsibilities of the individual the college has equipped its graduates with a philosophy and an understanding which has helped them to contribute intelligently to the civic life of the communities in which they live; and

WHEREAS, The cultural wealth of the college has been willingly shared with the people of the communities neighboring it by the encouragement of participation in, and enjoyment of, the many workshops, concerts, plays and other activities sponsored by the college throughout the years; and

WHEREAS, Mills College has helped to focus international attention upon the State of California by attracting to its campus a steady stream of outstanding scholars, artists and musicians of world renown; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby congratulates the president, trustees, administration, faculty, students and alumni of Mills College upon the centennial of its founding and expresses its best wishes for the continued success of the college in its position of leadership

in the specialized field of higher education for women; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the president of Mills College.

CHAPTER 6

Senate Concurrent Resolution No. 3—Relative to "I Am an American Day."

[Filed with Secretary of State April 1, 1952.]

"I am an American Day"

WHEREAS, On February 29th President Truman designated September 17th of each year as "Citizenship Day," thereby abolishing the annual celebration of "I Am an American Day"; and

WHEREAS, "I Am an American Day" was espoused and promoted for many years throughout the Nation by the Hearst newspapers, the American Legion, civic and patriotic organizations; and

WHEREAS, The celebration of "I Am an American Day" permits Americans to show their devotion to the United States of America, to draw inspiration from its glorious history, to honor its magnificent founders and express gratitude to its patriotic defenders; and

WHEREAS, The appeal and warmth, patriotism and love for our Country is lost in the vague coldness of "Citizenship Day"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of the State of California is hereby requested to proclaim September 14th "I Am an American Day" in conformance with tradition heretofore established and reverently observed by all patriotic Americans throughout the great State of California.

CHAPTER 7

Senate Concurrent Resolution No. 4—Relative to accepting permit from the Government of the United States for the transfer of lands for the use of the Golden Gate Bridge and Highway District for the purpose of widening the San Francisco approach to the Golden Gate Bridge.

[Filed with Secretary of State April 1, 1952.]

Acceptance of federal permit for transfer of lands to Golden Gate Bridge and Highway District

WHEREAS, The Secretary of the Army of the United States has, by grant dated the thirtieth day of October, 1951, granted, to the Golden Gate Bridge and Highway District control over certain areas additional to the present Golden Gate Bridge and

Highway District for the purpose of widening the San Francisco approach to the Golden Gate Bridge; and

WHEREAS, The said grant is by its terms granted, an extension of the original permit to erect the Golden Gate Bridge made by the Assistant Secretary of War, dated October 27, 1930, and various permits granted subsequent to that date; and

WHEREAS, Said permit dated the thirtieth day of October, 1951, requires as a condition precedent to the taking effect of such permit that the State of California accept the same and conform to the requirements therein contained; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the said permit granted by the Secretary of the Army, successor to the previously designated Secretary of War, to the Golden Gate Bridge and Highway District be and the same hereby is, together with each, all, every and singular, the terms, conditions, limitations, reservations and requirements therein contained accepted by and on behalf of the State of California; and be it further

Resolved, That the State of California does hereby make application to Congress for a retrocession of jurisdiction over all of the lands and territories described in the original and amendatory permits heretofore or hereafter to be made; and be it further

Resolved, That the State of California will, in case such retrocession of jurisdiction is granted by Congress, accept such retrocession of jurisdiction and will assume the responsibility for managing, controlling, and policing the same, all subject to the conditions embraced within said permit; and be it further

Resolved, That each and every condition and restriction contained within said permit granted by the United States Government will be fully complied with; and be it further

Resolved, That the State of California does hereby agree to accept said permit and will in all respects comply therewith and obey all of the requirements thereof; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Secretary of the Army, to each House of Congress, and to the Senators and Representatives in Congress of the State of California.

CHAPTER 8

Assembly Joint Resolution No. 8—Relative to petitioning Congress to call a convention for the purpose of considering an amendment to the Constitution of the United States relative to taxes on vehicles and vehicle fuels.

Amendment of Federal Constitution re use of motor vehicle and motor vehicle fuel taxes

[Filed with Secretary of State April 2, 1952.]

Resolved by the Assembly and the Senate of the State of California, jointly, That this Legislature respectfully petitions the

Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States as follows, to wit:

Article ____

SECTION 1. From and after the effective date of this article, all moneys collected from any taxes now or hereafter imposed by the United States upon motor vehicles or the operation thereof, and upon the manufacture, sale, distribution, or use of motor vehicle fuels, supplies and equipment, for use in motor vehicles upon public highways over and above the cost of collection, and any refunds authorized by law, shall be apportioned by the Congress to the several states and shall be used by the states exclusively for the construction and maintenance of highways in the manner provided by Congress; and be it further

Resolved, That the Congress of the United States is hereby requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the Legislatures of three-fourths of the several states; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 9

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 20 of Article IV, relating to public officers.

[Filed with Secretary of State April 2, 1952.]

Amendment of State Constitution re office holding

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1952 First Extraordinary Session commencing on the third day of March 1952, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 20 of Article IV to read as follows:

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that local officers or postmasters whose compensation does not exceed five hundred dollars ($500) per annum, or officers in the militia or members of any reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in

any year, shall not be deemed to hold lucrative offices; provided further, that the holding of any civil office of profit under this State shall not be affected or suspended by such military service as above described.

CHAPTER 10

Senate Concurrent Resolution No. 5—Relative to first form reclamation withdrawals of lands on stream systems in the State of California.

[Filed with Secretary of State April 2, 1952.]

First-form reclamation withdrawals

WHEREAS, On March 4 and March 6, 1952 the Bureau of Reclamation, United States Department of the Interior, published, in the Federal Register, notices of first form reclamation withdrawals of over 175,000 acres of land in the watersheds of the Kern, Kings, San Joaquin, American, Feather, and Trinity Rivers and the Putah and Mill-Deer Creeks, all in the State of California; and

WHEREAS, Such notices state that the lands withdrawn are reserved for the Bureau of Reclamation's proposed projects designated "Kern River Division," "Kings River Division," "Upper San Joaquin Division," "American River Division," "Feather River Division," "Trinity River Division," and "Mill-Deer Division" of the Central Valley Project, and the "Solano Project"; and

WHEREAS, The Congress of the United States has not approved or authorized the construction of any of such projects proposed by the Bureau of Reclamation; and

WHEREAS, Construction by the Bureau of Reclamation of its proposed projects on these and other withdrawn lands will forever foreclose the State of California and its citizens from developing these water resources under the laws of this State and of the United States; and

WHEREAS, Public and private agencies within the State of California are entitled to develop such water resources in the public interest; and

WHEREAS, The California Division of Water Resources has issued permits and licenses to state and local agencies for beneficial use of many of these water resources; and

WHEREAS, The Federal Power Commission has recently issued orders for the comprehensive power development of Kings River by local agencies, and the Bureau of Reclamation has now petitioned the United States Court of Appeals for the Ninth Circuit to set aside such orders on the ground, among others, that the commission had no jurisdiction to authorize such development because it is prevented by first form reclamation withdrawals; and

WHEREAS, The Water Project Authority of the State of California, pursuant to authorization by act of the Legislature of the State of California, has filed an application with the Federal

Power Commission for a license for the Feather River Project on lands which are under first form reclamation withdrawals; and

WHEREAS, Many other local public and private agencies have filed applications with the Federal Power Commission for authority to develop California water resources for power, and other beneficial uses, in many other watersheds which are under first form reclamation withdrawals; and

WHEREAS, By authority of the Congress of the United States, expressed in the Federal Power Act, such lands have already been withdrawn for the developments so proposed; and

WHEREAS, First form reclamation withdrawals are now in conflict with such permits and licenses issued by the State for beneficial use of its water resources and with such power site withdrawals made under the Federal Power Act; and

WHEREAS, Such first form withdrawals make issuance by the California Division of Water Resources of permits and licenses to appropriate water in the areas affected extremely difficult to administer; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all lands in the State of California under first form reclamation withdrawals and not now occupied by authorized federal projects be immediately restored to public entry or other disposal under the laws of the United States and of the State of California; and be it further

Resolved, That first form reclamation withdrawals on such lands be and they hereby are protested as an unjust and unwarranted interference by the Federal Bureau of Reclamation with the sovereign right of the State of California and the private right of its citizens to develop the water resources of the State; and be it further

Resolved, That the Governor is requested to disapprove any project report incident to, or resulting from, such first form withdrawals; and be it further

Resolved, That the Legislature of the State of California hereby respectfully requests the State Water Resources Board to file immediately with the Secretary of the Interior objections to the withdrawals so published in the Federal Register on March 4 and March 6, 1952, and to take every other action necessary to cause the orders for such withdrawals to be rescinded; and be it further

Resolved, That the Legislature of the State of California hereby respectfully requests the State Water Resources Board and the Attorney General to take appropriate steps, in the action now pending before the United States Court of Appeals for the Ninth Circuit relating to power development on the Kings River, to oppose contentions of the Bureau of Reclamation that the Federal Power Commission is without jurisidiction to authorize nonfederal agencies to construct projects on lands which are under first form reclamation withdrawals; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Governor of the State of California, to the Attorney General and to each member of the State Water Project Authority, and to each member of the State Water Resources Board.

CHAPTER 11

Senate Concurrent Resolution No. 7—Relative to appointing a joint committee to take the necessary action to insure that the Sacramento Solons have a successful year in 1952.

[Filed with Secretary of State April 2, 1952.]

Sacramento Solons

WHEREAS, The Pacific Coast League Baseball Season opens April 1 in Sacramento; and

WHEREAS, The Sacramento Solons baseball team is the home team of the capital city of California; and

WHEREAS, Representing the capital city of this fair State the Sacramento Solons should do all in their power to exemplify the glorious wonders of the Golden State; and

WHEREAS, Last year the Sacramento Solons, despite a good start early in the season plummeted to the cellar and barely escaped last place at the end of the season; and

WHEREAS, In the interest of reflecting greater glory to California it becomes a matter of legislative interest that this unfortunate situation be avoided this year; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That a joint committee be appointed to take necessary and appropriate action to the end that the Sacramento Solons enjoy a highly successful season; and be it further

Resolved, That Senator John F. McCarthy and Assemblyman Robert I. McCarthy be appointed to act as the aforementioned committee and report back to the Legislature in 1953 with all the facts and figures pertaining to a successful 1952 season for the Sacramento Solons.

CHAPTER 12

Senate Joint Resolution No. 3—Relative to first form reclamation withdrawals of lands on stream systems in the State of California.

[Filed with Secretary of State April 2, 1952.]

First-form reclamation withdrawals

WHEREAS, On March 4 and March 6, 1952 the Bureau of Reclamation, United States Department of the Interior, published, in the Federal Register, notices of first form reclamation withdrawals of over 175,000 acres of land in the watersheds of the Kern, Kings, San Joaquin, American, Feather, and Trinity

Rivers and the Putah and Mill-Deer Creeks, all in the State of California; and

WHEREAS, Such notices state that the lands withdrawn are reserved for the Bureau of Reclamation's proposed projects designated "Kern River Division," "Kings River Division," "Upper San Joaquin Division," "American River Division," "Feather River Division," "Trinity River Division," and "Mill-Deer Division" of the Central Valley Project, and the "Solano Project"; and

WHEREAS, The Congress of the United States has not approved or authorized the construction of any of such projects proposed by the Bureau of Reclamation; and

WHEREAS, Construction by the Bureau of Reclamation of its proposed projects on these and other withdrawn lands will forever foreclose the State of California and its citizens from developing these water resources under the laws of this State and of the United States; and

WHEREAS, Public and private agencies within the State of California are entitled to develop such water resources in the public interest; and

WHEREAS, The California Division of Water Resources has issued permits and licenses to state and local agencies for beneficial use of many of these water resources; and

WHEREAS, The Federal Power Commission has recently issued orders for the comprehensive power development of Kings River by local agencies, and the Bureau of Reclamation has now petitioned the United States Court of Appeals for the Ninth Circuit to set aside such orders on the ground, among others, that the commission had no jurisdiction to authorize such development because it is prevented by first form reclamation withdrawals; and

WHEREAS, The Water Project Authority of the State of California, pursuant to authorization by act of the Legislature of the State of California, has filed an application with the Federal Power Commission for a license for the Feather River Project on lands which are under first form reclamation withdrawals; and

WHEREAS, Many other local public and private agencies have filed applications with the Federal Power Commission for authority to develop California water resources for power, and other beneficial uses, in many other watersheds which are under first form reclamation withdrawals; and

WHEREAS, By authority of the Congress of the United States, expressed in the Federal Power Act, such lands have already been withdrawn for the developments so proposed; and

WHEREAS, First form reclamation withdrawals are now in conflict with such permits and licenses issued by the State for beneficial use of its water resources and with such power site withdrawals made under the Federal Power Act; and

WHEREAS, Such first form withdrawals make issuance by the California Division of Water Resources of permits and licenses

to appropriate water in the areas affected extremely difficult to administer; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That all lands in the State of California under first form reclamation withdrawals not within authorized federal projects be immediately restored to public entry or other disposal under the laws of the United States and of the State of California; and be it further

Resolved, That first form reclamation withdrawals on such lands be and they hereby are protested as an unjust and unwarranted interference by the Federal Bureau of Reclamation with the sovereign right of the State of California and the private right of its citizens to develop the water resources of the State; and be it further

Resolved, That the Legislature of the State of California hereby respectfully requests the President of the United States to procure the immediate restoration of such withdrawn lands to public entry or other disposal under the laws of the United States; and be it further

Resolved, That the Legislature of the State of California hereby respectfully requests the Congress of the United States to take such steps as may be necessary to prevent such usurpation by the Bureau of Reclamation of such rights of the State of California and its citizens; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the United States, to each Senator and Representative from California in the Congress of the United States, to the Federal Power Commission, and to the Secretary of the Interior.

CHAPTER 13

Senate Concurrent Resolution No. 2—Relative to the Feather River Project and the Sacramento-San Joaquin Delta Diversion Projects.

[Filed with Secretary of State April 2, 1952.]

First-form reclamation withdrawals

WHEREAS, The Legislature, in 1951, adopted and authorized the construction of the Feather River Project and Sacramento-San Joaquin Delta Diversion Projects by the Water Project Authority of the State of California, as units of the Central Valley Project; and

WHEREAS, That authorization envisioned the expenditure of more than one billion dollars ($1,000,000,000) for construction by the State of facilities to achieve the fullest development for beneficial uses of its water resources in the interest of the people and for the public welfare; and

WHEREAS, The Department of Public Works acting by and through the State Engineer has undertaken the necessary investigations, surveys and studies and preparation of plans and specifications for the construction of the works so authorized; and

WHEREAS, The Legislature is now considering the appropriation of eight hundred thousand dollars ($800,000) to carry on these studies; and

WHEREAS, Applications have been filed by the State with the Federal Power Commission to secure the necessary federal license to construct facilities for power development on the Feather River; and

WHEREAS, There was published on March 6, 1952, notice by the United States Bureau of Reclamation withdrawing from public entry, approximately 49,000 acres of land in the area of the proposed State Feather River Project and requiring that any protests to such withdrawals be made within 30 days; and

WHEREAS, This withdrawal is stated to be made in connection with a federal project designated as the "Feather River Division, Central Valley Project, California"; and

WHEREAS, Congress has not approved or authorized such a division; and

WHEREAS, These withdrawals may affect the jurisdiction of the Federal Power Commission and thereby preclude state construction of the Feather River Project and the Sacramento-San Joaquin Delta Diversion Projects; and

WHEREAS, The withdrawals of lands for a federal project for which there is no congressional authorization in face of the authorized state project appears to be unjustified; now therefore be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Water Project Authority is urged to vigorously protest the withdrawals and take every action within its command to prevent such unjustified interferences with projects under its jurisdiction; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each member of the Water Project Authority.

CHAPTER 14

Senate Concurrent Resolution No. 8—Relative to Joint Committee on Water Problems.

[Filed with Secretary of State April 2, 1952.]

Sacramento River seepage problem

WHEREAS, Seepage from the Sacramento River in the vicinity of Colusa is causing damage to valuable lands; and

WHEREAS, The problems arising because of this condition give evidence of the possible need for legislation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Water

Problems is directed to study what legislation is needed concerning seepage from the Sacramento River in the vicinity of Colusa and to report thereon to the Legislature at the 1953 General Session; and be it further

Resolved, That the Division of Water Resources, Department of Public Works, be requested to cooperate with and make available all material concerning said seepage to the Joint Committee on Water Problems.

CHAPTER 15

Senate Concurrent Resolution No. 11—Relative to the Alien Land Law and claims filed thereunder.

[Filed with Secretary of State April 2, 1952.]

Alien land law escheat claims

WHEREAS, By the enactment of Chapter 1714 of the Statutes of 1951 the Legislature of the State of California provided some redress to citizens of the United States whose property had been escheated pursuant to the Alien Land Law of California; and

WHEREAS, The motivating purpose behind that legislation was to promote the public welfare by demonstrating to all citizens that even injustices brought about by wartime prejudices are eventually corrected by the democratic processes, thereby ensuring the loyalty and support of all groups of citizens during the present period of international strain; and

WHEREAS, The persons to whom this remedy was extended by that statute are now engaged in presenting their claims pursuant to said statute; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all state officers are urged to handle said claims as expeditiously as possible, bearing in mind the public purpose to be served thereby.

CHAPTER 16

Senate Concurrent Resolution No. 12—Relative to effecting adequate information to California suppliers and declaring a public policy thereon.

[Filed with Secretary of State April 2, 1952.]

Information to California suppliers

WHEREAS, Senate Concurrent Resolution No. 94 of the 1951 General Session declared the public policy of the State of California to encourage and assist California industry and labor in the production and sale of articles, including buildings, fixtures, equipment and supplies which are fabricated and assembled in this State and declared that the State should draft specifications

and calls for bids in such a manner as to enable California manufacturers to compete on as nearly equal a footing as practicable with manufacturers and suppliers in other states; and

WHEREAS, Said Concurrent Resolution No. 94 requested the Director of Finance, the State Purchasing Agent, the State Architect, and the Director of Public Works to conduct an investigation as to the best means of implementing the above-mentioned public policy; and

WHEREAS, Senate Resolution No. 206 of the 1951 General Session reiterated in all material respects the declaration of public policy set forth above and requested the same state officials to conduct the investigation and study mentioned above; and

WHEREAS, The aforementioned resolutions requested the state officials therein named to make a written report to the Governor, the Senate, and the Legislature on or before February 1, 1952; and

WHEREAS, Interested parties representing both labor and management within this State do not believe that the matter has been thoroughly and properly studied and do believe that further study is necessary; and

WHEREAS, Such further study should include a close study of the instructions issued by the State Architect and an investigation as to whether or not these instructions are being carried out; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Finance, the State Purchasing Agent, the State Architect, and the Director of Public Works are requested to continue the investigation which they were requested to undertake in said Senate Concurrent Resolution No. 94 and said Senate Resolution No. 206 of the 1951 General Session, and to continue to meet with interested groups in accordance with said resolutions in order that means may be devised to fully and completely effectuate the state public policies referred to therein; and be it further

Resolved, That said state officials are hereby requested to make a written report on or before February 1, 1953, to the Governor and the Legislature covering the matters specified in said Senate Concurrent Resolution No. 94 and said Senate Resolution No. 206 of the 1951 General Session; and be it further

Resolved, That copies of this resolution be sent to the state officials mentioned above and to the representatives of California industry and labor mentioned in said Senate Concurrent Resolution No. 94 and said Senate Resolution No. 206 of the 1951 General Session.

CHAPTER 17

Senate Joint Resolution No. 4—Relative to memorializing the Congress of the United States with respect to state control of wild life on federal property.

[Filed with Secretary of State April 2, 1952.]

State control of wild life on federal property

WHEREAS, The fish and game within the State of California are the property of the people of the State and the conservation and utilization thereof are subject to state regulation in the interests of the public welfare; and

WHEREAS, During and since World War II the United States of America has acquired control over large areas of land within the State of California for use for military and national defense purposes and controversy has arisen over the enforcement of the fish and game laws of the State in such areas; and

WHEREAS, There has been introduced in the Congress of the United States a bill designated S. 2403 by the Honorable A. Willis Robertson, Senator from Virginia, which is designed to put an end to such controversies; and

WHEREAS, Senator Robertson has said of his bill "I propose to preserve to the states of this Union their historic control of wild life—one of the hallmarks of democracy. Under the provisions of my bill all hunting and fishing on federal areas must be in accordance with the law of the state in which the area is located,"; and

WHEREAS, The principles so expressed by Senator Robertson are fundamentally sound and any problems as to the application of such principles in any specific situation can readily be worked out by cooperation between the state and federal officers and agencies involved; and

WHEREAS, It is unfortunate that any controversy has ever arisen over the right of a state to regulate hunting and fishing on federally controlled property and it is highly desirable that an end should be put to such controversies as soon as possible to the end that the right of a state to regulate the taking of its own fish and game should be put beyond question; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature hereby respectfully memorializes and requests the Congress of the United States to enact S. 2403 or similar legislation to provide that hunting and fishing on any area of land within any state which area is under control of the United States or any agency thereof shall be in accordance with the laws and regulations of the state in which such area is located; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Honorable Joseph C. O'Mahoney, Chairman of the United States Senate Committee on Interior and Insular Affairs, to the Honorable A. Willis Robertson, United States Senator from Virginia, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 18

Senate Joint Resolution No. 5—Relative to requesting the National Production Authority to allocate steel for vital projects.

[Filed with Secretary of State April 2, 1952.]

Veterans' memorial building in Pismo Beach Allocation of steel

WHEREAS, Sites have been acquired, money has been made available, and plans have been drafted for a veterans' memorial building in the City of Pismo Beach, San Luis Obispo County, California; and

WHEREAS, There is no adequate veterans meeting place in this area at present to accommodate a large number of men who served their Country in time of war; and

WHEREAS, Said veterans' memorial building, if constructed, would provide recreational facilities for the large number of servicemen now stationed in nearby Camp Roberts and Camp San Luis Obispo who are now without adequate recreational facilities; and

WHEREAS, It has been reported that the steel situation has recently improved to the extent that some steel will be made available to nondefense industries; and

WHEREAS, Since the veterans' memorial building mentioned above would benefit veterans, servicemen and the military establishment, and since an allocation of steel for its construction must be secured before bids can be let, an immediate allocation of steel would clearly be in the best public interest of the Nation and the State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the National Production Authority is hereby requested and urged to approve the allocation of steel for the construction of the veterans' memorial building in the City of Pismo Beach, County of San Luis Obispo, California, at the earliest possible date; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the National Production Authority, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 19

Senate Joint Resolution No. 6—Relative to federal participation in the cost of independent audit of joint public assistance programs.

[Filed with Secretary of State April 2, 1952.]

Federal participation in audit of joint programs

WHEREAS, Audit of public assistance programs should be independent of the agency expending or administering the

expenditures under such programs, in order to result in proper efficiency and economy, control of expenditures, and consequent savings of state, federal and county money; and

WHEREAS, The Federal Government fully recognizes this principle but under existing regulations does not participate in its proper share of the cost of independent audit of public assistance programs; and

WHEREAS, In consequence, the audit program of expenditure by the counties of this State of federal, state, and county funds for old age assistance, aid to needy children, and aid to the needy blind has since March 1, 1950, been conducted largely by the State Department of Social Welfare which administers the program, with only limited funds available for participation by the State Controller, who, under the Constitution and laws of this State, is the independent auditor of expenditures; and

WHEREAS, Independent audit would result in greater efficiency and economy, closer control of expenditures for such aids, and in consequent savings of state, federal and county money; and to that end the Legislature at the 1952 Regular Session has effected transfer of the fiscal portion of such audit to the State Controller; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Federal Security Administrator to take such action as will result in a grant of federal funds to cover a proper share of the cost of auditing joint public assistance programs even when an auditing function is performed by a state agency other than the agency administering the expenditures under such program; and be it further

Resolved, That the Senators and Representatives from California in the Congress of the United States are urged to meet and jointly take such action in furtherance of the purposes of this resolution as they deem appropriate; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Federal Security Administrator, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 20

Assembly Concurrent Resolution No. 5—Relative to the observance of Public School Week in this the centennial year of the founding of public schools in this State.

[Filed with Secretary of State April 7, 1952]

Public Schools Week

WHEREAS, The week of April 28th through May 2d has been designated as the 33d annual Public Schools Week to be observed by the public schools throughout California; and

WHEREAS, The Legislature in 1852 made its first appropriation for the support of a state system of free education, thus making this year's Public Schools Week the centennial observance of the founding of our present fine schools; and

WHEREAS, Some 700 citizen committees in as many communities throughout the State are joining with the school authorities in arranging an observance of this event in their local schools to demonstrate the work the schools are doing and their needs of the present time; and

WHEREAS, Our pioneers in framing the Constitution of California in 1849 recognized that education is the foundation of a democracy and made provision for our Public School System by so authorizing it; and

WHEREAS, Today in the growing conflict between free people everywhere and the slavemasters of the totalitarian states the need for adequate training and preparation on the part of our youth is greater than ever today; and

WHEREAS, The proper functioning of all of our institutions is the proper concern of all of the people and one of the primary objects of Public Schools Week is to encourage this concern on the part of the people; and

WHEREAS, Both the citizen committees in charge and the school authorities will urge individual visits to one or more local schools; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all citizens of the State of California be urged to take notice of and participate in the events of Public Schools Week as a demonstration of the importance of public education, and the part it has in safeguarding our American ideals and institutions.

CHAPTER 21

Assembly Concurrent Resolution No 8—Relative to the Central Valley Project and the Feather River Project.

[Filed with Secretary of State April 7, 1952.]

Purpose of Feather River Project

WHEREAS, The Legislature, by Chapter 1441, Statutes of 1951, approved and authorized the Feather River Project as a unit of the Central Valley Project, and authorized the Water Project Authority to construct, maintain and operate all or any portion of such unit to such extent and for such period of time as the authority may determine separate and apart from all other units of the Central Valley Project; and

WHEREAS, The Department of Public Works, acting by and through the State Engineer, is authorized and directed to conduct the necessary investigations, surveys and studies and the preparation of plans and specifications for the construction of the Feather River Project; and

WHEREAS, The State Engineer has repeatedly emphasized that the Feather River Project will provide a supplemental and not a substitutional water supply to existing sources, including the Colorado River; and

WHEREAS, Studies have determined that with all of the local water supplies in Southern California fully developed and conserved, together with California's rights to Colorado River in the amount of 5,362,000 acre-feet annually, the area of this State south of the Tehachapi Mountains will still require some 5,000,000 acre-feet of additional water annually to meet its future needs; and

WHEREAS, The Feather River Project is designed to help meet those additional requirements; and

WHEREAS, There have been expressed certain erroneous views to the effect that if the Feather River Project is fully developed, California will not need all of the water of the Colorado River to which it has prior rights; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That any water which may be made available to Southern California under the Central Valley Project, including the Feather River Project, shall be supplemental to, and not a substitute for, Colorado River water; and be it further

Resolved, That the State Engineer, in making the required investigations, surveys, studies and plans for the construction of the Feather River Project shall recognize and take into account the necessity that water made available by the project to Southern California shall be supplemental to, and not a substitute for, Colorado River water; and be it further

Resolved, That the Feather River Project is not to be interpreted as impairing in any way California's rights to the water of the Colorado River to the full extent of its claims thereto; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Public Works, the State Engineer, and the Water Project Authority.

CHAPTER 22

Assembly Concurrent Resolution No. 9—Relative to merit awards to state employees.

[Filed with Secretary of State April 7, 1952.]

Merit award to Mrs. Gertrude Sawyer

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred dollars ($100) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, The maximum award of one hundred dollars ($100) already has been made to Mrs. Gertrude Sawyer, supervising clerk of the Division of Drivers Licenses, Department of Motor Vehicles, for a suggestion which will effect a saving of

thirteen thousand one hundred seventy-five dollars ($13,175) annually in the Financial Responsibility Division of said agency as is evidenced on page 624, line 30, of the printed budget for the Fiscal Year 1952-53 because of the adoption of the suggestion by said agency; and

WHEREAS, The State Merit Award Board has recommended that 5 percent of the first year's savings be awarded to the state employee who submitted said suggestion; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That an additional award of five hundred dollars ($500) to Mrs. Gertrude Sawyer, supervising clerk, Division of Drivers Licenses, Department of Motor Vehicles, is hereby authorized subject to the approval of the State Board of Control; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and to the State Controller.

CHAPTER 23

Assembly Concurrent Resolution No. 10—Relative to encouragement of academic training for engineers.

[Filed with Secretary of State April 7, 1952.]

Academic training for engineers

WHEREAS, There is a critical need for engineers, technicians and skilled craftsmen in national defense production; and

WHEREAS, It has appeared necessary for California's aircraft manufacturers and supporting industries to send scouts throughout the Nation to secure the employment of engineers from among the graduates of engineering colleges; and

WHEREAS, Competition for skilled engineers is increased by government participation in this field and the demands of the armed service; and

WHEREAS, Even though the Korean fighting should be terminated, there is no prospect of unemployment in the defense industry in the foreseeable future; and

WHEREAS, Although California Polytechnic College and some state and local schools and colleges have courses in engineering at or below the college grade but are unable to fill the demand; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Public School System, including secondary schools, junior colleges, and the University of California, adopt a definite policy of encouragement of academic training for engineers.

CHAPTER 24

Assembly Concurrent Resolution No. 11—Relative to congratulating the City of Oakland on the 100th anniversary of its incorporation

[Filed with Secretary of State April 7, 1952]

City of Oakland 100th anniversary

WHEREAS, 100 years ago, in 1852, through the foresight and enterprise of Horace W. Carpenter, the City of Oakland was incorporated as a town; and

WHEREAS, From its humble beginning as part of the Rancho San Antonio of Luis Maria Peralta it has rapidly grown in population so that it now ranks as the third largest city in the State; and

WHEREAS, It now stands among the leaders as a center of industry and commerce, combining in its excellent waterfront area the most modern railway facilities with numerous docks, piers, and warehouses; and

WHEREAS, The city has contributed much to modern air travel, containing within it a large municipal airport, the scene of many long-distance flights, and in addition being the site of several historic events in the history of flying, among which were the first flight to Hawaii by Lieutenants Maitland and Hegenberger, and the first flight to Australia made by Captain Charles H. Kingsford-Smith; and

WHEREAS, Apace with this extensive growth in industry and commerce has grown its reputation in the fields of both education and culture, the city being renowned for its progressive public school system, its network of public libraries and its various institutions of higher education; and

WHEREAS, Not content to provide merely for the economic and cultural welfare of its people, it has also made bountiful provision for their recreation by means of a large network of parks, playgrounds, and recreation centers; and

WHEREAS, Added to all of these achievements is its beauty, illustrated by Lake Merritt in the heart of the city, a 155-acre body of salt water encircled by parks and Linda Vista Park, which contains the world renowned Municipal Rose Gardens, where roses of many varieties bloom continuously the year round; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature extends its heartfelt congratulations to the City of Oakland on the 100th anniversary of its incorporation.

CHAPTER 25

Assembly Concurrent Resolution No. 13—Relative to adjournment in respect to the memory of Chief Deputy District Attorney Daniel Beecher.

[Filed with Secretary of State April 7, 1952]

Death of Daniel Beecher

WHEREAS, The Members of the Legislature have learned with regret that Daniel Beecher has been called to his eternal rest; and

WHEREAS, Daniel Beecher was born in County Cork, Ireland, 70 years ago and, having been brought to America at the age of four, was educated at Amherst College and became a resident of California in 1910 at which time he was admitted to the bar; and

WHEREAS, Daniel Beecher, after private practice of the law until 1927, held office as judge of the superior court for a brief time before entering the Office of the District Attorney of Los Angeles County as chief trial deputy on January 7, 1929, in which capacity he served until May 14, 1951, when he was elevated to the position of chief deputy district attorney; and

WHEREAS, Daniel Beecher loved and was loved by his fellow men, having been honored by the presidency of the Southern California Academy of Criminology, the presidency of the Amherst Association of Southern California, and the Artists of the Southwest, was the head of the board of trustees which built Wilshire Presbyterian Church and a member of Wilshire Masonic Lodge, Elks Lodge 99, Delta Sigma Rho, national oratorical society, Phi Delta Phi, legal fraternity, a member of the California Art Club and the Painters and Sculptors Club; and

WHEREAS, He shared with his wife, Genevieve Thompson Beecher, whom he married in 1913, an intense interest in art, making the collection of paintings and Chinese porcelains his avocations; and

WHEREAS, The life and career of Daniel Beecher merit the admiration and emulation of his fellow citizens of California; now, therefore, be it further

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby express their grief at the passing of Daniel Beecher, and extend their sympathy in his loss to his surviving widow and to his colleagues in the Office of the District Attorney of Los Angeles County; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send suitably prepared copies of this resolution to Mrs. Daniel Beecher and to District Attorney Roll of Los Angeles County.

CHAPTER 26

Assembly Concurrent Resolution No. 14—Relative to adjournment sine die of the 1952 First Extraordinary Session of the Legislature of the State of California.

[Filed with Secretary of State April 7, 1952.]

Adjournment

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the 1952 First Extraordinary Session of the Legislature of the State of California shall adjourn sine die at 6 p.m. on Wednesday, the second day of April, 1952.

CHAPTER 27

Assembly Joint Resolution No. 2—Relative to the imposition of duties on the importation of tuna fish.

[Filed with Secretary of State April 7, 1952.]

Import duties on tuna

WHEREAS, Domestic tuna fishing is an industry of great importance to the economic and general welfare of the United States and of the State of California; and

WHEREAS, Imports of fresh tuna fish, frozen tuna fish, and tuna fish in brine are entering at a rate sufficient to constitute an immediate and serious threat to domestic fishermen; and

WHEREAS, Under existing law, such tuna fish is on the free list and the duty-free status is not bound in any trade agreement; and

WHEREAS, There appears to be no authority under existing law by which this threat of injustice can be met; and

WHEREAS, In order to afford an adequate opportunity for the extensive study required for a proper investigation of the effect of imports of such tuna fish, in the absence of an appropriate duty, on the domestic tuna industry, and to permit an analysis of the long-range position of the domestic tuna industry, it is believed by the Legislature of the State of California that legislation to provide a moderate degree of immediate protection against imports of fresh and frozen tuna, and tuna in brine should be enacted; and

WHEREAS, It is further believed by the Legislature of the State of California that the enactment of H. R. 5693, with an amendment to include tuna in brine, would provide an adequate, but not excessive, level of temporary protection for the domestic tuna fishing industry without impairing the present protection of domestic canners of tuna; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact H. R. 5693, now before the Congress, so as to impose a temporary tariff of three cents ($0.03) per pound on fresh and

frozen tuna, and an equivalent duty on tuna canned in brine; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Senate Finance Committee, to the Chairman of the House Ways and Means Committee, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 28

Assembly Joint Resolution No. 5—Relative to the use of money collected by federal gasoline, diesel fuel, and lubricating oil taxes.

[Filed with Secretary of State April 7, 1952.]

Federal gasoline, fuel and lubricating oil taxes

WHEREAS, The Federal Government imposes a six cent ($0.06) a gallon tax on lubricating oil, and a two cent ($0.02) a gallon tax on gasoline and diesel fuel sold by the producer or importer thereof; and

WHEREAS, The ultimate burden of paying such taxes is on those who operate motor vehicles over the Nation's highways and who use lubricating oil to lubricate machinery; and

WHEREAS, It is only just and equitable that the revenue derived from such taxes be used primarily for the benefit of those who make them possible; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to amend the federal gasoline, diesel fuel, and lubricating oil tax acts so that all revenues collected thereunder shall be used solely for the construction, improvement, repair and maintenance of highways throughout the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 29

Assembly Joint Resolution No. 6—Relative to the reopening of Birmingham General Hospital.

[Filed with Secretary of State April 7, 1952.]

Reopening of Birmingham General Hospital

WHEREAS, Many of the residents of the City of Los Angeles and surrounding cities and communities have been inducted into the armed forces, and the personnel of the 40th Division,

a California National Guard unit recently federalized, was recruited from the same area, and casualties from the Korean campaign are now reaching the mainland in increasing numbers; and

WHEREAS, There is a critical and desperate need in and around the City of Los Angeles for medical facilities available to servicemen and their families, and the closest available facilities are now at Fort MacArthur and Camp Pendleton; and

WHEREAS, From the standpoint of practical economy it is logical that Birmingham General Hospital can be reopened at a minimum cost to the government, when compared with the cost and time required to provide new buildings; and

WHEREAS, Recent surveys by federal and local authorities indicate an estimated life for the buildings at Birmingham General Hospital of from 10 to 25 years and the site of Birmingham General Hospital at Van Nuys, California, was selected by the Army on account of its agreeable climate, accessibility to rail facilities and centers of supplies, and the surrounding comprehensive highway system; and

WHEREAS, The same favorable conditions still exist and have been enhanced in recent years by developments such as the enlargement of the Van Nuys Airport to accommodate airplanes of the Constellation type; and

WHEREAS, The growth of the area surrounding Birmingham General Hospital will afford adequate housing and transportation for the members of the staff of the hospital, if it is reopened, as well as for the families of patients wishing to reside near the hospital; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Defense to reopen the facility known as Birmingham General Hospital at Van Nuys, California, in order to provide adequate and convenient hospitalization to servicemen and their families in Southern California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 30

Assembly Joint Resolution No. 7—Relative to retirement pay for postal employees.

[Filed with Secretary of State April 7, 1952.]

Retirement pay for postal employees

WHEREAS, Bills are now pending before the Congress which would increase the annuities for postal employees now on retirement and also provide an increase for those who retire in the future; and

WHEREAS, Retired postal employees who have faithfully performed service to the Country have suffered unduly from the high cost of living in the past several years due to the fixed nature of retirement payments; and

WHEREAS, Postal employees yet to retire are entitled to a retirement income which will compensate as well as possible for recent cost of living increases; and

WHEREAS, Two bills, S. 995 and particularly H. R. 6540, are designed to accomplish this worth-while objective; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact H. R. 6540 or S. 995, or other legislation of similar nature to increase the retirement pay of postal employees, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Postmaster General, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 31

Assembly Joint Resolution No. 10—Relative to memorializing the Federal Government to take the necessary action to acquire the use of Pine Flat Dam for flood control during spring runoff.

[Filed with Secretary of State April 7, 1952.]

Use of Pine Flat Dam

WHEREAS, Various irrigation interests in the Kings River Watershed of California have requested the United States Army Engineer Corps to operate the available facilities at Pine Flat Dam this spring on an emergency basis to regulate the Kings River flow in order to prevent floods; and

WHEREAS, Because of the heavy snow pack this year it is considered probable that damaging floods will occur in this productive agricultural area; and

WHEREAS, Facilities at Pine Flat Dam capable of impounding at least 200,000 acre-feet of water could be put into use at the present time without impairing the work already done or halting present work; and

WHEREAS, The emergency operation of such facilities would greatly decrease the possibility of damaging floods in the area such dam is designed to serve; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States Army Engineer Corps be respectfully memorialized to take the necessary action to acquire the use of the available facilities at Pine Flat Dam for flood control during the spring runoff; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the United States Army Engineer Corps and to each Senator and Representative in the Congress of the United States from the State of California.

CHAPTER 32

Assembly Joint Resolution No. 15—Relative to memorializing the Congress of the United States to suspend the importation of ladino clover seed.

[Filed with Secretary of State April 7, 1952.]

Importation of ladino clover seed

WHEREAS, The area having the largest production of ladino clover seed in the world is located in the State of California, to wit, the area near the City of Orland in Glenn County; and

WHEREAS, Nearly 2,000,000 pounds of this seed were imported into this Country from one foreign nation alone during the past year, while at the same time domestic surpluses were being created; and

WHEREAS, The domestic production of ladino clover seed is more than sufficient to meet the entire domestic demand for such seed, and the continued importation of this seed from abroad has already adversely affected the domestic industry which finds it difficult to compete with foreign seeds produced by cheap labor and benefiting from low transportation rates; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to suspend further imports of ladino clover seed until such time as domestic surpluses are used up; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Agriculture of the United States.

CHAPTER 33

Assembly Joint Resolution No. 16—Relative to sanitary facilities in border cities.

[Filed with Secretary of State April 7, 1952.]

Sanitary facilities in Mexican border cities

WHEREAS, Necessary and proper sewage disposal facilities for the border cities of Calexico-Mexicali and Tia Juana-San Ysidro can best be provided by the Governments of the United States

and the Republic of Mexico acting through the International Boundary and Water Commission; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Secretary of State and the representatives of the United States on the International Boundary and Water Commission are respectfully urged to expedite the execution of the necessary international agreements for the financing, preparation of engineering plans and all other steps necessary to provide for proper sewage disposal facilities for the border cities of Calexico-Mexicali; and to negotiate the necessary similar agreements for Tia Juana-San Ysidro; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, to the Secretary of State of the United States, and to each representative of the United States on the International Boundary and Water Commission.

STATUTES OF CALIFORNIA

SECOND EXTRAORDINARY SESSION

1952

Began Monday, August 4, 1952, and Adjourned

Wednesday, August 13, 1952

PROCLAMATIONS BY THE GOVERNOR

CONVENING THE LEGISLATURE IN SECOND EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now, *therefore*,

I, EARL WARREN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the fourth day of August, 1952, at 12 noon of said day for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to provide for capital outlay for construction or improvement of public schools
2. To consider and act upon legislation relating to appropriations for civil defense emergencies.
3. To approve or reject charters and charter amendments of cities, cities and counties, and counties, ratified by the electors pursuant to the Constitution of the State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this third day of July, 1952.

(SIGNED) EARL WARREN
Governor of California

(SEAL)

ATTEST: FRANK M. JORDAN
Secretary of State
By CHARLES J. HAGERTY
Assistant Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on August 4, 1952; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated July 3, 1952, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to-wit

4. To consider and act upon legislation to permit recipients of aid to aged persons, aid to the needy blind, or aid to partially self-supporting blind persons to receive additional amounts contributed by the United States, or additional amounts equivalent to those so contributed
5. To consider and act upon legislation to provide relief from damage caused by earthquakes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this third day of August, 1952.

(SIGNED) EARL WARREN
Governor of California

(SEAL)

ATTEST: FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on August 4, 1952; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, and at the request of the President pro Tempore of the Senate and the Speaker of the Assembly, hereby amend and supplement my Proclamation dated July 3, 1952, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to-wit:

6. To consider and act upon legislation to validate the organization of the San Marino Unified School District and the South Pasadena Unified School District.

7. To consider and act upon legislation relating to the attaches of the municipal courts in judicial districts in Fresno, Orange, Riverside, and Santa Cruz Counties.

8. To consider and act upon legislation to permit manufacture and possession of blends or mixtures of any edible oil with olive oil, containing not less than 25 percent of olive oil and to permit sale, offer for sale or gift of such blends or mixtures only in containers labeled with the percentage content of each oil contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fifth day of August, 1952.

(SEAL)

(SIGNED) EARL WARREN
Governor of California

ATTEST: FRANK M. JORDAN
Secretary of State
By CHARLES J. HAGERTY
Assistant Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on August 4, 1952; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, and at the request of the President pro Tempore of the Senate and the Speaker of the Assembly, hereby amend and supplement my Proclamation dated July 3, 1952, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to-wit:

9. To consider and act upon legislation to validate the organization, boundaries, governing officers or boards, acts, proceedings and bonds of public bodies

10. To consider and act upon legislation relating to the attaches of the municipal courts in judicial districts in Contra Costa County

11. To consider and act upon legislation to create a revolving fund in the State Treasury for the acquisition of properties for state highway purposes, and to transfer money thereto from the Motor Vehicle Fuel Fund.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this sixth day of August, 1952.

(SEAL)

(SIGNED) EARL WARREN
Governor of California

ATTEST: FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on August 4, 1952; and

WHEREAS, On account of etxraordinary occasions which have arisen and now exist it is deemed desirable and necessary to submit an additional subject to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, and at the request of the President pro Tempore of the Senate and the Speaker of the Assembly, hereby amend and supplement my Proclamation dated July 3, 1952, by adding the following additional purpose thereto, and thereby permitting the Legislature to legislate upon the following subject, in addition to the subjects specified in the original Proclamation, to-wit:

12. To consider and act upon legislation relating to the filing of accounts and payment of fees for salaried public administrators after compulsory retirement under a retirement system.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this ninth day of August, 1952.

(SIGNED) EARL WARREN
Governor of California

(SEAL)

ATTEST: FRANK M. JORDAN
Secretary of State
By CHARLES J. HAGERTY
Assistant Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on August 4, 1952; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist it is deemed desirable and necessary to submit an additional subject to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, and at the request of the President pro Tempore of the Senate and the Speaker of the Assembly, hereby amend and supplement my Proclamation dated July 3, 1952, by adding the following additional purpose thereto, and thereby permitting the Legislature to legislate upon the following subject, in addition to the subjects specified in the original Proclamation, to-wit:

13. To consider and act upon legislation to extend the provisions of Chapter 47 of the 1944 Fourth Extraordinary Session, and the provisions of the Construction and Employment Act to cities incorporated on and after June 15, 1952.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this ninth day of August, 1952.

(SIGNED) EARL WARREN
Governor of California

(SEAL)

ATTEST: FRANK M. JORDAN
Secretary of State
By CHARLES J. HAGERTY
Assistant Secretary of State

STATUTES OF CALIFORNIA

PASSED AT THE 1952 SECOND EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

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

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.] In effect immediately

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

SECTION 1. The sum of one thousand one hundred ten dollars and ninety-five cents ($1,110.95) is hereby appropriated out of the General Fund in the State Treasury for the payment of mileage for the Members and Officers of the Senate necessarily incurred by them in attending the 1952 Second Extraordinary Session of the Legislature. Appropriation Senate mileage

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

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CHAPTER 2

An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1952 Second Extraordinary Session of the Legislature, to take effect immediately.

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.] In effect immediately

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

SECTION 1. The sum of five thousand six hundred dollars ($5,600) is hereby appropriated out of the General Fund in the State Treasury for the payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1952 Second Extraordinary Session of the Legislature, as provided by Section 2(b) of Article IV of the Constitution and the Joint Rules of the Senate and Assembly. Appropriation Senators' expenses

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

CHAPTER 3

An act making an appropriation for payment of the expenses of Members of the Assembly necessarily incurred by them while attending the 1952 Second Extraordinary Session of the Legislature, to take effect immediately.

In effect immediately

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.]

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

Appropriation Assemblymen's expenses

SECTION 1. The sum of ten thousand dollars ($10,000) is hereby appropriated out of the General Fund in the State Treasury for the payment of the expenses of Members of the Assembly necessarily incurred by them while attending the 1952 Second Extraordinary Session of the Legislature, as provided by Section 2(b) of Article IV of the Constitution and the Joint Rules of the Senate and Assembly.

Current expenses

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

CHAPTER 4

An act making an appropriation for the mileage of the Members and Officers of the Assembly, to take effect immediately.

In effect immediately

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.]

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

Appropriation Assembly mileage

SECTION 1. The sum of five thousand dollars ($5,000) is hereby appropriated out of the General Fund in the State Treasury for the payment of mileage for the Members and Officers of the Assembly necessarily incurred by them in attending the 1952 Second Extraordinary Session of the Legislature.

Current expenses

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

CHAPTER 5

An act making an appropriation to carry out the provisions of the California Disaster Act for the relief and alleviation of a state of extreme emergency, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.]

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

Appropriation California Disaster Act

SECTION 1. In the event that a state of extreme emergency, as defined in Section 1505 of the Military and Veterans Code,

is proclaimed by the Governor during the 1952-53 Fiscal Year, any money in the Revenue Deficiency Reserve Fund, or so much thereof as may be deemed necessary, shall be transferred to the Emergency Fund specified in Item 289 of the Budget Act of 1952, upon the direction of the Governor, the State Controller, and the Director of Finance and pursuant to the recommendation of the California State Disaster Council. The money so transferred may be expended as provided in said Item 289 to carry out the provisions of the California Disaster Act for the relief and alleviation of the state of extreme emergency. Upon the termination of the period of the state of extreme emergency, the unencumbered balance of the money so transferred shall be returned to the Revenue Deficiency Reserve Fund.

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

In view of present world conditions and the possibility of another world war leading to wide sabotage or direct bombing attacks within the boundaries of the State of California, which would make necessary emergency relief work and cause the incurring of expenditures before the Legislature could be called into session to consider and act upon legislation to make appropriations to meet the emergency, it is necessary that this act take effect immediately.

CHAPTER 6

An act to amend Section 1 of an act entitled "An act providing for the constitution of the municipal court in a district embracing the Cities of Fullerton, Anaheim, La Habra, Brea, and Placentia, and prescribing the number and compensation of the judges, officers and attaches thereof," approved July 24, 1951, relating to municipal court salaries in Orange County.

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.] In effect November 12, 1952

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

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

Section 1. The municipal court established in a district embracing the Cities of Fullerton, Anaheim, La Habra, Brea, and Placentia shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows: Municipal court salaries Orange County

(1) There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) per annum, payable in equal monthly installments.

(2) There shall be one clerk who shall receive a minimum of three hundred thirty-seven dollars ($337) monthly with annual

increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly, and who may appoint the following:

Three deputy clerks, each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly;

One senior account clerk who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly; and

One senior stenographer-clerk who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(3) There shall be one marshal who shall receive a monthly salary of four hundred dollars ($400), and who may appoint:

Two deputy marshals, each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly; and

One senior stenographer-clerk who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(4) A person who is appointed or succeeds to the position of clerk of the municipal court under the provisions of the Municipal and Justice Court Act of 1949 from a position of clerk of a superseded court who, at the time of such appointment, received a salary greater than the minimum herein provided for clerk, shall receive, in addition to the minimum salary herein provided, the first annual increment. Thereafter he shall receive the subsequent annual increments up to a maximum salary of four hundred seventeen dollars ($417) monthly.

(5) The annual increments herein provided shall be subject to the provisions of Section 30 of the Municipal and Justice Court Act of 1949.

(6) All appointments herein provided for shall be subject to the provisions of the Municipal and Justice Court Act of 1949.

CHAPTER 7

An act to amend Section 1 and repeal Section 2 of an act entitled "An act providing for the constitution of the municipal court in a district embracing the Cities of Orange, Tustin, and Santa Ana, and prescribing the number and compensation of the judges, officers and attaches thereof," approved July 24, 1951, relating to municipal court salaries in Orange County.

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.]

In effect November 12, 1952

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

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

Section 1. The municipal court established in a district embracing the Cities of Orange, Tustin and Santa Ana shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

Municipal court salaries Orange County

(1) There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) per annum, payable in equal monthly installments.

(2) There shall be one clerk who shall receive a minimum of three hundred thirty-seven dollars ($337) monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly, and who may appoint the following:

Three deputy clerks, each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly;

One senior account clerk who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly; and

One senior stenographer-clerk who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(3) There shall be one marshal who shall receive a monthly salary of four hundred dollars ($400), and who may appoint:

Two deputy marshals, each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly; and

One stenographer-clerk who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(4) A person who is appointed or succeeds to the position of clerk of the municipal court under the provisions of the Municipal and Justice Court Act of 1949 from a position of clerk of a superseded court who, at the time of such appointment, received a salary greater than the minimum herein provided for clerk, shall receive, in addition to the minimum salary herein provided, the first annual increment. Thereafter he shall receive the subsequent annual increments up to a maximum salary of four hundred seventeen dollars ($417) monthly.

(5) The annual increments herein provided shall be subject to the provisions of Section 30 of the Municipal and Justice Court Act of 1949.

(6) All appointments herein provided for shall be subject to the provisions of the Municipal and Justice Court Act of 1949.

Sessions

SEC. 2. Section 2 of the act cited in the title hereof is repealed.

CHAPTER 8

An act to amend Section 1 of, to repeal Sections 2, 3, and 4 of, and to add Sections 2, 3, 4, 5, 6, and 7 to an act entitled "An act providing for the constitution of the municipal court in a district embracing the City of Fresno, and prescribing the number and compensation of the judges, officers and attaches thereof," approved June 28, 1951, relating to the number and compensation of officers and attaches of the municipal court in the Fresno Judicial District.

In effect November 12, 1952

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.]

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

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

Municipal court salaries Fresno Judicial District

Section 1. The municipal court established in the Fresno Judicial District, County of Fresno, shall be constituted and the judges, officers, and attaches thereof shall be as herein provided and shall receive compensation as follows:

(a) There shall be four judges, each of whom shall receive eight thousand four hundred dollars ($8,400) per annum, payable in equal monthly installments.

(b) There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the secretary of the court and who shall receive a minimum salary of three hundred sixty dollars ($360) per month with increments of twenty-one dollars ($21) after six months of service, twenty-two dollars ($22) after one and one-half years,

twenty-three dollars ($23) after two and one-half years, and twenty-four dollars ($24) to a maximum of four hundred fifty dollars ($450) after four and one-half years of service.

(c) The clerk may appoint the following deputies and assistants:

One assistant clerk who shall receive a minimum salary of three hundred five dollars ($305) per month with increments of seventeen dollars ($17) after six months of service, nineteen dollars ($19) after one and one-half years, nineteen dollars ($19) after two and one-half years, and twenty-one dollars ($21) to a maximum salary of three hundred eighty-one dollars ($381) after four and one-half years of service.

One senior clerk, who shall receive a minimum salary of two hundred fifty-eight dollars ($258) per month with increments of fifteen dollars ($15) after six months of service, fifteen dollars ($15) after one and one-half years, seventeen dollars ($17) after two and one-half years, and seventeen dollars ($17) to a maximum salary of three hundred twenty-two dollars ($322) after four and one-half years of service.

Four court clerks, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) per month with increments of fifteen dollars ($15) after six months of service, seventeen dollars ($17) after one and one-half years, seventeen dollars ($17) after two and one-half years, and nineteen dollars ($19) to a maximum salary of three hundred forty-one dollars ($341) after four and one-half years of service.

One senior account clerk who shall receive a minimum salary of two hundred seventy-three dollars ($273) per month with increments of fifteen dollars ($15) after six months of service, seventeen dollars ($17) after one and one-half years, seventeen dollars ($17) after two and one-half years, and nineteen dollars ($19) to a maximum salary of three hundred forty-one dollars ($341) after four and one-half years.

One small claims clerk who shall receive a minimum salary of two hundred forty-four dollars ($244) per month with increments of fourteen dollars ($14) after six months of service, fifteen dollars ($15) after one and one-half years, fifteen dollars ($15) after two and one-half years, and seventeen dollars ($17) to a maximum salary of three hundred five dollars ($305) after four and one-half years of service.

One traffic clerk who shall receive a minimum salary of two hundred thirty-one dollars ($231) per month with increments of thirteen dollars ($13) after six months of service, fourteen dollars ($14) after one and one-half years of service, fifteen dollars ($15) after two and one-half years, and fifteen dollars ($15) to a maximum salary of two hundred eighty-eight dollars ($288) after four and one-half years of service.

One intermediate stenographer clerk who shall receive a minimum salary of two hundred eighteen dollars ($218) per month with increments of thirteen dollars ($13) after six months of service, thirteen dollars ($13) after one and one-half years, fourteen dollars ($14) after two and one-half years, and

fifteen dollars ($15) to a maximum salary of two hundred seventy-three dollars ($273) after four and one-half years of service.

Six intermediate typist clerks, each of whom shall receive a minimum salary of two hundred six dollars ($206) per month with increments of twelve dollars ($12) after six months of service, thirteen dollars ($13) after one and one-half years, thirteen dollars ($13) after two and one-half years, fourteen dollars ($14) to a maximum salary of two hundred fifty-eight dollars ($258) after four and one-half years of service.

Two junior typist clerks, each of whom shall receive a minimum salary of one hundred eighty-five dollars ($185) per month with increments of ten dollars ($10) after six months of service, eleven dollars ($11) after one and one-half years, twelve dollars ($12) after two and one-half years, and thirteen dollars ($13) to a maximum salary of two hundred thirty-one dollars ($231) after four and one-half years of service.

SEC. 2. Sections 2, 3 and 4 of said act are repealed.

SEC. 3. Section 2 is added to said act, to read:

Sec. 2. The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the court. He shall charge and collect for his services rendered in the capacity of marshal of said court the fees allowed by law to sheriffs and constables and shall pay the same into the county treasury for the use and benefit of the county.

SEC. 4. Section 3 is added to said act, to read:

Sec. 3. Upon the effective date of this act the then clerk and his deputies and assistants shall each be placed upon the same salary step made applicable to his position by this act as he occupies under the superseded act unless by so doing such employee would receive a reduction in pay, in which event he shall be placed upon the lowest step of the increment table as will not reduce his pay. Any officer or attache of said court who hereafter receives a promotion to a position having an overlapping salary range shall be placed upon the lowest step of the new salary range which shall result in an increase in compensation.

SEC. 5. Section 4 is added to said act, to read:

Sec. 4. The minimum salary hereby established for each position shall normally be the initial hiring rate for the position; provided, however, where it is difficult to secure qualified personnel at that rate or if a person of unusual qualifications is engaged, the court or the clerk, as the case may be, with the consent of the board of supervisors, may hire at the second or third step.

SEC. 6. Section 5 is added to said act, to read:

Vacations

Sec. 5. All officers and attaches of said court shall be entitled to a vacation at any time after one year of continuous service at the rate of one and one-quarter days of vacation for each calendar month or major fraction thereof of continuous service; provided, that not more than 15 working days' vacation shall be taken in any one calendar year; provided, how-

ever, that persons who served as officers or attaches of said court prior to July 1, 1952, shall be granted a vacation at any time after six months of continuous service at the rate of one and one-quarter days for each calendar month or major fraction thereof of continuous service.

SEC. 7. Section 6 is added to said act, to read:

Sick leave

Sec. 6. After six months of continuous service each officer or attache of said court shall be entitled to one working day of sick leave with pay for each month or major fraction thereof served up to an accumulated total of 60 working days. Evidence in the form of a physician's certificate or certificate of illness executed by the employee and the clerk of the court certifying as to the nature and duration of the illness shall be filed with the pay roll. In the event any person is absent due to service-connected disability, he shall receive his regular salary in lieu of workmen's compensation until all said accumulated sick leave is exhausted.

SEC. 8. Section 7 is added to said act, to read:

Regulations applicable

Sec. 7. All matters affecting the employment of such officers and attaches of said municipal court not herein specifically provided or otherwise provided or determined by state law shall be governed and regulated by the then effective salary ordinance of the County of Fresno.

CHAPTER 9

An act making an appropriation in augmentation of Item 38 of the Budget Act of 1952, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.]

In effect immediately

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

Appropriation Secretary of State

SECTION 1. The sum of twenty-six thousand dollars ($26,000) is hereby appropriated from the General Fund to the Secretary of State for augmentation of the appropriation made by Item 38 of the Budget Act of 1952.

Urgency

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

The need for school buildings is so great that the Governor has convened the Legislature in extraordinary session to provide for capital outlay for construction or improvement of public schools. It is probable that such provision will require approval by the voters of a bond issue. The money appropriated by Item 38 of the Budget Act of 1952 for printing constitutional amendments and other ballot measures is insufficient to print the bond proposal mentioned above for the

ballot, which must be printed and distributed prior to the November election. It is necessary that this act take effect immediately in order that funds be available for that purpose.

CHAPTER 10

An act to amend Section 1 of an act entitled "An act providing for the constitution of municipal courts in districts in Riverside County, and prescribing the number and compensation of the judges, officers and attaches thereof," approved July 16, 1951, relating to municipal courts in districts in Riverside County.

In effect November 12, 1952

[Approved by Governor August 18, 1952. Filed with Secretary of State August 20, 1952.]

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

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

Municipal court salaries, Riverside County

Section 1. The municipal courts established in districts in Riverside County shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be two judges, each of whom shall receive nine thousand dollars ($9,000) per annum, payable in equal monthly installments.

(2) There shall be one clerk, who shall receive a minimum monthly salary of three hundred dollars ($300) with annual increments as provided in subdivision (4). The clerk may appoint the following:

(a) Two deputy clerks (court), each of whom shall receive a minimum salary of two hundred forty dollars ($240) monthly with annual increments as provided in subdivision (4);

(b) One deputy clerk (senior), who shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments as provided in subdivision (4);

(c) Two deputy clerks (senior typists), each of whom shall receive a minimum salary of two hundred dollars ($200) monthly with annual increments as provided in subdivision (4);

(d) Three deputy clerks (typists), each of whom shall receive a minimum salary of one hundred eighty dollars ($180) monthly with annual increments as provided in subdivision (4).

(3) There shall be one marshal, who shall receive an annual salary of four thousand two hundred dollars ($4,200) payable in equal monthly installments. The marshal may appoint the following:

(a) Three deputy marshals, each of whom shall receive a minimum salary of two hundred thirty dollars ($230) monthly with annual increments as provided in subdivision (4);

(b) One clerk, who shall receive a minimum salary of one hundred eighty dollars ($180) monthly with annual increments as provided in subdivision (4);

(c) Six deputies (custodians) at the fee allowed by law for keeping property.

(4) Each of the court attaches named above whose salaries are specified on a monthly basis shall receive annual increments of ten dollars ($10) per month for the first four years of employment, to take effect on July 1st of each year. Such attaches who are employed at least six months prior to July 1st shall receive the annual increment provided for the first year of employment.

(5) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 and persons previously employed in public service within the county who are appointed to such positions upon the organization of the court shall receive credit for continuous prior service in superseded courts, in such previous public service within the county, and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set. Prior service credit

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CHAPTER 11

An act to add Section 155.6 to the Revenue and Taxation Code, relating to the assessment of property damaged or destroyed by earthquakes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.] In effect immediately

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

SECTION 1. Section 155.6 is added to the Revenue and Taxation Code, to read:

155.6. Notwithstanding anything in this code to the contrary, every person who at 12 o'clock meridian of the first Monday in March, 1952, was the owner of, or had in his possession or under his control, any taxable property which property was thereafter damaged or destroyed by any earthquake prior to August 1, 1952, may, on or before September 1, 1952, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of five hundred dollars ($500). The assessor shall, on or before September 15, 1952, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so re- Earthquake damaged property Assessment

assessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization may, until October 1, 1952, equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the last paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 of Part 9 of this division, as an erroneously collected tax.

Urgency

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

The recent earthquakes in the southern part of the State have destroyed and damaged property to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the 1952-53 tax thereon, and that as a consequence the revenues of the counties and cities involved may diminish to a point where the ordinary needs of those communities cannot be served. This bill, if it becomes effective immediately, will do much towards eliminating the possibility of the occurrence of that situation.

CHAPTER 12

An act to add Section 43005 to the Government Code, relating to taxes levied by cities, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.]

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

SECTION 1. Section 43005 is added to the Government Code, to read:

Earthquake damaged property. Taxation by cities

43005. Notwithstanding any other contrary provisions of law, the city legislative body may by ordinance provide that every person of the city who prior to July 1, 1952, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by any earthquake prior to August 1, 1952, may on or before a date to be specified in such ordinance make application

for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of five hundred dollars ($500), and that the assessor shall, on or before September 15, 1952, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and upon such notice as it may find to be proper the Board of Equalization for the city may, until October 1, 1952, equalize any such assessment or reassessment. It may also be provided in such ordinance that the tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the ordinance may provide that the taxpayer shall be liable for tax only for the lesser amount and that the difference shall be canceled. If the taxpayer has already paid the tax previously computed, the ordinance may provide that such difference shall be refunded to the taxpayer. This section shall be applicable to all cities to which the Constitution does not prevent it from being applied.

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

The recent earthquakes in the southern part of the State have destroyed and damaged property to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon and that as a consequence the revenues of the cities involved may diminish to a point where the ordinary needs of those communities cannot be served. This bill, if it becomes effective immediately, will do much towards eliminating the possibility of the occurrence of that situation.

CHAPTER 13

An act to add Section 29120.5 to the Government Code, relating to the levy of taxes in counties in which property has been damaged by earthquake, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.] In effect immediately

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

SECTION 1. Section 29120.5 is added to the Government Code, to read:

Earthquake damaged property Taxation by counties

29120.5. In addition to any other allowance for delinquency as fixed by law or the board, the board may at the time of fixing the tax rates allow for delinquency, in addition to the amount estimated in the budget or otherwise, an amount for delinquency which the board anticipates will result directly or indirectly on account of damage to property by earthquake since the commencement of the fiscal year. This section shall be applicable only to the levy of taxes during the Fiscal Year 1952-1953.

Urgency

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

In some counties of this State catastrophic damage has been caused to taxable property by earthquake since the commencement of the current fiscal year. If the tax rate is computed without taking into consideration the probable delinquency that will result on account of such damage, insufficient money will be raised for ordinary revenue purposes at a time when all agencies in the counties are in need of extraordinary revenues on account of the damage to public property and the interruption of essential services For these reasons the Legislature finds that it is necessary that this act go into effect immediately.

CHAPTER 14

An act to provide for the emergency use of prison labor in earthquake areas, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.]

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

Earthquake damaged property Prison labor

SECTION 1. Any department, division, bureau, commission or any other agency of the State of California, or of a local unit of government of the State of California, may request of the Director of Corrections the use of prisoners confined in the state prisons for the purpose of demolishing public and private buildings and structures damaged by earthquake and for the clearing of debris in such areas. The Director of Corrections, with the approval of the Director of Finance, may enter into contracts or agreements with such governmental agencies for the purposes of this act and may send to camps or other appropriate housing facilities, to be established by him, such prisoners as may have been determined by the Adult Authority to be eligible for assignment thereto. The work to be done by such prisoners shall be designated and supervised by representatives of the governmental agency requesting such services.

SEC. 2. The Adult Authority shall determine which prisoners shall be eligible for assignment to a project under this act and shall establish and modify lists of prisoners eligible for such assignment. No prisoner shall be released for such assignment until his eligibility therefor has been determined by the Adult Authority. The director shall return to prison any prisoner when so directed by the Adult Authority and may return to prison any prisoner whose employment is not necessary or who violates any rule or regulation of the prison or camp. Eligibility

SEC. 3. The Director of Corrections shall provide for the housing, feeding, clothing, custody and disciplining of prisoners whose temporary removal from prison has been authorized pursuant to this act and may grant to such prisoner all benefits and privileges provided to prisoners assigned to prison work camps in Article 5, Chapter 5, Title 1, Part 3 of the Penal Code. Housing, etc

SEC. 4. There is hereby appropriated to the Department of Corrections out of any money in the State Treasury not otherwise appropriated the sum of sixty thousand dollars ($60,000) for the purposes of this act. Appropriation

SEC. 5. This act shall terminate on January 31, 1953. Duration

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

The condition of public and private buildings damaged by the recent earthquake constitutes a serious threat to the peace and safety of the residents of the area unless immediate steps are taken to remove the debris. It is therefore necessary that all available manpower in the State be utilized in the interests of public safety for the protection of residents of the earthquake-damaged areas.

CHAPTER 15

An act for the revision of budgets of cities, counties, and districts when an earthquake has occurred subsequent to the beginning of the fiscal year with respect to which the budget is adopted, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.] In effect immediately

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

SECTION 1. The governing body of any city, county, or district which has adopted a budget for the 1952-1953 Fiscal Year may revise, add to, or otherwise increase such budget during the fiscal year if within that fiscal year, and prior to the fixing of the tax rate for such city, county, or district, an earthquake occurs after July 1, 1952 and prior to August 1, 1952 Local budgets in earthquake areas. Revision

that substantially damages the property of the city, county, or district or otherwise substantially impairs the ability of the city, county, or district to perform its functions. The procedure for carrying out such budget change shall be as provided in this act.

Resolution

SEC. 2. The governing body of the city, county, or district shall adopt a resolution of intention to change the budget. The resolution of intention shall:

(a) Specify the purpose of the proposed change.

(b) Specify the amount or amounts of the change.

(c) Set a date for hearing, which shall not be more than one week after the date of passage of the resolution of intention.

The governing body shall cause the resolution of intention to be published once in a newspaper of general circulation within the territorial unit involved before the date set for hearing. If no such newspaper is published within the unit the notice shall be published in any newspaper of general circulation that is published in the county, as determined by the governing body.

Hearing

SEC. 3. At the time for hearing, all interested persons may protest the proposed budget change. The hearing may be continued from time to time, but shall be concluded not later than five days after the date set for hearing.

After the protests have been heard the governing body may reject any or all of the protests and may by resolution adopt the proposed budget changes by a four-fifths vote of its members.

The budget as so revised shall be effective for all purposes from and after the date of its adoption as if it were the original budget for the fiscal year of the city, county, or district.

Notice

The governing body shall cause the resolution adopting the budget change to be published once in a newspaper of general circulation in the territorial unit involved within 30 days after the adoption of the resolution. If no such newspaper is published within the unit the notice shall be published in any newspaper of general circulation that is published in the county, as determined by the governing body.

County and district taxes

SEC. 4. In any county in which the board of supervisors or the governing body of any district proceeds to change its budget as provided in this act and in which the hearing provided for by Section 3 is not concluded prior to September 1st, the rates of county and district taxes shall be fixed as provided in Section 29120 of the Government Code, except that the board of supervisors may fix the rate subsequent to September 1st but not later than thirty (30) days after the completion of all hearings held under this act by the governing body of the county or of any district in the county. The governing body of any district proceeding under this act shall forthwith notify the board of supervisors of the budget change made by it following the adoption of the resolution provided for in Section 3.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

A series of severe earthquakes has resulted in substantial damage to property of local governmental agencies and has impaired their ability to perform their governmental functions. In order to provide for the welfare of the residents therein and to prevent a serious disruption of the administration of public affairs it is essential to provide for a revision of the budgets these agencies have adopted for the current fiscal year.

CHAPTER 16

An act to amend Section 2025 of the Welfare and Institutions Code, relating to aid to the aged, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.] In effect immediately

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

SECTION 1. Section 2025 of the Welfare and Institutions Code is amended to read:

2025. Increase or Decrease of Federal Contributions: Change in Amount of Aid: Maximum and Minimum: Legislative intent. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the aged in this State above or below the amount being paid on July 1, 1952, or above or below the amount payable as a result of any such increase or decrease, the amount of the grant of aid provided for in this article shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the total aid granted under this chapter be more than eighty-five dollars ($85) nor less than seventy-five dollars ($75) per month. It is the intent of the Legislature that any change in contributions by the United States Government, whether increase or decrease, shall result in a corresponding change in the amount of this grant, within the limits established by this section. Aged aid· Change in federal contributions

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

During recent months rapidly rising prices and monetary inflation have made the maximum amounts of public assistance payable to recipients thereof increasingly inadequate for their reasonable needs, resulting in widespread hardship and suffering among such recipients. By the Social Security Act amendments of 1952 the Congress of the United States has made additional federal assistance available to this State for aid to the needy aged for a two-year period commencing October 1,

1952, but state legislation raising the maximum limitation of seventy-five dollars ($75) per month on increases in such aid now made in Section 2025 of the Welfare and Institutions Code is necessary to make the additional federal money available to the individual recipients. In order to make the additional federal money available to recipients of aid to the aged in this State as soon as it becomes available to this State, and so to relieve their hardship and suffering, it is necessary that this act take effect immediately.

CHAPTER 17

An act to amend Section 2160 of the Welfare and Institutions Code, relating to old age security to inmates of private institutions, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.]

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

SECTION 1. Section 2160 of the Welfare and Institutions Code is amended to read:

Aged and Inmates of private institutions

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the Federal Government shall provide or make available to this State grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who is a citizen of the United States;

(c) Who possesses either of the following residence qualifications:

(1) Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has so resided for a period of 40 years at least five of which have immediately preceded this application;

(2) During such time as grants-in-aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application;

(d) Who resides in the county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application; any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by the State until the first day of the first month beginning after the date upon which he gains such county residence, unless the day upon which he gains county residence is the first day of the month in which event the county shall assume its share of the costs thereon;

(e) Who is not, at the time of receiving such aid an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding two calendar months in duration. Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of application. The applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate. Persons who are inmates of a boarding home or other institution not supported in whole or in part by public funds shall be granted aid but no such aid shall be granted if such persons are cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations of the Federal Security Agency provide for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by said last preceding clause, if the contract does not specifically provide for this need;

(f) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

Operative date

SEC. 2. This act shall become operative on October 1, 1952.

Urgency

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

During recent months rapidly rising prices and monetary inflation have made the maximum amounts of public assistance payable to recipients thereof increasingly inadequate for their reasonable needs, resulting in widespread hardship and suffering among such recipients. By the Social Security Act amendments of 1952 the Congress of the United States has made additional federal assistance available to this State for aid to the needy aged for a two-year period commencing October 1, 1952, but state legislation is necessary to make the additional federal money available to the individual recipients. In order to make the additional federal money available to recipients of aid to the aged in this State who are in private institutions as soon as it becomes available to this State, and so to relieve their hardship and suffering, it is necessary that this act take effect immediately.

CHAPTER 18

An act to add Sections 2020.001 and 2025.1 to the Welfare and Institutions Code, relating to aid to the aged, providing for payment to recipients thereof of additional sums contributed by the United States under the Social Security Act Amendments of 1952, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.]

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

SECTION 1. Section 2020.001 is added to the Welfare and Institutions Code, to read:

Aged aid: Amount

2020.001. The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, eighty dollars ($80) per month. If, however, in any case it is found the actual need of an applicant exceeds eighty dollars ($80) per month, such applicant shall be entitled to receive aid in an amount, not to exceed eighty dollars ($80) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

Effect of section

This section shall remain in effect until October 1, 1954. While this section is in effect it shall supersede Section 2020 of this code, and wherever in any provision of law reference is made to Section 2020, such reference shall be deemed to refer to this section; but Section 2020 is not repealed by this section and after this section is no longer effective, Section 2020 shall have the same force and effect as if this section had not been enacted.

SEC. 2. Section 2025.1 is added to said code, to read:

Change in federal contributions

2025.1. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the aged in this State above or below the amount being paid on October 1, 1952, or above or below the amount payable as a result of any such increase or decrease, the amount of the grant of aid provided for in this article shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the total aid granted under this chapter be more than eighty-five dollars ($85) nor less than seventy-five dollars ($75) per month. It is the intent of the Legislature that any change in contributions by the United States Government, whether increase or decrease, shall result in a corresponding change in the amount of this grant, within the limits established by this section.

Effect of section

This section shall remain in effect until October 1, 1954. While this section is in effect it shall supersede Section 2025 of this code, and wherever in any provision of law reference is made to Section 2025, such reference shall be deemed to refer to this section; but Section 2025 is not repealed by this section and after this section is no longer effective, Section 2025 shall have the same force and effect as if this section had not been enacted.

Operative date

SEC. 3. This act shall become operative on October 1, 1952.

Urgency

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

During recent months rapidly rising prices and monetary inflation have made the maximum amounts of public assistance payable to recipients thereof increasingly inadequate for their reasonable needs, resulting in widespread hardship and suffering among such recipients. By the Social Security Act Amendments of 1952 the Congress of the United States has made additional federal assistance available to this State for aid to the needy aged for a two-year period commencing October 1, 1952, but state legislation is necessary to make the additional federal money available to the individual recipients. In order to make

the additional federal money available to recipients of aid to the aged in this State as soon as it becomes available to this State, and so to relieve their hardship and suffering, it is necessary that this act take effect immediately.

CHAPTER 19

An act to call a special election to be consolidated with the General Election of 1952 and to provide for the submission to the electors of the State at such consolidated election of constitutional amendments proposed by the Legislature at the 1952 Second Extraordinary Session, to take effect immediately.

In effect immediately

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.]

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

Special election

SECTION 1. A special election is hereby called to be held throughout the State on the fourth day of November, 1952. Such special election shall be consolidated with the general election to be held on said date. The consolidated election shall be held and conducted in all respects as if there were only one election. A separate ballot pamphlet shall be prepared, compiled, and distributed relating to the measures referred to in Section 2 of this act. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to measures submitted pursuant to this act.

Amendments submitted

SEC. 2. At said special election there shall be submitted to the electors all constitutional amendments proposed by the Legislature at the 1952 Second Extraordinary Session.

Procedure

SEC. 3. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

Arguments

SEC. 4. In regard to such proposed constitutional amendments, the presiding officer of the house in which such proposed constitutional amendment originates shall immediately appoint the author or one of the authors of such proposed constitutional amendment and one member of the same house who voted in favor thereof to draft an argument giving the reasons for the adoption thereof, and he shall also appoint a member of the same house who voted against such proposed constitutional amendment to draft an argument against the adoption thereof. If no member of such house voted against such proposed amendment the presiding officer shall appoint a qualified person to draft such argument. Each argument shall consist of not more

than 500 words and shall be submitted by the author or authors to the Secretary of State on or before the tenth day after this act takes effect.

Title

SEC. 5. On or before the tenth day after this act takes effect, the Attorney General shall prepare and deliver to the Secretary of State a valid ballot title for such measures and the Legislative Counsel shall prepare and deliver to the Secretary of State an impartial analysis of said measures showing the effect thereof on the existing law and the operation of the measure.

Analysis

Election

SEC. 6. This act provides for the calling of an election and therefore shall take effect immediately.

CHAPTER 20

An act relating to the acquisition of properties for state highway purposes, and making an appropriation therefor.

[Approved by Governor August 24, 1952. Filed with Secretary of State August 25, 1952.]

In effect November 12, 1952

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

Appropriation Acquisition of property for state highway purposes

SECTION 1. The sum of ten million dollars ($10,000,000), or so much thereof as may be necessary, is hereby appropriated from the Motor Vehicle Fuel Fund, to be expended by the Department of Public Works for the acquisition of properties to constitute rights of way for state highway purposes, in the manner provided by law and by this act. On demand or demands of the Department of Public Works the Controller shall transfer the amounts demanded, not exceeding the total appropriated, to the Highway Right of Way Acquisition Fund which is hereby created, and the expenditures authorized herein shall be made from such fund.

Manner of expenditure

SEC. 2. Money from the appropriation made by this act shall be expended for such acquisition only when the California Highway Commission by resolution, as a part of its finding of public necessity, declares that the property should be acquired on a designated state highway route or designated portion thereof because of the probability of development of properties which will be needed for highway purposes, and that prompt acquisition is required to prevent such development and consequent higher acquisition and construction costs when the highway or a portion thereof is to be constructed.

Disposition of revenues

SEC. 3. All revenues received from any rentals of any property so acquired or from the disposition of any improvements thereon or the proceeds of the sale of any excess parcels of property so acquired shall be deposited in the Motor Vehicle Fuel Fund and shall constitute a credit against amounts expended by the Department of Public Works from this appropriation.

Repayment of funds

SEC. 4. Whenever, after any properties are acquired from funds appropriated by this act, the department proceeds with

the construction of a highway which will require the use of any of the property so acquired, the commission shall allocate and the department shall repay to the Motor Vehicle Fuel Fund from other funds available to it the cost of such properties, less any amounts credited pursuant to Section 3, and in any event, funds shall be allocated or credited for repayment to the Motor Vehicle Fuel Fund from other highway revenues so that by July 1, 1962, there will have been repaid all amounts used from this appropriation.

Effect of appropriation

SEC. 5. For the purpose of making transfers from the Motor Vehicle Fuel Fund to the Highway Users Tax Fund, and apportionments from the latter fund, the appropriation made herein from the Motor Vehicle Fuel Fund shall not be considered, and the total amount thereof shall be deemed to be money in the Motor Vehicle Fuel Fund.

CHAPTER 21

An act to add Article 4.5 to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, relating to state assistance for the restoration, repair, and reconstruction of public works damaged or destroyed by earthquakes, making an appropriation therefor, and declaring the urgency thereof.

In effect immediately

[Approved by Governor August 29, 1952. Filed with Secretary of State August 29, 1952.]

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

SECTION 1. Article 4.5 is added to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 4.5. Earthquake Relief

Definitions

54125. As used in this article:

"Board" means the State Allocation Board.

"Local agency" means any city, city and county, county, or public district.

Loan

54126. Upon the application of the legislative body of a local agency the board may loan funds to a local agency for the replacement, repair, or reconstruction of any public building or any public facility of such local agency which has been damaged or destroyed by earthquake after July 1, 1952, as provided in Sections 54129 and 54130, or the board may replace, repair, or reconstruct any public building or any public facility of a local agency which has been damaged or destroyed by earthquake after July 1, 1952, as provided in Sections 54127 and 54128.

Applicable provisions

54127. The provisions of Sections 54096 to 54102, inclusive, 54104 to 54107, inclusive, and 54111 to 54116, inclusive, are incorporated herein and made a part hereof as if fully set forth

herein. The terms "board" and "local agency" in the provisions so incorporated shall mean the board and a local agency as defined in this article.

Repayment

54128. The board and the local agency may agree upon the terms and conditions of payment of rentals, which shall be fixed at an amount which will return to the State within the period agreed by the board and the local agency the sums which the State, through the board, has expended for the local agency, plus an amount to be specified by the board to be in lieu of the interest which the State would receive if the money were to be invested by the State. The maximum term of an agreement shall be 20 years. The board may require a shorter repayment period.

Terms

54129. In the event that the board loans funds to a local agency, the board and the local agency may agree upon the terms and conditions of the payment of the principal and interest. The maximum term of an agreement shall be 20 years. The board may require a shorter repayment period

Election

54130. A loan provided for in Sections 54126 and 54129 shall not be made if it would provide for an indebtedness or liability contrary to the provisions of Section 18 of Article XI of the Constitution unless, at an election called by the governing body of the local agency two-thirds of the qualified electors of the local agency voting thereat have authorized the governing body of the local agency to accept, expend, and repay the amount of the loan under this article. Such election shall be held in accordance with provisions of law for the incurring of bonded indebtedness by the local agency, as near as the same may be applicable.

Appropriation

SEC. 2. The sum of three million dollars ($3,000,000) is appropriated from the General Fund to carry out the purposes of Article 4.5, Chapter 5, Part 1, Division 2, Title 5 of the Government Code during the 1952-1953 and 1953-1954 Fiscal Years. Any money appropriated by this act for allocation to local agencies for which an application is not made before December 31, 1953, shall revert to the General Fund; provided, that any sums allocated prior to that date or for which an application has been filed shall remain available for expenditure until the public works project for which the allocation was made has been completed and the cost thereof paid.

Urgency

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

The recent earthquakes in the southern part of the State have destroyed and damaged various public buildings and public works to the extent that they may no longer be used for the purpose for which intended. Unless immediately repaired, the functions of local government and of the public schools will be so hampered as to adversely affect the general health and welfare of the State. The damage is so extensive

and the cost of repair and reconstruction so great that residents of the affected areas are unable to bear the cost thereof. The immediate restoration of the damaged and destroyed facilities is essential to the welfare of the State as a whole.

CHAPTER 22

An act to add Section 7705 4 to the Education Code, relating to aid to school districts for the repair and replacement of school buildings damaged by earthquakes, to take effect immediately.

In effect immediately

[Approved by Governor August 29, 1952. Filed with Secretary of State August 29, 1952.]

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

SECTION 1. Section 7705 4 is added to the Education Code, to read:

Allocation priorities

7705.4. In allocating funds under this chapter, the board may give first priority to school districts for the replacement and repair of school buildings and necessary facilities appurtenant thereto damaged by any earthquake occurring subsequent to July 1, 1952. All of the provisions of this chapter apply to such districts except the provisions for the establishment of priorities.

Prior to making any apportionment under this act, the State Allocation Board may secure from the Division of Architecture of the Department of Public Works, a report showing the urgency of the work of replacement or repair for which an application has been filed. The report shall not be conclusive upon the State Allocation Board, but shall be advisory only.

Urgency

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

An earthquake of major proportions, followed by numerous aftershocks, has severely damaged many school buildings in the State and has presented a great and immediate need for state financial assistance in order that the school districts may repair and reconstruct the damaged buildings.

CHAPTER 23

An act to validate acts, proceedings, and elections in connection with bonds of school districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor August 29, 1952. Filed with Secretary of State August 29, 1952.]

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

Definitions

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

(a) The term "school districts" means school districts of any kind or class.

(b) The term "bonds" means all instruments evidencing an indebtedness of a school district incurred or to be incurred for any public purpose.

Validations Bonds of school districts

SEC. 2. Acts and Proceedings Relating to Bonds: Bonds Declared Binding Obligations. All acts and proceedings heretofore taken by or on behalf of any school district under any law or under color of any law for the authorization, issuance, or sale of bonds of any such school district for any public purpose are hereby confirmed, validated, and declared legally effective This shall include all acts and proceedings of the governing board of such school district and of any person, public officer, board, or agency heretofore done or taken upon the question of the authorization, issuance, or sale of such bonds.

All bonds of any school district heretofore issued shall be in the form and manner in which issued and delivered the legal, valid, and binding obligations of the school district. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the school district. Whenever an election has heretofore been called for the purpose of submitting to the voters of any school district the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be legal, valid and binding obligations of the school district.

Operation of act

SEC 3 Operation of Act: Limitation.

(a) This act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings, heretofore taken in school districts which the Legislature could have supplied or provided in the law under which such acts or proceedings were taken.

(b) This act shall be limited to validation of acts and proceedings in school districts to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate or legalize any act, proceeding, or other matter, the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined, and shall not operate to confirm, validate or legalize any act, proceeding or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

Definitions

SEC. 4. "Now"; "Heretofore"; "Hereafter." As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short title

SEC. 5. Citation of Act. This act may be cited as the First School Bond Validating Act of 1952.

Urgency

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

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of school districts and such functioning depends upon the validity of the bonds of such school districts, and it is therefore imperative and essential that such school bonds be validated so that during the period before this act would otherwise become effective:

(1) Public works and construction by school districts can be continued without delay or restriction to provide school facilities required for the public peace, health and safety, and immediately needed to provide for an increased population.

(2) School districts can issue and sell bonds heretofore authorized for the purpose of providing school facilities required for the public peace, health and safety and immediately needed to provide for an increased school population which cannot now be sold because of defects in the authorization of such bonds which defects will be cured by this act.

CHAPTER 24

An act to amend Section 3420 of, and to add Section 3472.1 to, the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.]

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

SECTION 1. Section 3420 of the Welfare and Institutions Code is amended to read:

Partially self-supporting blind Appropriation

3420. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county in the State for maintaining, supporting, or caring for, as provided in this chapter, blind persons who come within the provisions of this chapter and who have county residence as provided in this chapter, aid not in excess of a sum equal to five-sixths of the grant made pursuant to this chapter to every such blind person, each month for each such blind person so maintained, supported and cared for, by such county. There is hereby further appropriated to every county within this State for the purpose of maintaining, supporting, or caring for blind persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of a sum equal to the full amount of the grant made pursuant to this chapter to each such blind

person who has no such county residence, each month for each such blind person.

SEC. 2. Section 3472.1 is added to said code, to read:

3472.1. If, when, and during such times as the amount of the grant of aid to the needy blind provided by Chapter 1 of this part is increased pursuant to Section 3084.1, the amount of the grant of aid to partially self-supporting blind residents provided by this chapter shall be increased by an amount equal to such increase in the grant of aid to needy blind persons, but in no event shall the total aid granted under this chapter to any recipient exceed ninety-five dollars ($95) per month. Increase of grant

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

During recent months rapidly rising prices and monetary inflation have made the maximum amounts of public assistance payable to recipients thereof increasingly inadequate for their reasonable needs, resulting in widespread hardship and suffering among such recipients. By the Social Security Act amendments of 1952 the Congress of the United States has made additional federal assistance available to this State for aid to needy blind persons, and existing state laws will make the additional funds available to needy blind recipients, in the cost of whose aid there is federal participation, increasing the maximum grant of such aid to ninety dollars ($90) per month. Since there is no federal participation in aid to partially self-supporting blind residents, the federal legislation will not benefit the recipients of such aid, whose aid is provided entirely by the State and counties. To provide to recipients of aid to partially self-supporting blind residents increases in their grants of aid equivalent to the increases being provided to recipients of aid to the needy blind at the same time, and so to relieve their hardship and destitution as promptly as possible, it is necessary that this act take effect immediately.

CHAPTER 25

An act to amend Sections 3025 and 3084.1 of the Welfare and Institutions Code, relating to aid to the needy blind, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.] In effect immediately

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

SECTION 1. Section 3025 of the Welfare and Institutions Code is amended to read:

3025. State Appropriations to Counties. There is hereby appropriated out of any money in the State Treasury not other- Needy blind Appropriation

wise appropriated to every county in the State for maintaining, supporting, or caring for, as provided in this chapter, needy blind persons who come within the provisions of this chapter and who have county residence as provided in this chapter, aid not in excess of a sum equal to three-fourths of the grant made pursuant to this chapter to every such needy blind person, after deducting therefrom the amount of any sum received from the United States Government for aid to the blind in respect to such blind person, each month for each such needy blind person maintained, supported and cared for by such county. There is hereby further appropriated to every county within this State for the purpose of maintaining, supporting, or caring for needy blind persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of a sum equal to the full amount of the grant made pursuant to this chapter to each such needy blind person who has no such county residence, after deducting therefrom the amount of any sum received from the United States Government for aid to the blind in respect to such needy blind person, each month for each such needy blind person

Payments of aid shall be made in the manner provided in Sections 3087.1 to 3087.3, inclusive, of this code.

SEC. 2. Section 3084.1 of said code is amended to read:

Increase in grant

3084.1. If, when, and during such times as the United States Government increases its contributions in assistance of the needy blind in this State, the amount of the grant of aid provided in this chapter shall be increased by an amount equal to such increase by the United States Government, but in no event shall the total aid granted to any needy blind person under this chapter be more than ninety-five dollars ($95) per month.

Urgency

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

During recent months rapidly rising prices and monetary inflation have made the maximum amounts of public assistance payable to recipients thereof increasingly inadequate for their reasonable needs, resulting in widespread hardship and suffering among such recipients By the Social Security Act amendments of 1952 the Congress of the United States has made additional federal assistance available to this State for aid to the needy blind for a two-year period commencing October 1, 1952, and existing state legislation will make the additional federal money available to all individual recipients of such aid in the cost of which there is federal participation. There are, however, a very few recipients of aid to needy blind eligible therefor under state law in the cost of whose aid there is no federal participation, so that additional state money is necessary to provide the increased amount of aid to which they will be entitled under existing law. Further, it has always been the policy of

this State to appropriate sufficient funds to pay the entire amount of the grant to recipients of aid to needy blind persons, including the portion which is expected to be and is received from the United States Government for all such recipients except those isolated cases in which there is no federal participation, in order that a sudden withdrawal of federal assistance from this State should not result in the disruption of the program of aid to needy blind persons, and the distress and misery which would result therefrom. To continue that policy of insurance against such disruption in effect during the period from October 1, 1952, to October 1, 1954, and to provide the funds necessary on and after October 1, 1952, to pay the amount of grant already provided by law to those recipients in the cost of whose aid there is no federal participation, it is necessary that this act take effect immediately.

CHAPTER 26

An act to appropriate twenty million dollars ($20,000,000) to be expended pursuant to Chapter 19 of Division 3 of the Education Code, relating to school district public works, declaring the urgency thereof to take effect immediately.

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.] In effect immediately

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

SECTION 1. The sum of twenty million dollars ($20,000,000) is hereby appropriated from the General Fund to be expended pursuant to Chapter 19 of Division 3 of the Education Code. The Controller shall transfer the sum appropriated to the State School Building Aid Fund and the sum shall be available for apportionment by the State Allocation Board as soon as it is so transferred. Appropriation school district public works

At the time the board makes an apportionment to a school district from the sum appropriated by this act, it shall, with the approval of the Director of Finance, fix the interest to be paid by the district on the sum apportioned to it at a rate equal to the rate which the board fixed pursuant to Section 5051 on the last apportionment made by the board under Chapter 1.6 of this division before the apportionment for which the board fixes interest pursuant to this act.

SEC. 2. This act shall become operative only if Chapter 19 of Division 3 of the Education Code is adopted by the Legislature at its 1952 Second Extraordinary Session. Effect

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

It is in the interests of the State and of the people thereof for the State to aid school districts in providing necessary and adequate school sites and buildings for pupils of the Public

School System. The need of the districts for sites and buildings has not been entirely met by the proceeds of bonds authorized under Article XVI, Section 15 of the Constitution and the need must be met immediately.

CHAPTER 27

An act to add Chapter 19 to Division 3 of the Education Code, providing for school district public works.

In effect November 12, 1952

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.]

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

SECTION 1. Chapter 19 is added to Division 3 of the Education Code, to read:

CHAPTER 19. STATE SCHOOL BUILDING AID LAW OF 1952

Article 1. General Provisions

Short title

7701. This chapter may be cited as the State School Building Aid Law of 1952.

Legislative intent

7701.1. The Legislature hereby declares that it is in the interest of the State and of the people thereof for the State to aid school districts of the State in providing necessary school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State.

In adopting this chapter, the Legislature considers that the great need in school construction is for classrooms for the education of the pupils of the Public School System. It is the intent of the Legislature to first satisfy this primary need to the greatest extent possible before providing additional educational facilities, regardless of how desirable such additional facilities may be. To the end that school classrooms may be made available at once and to all school districts in need of such classrooms, provisions for other needed school facilities is necessarily subordinated.

Definitions

7702. As used in this chapter:

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(b) "Director" means the Director of Education.

(c) "Project" means the purposes for which a school district has applied for an apportionment under this chapter.

(d) "Construction project" means the purposes for which a school district has applied for an apportionment at a given location.

(e) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, in-

clusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(f) "Apportionment" means an apportionment made under this chapter unless the context otherwise requires.

(g) "Assessed valuation" means the assessed valuation of property as determined by the county assessor.

Administration

7703. The Director of Finance shall administer this chapter and shall provide such assistance to the board as it may require.

State Allocation Board

7704. The State Allocation Board is continued in existence for the purposes of this chapter. The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services under this chapter but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the State School Building Aid Fund.

Allocation priorities

7705. The board by the adoption of rules shall give priority in allocating funds to districts to those districts where the children will benefit most from additional schoolhouse facilities. This priority shall be based on acuteness of overcrowding, on sudden growth in attendance, on amount of local tax funds expended for housing of a character within the purposes of this chapter, and on the time the district's application has been ready for allotment. The board may make exceptions when it determines that it will be for the benefit of the children affected.

In adopting rules the board may provide for the granting of priority points to govern the allocation according to the following schedule:

(a) Two priority points may be granted for each percent of the latest computed average daily attendance of the district that is unhoused. The number of unhoused students is the latest computed average daily attendance of the district less the sum of (1) any classrooms up to a total of two, multiplied by 25, and (2) any classrooms in excess of two, multiplied by 33.

(b) One priority point may be granted for each percent of the latest computed average daily attendance of the district that is housed in unsafe buildings or buildings that are a serious hindrance to the education of the students. The number of students so housed is the latest computed average daily attendance of the district less the sum of (1) the average daily attendance that is unhoused and (2) the sum of any classrooms in buildings which are not unsafe or a serious hindrance to the education of the students up to a total of two, multiplied by 25, and any such classrooms in excess of two, multiplied by 33.

(c) One priority point may be granted for each 5 percent of the latest computed average daily attendance of the district that represents an increase over the average daily attendance for the fifth preceding school year.

(d) One point of priority may be granted for each one-twentieth of 1 percent of the assessed valuation of the district, collected in taxes and expended for school housing within the scope of this chapter since July 1, 1944. Expenditure of the proceeds of the sale of bonds shall not be counted but expenditure for interest and retirement of bonds shall be counted.

(e) Not more than one point of priority shall be allowed for each calendar month that the completed application of the district has awaited funds.

If any computation of priority points made under this section results in a fraction of a point, such fraction shall be disregarded and the number of priority points shall be taken as the next lowest whole number.

These priorities shall be recomputed at least semiannually when funds are available for allocation, on the respective periods of time next preceding the date of computation. The State Department of Education shall assist and cooperate with the board in determining priority ratings.

The latest computed average daily attendance for a district is the average daily attendance computed for the district for the last preceding school year.

No priority points shall be determined on the basis of enrollment where this section requires average daily attendance or latest computed average daily attendance.

Same

7705.1. For the purposes of (a) and (b) of Section 7705, the following provisions apply:

(a) The latest average daily attendance of the district shall be determined by adding to the average daily attendance of the high school district, the average daily attendance of the two highest grades of the elementary schools included in the high school district, and subtracting the average daily attendance in the two highest grades maintained by the high school district.

(b) The latest computed average daily attendance of the district shall be determined for an elementary school district by computing the total average daily attendance in the elementary school district plus the amount by which the total average daily attendance in the first grade exceeds the total average daily attendance in the next to the highest grade maintained by the district and the amount by which the total average daily attendance in the second grade exceeds the total average daily attendance in the highest grade maintained by the district.

(c) In exceptional cases of abnormal growth, the board may use a different method of computation than that provided in subdivision (b) for elementary school districts if it determines that the method provided in this subdivision will not fairly reflect the average daily attendance in the district for the purpose of priority.

(d) "Average daily attendance" as used in this section means average daily attendance during the annual school term or academic year in regular day schools or classes and in special day schools and classes maintained exclusively for minors.

Powers and duties

7706. In addition to such other powers and duties as are granted the board by this chapter, the board shall:

(a) Establish such qualifications not in conflict with other provisions of this chapter as it deems will best serve the purposes of this chapter for determining the eligibility of school districts to apportionments of funds under this chapter.

(b) Establish such procedures and policies in connection with the administration of, and the expenditure of funds made available for the purpose of, this chapter as it deems necessary and which are not in conflict with the powers and duties of the Department of Education or of the director granted or imposed by this chapter.

(c) Adopt such rules and regulations for the administration of this chapter, requiring such procedure, forms, and information, as it may deem necessary.

Conditions of apportionment

7707. Apportionment from the State School Building Aid Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board, for the following purposes, all of which purposes are hereby declared to be, and are, public works: (a) the purchase and improvement of school sites which have been approved by the State Department of Education; (b) the purchase of desks, tables, chairs, and built-in or fixed equipment, as approved by the Department of Education and as listed in Part III of the California School Accounting Manual contained in the Bulletin of the California State Department of Education, Volume XX, No. 2, March, 1951, or as amended or revised; and (c) the planning and construction, reconstruction, alteration of, and addition to, school buildings for such facilities as are approved by the Department of Education as essential, except (1) a room used solely for an auditorium for a school of any type or class and (2) a room used solely for a gymnasium or a room used solely for a cafeteria for elementary schools. This section does not prohibit the Department of Education from approving multipurpose rooms which are rooms designed to be used for two or more of the following purposes:

(a) Classroom.
(b) Auditorium.
(c) Gymnasium.
(d) Cafeteria.
(e) Such other purposes as the district requires which are approved by the Department of Education.

Off-site facilities

7708. In addition to the purposes for which apportionments may be made to school districts under Section 7707, apportionments may also be made to school districts for the construction, repair, attachment or development of off-site facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made, all of which purposes are hereby declared to be, and are, public works.

Title to property

7709. In making applications for, and in expending, apportionments of funds under this chapter, a school district acts as an agent of the State and all sites purchased and improved,

all equipment purchased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter, are declared to be, and are, the property of the State. Upon the payment by the district of the amounts required to be paid by it to the State under this chapter the board shall, in the name of the State, convey such property to the district.

Insurance

7710. The board may require school districts to insure for the benefit of the State all sites, equipment and buildings which are under Section 7709 the property of the State, against such risks and in such amounts as the board may deem necessary to protect the interests of the State. No state funds apportioned under this chapter shall be used to pay the premiums on said insurance.

Bids

7711. A school district shall not expend money apportioned under this chapter unless the contracts under which the funds are expended have been let after competitive bids thereafter pursuant to this code.

Priority of applications

7711.5. In making apportionments to districts under this chapter, the board shall first consider and act upon all applications for apportionments on file with the board on the effective date of this chapter if the districts submitting such applications have complied with all of the following conditions: (1) The applications have been submitted pursuant to the provisions of Chapter 1.6 of Division 3 of this code; (2) the applications have been approved by resolution of the board; and (3) two-thirds of the qualified electors of the district voting thereat have favorably voted to authorize the amount of bonds required by the board pursuant to Chapter 1.6 of Division 3 of this code.

Except as otherwise provided in this section, the provisions of this chapter shall apply to the applications submitted pursuant to Chapter 1.6 of Division 3 of this code. The board shall not consider applications other than those referred to above until all such applications have been considered and acted upon.

Unencumbered funds

7712. Funds apportioned to a school district under this chapter for a project, remaining unencumbered or unexpended one year from the date the application of the district for such apportionment was approved, shall not be encumbered or expended except as provided in this section.

The governing board of the district shall notify the board of its desire to encumber or expend such funds. The board shall immediately request the Department of Education to, and that department shall, review the project for which apportionment was made. If the Department of Education finds that the conditions existing at the time it approved the project for which the apportionment was made have so changed that the needs of the district are less than originally determined, it shall notify the board of its findings and of the respects in which the project should accordingly be modified. The board shall review the project and revise the project in such manner as it deems necessary subject to the provisions of Section 7724, and make such

changes in the purposes for which the apportionment may be expended as it deems necessary. The cost of the project as revised by the board shall be computed in the manner prescribed by Section 7713 and the excess, if any, of the amount theretofore apportioned to the district over the computed cost of the revised project shall be deducted by the board from the apportionment made to the district. The board shall give notice of its action, in writing, to the State Controller, the governing board of the district, and the county auditor and the county treasurer having jurisdiction over the state school building fund of the district. If the amount of such excess, or any portion thereof, has not been paid to the district, such excess, or portion thereof, shall be made available for apportionment to other districts. If such excess, or portion thereof, has been paid to the district, it shall not be encumbered or expended by the district and shall become due and payable to the State of California. The governing board of the district and the county treasurer shall, at the time of the next county settlement following receipt of such notice from the board, pay such amount to the State Treasurer, out of the funds, and in the manner specified in Section 7745 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

This section does not authorize the board to increase any apportionment made to a school district.

Application for apportionment

7713. Each school district which desires an apportionment for a grade level maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire construction project for which the district desires an apportionment. Before the board approves an application for a construction project and makes an apportionment pursuant to this chapter, it shall after consultation with the Division of Architecture establish standards for all new construction included therein. After such consultation the board shall establish current construction cost standards for such construction. Such standards shall not exceed typical comparable new construction by school districts in the same area not receiving or eligible for apportionment under this chapter, or if there has been no new construction by school districts in the area, the standards shall not exceed the reasonable current cost of similar construction in the area. The board shall determine such typical current costs or such reasonable current costs. In applying such standards the board shall take into account the size and type of the construction proposed and may make such deviations as in their judgment are justified. When a standard has been set by the

board to cover any individual apportionment, no apportionment shall be made by the board in excess of such standard, unless the board shall find that in view of a rapid increase in building costs an adjustment is warranted. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the director and to the Director of Finance.

A school district shall not let any contract for new construction included in an application for a construction project which has been approved by the board if the cost exceeds the construction cost standards fixed by the board under this section for such new construction.

A school district may at any time amend or supplement its application.

Each construction project for which a district applies for an apportionment shall be applied for on a separate application and shall be considered separately by the board. If a district applies for more than one construction project, at the same time or at different times, the priority points of the district shall be recalculated after the approval of each separate construction project and before a subsequent construction project is approved.

The Allocation Board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to reduce the cost of the project. The board may also by rule provide for the vesting in the director or in the Director of Finance of the responsibility for requiring such changes, according to whether the subject matter of the change is subject to the jurisdiction or approval of the director or the Director of Finance, respectively.

Report on application

The Director of Finance shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board.

The director shall as promptly as possible prepare a report and recommendation with respect to the application and refer the application, report, and recommendation to the Director of Finance, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of Finance finds said documents to be lacking in any respect as to any matter which is subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. The board shall, subject to the provisions of this chapter approve or reject each application referred to it by the Director of Finance. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the State School Building Aid Fund the amount applied for, or such portion thereof as the

board may deem appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 7719 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of said resolution of the board, and if it does not become a final apportionment by that date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter.

Approval of application

7714. The board may approve, in whole or in part, an application submitted by a school district under Section 7713 and in such amount, not exceeding the amount applied for, as the board may deem appropriate.

The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount determined by the board as aforesaid, to the applicant school district from the State School Building Aid Fund for such portion or portions of the construction project as the board determines the district is ready to proceed with. If the board has approved an application and made an apportionment as to a portion or portions of a construction project, the board may approve the remaining portion or portions of the construction project and make an additional apportionment or apportionments within two years after the original approval without requiring a district to issue additional bonds.

If the board determines that the actual cost is in excess of the estimated cost of the specific school plant facilities or sites for which an apportionment to a district has been made, or for which a district's application has been approved in whole or in part pursuant to this section, the board may make an additional apportionment to such district in an amount equal to such excess even though such additional apportionment will result in the total apportionments to the district exceeding the amount of the application originally approved by the board. Before such additional apportionment becomes final the district, pursuant to Section 7719, shall hold an election to repay the amount of such additional apportionment which is in excess of the amount which the district has previously voted to repay. Such additional apportionment shall become final when the county superintendent of schools transmits to the board and the State Controller a certificate in duplicate stating that the school district has authorized the acceptance and expenditure of the necessary amount of such excess. The first paragraph of Section 7722 shall not apply to such additional apportionments. If such additional apportionments are made by the board within

two years after the original approval, the district shall not be required to issue additional bonds.

Unless the board by rule otherwise provides, the total of the amounts of applications as approved by the board under this section shall not, when added to all amounts apportioned to school districts by the board under Section 7713, exceed 90 percent of the total amount of state school building bonds authorized to be issued and sold by Section 16.5 of Article XVI of the Constitution of the State.

Except as otherwise provided in this section, all provisions of this chapter relating to apportionments shall apply to apportionments made under this section.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment or promise on the part of the board or the State to make apportionments under this chapter.

Extension of time

7715. If, after a conditional apportionment has been made to a school district, legal proceedings initiated prior or subsequent to the making of such conditional apportionment prevent the taking, within the period during which the conditional apportionment remains effective under Section 7713, of the actions necessary to permit the conditional apportionment to become final, the conditional apportionment shall nevertheless remain effective for a period of nine months from the date upon which such legal proceedings are finally determined.

Schedule

7717. No apportionment shall be made for new construction which when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed under the following schedule:

Type of school	Average daily attendance	Sq. ft. per unit of average daily attendance
Junior high school comprising grades 7 to 9, inclusive	750 or more	75
Junior high school comprising grades 7 to 10, inclusive	750 or more	75
High school comprising grades 7 to 12, inclusive	750 or more	80
High school comprising grades 9 to 12, inclusive	750 or more	80
High school comprising grades 10 to 12, inclusive	750 or more	80
Junior college comprising grades 13 and 14	750 or more	80
Junior college comprising grades 11 to 14, inclusive	750 or more	80

Elementary schools in a district comprising any combination of grades from kindergarten through the 8th grade with a total estimated district average daily attendance in kindergarten and grades 1 to 6, inclusive, of 300 or more, shall be allowed 55 square feet per unit of average daily attendance in kindergarten and grades 1 to 6, inclusive, and 75 square feet per unit of average daily attendance in grades 7 and 8.

The total number of square feet per unit of average daily attendance shall constitute an average allowance per unit of average daily attendance, within which allowance shall be made for physically handicapped, mentally handicapped, or cerebral palsied pupils.

The maximum total building areas per unit of average daily attendance allowed to applicants having schools with smaller estimated average daily attendance than shown in the above schedule shall be determined by the Department of Education, and shall be building areas to provide comparable facilities to those enumerated above, and shall be the least building area required to house adequately the estimated average daily attendance and the normal instructional and other services.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the second fiscal year beyond the fiscal year in which an application is made, and in no case shall be given effect unless approved by the Department of Education.

Payment

7718. Payment shall be made in accordance with the terms of a final apportionment, either directly or by way of reimbursement, to a school district for expenditures, or commitments therefor, which have been made by the district subsequent to the effective date of the constitutional amendment of the 1952 Second Extraordinary Session of the Legislature adding Section 16.5 to Article XVI, for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the board, payment or reimbursement for such item, either with state funds or with district funds which the district is required to contribute by said apportionment, shall be made only upon authorization of the board by special resolution citing this section.

Conditions on apportionment becoming final
Bonded indebtedness

7719. No apportionent to a school district shall become final unless: (a) The total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made. At the time

the board makes a conditional apportionment pursuant to Section 7713, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 7713 shall be conditioned upon the approval and sale of such bonds by the district.

Election

No apportionment to a school district shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter, an apportionment under the provisions of this chapter. Such election shall be combined with and held at the same time as the bond election to authorize the amount of bonds required by the board, if any, and shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot, in addition to the bond proposition, shall contain substantially the following words:

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment in an amount not to exceed _____ dollars ($_____) from the State of California under and subject to the provisions of Chapter 19 of Division 3 of the Education Code which amount is subject to repayment as provided by said chapter? Yes _____ No _____."

Election certificate

7720. Immediately after the result of the election has been determined, the county superintendent of schools shall make a certificate in duplicate stating whether the bonds have been authorized in the amount prescribed by the board and whether the school district has authorized the acceptance and expenditure of the apportionment. One copy of the certificate shall be sent to the board and one copy to the State Controller. When the bonds authorized have been issued and sold and the proceeds thereof made available for the purposes of the application, the county superintendent of schools shall also certify this fact to the board and the State Controller. Upon the receipt by the board of the certificates stating that the bonds have been issued and sold and the proceeds made available for the purposes of the application, the apportionment shall become final

Time of election

7721. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 7719 may be called and held either before or after the making of an apportionment.

Limitations

7722. No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of Finance, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section

7719, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 7516 upon property in the district which would, when added to the tax actually being levied upon property in the district for the grade level as determined by the Director of Finance under said section, amount to less than thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year.

Interest rate Original apportionment

At the time the board makes an apportionment, it shall, with the approval of the Director of Finance, fix the interest to be paid by the district on the sum apportioned to it at a rate equal to the effective rate paid, or to be paid, by the State upon the bonds sold, from the proceeds of which the apportionment is made, giving effect to the price at which the bonds are sold and the premium, if any, paid thereon, adjusted to the next highest rate which is an integral multiple of 0.125, to cover the cost of sale and issuance of the bonds and costs of administration, to be compounded annually on the first day of January of each year; such revision of said effective rate to be made in every instance, whether or not such effective rate is itself an integral multiple of 0.125.

Subsequent apportionments

If and when a subsequent apportionment is made by the board, under the provisions of this chapter, to a school district to which the board has previously made one or more apportionments hereunder, the board, at the time it makes such subsequent apportionment, shall, with the approval of the Director of Finance, fix the interest to be paid by the district on the sum apportioned to it, and shall, with approval of the Director of Finance, redetermine and fix the interest to be paid by the district on all sums previously apportioned to it under this chapter in the following manner:

The rate of interest that was, or would have been, fixed under the provisions of this section, as the rate to be paid by the district on each of said apportionments, had each of said apportionments been the only one made to such district under this chapter, shall first be determined. The average of the rates of interest so determined shall then be computed by dividing the sum of such rates by the number of separate apportionments involved in the computation. The average rate so determined shall be the rate of interest to be paid by the district on all sums theretofore apportioned it under this chapter, including the sum currently being apportioned; and shall apply retroactively to the date that interest first began to accrue on each of said sums, as provided in Section 7734.

Construction requirements

7724. No apportionment shall be made to a district for the construction, reconstruction, or alteration of, or addition to, school buildings if the requirements prescribed by this code for the construction of school buildings are not met by the plans for the entire building program of the district in connection

with which the district applied for an apportionment or for any project or part thereof which has not been approved by the Department of Education.

Federal funds

7724.1. If any district receives a final apportionment under this chapter and, after the effective date of this section, receives money from the Federal Government for constructing any school facilities included in the project for which the district is receiving the apportionment, the amount of the district's annual repayment next succeeding the date on which the district receives such money shall be increased by the amount of money so received.

Repayment

7725. Each district to which an apportionment has been made under this chapter shall repay the principal amount of such apportionment and the accrued interest thereon in the amount and in the manner provided in this chapter.

"First computation"

7726. On or before the first day of January of each fiscal year, the State Controller shall compute for each grade level of a district for which an apportionment has been made and has become final during any preceding fiscal year the amount that would be produced by a tax of thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation, excluding the assessed valuation of solvent credits and other intangible property, for the current fiscal year within the district. Such amount is designated as the "first computation."

"Second computation"

7727. On or before the first day of December preceding the first day of January of each fiscal year, the Director of Finance shall determine for each such grade level and certify to the State Controller the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on that portion of the bonded indebtedness of the district that was incurred for the grade level prior to the making of the conditional apportionment plus that portion which the board, in the conditional apportionment, required the district to incur prior to the date on which the first apportionment made to said district under the provisions of this chapter became final, which amount is designated as the "second computation." The Director of Finance shall determine the amount of the bonded indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district, the Director of Finance shall determine and include in his certificate the amount raised and to be raised by the district during the current fiscal year for the payment of principal and interest on that portion of the additional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment; and such amount so certified shall be included in the "second computation," as herein defined.

Same

7727.1. If an apportionment has been made to a district for a grade level for which the district also received an apportion-

ment pursuant to Chapter 1.6 of Division 3, the Controller shall determine the amount of the positive difference, if any, due from the district during the next succeeding fiscal year for such grade level as required by Chapter 1.6 and such amount shall be included by the Controller in the second computation.

"Third computation"

7728. With respect to each grade level of a district referred to in Sections 7726 and 7727, the amount of the "second computation" which is not in excess of one-third of the "first computation" is hereby designated as the "third computation."

Computation of "annual repayment"

7729. On or before the first day of January of each fiscal year, the State Controller shall compute the "annual" repayment, if any, due from each district during the next succeeding fiscal year as herein provided. If, for any grade level of a district, the amount, if any, by which the second computation exceeds the third computation is greater than the first computation, the amount of such excess, herein called a "negative difference," shall be disregarded, and no reimbursement shall be due the State from such district with respect to such grade level during the next succeeding fiscal year. If, for any grade level of a district, the amount of the first computation is greater than the amount, if any, by which the second computation exceeds the third computation, the amount of such excess, herein called a "positive difference," shall constitute the amount of reimbursement due the State from such district with respect to such grade level during the next succeeding fiscal year. The sum of the "positive differences" so computed for all grade levels having a "positive difference" within each district is herein designated as the "annual repayment" of such district.

Multipurpose rooms

7729.1. If an apportionment is made for a project which includes a multipurpose room the board shall determine and specify the portion of the apportionment that is allocated to the cost of the multipurpose room.

If a district receives an apportionment a portion of which is for a multipurpose room it shall repay the principal amount of such portion of the apportionment as an additional payment as provided by this section. Interest on the total apportionment shall be paid as provided in Section 7732. Such repayment is in addition to the repayments required on the total of all apportionments to the district, which shall be repaid as otherwise provided in this chapter.

Notwithstanding the provisions of Sections 7732 and 7733 for cancellation of the principal amount of apportionments the State Controller shall continue to make the deduction provided by Section 7731 during each fiscal year thereafter until the principal amount of the portion of the apportionment that was allocated to the cost of the multipurpose room and was made and disbursed to the district has been withheld, or for an additional period of 10 years, whichever first occurs. At the expiration of 40 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final, the unpaid balance of the principal amount of such portion of the apportionment shall be canceled on the

books of the State Controller and the provisions of Section 7732 shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 7733.

Total annual repayments

7730 Notwithstanding any other provision of this chapter, and regardless of how many apportionments are made to a grade level of a school district under the provisions of this chapter, the total annual repayment for such grade level during any fiscal year, covering all such apportionments, shall not exceed the amount that would be computed under Sections 7726 to 7731, inclusive, for any one of such apportionments.

State Controller Transfers to State School Building Aid Fund

7731. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each installment of the apportionments made to such district from the State School Fund under Chapter 15 of this division; and, on order of the State Controller, the amount so deducted shall be transferred to the State School Building Aid Fund. All money transferred to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 7903.

Unpaid balance

7732. The State Controller shall make the deduction provided by Section 7731 during each fiscal year, as herein provided, until the principal amount of the apportionment made and disbursed to the district for such grade level, and all accrued interest due thereon, has been withheld; but no interest shall accrue, or become due and payable, to the State with respect to the principal amount of any such apportionment, or any portion thereof, for any period of time following the expiration of 25 years after the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment becomes final. At the expiration of 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final, any unpaid balance of the principal amount of any such apportionment disbursed to such district, including all interest included in such principal amount as provided in Section 7734, shall be canceled on the books of the State Controller; and the State shall have no further right to the repayment of such unpaid balance. Notwithstanding the provisions of this section, that portion of the "annual repayment," if any, computed by the State Controller under Section 7729 prior to the date of cancellation of the principal amount of an apportionment under the provisions of this section, which has not been withheld by the State Controller, as provided by Section 7731, prior to the date of such cancellation, shall be withheld by the State Controller, as provided by said Section 7731, subsequent to the effective date of such cancellation; and the amount so withheld shall be credited to the school district in determining the principal amount of the apportionment, including all interest included therein, which is cancelled under the provisions hereof. Such grade level shall be excluded from any computations pro-

vided under Sections 7726, 7727, 7728, and 7729, in making computations, after the effective date of such cancellation, to determine the "annual repayment," if any, that may thereafter be due the State from such school district with respect to other grade levels thereof.

Cancellation certification

7733. The State Controller shall certify to the board the cancellation of the unpaid balance of the principal amount of such apportionment; and upon receipt of such certification, the board shall, in the name of the State, convey to the district all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to, from money provided by the apportionment covered by such cancellation.

Interest computation

7734. The State Controller shall determine and maintain a record of the amount due the State in connection with each apportionment made to each grade level of a district under the provisions of this chapter. He shall compute interest, at the rate fixed by the board, on each amount disbursed by the State pursuant to any such apportionment, from the date of issuance of the State Controller's warrant covering the payment to the county treasurer of such amount until the first day of January of the fiscal year next succeeding that in which such warrant was issued. Thereafter, interest shall accrue to and be compounded as a part of the principal amount due the State pursuant to such apportionment, on the first day of the following January of each year, until the principal and interest have been paid, or until the interest ceases to accrue, as provided in this chapter No interest shall accrue on the principal amount of any apportionment because of the withholding of the annual repayment from apportionments made to school districts from the State School Fund on dates subsequent to the first day of January of the year in which the computation of the annual repayment is determined

Notice

7735. Upon computing in any fiscal year the amount to be deducted from the apportionments to the district from the State School Fund during the succeeding fiscal year, the State Controller shall notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of the amount to be deducted.

County tax levy

7736. The board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this chapter will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the levy of taxes for county purposes, levy a tax upon the property in the district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year in which the tax is levied. Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which

has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district.

Prescribed purposes

7737. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it to a school district under this chapter may be expended and such prescription shall be binding upon the governing board of such district except as it may be, for good cause, modified by the board.

Voiding of conditional apportionments

7738. Unless the board has received the certificates of the county superintendent of schools required by Section 7720 within nine months from the date of the conditional apportionment, it shall, at the expiration of said nine months' period, void said conditional apportionment and shall certify this fact to the State Controller. Each final apportionment made by the board under this chapter shall be certified by it to the State Controller who shall from time to time draw his warrant on the State Treasurer in favor of the county treasurer of the county having jurisdiction over the district in accordance with the terms of such final apportionment. The warrant shall be exempt from the provisions of Division 4 of Title 2 of the Government Code and shall be paid by the State Treasurer from the State School Building Aid Fund.

Warrants

State school building funds: Creation

7739. A state school building fund is hereby created in the county treasury in each county for each school district in such county. The county treasurer of each county shall pay into the state school building fund of each school district, exactly as apportioned by the board, all moneys received by him under this chapter with respect to each such school district.

Transfer of funds

7740. The governing board of each school district to which an apportionment is made under this chapter is authorized to, and shall, transfer to the state school building fund of the district from all other funds of the district in which such moneys may be, all moneys of the district which under, or pursuant to, this chapter are required to be expended for the project for which such apportionment was made.

State School Building Aid Fund Appropriation

7741. A fund in the State Treasury is hereby created, to be known as the State School Building Aid Fund. All money in the State School Building Aid Fund, including any money deposited in said fund from any source whatsoever after the effective date of this chapter, is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to apportionments made under the provisions of this chapter.

Expenditures

7742. The governing board of each school district to which an apportionment has been made under this chapter shall expend the moneys in the state school building fund of the school district exactly as apportioned by the board and only for the purposes for which said moneys were apportioned to the district, and for no other purpose, and shall make such reports relating to the expenditure of such moneys as the board and the State Controller shall require.

Annual report

7743. A complete detailed report of expenditure of funds allocated pursuant to this chapter shall be made by the board

annually to the Legislature. The report shall contain a detailed statement of facilities provided, type of construction, square footage provided and all other items which will enable the Legislature fully to understand the nature of the construction performed by the school districts.

Audits

7744. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter, as he may deem necessary from time to time, for the purpose of determining that the money received by school districts as apportionments hereunder has been expended for the purposes and under the conditions authorized by this chapter.

Unauthorized expenditures

7745. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

Enforcement of collection

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Availability of apportionments

7746. Any portion of an apportionment paid to a school district under this chapter shall be available for expenditure by its governing board for not less than one year nor more than three years, as the board shall determine, after the date on which the warrant covering such portion of the apportionment was issued by the State Controller. For the purposes of this chapter, an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall, at the time of the next county settlement following the expiration of such

Unencumbered balance

period of availability, pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 7745 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury, to be reapportioned by the board.

Enforcement of collection

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Failure to use sites or improvements

7747. Whenever a school district receives an apportionment under this chapter for the purchase or improvement of a school building site and within a period of three years after the date on which the warrant covering the appropriate portion or portions of the apportionment was drawn on the State Treasurer from the State School Building Aid Fund, sells or otherwise disposes of such site or the improvements thereon, or any portion thereof, purchased or improved in whole or in part from such apportionment, or within not less than one year nor more than three years, as the board shall determine, does not begin to use such site or the improvements thereon for the purpose or purposes for which said apportionment was made, the board shall demand the return by the school district of the total amount apportioned to and received by the school district for such purpose or purposes less any repayment made prior to such demand by the district on account of such apportionment, or, in case of a sale of a portion of such site or the improvements thereon, a proportionate share of such apportionment, taking into consideration any improvement of the site from such apportionment. Written notice of such demand, setting forth the amount due the State pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following receipt of such notice, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

Notice of demand

Extension of time

Where a district has been unable to use any building site acquired by an apportionment under this chapter because of the delay of the board in acting upon its application for an apportionment for the planning and construction of school buildings on such site, the board may withhold demand for repayment of the apportionment for such building site for a period of not less than one nor more than three years after approval of the apportionment for planning and construction.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State. Enforcement of collection

Article 2. Effect of Changes in Districts

7771. (a) As used in this article: Definitions

(1) "State-aided district" means a district to which a conditional or final apportionment has been made under this chapter.

(2) "Acquiring district" means a district in which all, or a part of, a state-aided district or an applicant district has been included.

(b) Except as otherwise provided in Section 7776, the effective date for the purposes of this article of any change of boundaries or annexation or other inclusion affecting a school district shall be the date such action became effective for the purposes of Section 1593.

7772. Whenever, prior to the date on which a conditional apportionment is made by the board to an applicant district, (1) if an applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter, no apportionment shall be made to the applicant district; (2) if less than the whole of an applicant district is included in a district which is ineligible for an apportionment under this chapter, the board may reconsider the application of the applicant district and make such determinations and take such action with respect thereto, including the making, subject to Article 1 of this chapter, of a conditional apportionment to such district, as the board may deem necessary because of such inclusion of less than the whole of the applicant district in the acquiring district; (3) if an applicant district is annexed to or otherwise included in whole or in part in a district which is eligible for an apportionment under this chapter and has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter, of conditional apportionments to such districts, as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district in whole or in part. Annexation Prior to conditional apportionment

7773 Whenever, subsequent to the date on which a conditional apportionment is made by the board to an applicant district, but prior to the date on which said conditional apportionment becomes final, (1) if an applicant district is annexed to or otherwise included in whole in a district which is not eligible for an apportionment under this chapter, such conditional apportionment shall, notwithstanding any other provisions of this chapter, become void and the board shall promptly Subsequent to conditional apportionment

notify the State Controller in writing thereof and the date on which the apportionment became void; (2) if the district to which an applicant district is annexed or in which it is otherwise included in whole is eligible for an apportionment, has made or does make an application for such an apportionment under this chapter, the conditional apportionment made to the applicant district shall, notwithstanding any other provisions of this chapter, become void but the board may reconsider the application of the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter except as hereinafter provided, of additional conditional apportionments to the acquiring district, as the board may deem necessary as a result of such annexation or other inclusion in the acquiring district of the applicant district; (3) if less than the whole of an applicant district is included in another district, the conditional apportionment shall, notwithstanding any other provisions of this chapter, become void, but the board may reconsider the application and make such determinations and take such actions with respect thereto, including the making, subject to the provisions of Article 1 of this chapter except as hereinafter provided, of new conditional apportionments to the applicant district, as the board may deem necessary as a result of such inclusion of a portion of the applicant district in the acquiring district.

Notwithstanding anything in the first sentence of Section 7719 to the contrary, additional conditional apportionments made to a district under (2), or new conditional apportionments made to a district under (3) of the first paragraph of this section may, with the approval of the board, become final if the total amount of the bonds of the district outstanding and unpaid is within twenty-five thousand dollars ($25,000) of the amount required under Section 7719.

Prior to final apportionment

7774. Whenever, prior to the date on which conditional apportionments have been made to an applicant district for the full amount of state aid approved for the district under Section 7714, (1) if the applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter, no further apportionment shall be made to the applicant district; (2) if the applicant district is annexed to or otherwise included in whole in a district which is eligible for an apportionment under this chapter and which has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter, of a conditional apportionment or apportionments to such acquiring district as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district; (3) if a portion of the applicant district is annexed to or otherwise included in another district, the

board may reconsider the application of the applicant district and may, within two years after the first apportionment made under said approval, make such additional apportionments as it sees fit to the applicant district, but not in excess of the amount in which such application was originally approved, without requiring the district to issue additional bonds.

Bonds

7775. Notwithstanding, and in lieu of, any provisions of this chapter to the contrary, excepting Section 7722, if during the Fiscal Year 1953-1954, or any subsequent fiscal year, a conditional apportionment is or has been made to a district, hereinafter referred to as the original district, and if the original district (1) holds or has held all elections required by Section 7719, and (2) before such apportionment becomes final is or has been annexed to or included in whole in another district, hereinafter referred to as the acquiring district, which had prior thereto received its first final apportionment under this chapter during the same fiscal year, and (3) after such inclusion or annexation sells or has sold the bonds authorized by the aforesaid elections, the board may approve any application by the governing board of the acquiring district and make an apportionment, or apportionments, for any project for which the original district would have been eligible under this chapter had such inclusion not taken place. No apportionment shall be made to the acquiring district under this section unless the proceeds of the bonds which the board required the original district to sell are available for and will be contributed toward the cost of the approved project. Any apportionment made to the acquiring district under this section shall become final when made.

The computations provided in Sections 7726, 7727, 7728, and 7729 with respect to apportionments made under this section shall be made exactly as though the acquiring school district was comprised only of the original school district.

Any rate or amount of tax levied pursuant to or under the authority of Sections 7736, 6353, 6357, or any other provision of law, for the purpose of producing the amount or any part thereof deducted by the State Controller with respect to apportionments made under this section, during any fiscal year under Sections 7731 and 7732 from apportionments to the acquiring district from the State School Fund shall be levied only on property in the original school district.

Acquiring district
Powers and duties

7776. Whenever, subsequent to the date on which a conditional apportionment made to a district becomes final, the state-aided district is included in whole in another district, the acquiring district shall, on the effective date of such inclusion, succeed to and be vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to said apportionment and the property acquired or to be acquired from funds provided thereby, and all funds in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. All amounts which would, after the effective date of such inclusion, have been otherwise paid to the state-aided district

under the terms of or pursuant to said apportionment, shall be paid to the acquiring district. In addition, the acquiring district shall, on the effective date of the inclusion of the state-aided district in the acquiring district as fixed by Section 1591, become liable for the annual repayments and other payments due the State under Section 7729 and other provisions of this chapter with respect to said apportionment or the property acquired or to be acquired therewith.

Transfer of funds to district

7777. Whenever one or more state-aided districts are included in whole in an acquiring district, and the acquiring district applies for and receives an apportionment, then after the effective date of such inclusion and upon the approval of the application of the acquiring district, the governing board of each component state-aided district shall immediately transfer to the acquiring district all moneys of such component district which are required to be, or have been, earmarked for a project or projects of the district. The acquiring district, upon the transfer to it of such funds, may expend such funds for any projects of the acquiring district as to which its application was approved.

Share of apportionment

7778. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of Finance shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of Finance under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of Finance shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the State under the provisions of this chapter.

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of Finance has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other payments due the State

under Section 7729 and other provisions of this chapter with respect to that portion of the apportionment which the Director of Finance has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district.

State-aided district assessed valuation

7779. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in, another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 7726, 7727, 7728, and 7729; and all the computations required to be made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexation, or inclusion.

Computation of repayment

7780. The State Controller shall compute, in accordance with Section 7779, the amount of the annual repayment which would have been due the State from each state-aided district had there been no change in its boundaries or status and shall determine for what portion of such annual repayment an acquiring district is liable under this article. He shall deduct such portion from apportionments made to the acquiring district from the State School Fund under Chapter 15 of this division in the manner provided in Section 7731, and shall reduce by the same amount the deductions he would otherwise make from such apportionments to the state-aided district under and in accordance with Section 7731.

Certificate of annexation, etc

7781. When, after any application is filed, the applicant district is annexed to, or, by change of boundaries or otherwise, is included in whole or in part in another district or districts, the superintendent of schools of the county having jurisdiction over said applicant district shall, within 10 days after the effective date of such annexation, inclusion, or change of boundaries, file a certificate with the board, in writing, in such form as the board shall prescribe, setting forth (1) the effective date of such annexation, inclusion, or change of boundaries; (2) identification of the area of the school district affected by such change and the name of the school district or districts in which such area is included as a result thereof; and (3) such additional information in such form as the board may require.

Notice to State Controller

The board shall, upon receiving the appropriate certificate from a county superintendent of schools as provided herein, promptly notify the State Controller, in writing, of (1) the effective date of annexation or other inclusion of a state-aided district by an acquiring district; (2) the name of the state-aided district; (3) the name of the acquiring district; and (4) the number and other identification of the apportionment affected.

CHAPTER 28

An act to add Chapter 20 to Division 3 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the State; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; and appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued, and for the administration of this chapter.

In effect November 12, 1952

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.]

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

SECTION 1. Chapter 20 is added to Division 3 of the Education Code, to read:

CHAPTER 20 STATE SCHOOL BUILDING AID BOND LAW OF 1952

State School Building Finance Committee

7900. For the purpose of creating a fund to provide aid to school districts of the State, the State School Building Finance Committee, created by Section 5108, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof. The State School Building Finance Committee is continued in existence for the purposes of this chapter. The Members of the Legislature of such committee constitute an interim investigating committee on the subject of this chapter and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and the Assembly.

Bonds Preparation

7901. After the approval by the people of the constitutional amendment of the 1952 Second Extraordinary Session of the Legislature adding Section 16.5 to Article XVI of the Constitution of the State, and immediately after adoption of any resolution by the State School Building Finance Committee, provided for in Section 7911, the State Treasurer shall arrange for the preparation of the requisite number of suitable bonds of the denomination of one thousand dollars ($1,000), or multiples thereof, in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this chapter shall not exceed the sum of one hundred eighty-five million dollars ($185,000,000) and shall bear interest at a rate not exceeding 5 percent per annum. Both principal and interest shall be payable in lawful money of the United States, at the Office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer.

Amount

All bonds issued under this chapter shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp, and the bonds shall be signed, countersigned, and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the Great Seal of the State of California. Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain. The bonds or coupons so signed, countersigned, endorsed, and sealed, when sold, shall be and constitute a valid and binding general obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned, and endorsed said bonds or coupons, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds or coupons. Each bond issue under this chapter shall contain a clause or clauses referring to this chapter and to the resolutions of the State School Building Finance Committee hereunder by virtue of which said bond is issued, and if subject to call or redemption prior to maturity, shall contain a recital to that effect. Contents

7902. The State Treasurer shall, on the respective dates of maturity or prior redemption of said bonds, or as soon thereafter as said bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 7903 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. The State Treasurer, or his duly authorized agent, shall also, on the respective dates of maturity, cancel all bonds and appurtenant coupons bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof; provided, however, new bonds may be prepared and executed in lieu of bonds canceled solely by reason of the fact that such bonds have not been sold prior to their fixed maturity dates, whenever the State School Building Finance Committee shall determine such new bonds shall be prepared and executed, subject to the condition the total indebtedness created hereunder shall not exceed the maximum limit herein specified. Not less than four years after the final maturity date of a particular issue of bonds, the State Treasurer, or his duly authorized agent, may destroy or cremate any bonds of such issue which have been previously paid or canceled as hereinbefore provided. Cancellation; New bonds; Destruction

7903. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated General obligations; Appropriation

from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

Collection

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum

Transfer of funds

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, on order of the State Controller, all of the money in the State School Building Aid Fund which was transferred into or deposited in said fund in accordance with the provisions of Sections 7731 and 7909, together with all of the money deposited in the State School Building Aid Fund under Section 7906 which was derived from premium and accrued interest on bonds sold pursuant to said Section 7906; but the amount to be transferred to the General Fund pursuant to this section shall not exceed the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said State School Building Aid Fund as soon thereafter as it shall become available.

Payment

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the State Controller in favor of the State Treasurer, or his duly authorized agent, upon claims audited by the State Controller. The State Allocation Board, by resolution approved by the State School Building Finance Committee, shall direct the State Treasurer to call bonds (which are then subject to redemption) if such call is desirable and whenever funds are available to effect such redemption, the part of each issue so called to be not less than all of the bonds maturing in any one year. Notice of such redemption shall be given by the State Treasurer in the manner provided in the resolution authorizing the issuance of said bonds

Redemption

Reimbursement of General Fund

7904. All money deposited in the State School Building Aid Fund under Sections 7731 and 7909 shall be available only for transfer to the General Fund, as provided in Section 7903. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for

which the General Fund has not been fully reimbursed by such transfer of funds.

Appropriation Revolving fund

7905. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having said bonds prepared and in advertising their sale or their prior redemption. Whenever bonds are sold, out of the first money realized from the sale of said bonds, there shall be redeposited in the revolving fund such sums as the State Treasurer has expended for the purpose, which may be used for the same purpose and repaid in the same manner whenever additional sales are made Whenever all the bonds authorized by this chapter have been sold, said revolving fund shall be refunded to the General Fund in the State Treasury.

Sale

7906. The bonds authorized to be issued under this chapter shall be sold by the State Treasurer to the highest bidder for cash at public sale upon sealed bids in such parcels and numbers as the State Treasurer shall be directed by the Governor of the State, under seal thereof, but the State Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which shall have accrued thereon between the date of purchaser's payment for said bonds and the last preceding interest maturity date; and the State Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, at such time and place as the State Treasurer may select Each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for five thousand dollars ($5,000), drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the nonacceptance of his bid, and the deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the State Treasury to the credit of the State School Building Aid Fund, and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the State Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to said bonds or by reason of said bid, or to the recovery of said deposit accompanying said bid, or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Temporary or interim bonds

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by signature stamp.

Disposition of funds

7907. All money deposited in the State School Building Aid Fund under the provisions of Section 7906 which is derived from premium and accrued interest on bonds sold pursuant to said section shall be reserved in said fund and shall be available only for transfer to the General Fund, as provided by Section 7903. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the particular issue of school building bonds from the sale of which such premium and accrued interest were derived.

Notice of sale

7908. Due notice of the time and place of sale of all bonds shall be given by the State Treasurer by publication in one newspaper published in the City and County of San Francisco, by publication in one newspaper published in the City of Sacramento, and by publication in one newspaper published in the City of Los Angeles once a week during two weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars ($500) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by the State Treasurer into the State School Building Aid Fund and must be used exclusively to aid school districts of the State in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, alteration of, and making additions to, school buildings; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof, the expense of preparing and of advertising the sale or prior redemption of said bonds, and the actual and necessary expenses of the State School Building Finance Committee.

Investment of surplus funds

7909. The Department of Finance is authorized, with the approval of the State Board of Control, to invest any surplus money in the State School Building Aid Fund in bonds or other obligations of the United States, or of the State of California, or of the several counties, municipalities, school districts or other public agencies of the State of California, and to sell such bonds, or obligations, or any of them, at the governing market rates. Interest earned or other increment derived from investments made pursuant to this section shall, on order of the State Controller, be deposited in the State School Building Aid Fund, and shall be available only for transfer to the General Fund, as provided by Section 7903. Expenses incurred by the State

Treasurer in taking and making delivery of bonds or other securities purchased as investments from such surplus money in the State School Building Aid Fund may be paid from such fund.

Issuance of bonds

7910. Upon request of the State Allocation Board, supported by a statement of the apportionments made and to be made under Chapter 19 of Division 3, the State School Building Finance Committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter shall be issued and sold so that twenty million dollars ($20,000,000) will be available for apportionment on May 5, 1953, or as soon thereafter as such bonds can be issued and sold, and so that five million dollars ($5,000,000) additional will become available for apportionment on June 5, 1953 and on the fifth day of each month thereafter until a total amount of one hundred sixty-five million dollars ($165,000,000) has become available for apportionment. The remainder of the bonds, or so many thereof as may be necessary shall be issued and sold as provided in Section 7910.1. Successive issue of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

7910.1. The Director of Finance shall define and determine the surplus which exists in the General Fund as of June 30, 1953. If the estimated surplus so determined is less than five million dollars ($5,000,000), the School Building Finance Committee shall issue and sell sufficient bonds, in an amount to the nearest one thousand dollars ($1,000) but not in excess of twenty million dollars ($20,000,000), to provide a surplus of five million dollars ($5,000,000) in the General Fund, and the proceeds of the bonds so issued and sold shall be deposited in the General Fund.

Resolution

7911. Whenever the State School Building Finance Committee shall have determined that the sale of all or any part of the bonds authorized to be issued under this chapter is necessary or desirable to make such apportionments, in whole or in part, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to provide for the preparation of the requisite number of suitable bonds then authorized to be sold and shall specify as to such bonds then to be sold:

1. The aggregate number, aggregate par value, and the date of the bonds to be then sold. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this chapter, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof. Successive issues of bonds herein authorized shall be identified by the number of the issue, or the entire authorized issue may be divided

into series or divisions appropriately identified by letter or number.

2. The date or dates of maturity, and the number and numerical sequence of the bonds maturing at each date of maturity, to be at annual or semiannual intervals.

3. The provisions for the retirement of said bonds at any time or times prior to their maturity, the manner of the call thereof, and the price or prices at which said bonds shall be redeemed.

4. The annual rate, or rates, of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, or rates, at the discretion of said committee, may be determined by the bidder at the time of sale of said bonds, not to exceed 5 percent.

5. The number, numerical sequence, amount or amounts, and dates of maturity of the interest coupons to be attached to said bonds.

Maturity dates

6 The technical form and language of said bonds and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the State School Building Finance Committee shall be guided by the amounts and dates of maturity of the receipts estimated to accrue to the State School Building Aid Fund from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated receipts; provided, the bonds first to mature in each issue shall mature not later than five years and the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof

Rate of interest

The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue or series or division, and may be determined and fixed by the State School Building Finance Committee by resolution adopted at or after the sale of said bonds, but not exceeding in any case 5 percent per annum payable semiannually The highest bid received on the sale of the bonds shall be determined by deducting the total amount of the premium bid (if any) from the total amount of interest which the State would be required to pay from the date of sale to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, and the award shall be made on the basis of the lowest net interest cost to the State The lowest net interest cost to the State shall be computed between the dates aforesaid according to standard bond interest tables The interest coupons first payable may, if the State School Building Finance Committee shall so determine and specify, be payable at any time within one year after the date of issuance of said bonds.

Expenses of committee

7912. All actual and necessary expenses of the State School Building Finance Committee and the legislative interim committee and of the members thereof incurred in the performance

of their duties arising out of the provisions of this chapter shall be paid out of the State School Building Aid Fund, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose

Whenever the State School Building Finance Committee deems that it will increase the salability or the price of the bonds to obtain a legal opinion as to the validity of the bonds, prior to or after sale, from attorneys other than the Attorney General, the committee may authorize the State Treasurer or the Department of Finance or both to obtain such a legal opinion Payment for such legal services shall be made from the State School Building Aid Fund, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose. Legal opinions

7913. The Controller, the State Treasurer and the State School Building Finance Committee shall keep full and particular account and record of all their proceedings under this chapter and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this chapter shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State. Records Report by Governor

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CHAPTER 29

An act to add Article 3 to Chapter 19, Division 3 of the Education Code, relating to school district public works.

[Approved by Governor September 3, 1952 Filed with Secretary of State September 4, 1952.]

In effect November 12 1952

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

SECTION 1. Article 3 is added to Chapter 19, Division 3 of the Education Code, to read:

Article 3. State School Aid for Exceptional Pupils

7800. Not to exceed 3½ percent of any sum appropriated by the Legislature at the 1952 Second Extraordinary Session and not to exceed 3½ percent of the proceeds of the sale of any state bonds for state school building aid may be expended pursuant to this article for assistance to school districts in providing necessary housing and equipment for the education of exceptional children. All the provisions of Articles 1 and 2 of this chapter, except Sections 7705, 7705.1, and 7717, shall apply to this article unless otherwise provided herein. Funds available

7801. As used in this article, "exceptional children" means physically handicapped minors or mentally retarded minors required or allowed to be educated pursuant to Chapters 9 and 11 of Division 4 of this code. "Exceptional children"

Allocations

7802. Allocations under this article may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, deaf, hard of hearing, mentally retarded, orthopedically handicapped or cerebral palsied.

Repayment

7803. Notwithstanding the provisions of Article 1 and 2 of this chapter, the obligation of any district receiving an apportionment under this article to repay such apportionment shall not extend to more than one-half of the amount of the apportionment.

CHAPTER 30

An act to validate the organization of the San Marino Unified School District and the South Pasadena Unified School District, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor September 3, 1952 Filed with Secretary of State September 4, 1952.]

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

San Marino and South Pasadena unified school districts. Validation

SECTION 1. (a) The San Marino Unified School District and the South Pasadena Unified School District heretofore organized under, or under color of, Chapter 16 of Division 2 of the Education Code are hereby declared to have been legally organized and to be legally functioning as such unified school districts.

(b) This act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken with respect to the organization of these districts which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(c) This act shall be limited to the validation of acts and proceedings with respect to the organization of these districts to the extent to which the same can be effectuated under the State and Federal Constitutions

(d) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter, with respect to the organization of these districts, the legality of which is being contested or inquired into in any legal proceeding pending and undetermined on the date this act takes effect, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter, with respect to the organization of these districts, which has heretofore been determined in any other proceeding to be illegal, void, or ineffective.

Urgency

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

go into immediate effect. The facts constituting such necessity are:

Pursuant to Chapter 16 of Division 2 of the Education Code the two above-named unified school districts have been created where one union high school district theretofore existed. As a result, the San Marino Unified School District was left without a high school plant and with the immediate necessity of providing such a plant for the education of its high school students. In order to provide quarters for the San Marino high school students and in order to provide additional classrooms for elementary school students in this rapidly growing community, it will be necessary to conduct a bond election this fall and, if the election is successful, to sell bonds immediately thereafter. In order to avoid the possibility of technical objections to the validity of the bonds which will be issued and to make such bonds salable, it is essential that this act validating the organization of the two unified school districts take immediate effect.

CHAPTER 31

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, declaring the urgency of this act, to take effect immediately.

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.] In effect immediately

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

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

(a) The term "public body" means counties, cities and counties, cities, school districts of any kind or class, junior college districts, irrigation districts, irrigation district improvement districts, irrigation district distribution districts, reclamation districts, drainage districts, levee districts, county power pumping districts, public utility districts, municipal utility districts, municipal improvement districts, sanitary districts, sanitation districts, sewer maintenance districts, garbage disposal districts, air pollution control districts, unified air pollution control districts, county sewerage and water districts, municipal sewer districts, joint municipal sewage disposal districts, metropolitan water districts, county water districts, county water works districts, water districts, water storage districts, municipal water districts of any kind, water conservation districts, conservancy districts, pest control districts, weed abatement districts, horticultural improvement districts, mosquito abatement districts, soil conservation districts, county fire protection districts, bridge and highway districts, joint highway districts, highway districts, highway lighting districts, permanent road divisions, road districts, cemetery districts, airport districts, port districts, river port districts, harbor districts, recreational harbor districts, harbor improvement districts, municipal port "Public body"

districts, joint harbor improvement districts, flood control districts, storm water districts, library districts, fire protection districts, county maintenance districts, assessment districts, separation of grade districts, park recreation and parkway districts, recreation park and parkway districts, regional park districts, public cemetery districts, local hospital districts, local health districts, veterans' memorial districts, citrus pest control districts, county water authorities, zones of flood control districts, vehicle parking districts, community service districts, garbage and refuse disposal districts, parking districts, and parking authorities.

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

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

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

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

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

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

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal valid and binding obligations of the public body. All such

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

Scope of act

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

(b) This act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions

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

(d) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective, or to confirm, validate or legalize the organization of, or any proceedings for the organization of any municipal corporation, when any part of the area of such municipal corporation within the boundaries thereof described in the resolution or order of the board of supervisors defining and establishing the boundaries of the proposed municipal corporation has been held by any court to be a part of another municipal corporation or has, directly or indirectly, been held illegally included within such boundaries of the proposed municipal corporation as described in said resolution or order of the board of supervisors or in the notice of election on the incorporation of the proposed municipal corporation

(e) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States if a court determination of the validity of the contract is provided for by the state or federal laws under which the contract has been negotiated.

Definitions

SEC. 7. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short title

SEC. 8. This act may be cited as the First Validating Act of 1952.

Urgency

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

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

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

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

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, water works, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, fire houses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 32

An act to amend Section 1 of an act entitled "An act providing for the constitution of the municipal court in a district embracing the City of Richmond, and prescribing the number and compensation of the judges, officers and attaches thereof," approved July 16, 1951, relating to the municipal court in a district embracing the City of Richmond.

In effect November 12, 1952

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.]

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

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

Section 1. The municipal court established in the Judicial District of the City of Richmond shall be constituted and the judges, officers and attaches thereof shall receive compensation as follows:

Richmond Municipal Court District Salaries

(1) There shall be three judges, each of whom shall receive eleven thousand five hundred dollars ($11,500) per annum, payable in equal monthly installments.

There shall be one clerk who shall receive a minimum salary of four hundred ninety-two dollars ($492) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25) and twenty-six dollars ($26) per month to a maximum salary of five hundred ninety dollars ($590) per month.

The clerk shall appoint the following:

(a) One chief deputy, who shall receive a minimum salary of three hundred ninety-two dollars ($392) per month with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-one dollars ($21) per month to a maximum salary of four hundred seventy dollars ($470) per month.

(b) Three deputy clerks who shall be court clerks each of whom shall receive a minimum salary of three hundred seventy-four dollars ($374) per month with annual increments of eighteen dollars ($18), eighteen dollars ($18), nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred forty-nine dollars ($449) per month.

(c) Six deputy clerks, each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) per month with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13) and fourteen dollars ($14) per month to a maximum of three hundred eleven dollars ($311) per month.

(d) Eight deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-five dollars ($225) per month with annual increments of eleven dollars ($11), eleven dollars ($11), twelve dollars ($12) and twelve dollars ($12) to a maximum of two hundred seventy-one dollars ($271) per month.

(3) There shall be one marshal who shall receive a minimum salary of five hundred fifteen dollars ($515) per month with annual increments of twenty-four dollars ($24), twenty-five dollars ($25) and twenty-six dollars ($26) per month to a maximum of five hundred ninety dollars ($590) per month.

The marshal shall appoint the following:

(a) Five deputy marshals, each of whom shall be paid a minimum salary of three hundred twenty-six dollars ($326) per month with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred ninety-two dollars ($392) per month.

(b) One deputy marshal, who shall be a senior clerk and who shall receive a minimum salary of two hundred ninety-seven

dollars ($297) per month with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15) and sixteen dollars ($16) per month, to a maximum of three hundred fifty-seven dollars ($357) per month.

(c) One deputy marshal, who shall be a typist clerk and who shall receive a minimum salary of two hundred twenty-five dollars ($225) per month with annual increments of eleven dollars ($11), eleven dollars ($11), twelve dollars ($12) and twelve dollars ($12) to a maximum of two hundred seventy-one dollars ($271) per month.

Ten deputies (custodians) at the fee allowed by law for keeping property.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Official reporters

(4) Official reporters in such municipal courts described in this section, appointed as provided in Section 274c of the Code of Civil Procedure, shall be attaches of such court and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of five hundred dollars ($500) per month, which shall be a charge against the general fund of the county.

Additional reporters

In conformity with the provisions of Section 274c of the Code of Civil Procedure, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Section 274 of the Code of Civil Procedure, except that in lieu of the per diem fees provided in said section for reporting testimony and proceedings, said official reporters pro tempore shall in all cases receive twenty dollars ($20) per day, which shall upon order of the court be a charge against the general fund of the said county.

Fees

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law, the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Section 274 of the Code of Civil Procedure which shall be paid from the county treasury.

Retirement system

Official reporters of such court shall be members of any retirement system maintained by any county of the fifth class in which they are employed. For the purposes of such retirement system, the salary herein provided for such reporters shall be deemed their entire compensation.

Incumbents

(5) All incumbents, other than temporary or provisional employees, presently appointed in any of the aforesaid positions, and having served therein more than six months, at the time this act becomes effective, shall be continued in their re-

spective positions and shall receive credit for prior service in the justice's court, police court or municipal court and in the police department, sheriff's office, as constable or deputy constable in the county or marshals' office, and shall receive in addition to the minimum rates, the annual increments commensurate with the years of prior service up to the maximum rate set.

The clerk and marshal shall designate to the county auditor within 30 days after the effective date of this act, the name and classification of each attache, the number of years of prior service, if any, and the rate of pay for such attache.

Civil service appointments

In any county of the fifth class, which has a civil service commission, when thereafter a position described in this act becomes vacant, the appointing official shall request the civil service commission to certify to him for appointment the highest person on the list of eligibles of male or female sex, as indicated in the request of the appointing authority. Notwithstanding any provision to the contrary, the clerk or marshal shall designate the position of temporary appointees, who shall receive the salary set up opposite the title of their respective position at the minimum rate for said classification.

All attaches heretofore or hereafter appointed to positions created in municipal courts in any county of the fifth class shall be entitled to the benefits of the civil service provisions of such county and said attaches shall be entitled to and shall be subject to any vacation, sick leave, leave of absence, retirement and health service provisions and other ordinances of such county to the same extent and in the same manner as the other employees of said county.

Annual increments

(6) The annual increments shall be dependent upon the employee maintaining the minimum efficiency rating designated by the appointing authority and at any time the efficiency rating falls below the minimum standard, the appointing authority shall have the power to suspend all or any part of the annual increments.

CHAPTER 33

An act to add Sections 41 and 42 to the Construction and Employment Act, relating to the allocation of funds to cities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.]

In effect immediately

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

SECTION 1. Section 41 is added to the Construction and Employment Act, to read:

Allocations to newly incorporated cities

Sec. 41. Cities incorporated on or after June 15, 1952, and before the effective date of this section may apply for an allocation from the appropriation made in Section 42 for expenditure within such cities for the purpose of defraying the State's

share of the cost of the construction of projects. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its total population bears to the total population of all cities in the State incorporated on or after June 15, 1952, and before the effective date of this section. In the case of a city incorporated subsequent to the date of official publication of the 1950 Federal Decennial Census the population shall be as ascertained and determined by the county board of supervisors in the proceedings for incorporation, or in the absence of such determination, as set forth in the petition for incorporation filed with the board of supervisors.

SEC. 2. Section 42 is added to said act, to read:

Appropriation

Sec. 42. The sum of one hundred eighty-four thousand dollars ($184,000) is hereby appropriated out of any money in the Postwar Unemployment and Construction Fund not otherwise appropriated to be expended in carrying out the provisions of Section 41 of this act in making allocations to cities incorporated on or after June 15, 1952, and before the effective date of this section.

Urgency

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

The newly incorporated cities which will be benefited by this act are in urgent need of public health and sanitation facilities. In order that such facilities may be provided at the earliest possible time and thus lessen any possible threat to the public health and safety of the people of the State and in furtherance of the purpose of the act amended hereby it is necessary that this act take effect immediately.

CHAPTER 34

An act to add Section 36 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs, making an appropriation to be allocated to cities incorporated on or after June 15, 1952, and before the effective date of this act, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor September 3, 1952. Filed with Secretary of State September 4, 1952.]

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

SECTION 1. Section 36 is added to the act cited in the title hereof, to read:

Appropriation Allocation to newly incorporated cities

Sec. 36. The sum of thirty thousand dollars ($30,000) is hereby appropriated out of any money in the Postwar Unemployment and Construction Fund not otherwise appropriated to be expended in carrying out the provisions of this section in making allocations to cities incorporated on and after June 15, 1952, and before the effective date of this section

Cities incorporated on or after June 15, 1952, and before the effective date of this section may apply for an allocation from the appropriation made by this section for expenditure within such cities for the purpose of defraying the State's share of the cost of plans, sites, and rights of way. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its population bears to the total population of all cities in the State incorporated on or after June 15, 1952, and before the effective date of this section. In the case of a city incorporated subsequent to the date of official publication of the 1950 Federal Decennial Census the population shall be as ascertained and determined by the county board of supervisors in the proceedings for incorporation, or in the absence of such determination, as set forth in the petition for incorporation filed with the board of supervisors.

Urgency

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

The newly incorporatd cities which will be benefited by this act are in urgent need of public health and sanitation facilities. In order that such facilities may be provided at the earliest possible time and thus lessen any possible threat to the public health and safety of the people of the State and in furtherance of the purpose of the act amended hereby it is necessary that this act take effect immediately.

Concurrent and Joint Resolutions
and
Constitutional Amendments
Second Extraordinary Session
1952

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1952 Second Extraordinary Session of the Legislature

CHAPTER 1

Senate Concurrent Resolution No. 5—Relative to the expenses of the State Controller as accounting officer for the Legislature for tax and other purposes.

[Filed with Secretary of State August 6, 1952.]

Expenses of State Controller

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the amount appropriated and made available from the contingent funds of the Senate and Assembly, equally, by Senate Concurrent Resolution No. 4, 1951 Regular Session, for the purpose of defraying the expenses of the Controller in carrying out the duties thereby imposed upon him, to be disbursed after approval by the Chairman of the Rules Committee of the Senate and the Chairman of either the Rules Committee or the Process Committee of the Assembly, is hereby increased from five hundred fifty dollars ($550) to six hundred seventy-five dollars ($675) per month effective September 1, 1952, said resolution and this amendment to be of no further force or effect after January 31, 1953.

CHAPTER 2

Senate Concurrent Resolution No. 6—Relative to commending Robert Mathias.

[Filed with Secretary of State August 6, 1952.]

Commendation of Robert Mathias

WHEREAS, The XV Olympiad track and field games have recently been held in Helsinki, Finland; and

WHEREAS, The most trying of all contests in this competition between the best of the amateur athletes from all over the world is the formidable decathlon, a supreme test of man's all around ability in 10 track and field events. For the second consecutive time, Robert Mathias of Tulare, California, was one of the United States' representatives in this gruelling athletic test; and

WHEREAS, For the second time in a row, "Bob," as he is known by his friends, won the decathlon championship to become the first man in history to ever take two gold medals in the event In winning the Olympiad decathlon by a grand total of 7,887 points, he posted a new world's record that will establish him

forever as one of the greatest athletes and competitors ever known. "Bob," a 21-year-old junior at Stanford University, surpassed his nearest rival by over 900 points, recording the following marks in each of the several events to better his performance in every one since the 1948 Olympiad:

100 meters:	0:10.9
Broad jump:	22 feet 10.8 inches
Shot-put:	50 feet 2.37 inches
High jump:	6 feet 2.81 inches
400 meters:	0:50.9
110 meter high hurdles:	0:14.7
Discus:	153 feet 10.06 inches
Pole vault:	13 feet 1.47 inches
Javelin:	194 feet 3.15 inches
1500 meters:	4:50.8;

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature hereby express their sincere congratulations to Robert Mathias in memoration of his Herculean effort and performance, and offer their highest commendations for this magnificent contribution to the world of sports; and be it further

Resolved, That the Secretary of the Senate be requested to send a suitably prepared copy of this resolution to him.

CHAPTER 3

Assembly Concurrent Resolution No. 1—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the third day of June, 1952.

[Filed with Secretary of State August 7, 1952.]

City of Long Beach: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 3RD DAY OF JUNE, 1952, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF LONG BEACH.

Certificate

We, Burton W. Chace, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach three (3) amendments to the charter of said City, and directed that said proposals of amendment should thereafter be respectively designated in appropriate alphabetical order on the ballots to be used at said election in accordance with the requirements of Section 3831 of the Elections Code of the State of California, and ordered that said proposed amendments be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 3rd day of June, 1952; and

That said proposed amendments were thereafter respectively designated as Propositions "K", "L" and "M" and were on April 22, 1952, duly published in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by ordinance designated as Ordinance No. C-3133, order the holding of a special municipal election in said City of Long Beach on the 3rd day of June, 1952, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and which ordinance was published at least three times in the Long Beach Independent, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the 21st, 22nd and 23rd days of May, 1952, in the Long Beach Independent, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said City, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That in said ordinance, said special municipal election was ordered consolidated with the State Consolidated Primary Election held on said day, and the Board of Supervisors of the County of Los Angeles was authorized to canvass the returns of said special municipal election; and

That said special municipal election was held in said City of Long Beach on the 3rd day of June, 1952, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in the Long Beach Independent, as aforesaid; and

That thereafter the Board of Supervisors of the County of Los Angeles, acting by and through the Registrar of Voters of said County, did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 27th day of June, 1952, duly certified to the City Council the result of said special municipal election as determined from the canvass of the returns thereof; and

That the City Council did, by resolution adopted on the 8th day of July, 1952, duly declare the results of said special municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified two of said proposed amendments; and

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon voted in favor of and thereby ratified two of said proposed charter amendments; and

That said proposed amendments to the charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION L

That the Charter of the City of Long Beach be amended by adding thereto a new section to be known as Section 307.1, to read as follows:

Measures submitted at elections

Sec. 307.1. The City Council shall have power and is hereby authorized to submit to a vote of the qualified electors of the

City, at any election at which all the qualified voters of the City are entitled to vote, any proposed ordinance, order or resolution, legislative, administrative or executive, that the City Council itself might adopt. If a majority of those voting on such proposed ordinance, order or resolution, vote in favor of the same, it shall be deemed to be adopted and shall take effect upon a declaration of the result of such election by the Council and it shall have the same force and effect as an ordinance adopted under the provisions of this Article relating to referendum. The procedure to be followed in connection with the submission of any such proposed ordinance, order or resolution, and the holding of an election thereon, except as otherwise provided by law, shall be provided by the City Council by ordinance.

PROPOSITION M

That the Charter of the City of Long Beach be amended by amending Section 300 thereof to read as follows:

Sec. 300. The term of any contract for furnishing to the City gas, electric light or power shall not exceed five (5) years Utility contracts.

That the foregoing is a full, true and correct copy of said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, Burton W Chace, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 28th day of July, 1952.

BURTON W. CHACE
(SEAL) Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore,

Be it resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as a part of the charter of the City of Long Beach. Approval

CHAPTER 4

Assembly Concurrent Resolution No. 6—Approving the charter amendments to the charter of the City of Albany, State of California, ratified by the qualified electors of said city at a regular municipal election held therein on the fourteenth day of April, 1952.

[Filed with Secretary of State August 7, 1952.]

City of Albany Charter amendments

WHEREAS, The City of Albany, in the County of Alameda, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1927, and now is organized and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special municipal election held for that purpose on the twenty-sixth day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, page 2312); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Albany, as set out in the certificate of the mayor and the city clerk of said City of Albany, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A MUNICIPAL ELECTION HELD ON THE 14TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND FIFTY-TWO, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF ALBANY, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
COUNTY OF ALAMEDA } ss.
CITY OF ALBANY

Certificate

We, Jerome Blank, Mayor of the City of Albany, and Myrtle McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a City containing more than Thirty-five Hundred inhabitants and less than Fifty Thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned organized and existing under a Charter adopted under the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special municipal election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by resolution of said Legislature filed with the Secretary of State of the State of

California on the 19th day of April, 1927, (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City, did on its own motion and pursuant to the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Albany certain amendments to the Charter of said City; and ordered that said amendments be submitted to said electors of said City at a regular municipal election to be held in said City on the 14th day of April, 1952; and

That said proposed amendments were, on the 29th day of February, 1952, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Resolution designated as Resolution No. 1658 A.N.S, which was duly adopted on the 10th day of March, 1952, call for and give notice of a regular municipal election in the City of Albany on the 14th day of April, 1952, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said regular municipal election was held in the said City on said 14th day of April, 1952, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Albany Times", as aforesaid; and

That at said regular municipal election held as aforesaid, on said 14th day of April, 1952, a majority of the voters voted in favor of said proposed amendments, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the City Council of the City of Albany, after duly canvassing the returns of said regular municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendments to the Charter of the City of Albany, which amendments are in words and figures as follows, to-wit:

PROPOSED CHARTER AMENDMENT NO. 2

That Section 5 of the Charter be amended as follows:

"Section 5, Meetings. The Council shall meet at eight o'clock p.m. on the first Monday following a general municipal election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Council shall also designate one of its members as Vice-Mayor, and he

Council meetings

shall perform the duties of the Mayor during his absence or disability. The officials so chosen shall hold their respective offices subject to the pleasure of the Council.

The regular meetings of the Council shall be held every Monday of each week, at eight o'clock p m., except in case Monday is a holiday, in which event the Council may select another day for the meeting during that week But any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called by the Mayor or three Councilmen at any time by written notice delivered to each member personally at least three hours before the time specified for the meeting.

All meetings of the Council shall be convened in the Council Chambers of the City Hall but may thereafter be adjourned to such other location as may be selected by the Council. All meetings of the Council shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet at the City Hall, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by four members of the Council.

The Council shall adopt rules for conducting its proceedings and may punish or evict any person for disorderly conduct at any meeting. The Council shall cause the City Clerk to keep an accurate record of all its proceedings."

PROPOSED CHARTER AMENDMENT NO. 6

That Section 24 of the Charter be amended as follows:

Planning and Zoning Commission

"Section 24, Planning and Zoning Commission. There shall be a Planning and Zoning Commission consisting of five members, who shall be appointed by the Council and shall serve without compensation. Each member of the Council shall have the power to appoint one member of the Commission. The Planning and Zoning Commission shall have power and be required to (a) recommend to the Council the adoption, amendment, or repeal of the Master Plan or any part thereof for the physical development of the City and (b) exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance.

The members of the Planning and Zoning Commission shall have such term of office as may be prescribed by resolution or ordinance of the Council."

Zoning system

That Section 41 of the Charter (Zoning System) be deleted.

That Section 28 of the Charter be amended as follows:

Elections

"Section 28—Elections, General Municipal elections shall be held in the City on the Second Tuesday in April of each even-numbered year.

Except to the extent otherwise provided by ordinance hereinafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter."

That Section 38 of the Charter be amended as follows:

"Section 38, Department of Education. (a) The control of the School Department shall be vested in a Board of Education which shall consist of five members elected at large by the qualified voters of the City at a general municipal election to be held therein every even-numbered year in the same manner and time as for the members of the Council. They shall serve for a term of four years and until their respective successors qualify. They shall receive no compensation for their services as members of the Board of Education. Board of Education

No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless he is, and shall have been for at least three years preceding his election or appointment, a qualified elector of the City or of territory annexed thereto.

Three members of the Board of Education shall be elected at the regular municipal election as herein provided in 1954 and two members thereof at such election in 1956 and thereafter in similar rotation each even-numbered year.

Not more than 30 days after this Section becomes effective, the Board of Education shall appoint a successor to replace the member of the City Council serving on the Board of Education. The term of this appointee shall expire at the next regular municipal election.

(b) Regular meetings of the Board shall be held at such times as the Board may prescribe, provided that at least one regular meeting shall be held in each calendar month. All meetings of the Board shall be open to the public.

(c) The Board shall have the entire management of the public schools of the City and in addition to the powers and duties prescribed by the provisions of this Charter shall have all the powers that are now or may hereafter be conferred and discharge the duties imposed, by law upon City Boards of Education.

(d) An annual inspection of the accounts of the Board shall be made under the direction of the City auditor at the expense of the City and a condensed statement of such accounts as shown by the books shall be prepared and made public in conjunction with the annual financial statement of the City.

(e) The Board shall make such rules and regulations governing its meetings and procedure as may seem proper. A majority of the Board shall constitute a quorum, but the affirmative vote of three members shall be necessary to authorize the payment of public money or the election of a superintendent, principals, teachers and all officers and employees whom the Board is authorized to elect or appoint.

(f) Any vacancy of the Board shall be filled by the vote of a majority of the Board until the next general City election for municipal officers, when a member shall be elected to fill the unexpired term.

In the event that three or more such vacancies exist at one time, sufficient vacancies shall be filled by the appointment by

the County Superintendent of Schools to make a majority of such Board to act and fill the remaining vacancies. Each such appointed member shall hold office until the next general City election for municipal officers, when a member shall be elected to fill the unexpired term.

(g) The Board of Education shall annually, on such date as shall be fixed by the Council, submit in writing to the Council a careful estimate of the whole amount of money to be received from the State and County for the support of the public schools in the City, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the City for the adequate support of the public schools for the ensuing year. The City Council shall include in and apportion from the annual tax levy the sum of not less than thirty-five cents on each one hundred dollars of assessed valuation to be paid into the school fund of the City.

If any member of the Board of Education shall remove from the City or absent himself therefrom for more than sixty days consecutively without permission of the Board of Education or shall fail to qualify his office shall thereupon become vacant."

PROPOSED CHARTER AMENDMENT NO. 8

That Section 32 of the Charter be amended as follows:

Granting of franchises

"Section 32, Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage, garbage or rubbish removal or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City, for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor.

The Council is empowered to grant by ordinance, subject to referendum any such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and the terms and conditions of such grants or the making thereof, subject to the provisions of this Charter.

No new franchise or the renewal of an existing franchise shall be granted except upon condition that a sum equivalent at least to two per cent (2%) of the gross annual receipts of the utility derived from the sale within the City of the utility service for which the franchise is awarded, shall be paid to the City."

PROPOSED CHARTER AMENDMENT NO. 9

That Section 14 of the Charter be amended as follows:

City Treasurer

"Section 14, City Treasurer. There shall be a City Treasurer. It shall be his duty to receive and safely keep all moneys and securities belonging to the City coming into his hands. He

shall pay out the same only in the manner prescribed by ordinance of the Council."

PROPOSED CHARTER AMENDMENT No. 10

That Section 23 of the Charter be amended as follows:

"Section 23, Public Library. There shall be a Board of Library Trustees consisting of five members, who shall be appointed by the Council and shall serve without compensation. Each member of the Council shall have the power to appoint one member of the Board. The Board of Trustees shall have charge of the administration of the free public library of the City." Board of Library Trustees

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Albany, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Albany.

IN WITNESS WHEREOF, Jerome Blank, mayor, as aforesaid, and Myrtle McLean, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Albany to be thereunto duly affixed, on this 18 day of June, 1952.

JEROME BLANK
(SEAL) Mayor of the City of Albany
MYRTLE J. MCLEAN
City Clerk of the City of Albany

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Albany as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Albany

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CHAPTER 5

Assembly Concurrent Resolution No. 8—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated primary and special municipal election held therein on the third day of June, 1952.

[Filed with Secretary of State August 7, 1952.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, City and County of San Francisco Charter amendments

and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county four (4) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said four (4) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "The San Francisco News" a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a consolidated primary and special municipal election to be held in the City and County of San Francisco on the third day of June, 1952, the said four (4) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said consolidated primary and special municipal election was held in said City and County of San Francisco on the third day of June, 1952, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "The San Francisco News," and each edition thereof as hereinbefore set forth; and

WHEREAS, The board of supervisors of said city and county did thereafter, in regular meeting assembled, by resolution duly adopted by said board and entered in the minutes thereof, direct that a canvass of said consolidated primary and special municipal election held on the third day of June, 1952, be immediately begun and made by the registrar of voters of said

city and county, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said consolidated primary and special municipal election held on the third day of June, 1952, from each election precinct in the City and County of San Francisco in which polls were opened had theretofore been received by the said registrar of voters; and

WHEREAS, Thereafter, to wit, on the thirtieth day of June, 1952, said board of supervisors duly approved the "official statement" of votes cast at the consolidated primary and special municipal election held in the City and County of San Francisco, State of California, on Tuesday, the third day of June, 1952; and

WHEREAS, At said consolidated primary and special municipal election so held on the third day of June, 1952, three (3) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions A, C and D, and one (1) other charter amendment submitted at said consolidated primary and special municipal election, to wit, charter amendment designated as Proposition B, received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION A

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding thereto Section 35 5.1 Relating to the Standardization of the Rates of Compensation of Members of the Police Department, and by adding thereto Section 36 2 Relating to the Standardization of the Rates of Compensation of Members of the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 3, 1952, a proposal to amend the charter of said city and county by adding thereto Section 35.5.1 and Section 36.2, as follows:

Police Department Compensation

Section 35.5 1. Not later than the 15th day of February of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid police officers or patrolmen employed in the respective police departments in all cities of 100,000 population or over in the State of California, based upon the latest federal decennial census.

Not later than the 1st day of April of each year, the board of supervisors shall have power, and it shall be its duty, by ordi-

nance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in section 35.5 of this charter and said rates shall be in lieu of said annual compensations and shall be effective on the 1st day of July next following.

The rates of compensation, fixed in said ordinance,

(a) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers shall not exceed the highest rate of compensation paid police officers or patrolmen in regular service in the cities included in the certified report of the civil service commission;

(b) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall include the same amount of adjustment as that used in fixing the rates of compensation for the fourth year of service for the same class;

(c) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same percent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(d) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

Not later than the 2nd Monday of July of each year, the civil service commission shall survey and certify to the board of supervisors the rates of compensation paid police officers or patrolmen on the 1st day of July of that year in the cities hereinbefore referred to. The board of supervisors shall thereupon have the power by ordinance to revise all of the rates of compensation as in this section provided. Said revised rates shall be effective from the 1st day of July of the then current fiscal year.

If the board of supervisors revises said rates of compensation, then it shall, not later than the 25th day of July of the then current fiscal year, have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

On ratification of this section, the civil service commission shall immediately survey and certify to the board of supervisors the rates of compensation paid police officers or patrolmen on the 1st day of January, 1952, in the cities referred to

hereinbefore. The board of supervisors shall thereupon have power, and it shall be its duty, by ordinance, to adjust the rates of compensation for the fiscal year 1952-1953 for all of said members of the police department based upon said certified report and as in this section provided; and, notwithstanding any other provision of this charter, it shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance for the fiscal year 1952-1953 to include the provisions necessary for paying said rates from July 1, 1952; provided, if additional funds are required, then provision shall be made for such payment out of such funds as the controller certifies are available for the purpose Such funds as are made available shall first be applied to the payment of compensation for the period from the effective date of this section to June 30, 1953, and thereafter to the payment of such compensations for the period from the effective date of this section to July 1, 1952, and shall only apply to those persons who are members of the department on or after the effective date of this section.

The expression "rates of compensation," as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in section 166 and, with the addition of fifteen dollars per month now provided in section 35.5 of the charter with respect to members assigned to two-wheel motorcycle traffic duty, shall also mean "compensation earnable" as used in section 168.1.1.

For all purposes of the retirement system, the first adjustment of rates of compensation made by the board of supervisors after the effective date of this section shall be the rates of compensation for the members affected for the remainder of the fiscal year 1952-1953 following the month in which the ordinance making such adjustment becomes effective, and the annual compensations set forth in section 35 5 shall be the rates of compensation for said retirement purposes for the period from the beginning of the fiscal year 1952-1953 through said month.

The term "police officers or patrolmen" as used in this section shall mean the persons employed in the police departments of said cities of 100,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

Fire Department Compensation

Section 36.2. Not later than the 15th day of February of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid firemen employed in the respective fire departments in all cities of 100,000 population or over in the State of California, based upon the latest federal decennial census.

Not later than the 1st day of April of each year, the board of supervisors shall have power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in sections 36 and 38 1 of this charter, and said rates shall be in lieu of said annual compensations and shall be effective on the 1st day of July next following.

The rates of compensation, fixed in said ordinance,

(a) for the fourth year of service and thereafter for firemen shall not exceed the highest rate of compensation paid firemen in regular service in the cities included in the certified report of the civil service commission;

(b) for the first, second and third year of service for firemen shall include the same amount of adjustment as that used in fixing the rates of compensation for the fourth year of service for the same class;

(c) for said members of the fire department other than firemen shall include the same percent of adjustment as that established by said ordinance for firemen in the fourth year of service; and

(d) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

Not later than the 2nd Monday of July each year, the civil service commission shall survey and certify to the board of supervisors the rates of compensation paid firemen on the 1st day of July of that year in the cities hereinbefore referred to. The board of supervisors shall thereupon have the power by ordinance to revise all of the rates of compensation as in this section provided Said revised rates shall be effective from the 1st day of July of the then current fiscal year.

If the board of supervisors revises said rates of compensation, then it shall, not later than the 25th day of July of the then current fiscal year, have the power, and it shall be its duty,

subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

On ratification of this section, the civil service commission shall immediately survey and certify to the board of supervisors the rates of compensation paid firemen on the 1st day of January, 1952, in the cities referred to hereinbefore. The board of supervisors shall thereupon have power, and it shall be its duty, by ordinance, to adjust the rates of compensation for the fiscal year 1952-1953 for all of said members of the fire department based upon said certified report and as in this section provided; and, notwithstanding any other provision of this charter, it shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance for the fiscal year 1952-1953 to include the provisions necessary for paying said rates from July 1, 1952; provided, if additional funds are required, then provision shall be made for such payment out of such funds as the controller certifies are available for the purpose. Such funds as are made available shall first be applied to the payment of compensation for the period from the effective date of this section to June 30, 1953, and thereafter to the payment of such compensations for the period from the effective date of this section to July 1, 1952, and shall only apply to those persons who are members of the department on or after the effective date of this section.

The expression "rates of compensation," as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section shall mean "salary attached to the rank" as used in section 169 and "compensation earnable" as used in section 171.1.1.

For all purposes of the retirement system, the first adjustment of rates of compensation made by the board of supervisors after the effective date of this section shall be the rates of compensation for the members affected for the remainder of the

fiscal year 1952-1953 following the month in which the ordinance making such adjustment becomes effective, and the annual compensations set forth in section 36 shall be the rates of compensation for said retirement purposes for the period from the beginning of the fiscal year 1952-1953 through said month.

The term "firemen" as used in this section shall mean the persons employed, in the fire departments of said cities of 100,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression "members of the fire department" does not include members of the fire commission.

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County by amending Section 50 thereof, relating to the California Palace of the Legion of Honor.

The Board of Supervisors of the City and County of San Francisco, hereby submits to the qualified electors of said City and County at an election to be held therein on June 3, 1952, a proposal to amend the charter of said City and County by amending Section 50 thereof, to read as follows:

OTHER BOARDS AND DEPARTMENTS

CALIFORNIA PALACE OF THE LEGION OF HONOR

California Palace of the Legion of Honor

Section 50. The California Palace of the Legion of Honor shall be known as such in perpetuity. The management, superintendence and operation thereof and the lands set aside therefor shall be vested in a board of eleven trustees, of which the mayor and the president of the recreation and park commission shall be ex officio members. All vacancies occurring in said board shall be filled by the vote of a majority of the remaining members thereof. The number of trustees may be increased from time to time as needed, provided that at no time shall the total number of trustees exceed seventeen. The trustees in office at the time, shall, in their discretion, determine the need for additional trustees. Upon making such determination, the additional trustees shall be elected by the majority of the board then in office. None of said trustees shall receive any compensation for his or her services. Trustees need not be residents of the city and county.

The board shall have exclusive charge of the said memorial, the lands set aside therefor, and its affairs, and of all real and personal property thereunto belonging, or which may be acquired by loan, purchase, gift, devise, bequest or otherwise, when not inconsistent with the terms and conditions of the

loan, gift, devise or bequest. It shall meet for its purposes at least once in three months, and at such other times as the president or any three members thereof may appoint, in a place to be provided for the purpose. It shall appoint a director, curators and a secretary who shall hold office at its pleasure. It shall appoint such other assistants and employees as may be necessary, who shall be subject to the civil service and salary standardization provisions of this charter; provided that all such assistants and employees who were actually employed, or who were on military leave of absence from employment on January 11, 1943 and who had been continuously employed for one year immediately preceding such date or such military leave of absence shall be continued in their respective positions as if appointed thereto after examination and certification from a civil service list of eligibles and thereafter shall be governed by and subject to the civil service provisions of this charter. The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings, and shall file annually a report with the controller. The trustees shall have power to insure loan exhibits against any risk.

The supervisors, for the purpose of maintaining, operating and superintending said memorial, and the purchase of objects of art, literary productions and other personal property, shall provide an amount sufficient for the maintenance, operation, and superintendence thereof; subject to the budget and fiscal provisions of this charter, and to that end shall levy a tax annually, the proceeds of which shall be credited to and deposited in a fund in the treasury of the city and county to be known as the "California Palace of the Legion of Honor Fund," and shall be used exclusively for the purposes thereof.

It is the intention that the administration and control of the California Palace of the Legion of Honor shall be continued with the powers granted and under the conditions imposed by the terms of the donation and accepted by the city and county.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 117 and 117.1 thereof, relating to zone changes

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 3, 1952, a proposal to amend the charter of said city and county by amending Sections 117 and 117.1 thereof so that the same shall read as follows:

ZONING—PRESENT PROVISIONS TO APPLY PENDING ORDINANCE REVISION

Section 117. Until such time as the board of supervisors shall have enacted a new comprehensive zoning ordinance for Operation of sections

the city and county based on a land use plan and providing for variances, and until the effective date of such ordinance, this section of the charter shall continue in force, and until such time, sections 117.1, 117.2, and 117.3, shall be inoperative. Upon the enactment and effective date of such an ordinance this section of the charter shall become inoperative for any purpose, and sections 117.1, 117.2, and 117.3, shall become operative.

ZONE CHANGES

Zone changes

The city planning commission, from time to time, shall consider and hold hearings on proposed changes in the classification of the use to which property in the city and county may be put, and the establishment or changing of building set-back lines, in either case, on its own motion or on the application of an interested property owner.

HEARINGS, ETC.

Procedure

The board of supervisors, by ordinance, shall establish procedure for action on such matters, which ordinance must provide, among other things, that the commission shall give notice of time, place and date of hearing by posting throughout the area and by publication not less than twenty days prior thereto; that the commission shall notify, in writing, not less than ten days prior to said hearing, applicants for proposed changes, and all persons whose names and addresses are shown on the assessment roll as owners of property within three hundred feet of all exterior boundaries of the area affected by the proposed changes of the time and place of hearing, which names, addresses and other information shall be furnished by the applicant in the form required by the commission; that the commission, after hearing shall, by resolution, approve or disapprove the proposed change which, if approved, shall not become effective for thirty days; that appeal may be taken from the ruling of the commission by filing written protest with the board of supervisors, and if such protest is subscribed by the owners of twenty per cent of the property affected, the supervisors shall fix a time and a place for hearing such objections which shall be not less than ten nor more than thirty days after such filing, and must decide thereon within ten days of the start of such hearing, provided that, if the full membership of the board is not present on the last day on which said objections are set or continued for hearing within said period, the board may postpone said hearing and decision thereon until, but not later than, the full membership of the board is present; provided, further, that the latest date to which said hearing and decision may be postponed on such account shall not be more than ninety (90) days from the date of filing of such protest; that the supervisors, by not less than two-thirds vote, may disapprove the action of the commission, provided, however, that any change in zoning, classification or building set-back

lines made by the commission on its own motion shall require approval of the supervisors by a two-thirds vote; that in case of disapproval by the commission or by the supervisors on appeal of a proposed change, such proposed change may not be resubmitted to or reconsidered by the commission for at least one year.

LEGISLATIVE REFERRAL

Reference to planning commission

No ordinance shall be considered by the supervisors, the purpose or intent of which is the classification, regulation or control of the height, area, bulk, location or use of any building or buildings, or premise or premises, and classifying any property into any district or zone for such purposes, or establishing a set-back line or lines along any street or portion thereof in the city and county without being first submitted to the city planning commission for report and recommendation. If the commission disapproves any such ordinance, the supervisors may adopt the same only by an affirmative vote of at least two-thirds of its entire membership. The failure of the commission to act within sixty days from and after the date of official submission of any proposed zoning classification or set-back line by the board of supervisors shall be deemed to be approval of such classification or proposed set-back line by the commission.

NEW PROVISIONS FOR ZONE CHANGES

Changes in zoning ordinances

Section 117.1. The city planning commission shall consider and hold hearings on proposed changes in the zoning ordinance which classifies the uses to which property in the city and county may be put, and on the establishment or changing of building set-back lines, either on its own motion, or on the application of interested property owners or their authorized agents. The board of supervisors, by ordinance, shall establish procedure for action on such matters. The city planning commission shall give notice of time and place of such hearings and shall act upon such applications for change within ninety days from the date of conclusion of the hearing. Failure to act within said time shall constitute disapproval. If approved, such applications, together with the approval of the commission, shall be presented to the board of supervisors, which may adopt such changes by a majority vote If disapproved, the action of the city planning commission shall be final, except that appeal may be taken from the ruling of the commission by filing written protest with the board of supervisors within a period of thirty days after the action of the city planning commission, and if such protest is subscribed by the owners of twenty per cent of the property affected The board of supervisors or the clerk thereof shall set a time and place for hearing such appeal, which shall be not less than ten nor more than thirty days after such filing. The board must decide such appeal within ten days of the time so set for such hearing, provided that, if the full membership of the board is not present on the last day on which said objections are set or continued for hearing within said period,

the board may postpone said hearing and decision thereon until, but not later than, the full membership of the board is present, or the action of the commission shall be deemed to be approved by the board; provided, further, that the latest date to which said hearing and decision may be postponed on such account shall not be more than ninety (90) days from the date of filing of such protest. The supervisors may disapprove the action of the commission on such appeal by a vote of not less than two-thirds of all members of the board and adopt such change in said ordinance. Any action of the commission so appealed shall not become effective unless and until approved by the board within the time aforesaid. In case of disapproval by the commission or by the supervisors on appeal of a proposed change, such proposed change may not be resubmitted to or reconsidered by the commission for at least one year.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss

Certificate

This is to certify that we, Dewey Mead, President of the Board of Supervisors of the City and County of San Francisco, and John R. McGrath, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a consolidated primary and special municipal election held on Tuesday, the third day of June, One Thousand Nine Hundred Fifty-Two, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this ninth day of July, One Thousand Nine Hundred and Fifty-Two.

(SEAL)

DEWEY MEAD
President of the Board of Supervisors
of the City and County of San Francisco

JOHN R. McGRATH
Clerk of the Board of Supervisors
of the City and County of San Francisco

Now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 6

Assembly Concurrent Resolution No. 2—Relative to the death of the Honorable Lester T. Davis.

[Filed with Secretary of State August 7, 1952.]

Death of Lester T Davis

WHEREAS, It was with profound sorrow that the Members of the Legislature learned of the sudden passing in the prime of life of their good friend and fellow Member of the Legislature, Honorable Lester T. Davis of Portola, in May, 1952; and

WHEREAS, Lester T. Davis had served and represented the people of the Second Assembly District, consisting of the Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, and Sierra, faithfully and well in the Assembly since his election in 1946; and

WHEREAS, He had faithfully devoted his life to service in the public interest of the people of the State since his arrival in California in 1925 and had taken an active part in many service and fraternal organizations; and

WHEREAS, From his background in the restaurant and hotel business, and as an engineer for the Western Pacific Railroad, Assemblyman Davis drew upon a fund of experience in matters upon which his advice and counsel was invaluable in legislative deliberations, including the several legislative committees on which he so ably served; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature by this resolution express their grief at the passing of the Honorable Lester T. Davis and desire by this means to pay tribute to his excellent qualities and to his memory, and to convey to his bereaved family their sympathy in this great loss; and be it further

Resolved, That when the Legislature this day adjourns it do so out of respect to the memory of Lester T. Davis; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to have prepared suitably engrossed copies of this resolution to be transmitted to Mrs. Pauline Davis, widow of Lester T. Davis.

CHAPTER 7

Assembly Concurrent Resolution No. 3—Relative to the death of the Honorable C. Don Field.

[Filed with Secretary of State August 7, 1952.]

Death of C. Don Field

WHEREAS, The Members of the Legislature have received with the deepest regret news of the untimely passing in Los Angeles on June 9, 1952, of the Honorable C. Don Field, distinguished former Assemblyman from the Forty-third District; and

WHEREAS, Mr. Field was 53 years of age, born in Aledo, Texas, February 14, 1899; and

WHEREAS, He was educated in the Los Angeles city schools and Southwestern University and was copartner and general manager since 1919 of the Field Transportation Company; and

WHEREAS, He was a member of the Masonic Lodge (Past Master, Malta Lodge 661); Al Malaikah Shrine; Royal Arch Masons; Golden West Commandery; Knights Templar; Glendale Elks Lodge, B. P. O. E.; Omega Sigma Sigma Fraternity; Chamber of Commerce; Oakmont Club; Jonathan Club; honorary member, Glendale Junior Chamber of Commerce; honorary life member, Los Angeles Optimist Club; Past President and Past District Governor, Optimist International Club; and Past Potentate, Al Malaikah Temple A. A. O. N. M. S. of Los Angeles, 1942; and

WHEREAS, He represented the Forty-third District in the Assembly, being elected in 1932, re-elected in 1934, 1936, 1938, 1940, 1942, and 1944, and was Chairman of the Governmental Efficiency and Economy Committee, and was appointed the President of the Los Angeles Board of Public Works in 1950, filling these positions with sincerity and honesty which made him respected by all who knew him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the Legislature adjourns this day, the members do so out of respect for the memory of C. Don Field, and extend their heartfelt condolences to the family of Mr. Field; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably engrossed copies of this resolution to Mrs. Gladys Field, his widow, and to Miss Nancy Field, his daughter, and to Mr. Don Field II, his son.

CHAPTER 8

Assembly Concurrent Resolution No. 5—Relative to eulogizing Frederick M. Roberts.

[Filed with Secretary of State August 7, 1952.]

Death of Frederick M Roberts

WHEREAS, All of his many friends were deeply grieved to learn of the untimely passing of Frederick Madison Roberts on Saturday, July 19, 1952; and

WHEREAS, Fred, as he was called by his friends, was born in 1879 in Ohio, coming to Los Angeles as a youth to become the first Negro boy to graduate from Los Angeles High School; then, he continued his education, becoming a graduate mortician and taking a bachelor of arts degree from Colorado College; and

WHEREAS, He was a tireless worker in many fields, being a member of such organizations as the NAACP, Los Angeles Urban League, Masonic Order, Knights of Pythias, Elks, and

Y.M.C A., being the guiding force behind such publications as the Western Outlook, Fraternal Bulletin and Age Dispatch; and

WHEREAS, Fred was the dean of the Legislature when he completed his last term in 1934, having served 16 years as Assemblyman for the Sixty-second Assembly District; and

WHEREAS, During this long period of diligent service, he championed such important legislation as the Racial Reflection, Antilynch and School Textbook Bills as well as sponsoring the bill establishing the University of California at Los Angeles; and he was a member or chairman of the following committees, among others: Education; Corporations; Revisions and Printing; Engrossment and Enrolling; Building and Loan Associations; Elections; Banking; Reapportionment; Governmental Efficiency and Economy; and Ways and Means; and

WHEREAS, All who ever knew Fred, and his friends are legion, honored and respected him as a citizen, as a man, and as a statesman—the first member of his race to serve in the California Legislature; and these many friends and associates will long remember this pioneer politician and legislator; and

WHEREAS, He is survived by his widow, Pearl; his two daughters, Gloria and Patricia; a sister, Mrs. Essie M. Sanders; and a brother, William G. Roberts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby express their regret and sorrow upon the death of Frederick Roberts; and be it further

Resolved, That when the Assembly and the Senate adjourn today, they do so out of respect for the memory of him; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitable copies of this resolution to his family.

CHAPTER 9

Assembly Concurrent Resolution No. 11—Relative to the passing of the Honorable Matthew Brady.

[Filed with Secretary of State August 8, 1952]

Death of Matthew Brady

WHEREAS, The hearts of the people of the State of California, and particularly the residents of the City of San Francisco have been saddened by the fact that Judge Matt Brady has been taken to his eternal reward; and

WHEREAS, The career of this honest, tolerant, kindly and humane municipal judge and the service he has rendered to the people of his beloved City of San Francisco have been so outstanding that volumes would be required to enumerate all of his accomplishments and all of his kindly deeds; and

WHEREAS, While he tempered justice with mercy, preferring to correct rather than to punish, he ever bore in mind the neces-

sity for protecting the citizens of his city from injuries caused by reckless and careless drivers, and due to the punishments imposed by Judge Brady on such persons the streets of San Francisco have become progressively safer; and

WHEREAS, It is fitting that the people of the State of California through their Legislature express their sorrow at the passing of this great Californian; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby express its deep sense of loss in the passing of Judge Matt Brady and extends its sincere sympathy to his widow, Edith Brady, and his sister Grace; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to transmit suitably prepared copies of this resolution to Mrs. Edith Brady.

CHAPTER 10

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

[Filed with Secretary of State August 8, 1952.]

Joint Rules

Resolved, That the Joint Rules adopted and in effect at the 1952 Regular Session be and the same are hereby adopted as the Joint Rules of this 1952 Second Extraordinary Session, except that Joint Rule No. 23 be omitted.

CHAPTER 11

Senate Concurrent Resolution No. 2—Relative to augmenting funds of the Joint Committee on Agriculture and Livestock Problems.

[Filed with Secretary of State August 8, 1952.]

Expenses of Joint Committee on Agriculture and Livestock Problems

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available the sum of seven thousand five-hundred dollars ($7,500), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Committee on Agriculture and Livestock Problems (created by Senate Concurrent Resolution No. 69, 1951 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution to be paid from the said Contingent Funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 12

Senate Concurrent Resolution No. 4—Approving an amendment to the Charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the third day of June, 1952.

[Filed with Secretary of State August 8, 1952.]

City of Vallejo Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF VALLEJO

COUNTY OF SOLANO, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
} ss
County of Solano }

Certificate

We, the undersigned, George C. Demmon, Mayor of the City of Vallejo, and Melvin F. Brooks, City Clerk of the City of Vallejo, do hereby certify and declare as follows:

That the City of Vallejo, County of Solano, State of California, is now, and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3,500) inhabitants, and less than fifty thousand (50,000) inhabitants, and ever since the year 1946 has been, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at the general election held on the 19th day of February, 1946, in the manner, form and substance as required by law, and was thereafter duly approved by the Assembly of the State of California, the Senate concurring, and filed with the Secretary of State on the 25th day of July, 1946;

That the City Council of the City of Vallejo, being the legislative body of said city, pursuant to Section 8 of Article XI of the Constitution of the State of California, duly passed and adopted on the 24th day of March, 1952, its Resolution No. 5731 N.C. proposing a charter amendment on the motion of said City Council, calling a special municipal charter amendment election in the City of Vallejo on the 3rd day of June, 1952, for the purpose of submitting said proposed amendment to the electors of said city, and consolidating said special municipal

charter amendment election with the State of California Consolidated Presidential and Direct Primary Election to be held on June 3, 1952;

That by resolution duly adopted on the 28th day of March, 1952, the Board of Supervisors of the County of Solano ordered consolidation of said special municipal charter amendment election with said Consolidated Presidental and Direct Primary Election;

That said proposed amendment was duly published for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 11th day of April, 1952, in The Vallejo Morning Times-Herald, the official newspaper of the City of Vallejo, a newspaper of general circulation printed and published in the City of Vallejo;

That said special municipal charter amendment election was duly called, held and conducted in the time, form and manner required by law on said 3rd day of June, 1952, said day being not less than forty (40) and not more than sixty (60) days after the completion of the publication and advertisement of said proposed amendment in said The Vallejo Morning Times-Herald for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on April 11, 1952;

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter;

That the County Clerk of the County of Solano conducted, and on June 23, 1952, officially completed the canvass of all ballots cast at said Consolidated Presidential and Direct Primary Election and said special municipal charter amendment election consolidated therewith as aforesaid; and that the Board of Supervisors of said County of Solano met on June 25, 1952, at its usual place of meeting and officially approved said canvass of said elections as conducted, completed and presented to said Board of Supervisors by said County Clerk, and said County Clerk on the 1st day of July, 1952, certified the result of said special municipal charter amendment election to the City Council of the City of Vallejo;

That the City Council of the City of Vallejo, in accordance with law and pursuant to said Resolution No. 5731 N.C., calling said special municipal charter amendment election, did meet on Monday, the 7th day of July, 1952, at its usual place of meeting, and did duly and regularly cause to be spread on its minutes a statement of the results of said special municipal charter amendment election as ascertained by said canvass, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment voted in favor thereof and that said charter amendment was ratified;

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposed Amendment to the Charter of City of Vallejo

Article XXI

Off-Street Vehicular Parking

Off-street vehicular parking

Section 248. General. The City of Vallejo, in addition to all other powers elsewhere enumerated in this Charter, shall have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City of Vallejo, including any and all public parking lots, garages or other automotive parking facilities, in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of said City, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such parking facilities and from other revenues, all as hereinafter provided in this Article.

Definitions

Section 249. Definitions. The following terms whenever used or referred to in this Article, or in any resolution of issue, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) Project The term "project" means any one or more off-street vehicular parking facilities referred to in Section 248 and designated by the City as a project in a resolution of issue.

(b) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation.

(c) Revenues. The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and net revenues of any existing off-street vehicular parking facilities operated or controlled by the City to the extent that the same shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

(d) Net Revenues. The term "net revenues" when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street parking meters after deducting therefrom the

actual necessary costs and expenses of the acquisition, installation, maintenance and replacement of such parking meters and of the collection of revenues therefrom, all calculated on sound accounting principles, but without any allowance for depreciation or obsolescence. The term "net revenues" when used with reference to any existing off-street vehicular parking facilities operated or controlled by the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street vehicular parking facilities after deducting therefrom the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

(e) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the City Council, including any resolution adopted by the City Council, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the City Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

General powers

Section 250. Grant of Power. Without limiting the generality of Section 248, the City Council of the City of Vallejo has power for any of the purposes of this Article:

Acquisition, etc., of property

(a) To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article;

(b) To acquire, by any of the means specified in the foregoing clause (a), any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress to or egress from any project;

Improvements

(c) To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project;

Construction, etc

(d) To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project;

Rates, fees, etc

(e) To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue in the case of firemen, policemen and other essential public employees. All rates, fees and charges shall be

paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency;

Revenue bonds

(f) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided;

Contracts, leases, etc

(g) To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

Commercial leases

(h) To lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so leased at any one time in any project shall not exceed twenty per cent (20%) of the surface area of such project and that the term of any such lease shall not exceed a period of five (5) years from its date;

Sale, etc., of property

(i) To sell, lease, convey or otherwise dispose of any rights, interests or properties acquired under this Article, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

Eminent domain

(j) To exercise the right of eminent domain for the condemnation of private property or any right or interest therein for any of the purposes of this Article;

Rules and regulations

(k) To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article; and

Additional powers

(*l*) To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in this Section or elsewhere in this Article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution of the State of California or any other provision of this Charter.

Pledge of meter revenues

Section 251. Pledge of Net Parking Meter Revenues.

(a) In addition to all other powers elsewhere enumerated in this Article, the City Council shall have power, subject to the requirements of paragraph (b) of this Section 251, to pledge,

place a charge upon, or otherwise make available and authorize payment of all or any part of the net revenues collected by the City from the establishment and operation of on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, for such periods of years as shall be determined by the City Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Article or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Article.

"Off-Street Parking Fund"

(b) Beginning with the fiscal year 1953-1954, the City shall, for a period of five (5) successive fiscal years, deposit and accumulate in a separate fund, which is hereby established and designated "Off-Street Parking Fund", not less than twenty-five per cent (25%) or Ten Thousand Dollars ($10,000), whichever sum is greater, of the net revenues collected by the City from the operation of on-street parking meters within the City during each such fiscal year (or all of said net revenues during any such fiscal year in which said net revenues amount to less than Ten Thousand Dollars ($10,000)), and all such sums so deposited and accumulated in the Off-Street Parking Fund shall be expended by the City only to acquire, construct, establish, improve, extend, maintain, operate and administer off-street vehicular parking facilities and places within the City; provided, however, that if at any time prior to July 1, 1958, any revenue bonds of the City are issued pursuant to this Article, the City shall, by a resolution of issue, irrevocably pledge, place a charge upon, or otherwise make available and authorize payment of all sums then in the Off-Street Parking Fund, plus an amount not less than the aggregate of all sums which would thereafter be deposited in the Off-Street Parking Fund during said period of five (5) fiscal years as hereinabove provided, for the payment of the operation and maintenance costs of the project designated in said resolution of issue or as security or further protection for the payment of the principal of and interest on said bonds, and upon delivery of and payment for said bonds the City shall cease to maintain the Off-Street Parking Fund and cease to deposit or accumulate any sums therein and transfer all sums then in the Off-Street Parking Fund to such fund or funds as shall be designated in said resolution of issue; provided, further, that if no bonds of the City are issued pursuant to this Article prior to July 1, 1958, then all sums in the Off-Street Parking Fund on that date may be used by the City for any lawful purpose and the City Council may by resolution order the discontinuance of the maintenance of the Off-Street Parking Fund and the transfer of any sums therein to any other fund or funds of the City designated in such resolution.

Bonds Issue

Section 252. Issues of Bonds; Series and Divisions. The City Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates

for each series or division, different rates of interest, or different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the City Council by a resolution of issue at the time of or prior to the issue thereof.

Revenue bonds

Section 253. Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the City Council by a resolution of issue adopted by affirmative votes of at least five (5) members of the City Council at a duly assembled meeting.

Resolutions of issue

Section 254. Resolutions of Issue. Resolutions of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded.

Applicable provisions.

Section 255. Provisions Relating to Bonds. The following provisions shall govern and apply to (a) all revenue bonds issued pursuant to this Article and (b) each resolution of issue relating to the bonds thereby authorized:

Date

(1) Date of Bonds. Bonds shall bear dates prescribed by the resolution of issue.

Maturity

(2) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Interest

(3) Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent. per annum, payable annually or semiannually, or in part annually and in part semiannually.

Coupon or registered bonds

(4) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the resolution of issue shall prescribe.

Redemption

(5) Redemption. Bonds may be callable upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six per cent (6%) of the par value of such bonds) as

may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bond.

Payment from revenues

(6) Source of Payment. All revenue bonds shall be payable exclusively from revenues.

Reference to resolution

(7) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

Recitals

(8) Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Vallejo, except as provided in this Article.

Place and manner of payment

(9) Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

Execution and authentication

(10) Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee or fiscal agent appointed by the City Council. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the bonds and coupons.

Temporary bonds

(11) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the City Council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the City Council shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

Lost, mutilated etc. bonds

(12) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

Security Revenue bonds

(13) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon (a) all or a portion of the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to

be issued, (b) revenues from on-street parking meters, and (c) revenues of any existing off-street vehicular parking facilities operated or controlled by the City, all as provided for in the resolution of issue. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The gross revenues of the project, any interest earned on the gross revenues of the project, and all pledged on-street parking meter revenues and pledged revenues of said existing off-street vehicular parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of the project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

Bonds of same issue

(14) Bonds of Same Issue to be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, of execution, or of delivery; except that if the City Council authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

Refunding bonds Issuance, etc

(15) Refunding Bonds The City Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Article, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Article applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof.

Amount

(16) Amount of Refunding Bonds. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

Validity of bonds

(17) Validity of Bonds Not Affected by Actions of City Relative to Project. The validity of the authorization and issuance of any revenue bonds by the City Council shall not be dependent on or affected in any way by:

(a) Proceedings taken by the City for the acquisition, construction or completion of any project or any part thereof;

(b) Any contracts made in connection with the acquisition, construction or completion of any project; or

(c) The failure to complete any project for which bonds are authorized to be issued.

Sale of bonds

Section 256. Sale of Bonds. Before selling any bonds the City Council shall give notice inviting sealed bids in such manner as the City Council may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the City Council determines that the bids received are not satisfactory as to price or responsibility of the bidders, the City Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Section 257. Sale Below Par. The City Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent (6%) per annum, payable semi-annually, to the respective maturity dates of said bonds.

Payment of expenses, etc

Section 258. Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Bonds. All costs and expenses incidental to the issuance and sale of bonds, including the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Resolutions of issue.

Section 259. Provisions Relating to Resolutions of Issue. The following provisions shall govern and apply to each resolution of issue adopted by the City Council:

Construction fund

(1) Construction Fund; Investment. A resolution of issue may provide that the proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the City Council as the fiscal agent of the City, and that said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation

of funds as provided for in Section 258 of this Article. Moneys in any construction fund may be invested as the City Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue.

Construction fund surplus

(2) Construction Fund Surplus. A resolution of issue may provide that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

Operation of project

(3) Continuous Operation of Project; Repairs, Renewals and Replacements. A resolution of issue may provide that, so long as any bonds thereby authorized shall be outstanding, the City shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

Rates, fees, etc

(4) Rates, Fees and Other Charges. A resolution of issue may provide that the City Council will prescribe, revise and collect rates, fees and charges for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, or for any services rendered in connection with such project, and for use of any on-street parking meters and off-street vehicular parking facilities any revenues from which are pledged to secure the bonds; that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street vehicular parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project; and that such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

Revenues

(5) Holding and Application of Revenues. A resolution of issue may require the City to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

Security of bonds

(6) Preservation and Protection of Security of Bonds. A resolution of issue may require the City to preserve and protect the security of the bonds issued thereunder and the rights of the holders thereof and to warrant and defend such rights

Discharge of liens

(7) Discharge of Lien Claims. A resolution of issue may require the City to pay and discharge or cause to be paid and

discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any bonds issued for the acquisition, construction or completion of any project.

Encumbrance of project

(8) Limitations Upon Power to Encumber Project. A resolution of issue may limit, restrict or prohibit, except upon such terms and conditions as may be provided therein, any right, power or privilege of the City to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

Eminent domain proceeds

(9) Proceeds of Project Taken by Eminent Domain. A resolution of issue may provide that if any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds issued pursuant to such resolution of issue, or as otherwise set forth in said resolution of issue.

Insurance

(10) Insurance. A resolution of issue may specify or limit the kinds and amounts of insurance to be maintained by the City on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue), and providing for the payment of the premiums thereon, and specifying the use and disposition of proceeds of any such insurance thereafter collected.

Books, records, and accounts

(11) Books, Records and Accounts. A resolution of issue may provide:

(a) that the City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from on-street parking meters and existing off-street vehicular parking facilities pledged or otherwise made available as security or as further protection for the bonds issued pursuant to said resolution of issue;

(b) that all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives;

(c) that annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds;

(d) that summaries of all such statements will be published at least annually in the official newspaper of the City; and

(e) that the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner

and under such circumstances as may be set forth in said resolution of issue.

Trustees, etc.

(12) Trustees; Fiscal Agent; Paying Agents. A resolution of issue may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue, and may authorize any such trustee to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. A resolution of issue may authorize the City to designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. A resolution of issue may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City or the City Council. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

Competitive projects

(13) Competitive Projects. A resolution of issue shall contain a covenant that the City shall not, while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain any off-street vehicular parking facilities or places within the City of Vallejo excepting those hereinafter described which compete in any way with any project or which are similar to any off-street vehicular parking facilities or places maintained or operated by the City or the City Council through the issuance of revenue bonds pursuant to this Article; excepting, however, any and all off-street vehicular parking facilities now or hereafter maintained by the City (a) in any area adjacent to the City Hall and used exclusively for official parking, and (b) on any of the following described real property now owned by the City, viz., fractional Lots 13 and 14 in Block 260, fractional Lots 3, 4, 9, 10, 11 and 13 and Lot 12 in Block 279, and fractional Lots 12, 13, 14 and 15 and Lots 1 to 11, both inclusive, of Block 299, all as shown on the map of the City of Vallejo recorded in Book 1 of Maps, page 123, in the office of the County Recorder of Solano County.

Additional indebtedness

(14) Limitation on Additional Indebtedness. A resolution of issue may limit or restrict the incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue.

Default

(15) Events of Default. A resolution of issue may designate the rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained, and may provide the terms and

conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

Amendment of resolution

(16) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which its terms and conditions may be subsequently amended or modified with the consent of the City and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including

(a) provision for meetings with bondholders and the manner in which the consents of the bondholders may be given;

(b) a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto; and

(c) if desired, a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.

Surplus moneys

(17) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall, subject to the limitations and restrictions in said resolution of issue, become and be the property of the City and be used by the City for any lawful purpose.

Additional agreements

(18) Additional Covenants and Agreements. A resolution of issue may provide for such other acts and matters and may include any and all such additional covenants and agreements on the part of the City as the City Council shall deem necessary or advisable for the better security of the bonds issued thereunder or to make said bonds more marketable.

Bondholders' rights

Section 260. Rights of Bondholders. Except as provided otherwise in any resolution of issue the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or the City Council or any official or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Article.

Authority of city council

Section 261. Article Confers Complete Authority. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the City Council of the City of Vallejo and no other procedure, or proceedings, consents, approvals, orders or permission from any municipal officer or board of the City of Vallejo, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article.

Alternative provisions

Section 262. Provisions of Article Alternative. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City of Vallejo. The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City of Vallejo may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City of Vallejo therefor, subject, however, to the condition that the City of Vallejo shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street parking facilities, other than those specifically described in clauses (a) and (b) of paragraph (13) of Section 259 of this Article, which compete with any project operated or maintained through the issuance of revenue bonds by the City Council.

Revenue bonds excluded

Section 263. Revenue Bonds Excluded from Bonded Indebtedness of City. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City of Vallejo is authorized to incur pursuant to Section 210.1 of this Charter and shall be excluded from any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City.

And we further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Vallejo with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Vallejo to be affixed hereto this 17th day of July, 1952.

(SEAL)

GEORGE C. DEMMON
Mayor of the City of Vallejo
MELVIN F. BROOKS
City Clerk of the City of Vallejo

and

WHEREAS, Said charter amendment as ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment,

in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefore and concurring therein, That said amendment to the Charter of the City of Vallejo, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of said City of Vallejo.

CHAPTER 13

Senate Concurrent Resolution No. 9—Relative to commendation of persons of Kern County, California, for their actions during the earthquakes of July 21, 1952, and the following days.

[Filed with Secretary of State August 8, 1952.]

Commendation of Kern County residents

WHEREAS, The residents of Kern County, California, experienced on July 21, 1952, one of the most powerful earthquakes of our State's history, with the pressure of this quake so great that many seismographs were shaken completely off the recording tape and those which did record showing an intensity of 7 75 for the July 21, 1952, quake and with quakes up to an intensity of 6.00 on succeeding days; and

WHEREAS, The destructive force unleashed on this area did an estimated fifteen million dollars ($15,000,000) damage on July 21, 1952, alone which was followed by days of earthquakes which damaged crops, placed 100 wells out of operation and destroyed whole sections of the Towns of Tehachapi and Arvin, disrupted all normal means of communication, bringing to a halt all normal means of livelihood, causing total disruptions of all usual life, was the direct cause of 14 persons losing their lives and numerous persons being injured; and

WHEREAS, Immediately following this first devastating shock on July 21, 1952, there followed shock wave after shock wave of catastrophic intensity, hitting this area again and again, striking structures already greatly weakened by the prior shock and, having withstood more than wood and stone can be asked to bear, they slowly settled to rest as a pile of rubble; and

WHEREAS, The people of Kern County, beset by wave after wave of shock from a convulsing earth, with their loved ones crushed before their eyes by the titanic force unleashed against them by an earth seemingly determined to subdue their indomitable courage, with their homes, which in many instances represented the fruits of untold years of sacrifice and toil, leveled to rubble, with their normal occupations now either destroyed or completely disrupted, with all communications severed, with the activities of hospitals, doctors and police protection taxed to the breaking point, banded together to cooperatively meet this onslaught of nature; and

WHEREAS, The people of Kern County demonstrated that the pioneer cooperative spirit which laid the foundation for the California empire of today is not yet dead in the breast of true Californians for they, with the courage and cooperation akin to that found in our pioneer forebears, banded together this day and dug in, held fast, and brought out of disaster the shining record of community spirit at its best; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the people of Kern County be commended for the exemplary courage manifest during the disastrous earthquake of July 21, 1952; and be it further

Resolved, That the Members of the Legislature, as the representatives of the people of the great State of California, express their sincere condolences to the grief stricken families of those dead and injured as a result of the calamity which struck Kern County and extend their sympathy to the many individuals injured physically and financially by the catastrophe; and be it further

Resolved, That the Secretary of the Senate transmit suitably engrossed copies of this resolution to the Mayors of Tehachapi, Arvin, and Bakersfield, and to the Board of Supervisors of Kern County, California.

CHAPTER 14

Senate Concurrent Resolution No. 10—Approving a certain amendment to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the 3d day of June, 1952.

[Filed with Secretary of State August 8, 1952.]

City of Bakersfield Charter amendment

WHEREAS, the City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than three thousand five hundred and fewer than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the twentieth day of January, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifth day of May, 1914, and approved by the Legislature of the State of California, on the twentieth day of January, 1915; and

WHEREAS, on the 31st day of March, 1952, the legislative body of the City of Bakersfield, to wit: the City Council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held June 3, 1952, a proposed amend-

ment to the City Charter of the City of Bakersfield, and immediately thereafter on said 31st day of March, 1952, the City Council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendment, to be called and held on the 3rd day of June, 1952, which said date was fixed by the said City Council of the City of Bakersfield as the time for voting on said amendment as proposed, which said special election was duly and regularly consolidated with the State Direct Primary Election to be held on said date; and

WHEREAS, said proposed amendment was published on the 12th day of April, 1952, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, said election was duly called and regularly held on the 3rd day of June, 1952, which said date of the election was not less than forty nor more than sixty days after the completion of the advertising in said official newspaper of said proposed amendment, and at said election the said proposed amendment to said Charter was voted upon by the qualified electors of the City of Bakersfield, and at said election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendment to said Charter, said proposed amendment so ratified being in the words and figures as follows, to wit:

That Section 43 of the Charter of the City of Bakersfield, entitled QUALIFICATIONS OF OFFICERS AND EMPLOYEES, be amended by adding thereto the following paragraph to be numbered 43 (a), which shall read as follows:

Temporary appointment of non-residents

43 (a) Whenever a vacancy exists in the service of the City which requires technical or professional qualifications, upon certification by the Civil Service Board having jurisdiction of the department in which the said vacancy occurs, that there is no person having the necessary residential qualifications available to fill the said vacancy, the City Council shall be authorized to waive the residential requirement and to make a temporary appointment until a person can be found who meets the residential qualifications as prescribed in the Charter.

AND WHEREAS, in accordance with the law in such cases made provided, the Board of Supervisors of the County of Kern caused the Clerk of said County to canvass the returns of said election, and said Clerk did duly and regularly canvass the returns of said election and on the 23rd day of June, 1952, did certify the results of said canvass to the City Council of the City of Bakersfield, and on the 14th day of July, 1952, the said City Council did duly find, determine and declare the result of said special election as determined from the canvass of the returns therefor aforesaid to be that a majority of the

qualified electors of said city voting thereon had voted in favor of and ratified said amendment to the charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, that the foregoing is true is shown by the certificate of Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of said City, whose certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF KERN } ss
CITY OF BAKERSFIELD }

Certificate

This is to certify that we, Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendment to the Charter of the City of Bakersfield with the original proposed amendment submitted to the qualified electors of the said City of Bakersfield at a special election held within the City of Bakersfield on June 3, 1952, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 4th day of August, 1952.

FRANK SULLIVAN
(SEAL) Mayor of the City of Bakersfield
MARIAN S. IRVIN
Clerk of the City of Bakersfield

and

WHEREAS, the said amendment to the charter of the City of Bakersfield so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate, the Assembly concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendment to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same is hereby adopted as a whole for and as an amendment to the said charter of the City of Bakersfield.

CHAPTER 15

Senate Joint Resolution No. 1—Relative to the proposal of the Federal Communications Commission to destroy the radio-telegraph communications system of the California Department of Agriculture around which has been built the Federal-State Market News System.

[Filed with Secretary of State August 8, 1952.]

Destruction of radio-telegraph system of Department of Agriculture

WHEREAS, It has been ascertained from the Federal Register for June 4, 1952, Volume 17, Number 109, page 5044 that the Federal Communications Commission proposes by amendment to its rules to delete certain uses by the domestic fixed service of frequencies below 25 megacycles, thereby destroying the radio-telegraph communications system of the California Department of Agriculture around which has been built the 28-year-old Federal-State Market News System; and

WHEREAS, The use of adequate frequencies in the type of service now being operated by the Federal-State Market News Service is in the interest of optimum production and orderly marketing of agricultural products; and

WHEREAS, The use of such service permits the collection and dissemination of market news with greater speed, with greater economy, and of even more vital importance, with greater flexibility than other available means of communication; and

WHEREAS, The proposed cancellation of existing or equally adequate allocations would seriously impair a nonprofit, public agency service to agriculture; and

WHEREAS, The use of such service serves an essential purpose comparable to that of networks of the Federal Bureau of Investigation, Federal Communications Commission R I D Section, and the Inter-Zone State Police; and

WHEREAS, The impairment of the existing service will be contrary to the aid-to-agriculture policies of the Federal and State Governments; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Federal Communications Commission is earnestly requested to withdraw its proposed amendment; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Secretary of the Federal Communications Commission and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 16

Assembly Concurrent Resolution No. 9—Relative to the approval of those certain amendments to the charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon on the third day of June, 1952.

[Filed with Secretary of State August 9, 1952.]

City of Alhambra Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of those certain amendments to the charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the President of the City Commission and the City Clerk of the City of Alhambra, as follows; to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF ALHAMBRA

Certificate

We, the undersigned, C. E. Stentz, President of the City Commission of the City of Alhambra, and Madeline E. Woodbury, City Clerk and ex-officio Clerk of the Commission of said City, do hereby certify and declare as follows:

That the City of Alhambra, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population greater than 50,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No. 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915 (Statutes 1915, p. 1740).

That the City Commission of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 14495, adopted March 18, 1952, duly proposed to the qualified electors of the City of Alhambra those certain amendments to the Charter of said City designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 4, Proposed Charter Amendment

No. 5; and by Resolution No. 14533, adopted April 1, 1952, duly proposed to the qualified electors of the City of Alhambra those certain amendments to the Charter of said City designated as Proposed Charter Amendment No. 6, and ordered said Charter Amendments to be submitted to said qualified electors at the general municipal election to be held in said City on the 3rd day of June, 1952; that said proposed amendments were, on April 18th, 1952, published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Alhambra Post-Advocate", and in all the editions thereof issued during such day of publication, said "Alhambra Post-Advocate" being a daily newspaper of general circulation printed, published and circulated in said City, and being the official newspaper of said City.

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Alhambra Post-Advocate, that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law.

That said City Commission did by Ordinances Nos. 2508 and 2509 order the holding of a General and Special Election in said City of Alhambra on June 3rd, 1952, for the purpose, among other things, of submitting to a vote the said proposed charter amendments, and which date of said election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendments, as aforesaid; and pursuant to said charter, resolutions and ordinances, the said amendments were submitted to the qualified electors of said City for their ratification on said June 3rd, 1952, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify the proposed Amendments Nos 1, 3, 4, 5 and 6 to the Charter of said City. Proposed Amendment No. 2 was not ratified.

That the City Commission of the City of Alhambra, in accordance with the law in such cases, made and provided, did meet on the 10th day of June, 1952, at an adjourned regular meeting of such Commission and duly canvassed the returns of said election and duly found, determined and declared that the said proposed Amendment No. 1, said proposed Amendment No. 3, said proposed Amendment No. 4, said proposed Amendment No. 5 and said proposed Amendment No. 6 of the Charter of the City of Alhambra were ratified by a majority of the electors of said City voting thereon.

That the said amendments to the Charter so ratified by the electors of the City of Alhambra are in words and figures as follows; to wit:

PROPOSED CHARTER AMENDMENT NO. 1

Article XIII

"Section 76. The police division of the City of Alhambra shall consist of a chief of police, and such officers, policemen, special officers and a police reserve organization as the City Commission shall from time to time fix and determine." Police division

PROPOSED CHARTER AMENDMENT NO. 3

Article XVII

"Section 106. The provisions of the General Law of the State governing the elections of Fifth and Sixth Class Cities, where same are not in conflict with the provisions of this Charter, in force at the time of any City election, shall govern such City election in matters for which no provision is made in this Charter and the Commission and the City Clerk respectively shall exercise the powers and perform the duties conferred on or imposed by such laws on any board or officer concerning such elections; provided that where this Charter makes provisions relating to any matters contained in such general laws, said Charter provisions shall govern. (Amended by Stats. 1938. p. 151)" Elections. Provisions governing

PROPOSED CHARTER AMENDMENT NO. 4

Article XVII

"Section 107. All candidates for elective city offices including members of the board of education shall be nominated in the manner provided by general election laws as applicable to special, local and municipal elections in the State of California and succeeding and other sections or laws relating to independent nominations, in force at the time of any general municipal election, except as hereinafter otherwise prescribed; provided, however, that nominating certificates for a commissioner of a district shall be signed by at least fifty qualified electors of the district from and by which the nomination is made and that nominating certificates of members of the board of education shall be signed by at least seventy-five qualified electors of the school district and that all other nominating certificates shall be signed by at least seventy-five qualified electors of the city; and provided further, that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than fifty days before the day of the general municipal election." Candidates

PROPOSED CHARTER AMENDMENT NO. 5

Article XVII

"Section 117. At each city election each of the election officers shall receive such compensation for his services as the commission shall fix." Officers' compensation

PROPOSED CHARTER AMENDMENT NO. 6

Article VII

"Section 59.

Mineral leases

10A. Any real property owned by the City of Alhambra may be leased for the purpose of producing or effecting the production of minerals oil, gas or other hydrocarbon substances for any term which at the time the lease is executed may be permitted by the General Laws of the State of California and all such leases heretofore executed by the City of Alhambra are hereby validated."

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendments to such charter are true.

That as to the said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate Seal of the City of Alhambra to be affixed hereto this 10th day of June, 1952.

C. E. STENTZ
(SEAL) President of the Commission of the City of Alhambra
MADELINE E. WOODBURY
City Clerk and ex-officio Clerk of the Commission of the City of Alhambra

and

WHEREAS, The said proposed charter amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration for and as amendments to and as part of the charter of the City of Alhambra.

CHAPTER 17

Senate Concurrent Resolution No. 7—Relative to the availability of California wines in the Provinces of Quebec and Ontario of the Dominion of Canada.

[Filed with Secretary of State August 11, 1952]

Availability of California wines in Canada

WHEREAS, The laws of the Provinces of Quebec and Ontario have established in each of these provinces a system under which alcoholic beverages are purchased solely by a governmental agency; and

WHEREAS, It has come to the attention of the Members of this Legislature that wines produced in the State of California apparently are not purchased through the official channels and therefore are not available in retail establishments in those provinces; and

WHEREAS, The people of the State of California are justly proud of the wines produced in this State, which wines are world-renowned for their flavor and quality, and

WHEREAS, Many tourists from the United States traveling in the Dominion of Canada would undoubtedly welcome the opportunity of being able to purchase wine produced in this State; and

WHEREAS, The Members of this Legislature feel that if California wines were made available in the provinces of Canada, not only for tourists from this Country but for all lovers of good wine, it would be of benefit to everyone concerned and would strengthen the ties of friendship which exist between the people of the United States and of the Dominion of Canada; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California take this opportunity to call to the attention of the governmental liquor control agencies of the Provinces of Quebec and Ontario the excellent qualities and superb flavor of wines produced in the State of California and to request that consideration of these facts be given in their purchases of wines; and be it further

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to the Chief Commissioner of the Liquor Control Board of Ontario, 454 University Avenue, Toronto, and to the General Manager of the Quebec Liquor Commission, Au Pied du Courant, Montreal, Quebec, Canada.

CHAPTER 18

Senate Concurrent Resolution No 8—Relative to the Joint Fact-Finding Committee on the State Highway System and on Major Highways in Metropolitan Areas.

Joint Fact-Finding Committee on the State Highway System etc Additional duties

[Filed with Secretary of State August 11, 1952]

WHEREAS, The Joint Fact-Finding Committee on the State Highway System and on Major Highways in Metropolitan

Areas has been conducting studies of the State Highway System and of major highways in metropolitan areas as directed by Senate Concurrent Resolution No 14 of the 1952 Budget Session; and

WHEREAS, This committee believes that as a necessary concomitant to its studies of the cost of correcting deficiencies on state highways and on major highways in metropolitan areas it is necessary to study all possible methods of highway financing; and

WHEREAS, To ascertain the ability of counties and cities to finance major highways in metropolitan areas it may be necessary to study the total financial requirements for all roads and streets under the jurisdiction of the local governments concerned; and

WHEREAS, This committee finds that it will not be able to complete all phases of its studies without additional funds; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Fact-Finding Committee on the State Highway System and on Major Highways in Metropolitan Areas, created by Senate Concurrent Resolution No. 14 of the 1952 Budget Session, is authorized to study all possible methods of financing state highways, county roads and city streets, and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and report thereon to the Legislature, including in the reports its recommendations for appropriate legislation, such investigation and report to be supplemental to the investigation and report required to be made by the committee under Senate Concurrent Resolution No. 14 of the 1952 Budget Session.

Appropriation

2. In addition to any money heretofore made available, the sum of fifty-six thousand five hundred dollars ($56,500), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Fact-Finding Committee on the State Highway System and on Major Highways in Metropolitan Areas and its members, and for any charges, expenses, or claims it may incur under the resolution creating it or this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman and vice chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 19

Senate Concurrent Resolution No. 12—Relative to publicizing the fact that servicemen must request an absentee ballot to vote in the general election.

[Filed with Secretary of State August 11, 1952]

Absentee ballots for servicemen

WHEREAS, The men and women serving in the armed forces of the United States will not receive a federal ballot such as was

distributed during World War II to enable such servicemen and servicewomen to vote by absentee ballot; and

WHEREAS, There are thousands of Californians serving on active duty with the armed forces of the United States who will not be aware of, or may overlook, the necessity of requesting an absentee ballot in order to vote in the general election to be held in November of 1952; and

WHEREAS, Great publicity should be given this fact in order that all Californians serving on active duty will be apprised, or reminded, of the necessity to request from their registrar of voters an absentee ballot; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Secretary of State is hereby requested to correspond with all registrars of voters in the State of California, urging them to request the newspapers in their respective counties to publish a coupon notice in substantially the following form:

"If you have a relative or friend in the armed services, he or she is eligible to vote. If he or she is a resident of _____, clip this coupon and mail it to
(fill in name of county)
him or her. Tell him or her to fill it out and mail it to _____, Registrar of Voters,
(fill in name of county registrar of voters)
_____. A sample ballot and registration
(fill in address)
affidavit will be mailed them postage paid, air mail.
Name of serviceman_____
Home address _____
Military address _____
Signature of serviceman_____"

The Secretary of State is further requested to urge registrars of voters to enlist the assistance of the radio stations in their respective districts to apprise relatives of servicemen of the situation relating to absentee voting so that these relatives may request sample ballots and registration affidavits of the registrar for their servicemen and servicewomen; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby directed to send a copy of this resolution to the Secretary of State, to each registrar of voters in the State, to the California Newspaper Publishers Association and to the National Association of Radio and Television Broadcasters with a request that these associations cooperate and urge each of their members to cooperate in this matter.

CHAPTER 20

Senate Concurrent Resolution No. 13—Relative to Judge Matthew F. Brady.

[Filed with Secretary of State August 11, 1952.]

Death of Matthew F. Brady

WHEREAS, The people of the State of California have been saddened by the passing of Municipal Judge Matthew F. Brady, who has been taken to his eternal reward at the age of 76; and

WHEREAS, Since he was first appointed to the Civil Service Commission in 1908, Judge Brady has devoted his life to the public service, holding, among other positions, the position of district attorney with the City and County of San Francisco and judge of the municipal court; and

WHEREAS, This honest, tolerant, kindly and humane municipal judge preferred to correct rather than to punish, tempering justice with mercy, though ever bearing in mind the need to protect the citizens of San Francisco from the actions of reckless and careless operators of motor vehicles; and

WHEREAS, The quick yet kind humor of Judge Matthew Brady has become a legend in the City of San Francisco; and

WHEREAS, It is fitting that the people of the State of California through their Legislature express their sorrow at the passing of this great American and outstanding Californian; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California does hereby express its deep sense of loss in the passing of Judge Matt Brady and extends its sincere sympathy to his widow, Edith Brady, and his sister Grace; and be it further

Resolved, That the Secretary of the Senate is hereby instructed to transmit suitably prepared copies of this resolution to Mrs. Edith Brady and Miss Grace Brady.

CHAPTER 21

Senate Concurrent Resolution No. 14—Relative to augmenting the funds of the Joint Committee on Water Problems.

[Filed with Secretary of State August 11, 1952.]

Appropriation Joint Committee on Water Problems

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly to the Joint Committee on Water Problems (created by Senate Concurrent Resolution No. 80, 1951 Regular Session) for the expenses of the committee and its members and for any charges, expenses or claims it may incur under

said resolution, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 22

Assembly Concurrent Resolution No. 12—Relative to the Honorable E. Val Latham.

[Filed with Secretary of State August 11, 1952.]

Death of E. V. Latham

WHEREAS, His many friends were deeply grieved to learn of the sudden passing of the Honorable E. V. Latham; and

WHEREAS, Mr. E. V. Latham was born in Illinois July 19, 1885, and educated in that state, receiving his teaching certificate at the age of 17, and graduating from the Southern Illinois State Normal University in 1909, and was an educator and superintendent of Illinois city schools for some time; and

WHEREAS, Mr. Latham married Miss Mildred M. Murphy and this union was blessed with a son; and

WHEREAS, Mr. Latham resided in Alhambra, California, and engaged in the real estate and insurance business and was a member of Alhambra Lodge No. 322, F. & A. M., Pasadena Consistory, Order Scottish Rite, Oneonta Club, Congregational Church, Lions Club, and honorary member of the V. F. W.; and

WHEREAS, He represented the Fifty-third District in the Assembly, being elected in 1932 and re-elected in 1934 and 1936, and filling these positions with sincerity and honesty which made him respected by all who knew him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature take this means of according recognition to the fine career of E. Val Latham, and extend to his surviving family their most profound sympathy; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mrs. Mildred M. Latham, his widow, and family.

CHAPTER 23

Assembly Concurrent Resolution No. 13—Approving amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the fifth day of May, 1952.

[Filed with Secretary of State August 11, 1952.]

City of San Jose Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of San Jose, a municipal

corporation in the County of Santa Clara, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss.

Certificate

We, the undersigned, Parker L. Hathaway, Mayor of the City of San Jose, State of California, and Dorothy Covill, City Clerk of said City, do hereby certify as follows:

That the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the year of 1915, and now is, organized, existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at the general municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California on the 12th day of May, 1915 (Statutes 1915, page 1969);

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of San Jose, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 5th day of May, 1952.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 25th day of March, 1952, in the San Jose Evening News, a daily newspaper of general circulation published in said City of San Jose, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten-point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of San Jose; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of San Jose was published in San Jose Evening News, a newspaper of general circulation published in said City, on the 25th day of March, 1952, and on each day thereafter to and including the 5th day of May, 1952, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 5th day of May, 1952, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of San Jose, after due notice given and published, on the 5th day of May, 1952, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the San Jose Evening News.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that three of the amendments to the Charter of the City of San Jose hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 9496 duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of San Jose so ratified by the electors of said City are in the words and figures as follows, to wit:

CHARTER AMENDMENT
PROPOSITION B

That Sections 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21 and 23 of Article III of the Charter of the City of San Jose be amended to read as follows:

NOMINATIONS AND ELECTIONS

Elections:

9. Candidates to be voted for at all general municipal elections under the provisions of this charter shall be nominated in the manner hereinafter prescribed and not otherwise. The primary election heretofore held on the first Monday of May shall hereafter be held on the second Tuesday in April, 1954, and every second year thereafter. Wherever in this Charter reference is made to the election to be held on the first Monday in May, it shall be deemed to mean the primary or first municipal election to be held on the second Tuesday in April. Any person desiring to become a candidate for an elective office shall, not earlier than fifty days nor later than forty days before said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

Statement of candidacy

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss.

I, _____, being first duly sworn, say that I reside at _____, City of San Jose, County of Santa Clara, State of

California; that I am a qualified elector therein; that I am a candidate for nomination to the office of _____ to be voted upon at the primary election to be held on the second Tuesday of April, 19__, and I hereby request that my name be printed upon the official primary ballot for nomination at such primary election for such office.

(Signed) _____

and shall at the same time file therewith the petition of not less than 25 nor more than 35 qualified voters of said city, requesting such candidacy.

Form of Nomination Petition

Nomination petitions: Form

10. The petition of nomination shall be signed by not less than 25 nor more than 35 electors of the city, and said petition shall be in substantially the following form:

Petition of Nomination

State of California } ss. No._____
County of Santa Clara }

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at _____, City of San Jose, County of Santa Clara, State of California, for the office of _____ to be voted for at the primary election to be held in the City of San Jose, on the _____ day of April, 19__, and I further certify that I am a qualified elector, and am not at this time a signer of any other petition nominating any other candidate for the above named office, or in case there are several places to be filled in the above named office, I have not signed more petitions than there are places to be filled in the above named office. My residence is correctly set forth after my signature hereto.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Verification Deputy's Affidavit

I, _____, solemnly swear, and affirm that I have been appointed as a Verification Deputy in accordance with the provisions of Section 12 of the charter of the City of San Jose to secure signatures of sponsors in the City of San Jose to the petition of nomination of _____ as a candidate for the office of _____, that all the signatures on this petition of nomination were made in my presence, and that, to the best of my knowledge and belief,

each signature is the genuine signature of the person whose name it purports to be.

(Signed)_____

Subscribed and sworn to before me this ____ day of _____, 19____.

_____

Notary Public in and for the County of Santa Clara, State of California

The Petition of Nomination is found to be (sufficient) (not sufficient).

_____

City Clerk

This Petition of Nomination if found insufficient shall be returned to _____ at _____, San Jose, California.

FORMS TO BE SUPPLIED BY CITY CLERK

11. It shall be the duty of the city clerk to furnish the nomination petition upon application therefor.

NOMINATION PETITION REQUIREMENTS

Contents

Each petition of nomination must contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing the petition have signed his name to any other petition for any other candidate for the same office; provided, that each elector may sign the nomination petitions as for a separate office of a number of candidates for the office of councilman, not exceeding the number to be elected In case an elector has signed two or more conflicting petitions of nomination, all such signatures shall be rejected, and the sufficiency of the petition shall be determined by ascertaining whether or not there are sufficient signatures thereon after such rejection. Each petition of nomination shall contain a statement under oath signed by the Verification Deputy that he has been duly appointed to secure signatures of sponsors in the City of San Jose to the nomination petition of the candidate for the office in question, and that said signatures were made in his presence and to the best of his knowledge and belief each signature is the genuine signature of the person whose name it purports to be. Each nomination petition shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient, or upon the withdrawal or death of any candidate.

VERIFICATION DEPUTIES

Verification deputies

12. Verification Deputies, under this section, must be qualified electors of the city, and shall be appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city, which application shall set forth a request that the individuals named therein be appointed Verifi-

cation Deputies for the purpose of circulating nomination petitions. The appointment of Verification Deputies shall continue only until all petitions of nomination under this section have been filed with the city clerk. No Verification Deputy shall be paid in whole or in part, directly or indirectly, out of the city treasury. All Verification Deputies must, before their appointment, make and file with the city clerk an oath as to their place of residence, occupation, and that they are qualified electors of the City of San Jose.

DATE OF PRESENTING PETITION

Presentation

13. A petition of nomination must be presented to the city clerk not earlier than fifty days nor later than forty days before the primary election, except as otherwise provided in this charter. The city clerk shall endorse thereon the date upon which the petition was presented to him.

EXAMINATION OF PETITIONS BY CITY CLERK

Examination by city clerk

14. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this charter. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition within five days after the same has been presented to him to the person named as the person to whom the same may be returned in accordance with the information contained in the nomination petition. The petition may then be amended and again presented to the city clerk as in the first instance, but not later than thirty days before the election. The clerk shall forthwith proceed to examine the petition as hereinabove provided.

WITHDRAWAL OF CANDIDATE

Withdrawal of candidate

16 Any person whose name has been presented under the provisions of this charter as a candidate may, not later than thirty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made, by filing petitions therefor, not later than thirty days prior to such election, in the same manner as hereinbefore provided.

FILING OF PETITIONS

Filing

17. If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the city clerk shall file the same not less than twenty-five days be-

fore the date of the election. When a petition of nomination shall have been filed by the city clerk, it shall not be withdrawn nor added to, and no signature shall be revoked thereafter.

BALLOTS

Ballots

19. The ballots shall be printed upon plain, substantial white paper, and shall have no party designation or mark whatever, and shall be in substantially the following form:

OFFICIAL MUNICIPAL BALLOT

Candidates for nomination for councilman (and city auditor, if any) of the City of San Jose, at the municipal election, held April ___, 19___,

Place a cross (+) in the square following the name of the candidate for whom you desire to vote.

FOR COUNCILMAN

Vote for (giving number).

(Here print alphabetically the names of all candidates for councilman, with a square following each name.)

FOR CITY AUDITOR (if any).

Vote for one.

(Here print alphabetically the names of all candidates for city auditor, with a square following each name.)

FIRST ELECTION

First election

20. Having caused said ballots to be printed, the city clerk shall cause to be delivered at each polling place a sufficient number of ballots for each registered elector in the election precinct, and for emergency purposes shall provide such additional number as may be necessary. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and shall forthwith make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk. The council shall meet as a canvassing board and duly canvass the election returns, including absentee ballots, within seven days after any municipal election.

In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected. In case there are two or more persons to be elected to an office, as that of councilman, then those candidates equal in number to the number to be elected, who receive the highest number of votes cast for such office shall be declared elected; provided, however, that in any case where there are two or more candidates to be elected to an office, no person shall be declared elected to such

office at such first election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

GENERAL ELECTION

General election

21. If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first or primary election shall be considered to have been a primary election for the nomination of candidates, and a general election on the second Tuesday in May succeeding said first election shall be held to fill said office or offices. The candidates not elected at such first election equal in number to twice the number to be elected to all such offices, who have received the highest number of votes for the respective offices at such first or primary election, shall be the only candidates at such general election; provided, that if two or more persons shall each receive an equal number of votes at said first or primary election and said number of votes so received by each of said persons shall be greater than the number of votes received by any other person who is a candidate for nomination for the same office, or if any two or more persons receive an equal number of votes at said first or primary election and said number of votes is exceeded by the number of votes received by only one candidate for said office, then in either event both of the persons so receiving an equal number of votes shall likewise become candidate for such office.

The candidates equal in number to the number of persons to be elected, who shall receive the highest number of votes at such general election, shall be declared elected to such office.

ELECTION REGULATIONS

Regulations

23. The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter. No errors, omissions, or irregularities in conducting municipal elections shall invalidate the same, if said elections have been conducted fairly and in substantial conformity to the requirements of this charter.

CHARTER AMENDMENT
PROPOSITION C

That sections 30 and 31 be amended and a new section to be designated Section 31a be added to Article IV of the charter of the City of San Jose as follows:

CALLING OF ELECTION

Recall elections

30. If said officer or officers does not resign within five days after submission of said petition to said council, said council shall order and fix a date for holding a recall election, which said election shall be held not less than thirty days or more than fifty days from the submission of said petition to said council. The election shall be held at the same time as any general or special municipal election scheduled to be held within such period; but if no such general or special election is to be held within such period the council shall call a special recall election, to be held within the time aforesaid.

BALLOTS

Ballots

31. The ballots at such recall elections shall conform to the following requirements:

With respect to each person whose removal is sought the question shall be submitted, "Shall (name of person) be removed from the office of (name of office) by recall?"

Immediately following each such question there shall be printed on the ballots the two propositions, in the order set forth:

For the recall of (name of person).

Against the recall of (name of person).

Immediately to the right of each proposition shall be placed a square in which the electors, by making a cross mark (+) may vote for either of such propositions.

On such ballots under each such question there shall also be printed the names of those persons who have been nominated as candidates to succeed the persons recalled in case he shall be removed from such office by vote of the people. The nomination of candidates for places on such ballots shall be made in the same manner as provided in this charter for Nomination Petitions; except that the person whose recall and removal from office is petitioned for shall be deemed a candidate, and, unless within five days after the petition requiring the calling of the election is filed by the city clerk, he resigns his office or declines in a writing duly signed and verified by him and filed with the city clerk to permit his name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this charter. All requirements of this charter relating to ballots to be used in municipal elections shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be determined, and the calling of elections under this article shall be done in accordance with the provisions of this charter providing for the calling of municipal elections.

ELECTION

Filling of vacancies

31a. If at the election for recall and removal from office a vacancy is created, any candidate receiving at said election a majority of votes cast for that office shall be deemed elected.

If at the election for recall and removal, a vacancy is so created and not so filled by a candidate receiving a majority of votes, then the Council shall order the holding of a second election to take place not more than six weeks after the first election. At such second election the names of not more than two candidates for each unfilled vacancy (said names being the names of those candidates who received the most votes, less than a majority) shall be printed upon the ballot.

In all other respects the calling of said second election, the requirements of the ballots and the conduct of the second election shall, where applicable, be the same as provided in this charter for municipal elections, except as otherwise provided in this article.

The Council shall canvass the returns and declare the result of said second election within seven days after the day on which the said election was held. The person receiving the highest number of votes for each office at the second election shall be declared elected to the said office, and shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office.

In case of a tie vote at the second election for any office, the Council shall upon the declaration of the result of said election immediately by lot choose from the candidates receiving such tie vote the one to fill such office.

CHARTER AMENDMENT
PROPOSITION D

That Section 36 of Article V of the Charter of the City of San Jose be amended to read as follows:

THE PETITION MAY BE IN SECTIONS

Sectional petitions

36. To facilitate the procuring of signers, the petition may consist of separate sections. Any qualified elector may circulate a section for signatures, and each signer shall add to his signature his place of residence, giving the street and number. Each section shall have attached thereto the affidavit of the person who circulated the same for signatures that all the signatures were made in his presence, and that such signature is the genuine signature of the person whose name it purports to be. The several sections shall each contain a copy of the proposed ordinance, and, at the time of being signed, shall in all respects be counterparts of each other. When filed they shall be attached together and constitute the petition.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Jose with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of San Jose to be affixed hereto, this 5th day of August, 1952.

PARKER L. HATHAWAY
(SEAL) Mayor of the City of San Jose
DOROTHY COVILL
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Jose as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of San Jose.

CHAPTER 24

Assembly Concurrent Resolution No 16—Approving certain amendments to the charter of the City of San Leandro, County of Alameda, State of California, voted for and ratified by the electors of said City of San Leandro at a general municipal election held therein on the eighth day of April, 1952.

[Filed with Secretary of State August 11, 1952.]

City of San Leandro Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of San Leandro, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK
OF THE
CITY OF SAN LEANDRO

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss
CITY OF SAN LEANDRO }

Certificate

We, the undersigned, Thomas O. Knick, Mayor of the City of San Leandro, State of California, and H. H. Burbank, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Leandro, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants but less than fifty thousand population and has been ever since the sixteenth day of December, 1949, and is now, organized, existing, and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an Election duly held for that purpose on the sixteenth day of September, 1949, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the sixteenth day of December, 1949. (Senate Concurrent Resolution No. 2).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its Resolution No. 1797 C. M. S., entitled "Resolution providing for the holding of a general municipal election for the election of three members of the City Council, two members of the Board of Education, proposing five amendments to the City Charter and providing that notice of said election be given", duly and regularly submitted to the qualified electors of said City certain proposals to amend the Charter of said City and to be voted on by the qualified electors at the general municipal election called and held for that purpose (among others) in said City on the eighth day of April, 1952.

That said certain proposals were designated and entitled as follows:

"PROPOSITION No. 2

Shall proposed Charter Amendment No. 2 amending Sections 400, 401, and 403 of Article IV and adding Sections 400.1 and 400.2 to Article IV of the San Leandro City Charter providing for the nomination of six Councilmen by districts and one Councilman at large, and their election at large, changing the eligibility requirement of such Councilmen and making other miscellaneous changes in filling vacancies in such office be adopted?"

"PROPOSITION No. 3

Shall proposed Charter Amendment No. 3 amending Section 401 of Article IV of the San Leandro Charter providing that no person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector of the City of San Leandro at the time of his election or appointment, and shall have been a resident of the City or of territory annexed thereto for at least one year preceding the date of his election or appointment be adopted?"

"PROPOSITION No. 4

Shall proposed Charter Amendment No. 4 adding subsection (j) to Section 605 of Article VI and Section 1115b to Article XI of the San Leandro City Charter providing for the appointment of a Deputy Finance Officer and requiring that all City Warrants be authenticated by at least two signatures of four designated persons be adopted?"

"PROPOSITION No. 5

Shall proposed Charter Amendment No. 5 amending Section 1105 of Article XI of the San Leandro City Charter providing that several items of the budget shall be deemed appropriated for the ensuing fiscal year to the several purposes, departments, and offices therein specified be adopted?"

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of San Leandro, on the 21st day of February, 1952, in the "San Leandro News-Observer", a newspaper of general circulation published every day except Saturdays and Sundays in the City of San Leandro and the official newspaper of said City of San Leandro, and in each edition thereof, during the day of publication.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, said proposed amendments were submitted to the voters at said general election on the 8th day of April, 1952, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "San Leandro News-Observer", the official newspaper of said City.

That thereafter on the 15th day of April, 1952, the City Council of the City of San Leandro in the manner provided by law, did regularly canvass the returns of said election, and did so on said day duly certify the results of the canvass of the said returns of said municipal election by Resolution No. 1829 C.M.S. adopted on the said 15th day of April, 1952, and declared the result of said municipal election as determined from the canvass of the returns thereof; and by said Resolution did find, determine, and declare that said proposed amendments to the Charter of the City of San Leandro were, and each of them was ratified by a majority of the electors of said City voting thereon.

That this certicate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of San Leandro so ratified by the electors of said City are in words and figures as follows, to wit:

That Sections 400, 401, and 403 of Article IV be amended, and Sections 400.1 and 400.2 be added to Article IV to read as follows:

"Article IV—City Council

City Council: Number and term

"Section 400. Number and Term. There shall be a City Council of seven members, to be composed of six Councilmen nominated from Districts and one nominated at large, and all to be elected by the qualified voters of the city at large.

Councilmen shall serve for a term of four years and until their respective successors qualify.

Ties among any contenders for office shall be settled by lot.

All Councilmen in office upon the taking effect of this charter amendment, may hold their respective offices until their terms expire."

Districts

"Section 400.1. The City shall be divided into six Councilmanic Districts whose boundaries shall be prescribed by ordinance of the City Council. Such districts shall be composed of contiguous territory and made as equal as possible in registered voters as shown by the latest registration records and as geographically compact as possible. Boundaries of the Districts shall, so far as practicable, follow precinct boundaries as delineated by the Board of Supervisors of Alameda County. Such districts shall be numbered consecutively from 1 through 6 both inclusive."

Redistricting

"Section 400.2. The City shall be divided into six Councilmanic Districts, the boundary lines of which shall be fixed by ordinance of the City Council within ninety days after the taking effect of this amendment. The City shall in the year 1960, and every six years thereafter, re-district the City by ordinance into districts, but in no event shall more than six districts be established. In any re-districting, the Districts shall be composed of contiguous territory and made as equal as possible in registered voters as shown by the latest registration records and as geographically compact as possible. Boundaries of a district shall, so far as practicable, follow precinct boundaries as delineated by the Board of Supervisors of Alameda County.

Election of councilmen

At the general Municipal Election to be held in April, 1954, and every four years thereafter at general Municipal Elections, four Councilmen, one nominated from each of the odd numbered Councilmanic Districts and one nominated from the City at large, shall be elected by the voters of the City at large.

At the general election to be held in April, 1956, and every four years thereafter, three Councilmen, one nominated from each of the even numbered Councilmanic Districts, shall be elected by the voters of the City at large.

Nomination petitions

Candidates for the office of Councilman at large shall be nominated by a petition circulated in the City at large, and candidates from the Districts shall be nominated by a petition circulated in the respective Districts of the City in which they may reside."

"Section 401. To be eligible to the office of Councilman, a person must be a qualified elector of the City of San Leandro and shall have been a resident of the City of San Leandro for a continuous period of at least one year next preceding his election or appointment, and those elected as candidates from councilmanic districts shall be residents of the respective districts from which they may be candidates at the time of their nomination." Eligibility

"Section 403 Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term. A Councilman so appointed shall reside in the District from which the Councilman whose office is vacant was nominated, except that where there is a vacancy in the office of Councilman nominated at large such appointee may reside anywhere in the city. Vacancies

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or of a violation of Section 406 of this Charter, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy."

That Section 401 of Article IV be amended to read:

"Section 401. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector of the City of San Leandro at the time of his election or appointment, and shall have been a resident of the City or of territory annexed thereto for at least one year next preceding the date of his election or appointment." Eligibility

That subsection (j) be added to Section 605 of Article VI to read:

"Article VI—Officers and Employees

"(j) He shall, with approval of the City Manager, designate a member of his office as a deputy, for whose acts he and his bondsmen shall be responsible." Deputy

That Section 1105 of Article XI be amended to read:

"Article XI—Fiscal Administration

"Section 1105. Budget, Appropriations. From the effective date of the budget, the several items of the budget shall be deemed appropriated for the ensuing fiscal year to the several purposes, departments, and offices therein specified. All Budget, appropriations

appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Amendment

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by resolution adopted by the affirmative votes of at least five members."

That Section 1115b be added to Article XI to read:

Authentication of warrants

"Section 1115b. All warrants drawn as hereinbefore provided for, shall be authenticated by the signatures of one of two designated persons in the Finance Office and one of two designated persons in the City Manager's Office."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Leandro with the original proposals submitted the same to the electors of said City and find that the foregoing is a full, true, and correct copy thereof.

In Witness Whereof, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this 16th day of April, 1952.

THOMAS O. KNICK
(SEAL) Mayor of the City of San Leandro
H. H. BURBANK
City Clerk of the City of San Leandro

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Leandro as presented to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of San Leandro.

CHAPTER 25

Assembly Concurrent Resolution No. 17—Approving certain amendments to the charter of the City of Culver City, County of Los Angeles, State of California, voted for and ratified by the electors of said City of Culver City at a general municipal election held therein on the eighth day of April, 1952.

[Filed with Secretary of State August 11, 1952]

City of Culver City Charter amendments

WHEREAS, The City of Culver City, in the County of Los Angeles, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a

population of more than 3,500 and fewer than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now and has been ever since the twenty-first day of January, 1947, organized, existing and acting under a charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the seventh day of January, 1947, and approved by the Legislature of the State of California, on the twenty-first day of January, 1947; and

WHEREAS, On the eleventh day of February, 1952, the legislative body of the City of Culver City, to wit, the city council, on its own motion passed a resolution to submit proposed amendments to the city charter of the City of Culver City to the electors of said city, at a regular municipal election to be held on April 8, 1952, which date was fixed by the said city council of the said City of Culver City as the time for voting on said amendments as proposed; and

WHEREAS, Said proposed amendments were published on the fourteenth day of February, 1952, in the Citizen, a newspaper of general circulation, printed and published in the City of Culver City, and having a general circulation therein, the said paper being the official newspaper of the City of Culver City, and said publication being made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said election was duly called and regularly held on the eighth day of April, 1952, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendments, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of the City of Culver City, and at said election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said charter, said proposed amendments so ratified being in the words and figures as follows, to wit:

AMENDMENT No. 1

That Section 803 of Article VIII of the Charter of the City of Culver City be amended to read in its entirety as follows:

"Section 803. Vacancies. A vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee to hold office for the balance of the unexpired term of his immediate predecessor, and until his successor is elected and qualified. Any new member appointed to fill a vacancy created prior to the adoption of this Amendment to this Charter, and whose term, except for this Amendment, would expire the first Tuesday following the next General Municipal Election, shall hold office for the balance of the unexpired term of the member whose position said new member was appointed to fill.

Board of Education Vacancies

"If a member of the Board of Education absents himself from all regular meetings of the Board for a period of sixty days, consecutively, from and after the last regular Board meeting attended by such member, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the School District, his office shall become vacant and shall be so declared by the Board of Education."

AMENDMENT No. 2

That Section 804 of Article VIII of the Charter of the City of Culver City be amended to read in its entirety as follows:

Presiding officer

"Section 804. Presiding Officer. On the first day of July following any election at which a Board member is elected, the Board shall meet and elect one of its members as the presiding officer to serve at the pleasure of the Board.";

and

WHEREAS, The majority of the qualified electors of said city voting thereon voted in favor of, and ratified said amendments to the charter of the City of Culver City as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of Edward T. Castle, Mayor Pro Tem of the City of Culver City, and Theodore R. Owings, City Clerk of the City of Culver City, whose certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF CULVER CITY }

Certificate

This is to certify that we, Edward T. Castle, as Mayor Pro Tem of the City of Culver City, and Theodore R. Owings, City Clerk of the City of Culver City, have compared the foregoing proposed and ratified amendments to the Charter of the City of Culver City with the original proposed amendments submitted to the qualified electors of the said City of Culver City at the General Election held within the City of Culver City on April 8, 1952, and find that the foregoing is a full, true, and correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Culver City to be attached this 28th day of July, 1952.

EDWARD T. CASTLE
Mayor Pro Tem of the City of Culver City, California

(SEAL)

Attest:
THEODORE R. OWINGS
City Clerk

and

WHEREAS, The said amendments to the charter of the City of Culver City so ratified, as set forth in the foregoing certificate and preamble thereto, have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the charter of the City of Culver City herein set forth, as presented and submitted to and ratified and adopted by the qualified electors of the City of Culver City, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Culver City. Approval

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CHAPTER 26

Assembly Concurrent Resolution No. 20—Relating to the passing of Arthur W. Hill, Sr.

[Filed with Secretary of State August 11, 1952.]

WHEREAS, The life of Arthur W. Hill, Sr., the dean of Humboldt County attorneys, legislator, and district attorney, was tragically concluded on April 10, 1952, in an automobile accident not far from the humble log cabin in which he was born nearly 88 years before; and Death of Arthur W Hill, Sr

WHEREAS, This brought an end to a life full of aid and example to fellow men, the end to a man who truthfully can be called distinguished, whose character was best exemplified by his courtly, scholarly personality dignifying and inspiring confidence and high respect in the courts of law and justice in which he practiced for so many years; and

WHEREAS, Arthur W. Hill, Sr., was the second child of true California pioneers who migrated to Eureka from New Brunswick, Canada, in 1859, and who built a home out of the wilderness along Humboldt Bay, and who despite their humble beginning were able to raise four sons to become men of strong character, successful in their chosen professions, two doctors and one attorney; and

WHEREAS, Arthur W. Hill, Sr., through no fault of his parents was unable to attend any public school until he was nine years old but because of his great ambition and diligent character went on to attend the University of California and Hastings College of Law, graduating therefrom in 1893; and

WHEREAS, Arthur W. Hill, Sr., upon graduation returned to Eureka where, after marrying Nancy Patten in 1898 he became a deputy district attorney and in 1914 was elected district attorney serving the people of this northern county in this office

until 1926 thus climaxing a career of public service that began in 1897 with one term as State Assemblyman; and

WHEREAS, Arthur W. Hill, Sr., then began a long and distinguished career as a defender of the people, and one in which he was joined by his son Arthur W. Hill, Jr., in 1934 forming the law firm of Hill and Hill; and

WHEREAS, Arthur W. Hill, Sr., was not only a great leader of the bar but also was very active in civic affairs and service clubs such as the Eureka Board of Trade, the Humboldt Club, Masons, Elks and Knights of Pythias; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby express its deep feeling of sympathy to the family and countless friends of Arthur W. Hill, Sr.; and be it further

Resolved, That the Chief Clerk of the Assembly cause to be prepared and transmit a suitably engrossed copy of this resolution to both the son and daughter of Arthur W. Hill, Sr., Dorothea H. Martell and Arthur W. Hill, Jr.

CHAPTER 27

Senate Concurrent Resolution No 15—Approving certain amendments to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election consolidated with the state-wide election held therein on the eighth day of April, 1952.

[Filed with Secretary of State August 11, 1952.]

City of Santa Rosa Charter amendments

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, as set out in the certificate of the Mayor and City Clerk of the City of Santa Rosa as follows, to wit:

CERTIFICATE OF AMENDMENT TO CHARTER OF THE CITY OF SANTA ROSA, CALIFORNIA

STATE OF CALIFORNIA
County of Sonoma } ss.
City of Santa Rosa

Certificate

We, the undersigned, Alex McCluskey, Mayor of the City of Santa Rosa, and Agnes S. Farquar, City Clerk of the City of Santa Rosa, do hereby certify and declare as follows:

That the City of Santa Rosa is a municipal corporation in the County of Sonoma, State of California, and is now and at all times hereinafter referred to was a City containing a population of more than 3500 inhabitants and less than 50,000

inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Santa Rosa is now organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on November 7, 1922, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on January 29, 1923.

That in pursuance of Section 8, Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Santa Rosa, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Santa Rosa, proposals for amendments of the charter of said City to be voted upon by said qualified electors at a regular election held in said City on the 8th day of April, 1952.

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in The Press Democrat, a newspaper of general circulation printed and published at and within the City of Santa Rosa, County of Sonoma, State of California, and the official newspaper of said City.

That the election at which said proposed charter amendments were voted upon was, by resolution, set and called for the 8th day of April, 1952, which date was not less than forty (40) days nor more than sixty (60) days after the completion of the publication of the notice of said election and which date was not less than forty (40) and not more than sixty (60) days after the completion of said advertising in the official newspaper as aforesaid.

That, thereafter, the City Council of the City of Santa Rosa did, in the manner provided by law, duly and regularly canvass the returns of said election and that said Council, by resolution adopted on the 15th day of April, 1952, declared the results of said election as determined from the canvass of the returns thereof.

That at said election held on the 8th day of April, 1952, said proposed charter amendments were ratified and adopted by a majority of the electors of said City voting thereon; that said proposed charter amendments so ratified by the electors of the said City of Santa Rosa propose to amend Sections 24 and 48 of the Charter of the City of Santa Rosa to read as follows:

"Section 24. Public Utilities. There shall be a Board of Public Utilities of five members, consisting of the City Manager and four persons appointed by the Mayor. The Board of Public Utilities shall have control of the construction, operation and maintenance of all water and sewer public utilities now or hereafter owned and operated by the City, and of the funds derived therefrom and such other public utilities, quasi-public

Board of Public Utilities

utilities and properties and the funds derived therefrom as the Council may by ordinance direct. Of the four appointed members, at least one, if practicable, shall be a civil engineer having some knowledge of municipal utilities. The appointed members shall hold office for four years and until their successors are appointed and qualified, provided that the first appointments hereunder shall be for terms of one, two, three and four years, respectively, subject, however, to removal as provided in Section 8. They shall serve without compensation.

The City Clerk shall serve as clerk of the board, without any additional compensation or the right to vote. He shall keep a record of the board's proceedings.

Any funds exceeding fifteen per cent (15%) of the book value of any utility may be invested in State, county or municipal bonds, or be transferred to the general fund of the city.

The books of each utility shall be kept in accordance with the State regulations governing the accounting of public utilities, and a report in detail shall be made to the Council monthly.

The Board of Public Utilities shall control the generation, purchase, distribution and sale of water and sewer and any other utility owned, operated or distributed by the city including sewage transportation, treatment and disposal, and subject to the approval of the Council, may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof."

Count of money in treasury

"Section 48. Counting the Money. The Mayor, the Auditor and the City Manager shall at least once every three months, see if the amount of moneys on hand tallies with the amount that should be in the treasury as shown by the books of the city. Thereupon they shall make written report thereof to the Council at its first regular meeting thereafter."

That we have compared the foregoing amendments with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That in all matters and in all things pertaining to said charter amendments, all the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of said City of Santa Rosa to be affixed hereto this 5th day of August, 1952.

ALEX McCLUSKEY
Mayor of the City of Santa Rosa

(SEAL)

ATTEST:
AGNES S. FARQUAR
City Clerk of the City
of Santa Rosa

and

WHEREAS, In all matters and in all things pertaining to said charter amendments, all the provisions of Section 8 of Article

XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular; and

WHEREAS, Said proposed amendment so ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting thereon and concurring therein, That the amendments to the charter of the City of Santa Rosa, as proposed to and adopted and ratified by the qualified electors of the City of Santa Rosa, be, and the same is hereby, approved as a whole without amendment or alteration for and as an amendment to and as a part of the charter of the City of Santa Rosa.

CHAPTER 28

Senate Concurrent Resolution No. 16—Relative to congratulating the First A. M. E. Zion Church in San Francisco upon its 100th Anniversary.

[Filed with Secretary of State August 11, 1952.]

100th anniversary of First A M E Zion Church

WHEREAS, The First A. M. E. (African Methodist Episcopal) Zion Church, the parent body of which was organized in New York City in 1796, was established in the City of San Francisco in August, 1852, by the Reverend J. J. Moore; and

WHEREAS, At that time, before the Civil War and the freedom of slaves, this church was organized and many of its first members were former slaves who purchased their freedom after the long and arduous journey to San Francisco; and

WHEREAS, The first place of worship owned by this church, a building purchased from the First Unitarian Church when the Reverend Thomas Starr King was minister of the latter church, was destroyed by the fire and earthquake which struck the City of San Francisco in 1906, but despite this blow, the church carried on, using makeshift worship places until the construction in 1914 of its present church on Geary Street near Webster Street in San Francisco; and

WHEREAS, The members of the congregation of the First A. M. E. Zion Church have been pioneers in the social and cultural developments of the City of San Francisco, said congregation being the first Negro group to build an apartment house in that city; and

WHEREAS, The Reverend J. J. Moore, the first minister of the local congregation, was the first Negro school teacher in the City of San Francisco, and later, as did five of the other ministers who have served this church, became a bishop in the Zion Church; and

WHEREAS, The First A. M. E. Zion Church in San Francisco is now celebrating the 100th Anniversary of its establishment, and should be congratulated upon this occasion and for the part it has taken in the social and cultural developments of the City of San Francisco; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California extends its congratulations to the First A. M. E. Zion Church in San Francisco on the occasion of the 100th Anniversary of its establishment; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a suitably prepared copy of this resolution to Harold A. L. Clement, Minister of the First A. M. E. Zion Church in San Francisco.

CHAPTER 29

Assembly Concurrent Resolution No. 4—Relative to the death of the Honorable Robert B. Fry.

[Filed with Secretary of State August 11, 1952.]

Death of Robert B. Fry

WHEREAS, The Members of the Legislature have received with the deepest regret news of the untimely passing in San Francisco on May 28, 1952, of the Honorable Robert B. Fry, distinguished former Assemblyman from the Thirtieth District; and

WHEREAS, Mr. Fry was 67 years of age, born August 22, 1885, in Jersey City, New Jersey; and

WHEREAS, He was a member of Excelsior Lodge No. 166, Free and Accepted Masons; and

WHEREAS, He engaged in the garage business for many years and was an insurance broker and a notary public; and

WHEREAS, He served his community as a member of the Grand Jury of the City and County of San Francisco and was at the time of his untimely passing again seeking to serve his community as a candidate for the Assembly for the Twenty-first District; and

WHEREAS, He represented the Thirtieth District in the Assembly during the Forty-sixth and Forty-seventh Sessions of the Legislature, serving as Chairman of the Committee on Public Health and Quarantine, and filled these positions with sincerity and honesty which made him respected by all who knew him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the Legislature adjourns this day, the members do so out of respect for the memory of Robert B. Fry, and extend their heartfelt condolences to the family of Mr. Fry; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably engrossed copies of this resolution to Mrs. Clotilde S. Fry, his widow, and to Mrs. Dorothy Sinclair, his daughter.

CHAPTER 30

Assembly Concurrent Resolution No. 19—Relative to the passing of Aubrey A. Douglass.

[Filed with Secretary of State August 11, 1952.]

Death of Aubrey A Douglass

WHEREAS, Aubrey A. Douglass was on the eighth day of May in the year one thousand nine hundred fifty-two taken by his Maker; and

WHEREAS, Aubrey A. Douglass was at the time of his passing serving as Associate Superintendent of Public Instruction of the State of California in charge of state colleges and teacher education, and in that position had rendered service of such character as has been or will be equaled by few men in public service; and

WHEREAS, Aubrey A. Douglass in his long and distinguished career in the field of education as a teacher, principal, superintendent of schools, collegiate professor and department head, Assistant and Associate Superintendent of Public Instruction, and author, has created imperishable monuments in the consciousness of men which will continue always to inspire them to provide unstintingly for the nourishing of the minds of all and especially the minds of children; and

WHEREAS, Aubrey A. Douglass was a man who through his intellect, character, and humaneness commanded the friendship, admiration, and respect of all who knew him personally or through his work; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California mourn the passing of Aubrey A. Douglass and convey their deepest sympathy to his wife, Mary Evelyn Douglass, and his two sons, James Brian Douglass and Malcolm Paul Douglass; and be it further

Resolved, That when the Assembly and Senate this day adjourn they do so out of respect to the memory of Aubrey A. Douglass; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to those who survive Aubrey A. Douglass as an expression of the sympathy and esteem of the Members of the Legislature.

CHAPTER 31

Assembly Concurrent Resolution No. 14—Relative to congratulating Cy Young upon his record-breaking Olympic Games victory.

[Filed with Secretary of State August 12, 1952.]

Commendation of Cy Young

WHEREAS, The record-breaking achievements of the fine young athletes representing the United States at the recent Olympic Games at Helsinki have filled the hearts of all Americans with a justifiable feeling of pride; and

WHEREAS, The name of Cy Young of Modesto stands out among these champions as the name of a man who with unparalleled skill and indomitable courage defeated a field of the finest javelin throwers from all nations and became the first American to win this event in the history of the Olympic Games; and

WHEREAS, In winning this event, Cy Young established a new Olympic record of 249 feet 0.79 inch, wiping out the old record of 238 feet 7 inches, established in 1932 by Matti Jarvinen; and

WHEREAS, This great accomplishment of Cy Young has brought great honor not only to him and his wife, Bonnie, but also to the City of Modesto and the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature extend their heartiest congratulations to Cy Young upon his magnificent achievement; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to Cy Young and to his wife, Bonnie.

CHAPTER 32

Assembly Concurrent Resolution No. 15—Relative to commending Sim Innis.

[Filed with Secretary of State August 12, 1952]

Commendation of Sim Innis

WHEREAS, The XV Olympiad track and field games have recently been held in Helsinki, Finland; and

WHEREAS, In this most important of all athletic events, the most skilled amateur athletes of the entire world meet in friendly competition which fosters good will among nations and persons; and

WHEREAS, Sim Innis was born in Tulare, California, attended public schools in that city, and now attends the University of Southern California; and

WHEREAS, He has earned many laurels in the discus throw, including the National Collegiate Athletic Association championship; and

WHEREAS, Sim Innis represented the United States in the recent Olympic Games and there surpassed the efforts of representatives of all the nations of the earth in establishing a new Olympic discus record of 180 feet 6.85 inches; and

WHEREAS, His skill and determination contributed immeasurably to the victory of the American team over all opponents against the most rigorous competition; and

WHEREAS, Sim Innis is an inspiration and an example to the youth of the world, and represents the best traits of American manhood; now, therefore, be it

Resolved, That the Assembly of the State of California, the Senate thereof concurring, extends congratulations and commendations to Sim Innis in recognition of his notable accomplishments in the field of amateur sports, and to all the other splendid American athletes who participated in the Olympic Games; and be it further

Resolved, That the Chief Clerk of the Assembly be requested to send a suitably prepared copy of this resolution to Sim Innis.

CHAPTER 33

Senate Concurrent Resolution No. 17—Relative to the birthday of Senator James J. McBride.

[Filed with Secretary of State August 12, 1952.]

Birthday of James J McBride

WHEREAS, The relentless course of time today points its disturbing finger of destiny in the direction of one of our highly respected members as he reaches another milestone; and

WHEREAS, The exact age of this rebellious character cannot be ascertained for reasons best known to himself, but is believed to be somewhere close to the three score mark, although vigorously denied; and

WHEREAS, His checkered career has included occupations such as restaurant man, insurance man, exalted ruler of the Elks, noisy member of his home town Rotary Club and man-about-town, boulevardier for lo! these many years, carrying along with him the love and admiration of his fellow townsmen resulting in the appellation often applied as the Most Desirable and Carefree Widower ever turned loose in the garden of unattached feminine flowers in his country; and

WHEREAS, As Ventura's public character number one he has spread his fame as raconteur and wit, fulfilling the early predictions made in the Emerald Isle, the land of his birth, and brilliantly revealed in his capacities as guiding spirit in the famous Rest and Aspiration Club of his home city and as a firm president of Hotel Senator's Den of Iniquity; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That hearty congratulations be given to Senator James J. McBride of Ventura County, for 20 years a statesman of high caliber serving in both houses, with the further wish that his future shall be as roseate as his past; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby directed to have prepared a suitably engrossed copy of this resolution, and to present the same to Senator James J. McBride.

CHAPTER 34

Assembly Concurrent Resolution No. 24—Relative to Brutus Hamilton.

[Filed with Secretary of State August 13, 1952.]

Commendation of Brutus Hamilton

WHEREAS, Brutus Hamilton, as head track coach for the University of California since 1932 and director of athletics of that institution since 1946, has represented this State with distinction; and

WHEREAS, Brutus Hamilton, himself a participant in the 1920 and 1924 Olympics, has now brought further honor to California as head coach of the United States Olympic track team by guiding it to victory in the 1952 Olympics; and

WHEREAS, The personnel under Brutus Hamilton's direction distinguished themselves by their conduct and sportsmanship in the 1952 Olympics; and

WHEREAS, California is proud to claim Brutus Hamilton as one of its own; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature expresses its appreciation to Brutus Hamilton for the honor that he has brought to California by coaching the United States team to victory in the 1952 Olympics; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably engrossed copy of this resolution to Brutus Hamilton.

CHAPTER 35

Assembly Joint Resolution No. 5—Relating to memorializing Congress to enact H. R. 4574 and to select Beale Air Force Base as the site for the Air Force Academy.

[Filed with Secretary of State August 13, 1952.]

Air Force Academy

WHEREAS, There has been pending before the Congress of the United States H. R. 4574, referred to the Committee on Armed Services; and

WHEREAS, It is possible that a special session of Congress may be called at which this measure could be considered; and

WHEREAS, H. R. 4574 is entitled, "A bill to provide for the establishment of a United States Air Force Academy, and for other purposes"; and

WHEREAS, It is of vital importance to the security of the United States to establish an Air Force Academy; and

WHEREAS, The Department of the Air Force has promulgated a list of requirements befitting a suitable site for an Air Force Academy, and Beale Air Force Base, California, eminently fulfills all of these requirements; and

WHEREAS, The Academy Site Selection Committee of that department, after intensive study, has recommended to the

Committee on Armed Services a number of sites, of which Beale Air Force Base is the only one located in California; and

WHEREAS, Beale Air Force Base, containing 86,000 acres of land, is owned by the Federal Government, and contains millions of dollars invested by the Nation in installations at this ideal location, facilities including an inexhaustible water and fire-fighting system, sewerage and drainage systems, power installations, streets, access highways, railroad extensions, and numerous other improvements; and

WHEREAS, Beale Air Force Base is visited with a climate most desirable for an Air Force Academy, situated near an abundant supply of water power, adjacent to widespread agricultural and industrial centers, supplied by all various forms of modern transportation, near multiple metropolitan areas, and possessing unlimited recreational facilities; and

WHEREAS, Communities surrounding Beale Air Force Base have warmly received and generously aided in the past many large military installations, contributing greatly to the success of military operations in this area; and

WHEREAS, In the interest of the most advantageous location to the Air Force and to the economy of the Nation, this vast and desirable aviation installation should be selected as the location for the Air Force Academy; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact H. R. 4574, and to select Beale Air Force Base, California, as the site of the United States Air Force Academy; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, to the Secretary of the Air Force, to the Chief of the Bureau of the Budget, to the Academy Site Selection Board, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 36

Assembly Joint Resolution No. 6—Relative to construction of the Solano County Project.

[Filed with Secretary of State August 13, 1952.]

Construction of Solano County Project

WHEREAS, Senate Bill No. 2863, introduced in the Eighty-second Congress, Second Session, if enacted, would integrate the Solano County Project into the Central Valley Project; and

WHEREAS, The Congress thereafter appropriated three million dollars ($3,000,000) for the Solano County Project (the Monticello Dam) with the understanding that the money shall not be used to initiate construction of the project until the local

interests have an opportunity to be heard by appropriate congressional committees and to make known their views as to whether or not the project should be integrated into the Central Valley Project, and until a determination has been made thereon; and

WHEREAS, It has been reported that preliminary investigations and studies indicate that approximately 80,000 acre-feet of water annually is now being pumped from the Putah Creek Cone, which is recharged almost entirely by Putah Creek water, to fulfill the existing water requirements therefrom; and

WHEREAS, The Commissioner of Reclamation has stated in House Document 65, Eighty-first Congress, First Session, that contemplated operation of the Solano County Project calls for the allocation of 15,000 acre-feet of water annually to downstream use along Putah Creek, which is far less than the estimated water requirements for such purposes; and

WHEREAS, The College of Agriculture of the University of California at Davis, one of the leading agricultural colleges in the world, representing a capital investment of over twenty-five million dollars ($25,000,000), is dependent upon an adequate water supply from the Putah Creek Cone; and it appears that the releases of water proposed by the Secretary of the Interior are inadequate to meet the water requirements of the College of Agriculture and other water requirements on the Putah Creek Cone; and

WHEREAS, The Legislature of the State of California in the 1951 Regular Session enacted Chapter 1478 authorizing and directing the State Engineer to make an investigation of and report on the water supplies of an area which includes the Putah Creek Cone, and appropriated fifty thousand dollars ($50,000) for that purpose; and

WHEREAS, Said investigation by the Department of Public Works, acting through the State Engineer, is in progress but will not be completed until early in 1953; and

WHEREAS, The public interest requires the utilization of California's water resources to the fullest extent of which they are capable, and that existing water rights must be protected in accordance with the laws of the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress is respectfully memorialized not to appropriate or permit the use of funds for the construction of the Solano County Project nor to take any further action regarding the reauthorization of that project until the investigation of the water supplies of the Putah Creek Cone has been completed by the State Engineer, and a report thereon is made available to the public; and be it further

Resolved, That the Legislature respectfully urges that every congressional committee conducting a public hearing in connection with the reauthorization of the Solano County Project consider, as one of the primary questions, the availability of water to meet the existing requirements of persons within

Putah Creek Cone area, including the University of California at Davis; and be it further

Resolved, That the Congress is respectfully memorialized to include in any legislation authorizing the construction of the Solano County Project, provisions which will protect the existing requirements of persons within the Putah Creek Cone area, including the University of California at Davis; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

CHAPTER 37

Assembly Joint Resolution No. 3—Relative to requesting the Federal Communications Commission to expedite the licensing of television stations in California.

[Filed with Secretary of State August 13, 1952.]

Licensing of television stations in California

WHEREAS, The Federal Communications Commission has allocated television broadcasting channels to many communities and areas in California not now served by television; and

WHEREAS, Applications for licenses to operate television broadcasting stations in the communities and areas to which channels have been allocated have been made to the commission, and in some cases have been on file for several years; and

WHEREAS, The Legislature of the State of California believes that the television coverage in this State, with the second largest population in the United States, is entirely inadequate; and

WHEREAS, Thousands of California citizens have spent large sums on television receiving sets to attempt to obtain reception in metropolitan areas too far removed from present broadcasting stations for satisfactory reception; and

WHEREAS, The processing of applications by the commission is eagerly awaited by hundreds of thousands of Californians who wish to participate in the educational and recreational opportunities afforded by this great medium of communication; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the Federal Communications Commission to act with the greatest possible dispatch in the holding of hearings and the processing, according to law, of the applications for television broadcasting licenses in California which are now pending before the commission; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Federal

Communications Commission and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 38

Senate Concurrent Resolution No. 19—Relative to the passing of Mrs. Edith McChesney Crittenden.

[Filed with Secretary of State August 13, 1952.]

Death of Edith McChesney Crittenden

WHEREAS, Edith McChesney Crittenden, wife of Senator Bradford S. Crittenden, passed away on April 16, 1952; and

WHEREAS, Edith Crittenden devoted 45 years of her life to a marriage of cherished companionship and wifely encouragement; and

WHEREAS, Mrs. Crittenden stood side by side with her husband throughout his entire public life and service to the people of the State of California, which began with his election to the Legislature in 1920 and which ended in a formal sense only in 1950; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature mourn with Senator Crittenden the passing of Edith McChesney Crittenden, of late and beloved memory, and offer an expression of deepest sympathy to Senator Crittenden, to Edith Eudora, her daughter, and to Bradford McChesney, her son; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send suitably prepared copies of this resolution to Senator Crittenden and to his family.

CHAPTER 39

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16.5 to Article XVI thereof, relating to the issuance of bonds to provide loans and grants to school districts of the State.

[Filed with Secretary of State August 25, 1952.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1952 Second Extraordinary Session commencing on the fourth day of August, 1952, two-thirds of the members elected to each of the houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 16.5 to Article XVI thereof, to read:

Issuance of school bonds

SEC. 16.5. Bonds of the State of California shall be prepared, issued, and sold in the amount of one hundred eighty-five million dollars ($185,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) To provide loans and grants to the several school districts of the State, subject to such legislation, rules, or regulations as the Legislature may, from time to time determine.

(b) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

(c) To repay, as provided by law, the money appropriated from the General Fund at the 1952 Second Extraordinary Session for state school building aid.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency, and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section to repay such money to the State on such terms and in such amounts as may be within the ability of the district to repay.

The people of the State of California in adopting this section hereby declare that it is in the interests of the State and of the people thereof for the State to aid school districts of the State in providing necessary and adequate school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State.

CHAPTER 40

Assembly Concurrent Resolution No. 22—Relative to adjournment sine die of the 1952 Second Extraordinary Session of the Legislature of the State of California.

[Filed with Secretary of State August 25, 1952.]

Adjournment sine die

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the 1952 Second Extraordinary Session of the Legislature of the State of California shall adjourn sine die at 9 o'clock a.m. on Wednesday, the thirteenth day of August, 1952.